

No. 1791

RECEIVED  
MAR 19 11 36 AM '84  
OFFICE OF THE GOVERNOR

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1984

— ● —

# ENROLLED

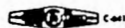
Com. Sub. for  
HOUSE BILL No. 1791

(By ~~Mr.~~ Del. Burke + Del. Yanni)

— ● —

Passed March 6, 1984

In Effect Ninety Days From Passage



**ENROLLED**  
**COMMITTEE SUBSTITUTE**  
**FOR**

**H. B. 1791**

(By DELEGATE BURKE and DELEGATE YANNI)

(Originating in the House Committee on Roads and Transportation)

[Passed March 6, 1984; in effect ninety days from passage.]

AN ACT to amend article two, chapter seventeen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section ten-a; and to amend and reenact section one, article five of said chapter, all relating to motor vehicles; authorizing commissioner to enter into reciprocal proportional registration agreements; issuance of registration plates or markers; authorizing the promulgation of procedural rules; providing certain exceptions to motor vehicle registration for nonresident owners; increasing the fee for nonresident vehicle permits; requiring motor vehicle liability insurance for nonresident commercial vehicles operating in this state; and granting certain exceptions for nonresident vehicles engaged in emergency restoration of public utility services.

*Be it enacted by the Legislature of West Virginia:*

That article two, chapter seventeen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section ten-a; and that section one, article five of said chapter be amended and reenacted, all to read as follows:

**ARTICLE 2. DEPARTMENT OF MOTOR VEHICLES:**

**§17A-2-10a. Authorizing the entry of this state into reciprocal proportional registration agreements; issuance of registration plates or markers; promulgation of rules.**

1     (a) The commissioner of motor vehicles is hereby autho-

2 rized and empowered to enter into reciprocal agreements  
3 on behalf of this state with any jurisdiction which permits  
4 or requires the licensing of motor vehicles in interstate or  
5 combined interstate and intrastate commerce and the payment  
6 of registration, licensing or other fixed fees on an apportion-  
7 ment basis commensurate with and determined by the miles  
8 traveled on public roads and highways in that jurisdic-  
9 tion, as compared with the miles traveled on public roads  
10 and highways in other jurisdictions or on any other equit-  
11 able basis of apportionment, and if that jurisdiction exempts  
12 motor vehicles registered in other jurisdictions under that  
13 apportionment basis from the requirements of full payment  
14 of its own registration, license or other fixed fees, the  
15 commissioner, by agreement may adopt the exemption as to  
16 those motor vehicles, whether owned by residents or non-  
17 residents of this state and regardless of where the vehicles  
18 are registered.

19 (b) The agreements under such terms, conditions or  
20 restrictions as the commissioner deems proper may provide  
21 that owners of motor vehicles operated in interstate or  
22 combined interstate and intrastate commerce in this state  
23 shall be permitted to pay registration, license or other fixed  
24 fees on an apportionment basis, commensurate with and  
25 determined by the miles traveled on public roads and high-  
26 ways in this state as compared with the miles traveled  
27 on public roads and highways in other jurisdictions or any  
28 other equitable basis of apportionment. Such agreements  
29 shall not authorize or be construed as authorizing any motor  
30 vehicle so registered to be operated without complying with  
31 the provisions of chapter eleven and chapter twenty-four-a  
32 of this code.

33 (c) Pursuant to the provisions of this section, the com-  
34 missioner is expressly authorized and empowered to enter into  
35 and become a member of the international registration plan  
36 or such other designation that may from time to time be  
37 given to such reciprocal plan.

38 (d) The commissioner shall prescribe the substance, form,  
39 color and context of any registration plate or marker issued

40 under the provisions of this section, each of which shall be  
41 visually distinguishable from other registration plates or mark-  
42 ers produced by the department of motor vehicles.

43 (e) The commissioner is authorized to promulgate pro-  
44 cedural rules as may be necessary to carry out the provisions  
45 of any agreements entered into pursuant to this section.

**ARTICLE 5. PERMITS TO NONRESIDENT OWNERS.**

**§17A-5-1. Exemptions from registration of nonresident owners;  
special permit and certificate in lieu of registration  
for nonresidents maintaining temporary and recur-  
rent or seasonal residence in state.**

1 (a) A nonresident owner, except as otherwise provided in  
2 this section, owning any vehicle registered in a foreign state  
3 or country of a Class A type otherwise subject to registration  
4 hereunder may operate or permit the operation of such  
5 vehicle within this state for a period of thirty days without  
6 registering such vehicle in, or paying any fees to, this state  
7 subject to the condition that such vehicle at all times when  
8 operated in this state is duly registered in and displays upon  
9 it a valid registration card and registration plate or plates  
10 issued for such vehicle in the place of residence of such  
11 owner and that such vehicle is not operated for commercial  
12 purposes.

13 (b) Every nonresident, including any foreign corporation,  
14 carrying on business within this state and owning and regularly  
15 operating in such business any motor vehicle, trailer or  
16 semitrailer within this state, shall be required to register  
17 each such vehicle and pay the same fee therefor as is required  
18 with reference to like vehicles owned by residents of this  
19 state, except as otherwise provided by reciprocal agreements  
20 with other states accomplished pursuant to sections ten and  
21 ten-a, article two of this chapter.

22 (c) Any nonresident who accepts or engages in temporary  
23 and recurrent or seasonal employment, business, profession  
24 or occupation in this state and maintains temporary and  
25 recurrent or seasonal residence in this state in connection  
26 with such employment, business, profession or occupation,

27 and any nonresident, including any corporation carrying on  
28 business of a temporary and recurrent or seasonal nature in  
29 this state and owning and temporarily and recurrently or  
30 seasonally operating in such business any motor vehicle,  
31 trailer or semitrailer within this state, may operate or per-  
32 mit the operation of such vehicle within this state without  
33 causing said vehicle to be registered as otherwise required  
34 by article three of this chapter: *Provided*, That such non-  
35 resident, in lieu of registration of such vehicle, shall make  
36 application to the department and receive a special permit  
37 for such vehicle which shall be evidenced by a metal identifi-  
38 cation plate and certificate in writing, which special permit  
39 plate and certificate shall together identify the vehicle for  
40 which such special permit and plate shall issue and such  
41 certificate shall bear the name and address of the owner  
42 of such vehicle. Such special permit shall be issued with-  
43 out previous certification of title to such vehicle as other-  
44 wise required by article three of this chapter or the pro-  
45 visions of subsection (b) of this section.

46 Every owner of a vehicle for which such special permit is de-  
47 sired shall make a verified application to the department for  
48 such special permit upon the appropriate form or forms  
49 furnished by the department and shall bear the signature  
50 of the owner written with pen and ink and shall contain  
51 the character of information called for by section three,  
52 article three of this chapter, a description of the employ-  
53 ment, residence, business and location of such business set  
54 forth in such manner as to show the temporary and recur-  
55 rent or seasonal nature of such residence, employment, busi-  
56 ness, profession or occupation, and that such vehicle is duly  
57 registered in the state of residence of such owner. There shall  
58 be an application for each vehicle for which a special permit  
59 is desired.

60 Any special permit or plate issued by the department  
61 under this section shall be effective and valid for a period  
62 of sixty consecutive days from and including the date of  
63 issuance and, upon similar application by the owner, the  
64 commissioner may renew any such special permit for im-  
65 mediately ensuing similar period or periods of sixty days in

66 any fiscal year. The department shall charge a fee of fifty  
67 dollars for each special permit issued under this section.  
68 A special permit shall be issued for one vehicle only and no  
69 combination of two or more vehicles shall be operated under  
70 fewer special permits than the number of vehicles in such  
71 combination. A special permit shall not be issued for any  
72 vehicle which is not duly registered in the state of residence  
73 of the owner thereof. The registration plate issued for such  
74 vehicle by the state of residence of the owner shall not be  
75 displayed on such vehicle while being operated over any  
76 highway during any period for which a special permit shall  
77 have been issued for such vehicle under this section, but  
78 there shall be carried in such vehicle the certificate of registra-  
79 tion issued for such vehicle by the state of residence of such  
80 owner. Any owner of any vehicle making application to oper-  
81 ate such vehicle upon the highways of this state pursuant to the  
82 provisions of this article shall also be required to comply  
83 with the provisions of chapter seventeen-d of this code prior  
84 to commencing such operation.

85 The commissioner shall prescribe the substance, form, color  
86 and context of the certificate or special permit and the  
87 special permit plate, each of which shall be visually distin-  
88 guishable from the certificates of registration and registration  
89 plates issued under article three of this chapter.

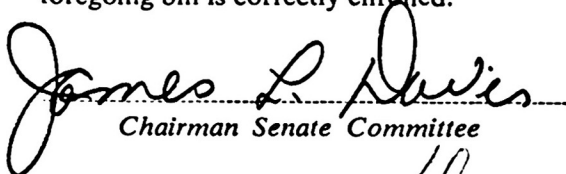
90 It is a misdemeanor for any person to drive or move or  
91 knowingly to permit to be moved or driven upon any highway  
92 any vehicle for which a special permit shall have been  
93 issued under this section unless such vehicle shall bear the  
94 special plate called for by the certificate evidencing such  
95 special permit.

96 When the employment, business, profession, occupation or  
97 residence of the owner of a vehicle for which such special  
98 permit shall have been issued shall cease to be temporary  
99 and recurrent or seasonal, any special permit issued for  
100 such vehicle pursuant to this section shall immediately ter-  
101 minate and become void and such vehicle shall thereupon  
102 become subject to registration under article three of this  
103 chapter or the provisions of subsection (b) of this section

104 Any special permit issued pursuant to this section shall be  
105 valid and effective on and after the first day of a month;  
106 that is, such special permit issued between the first and  
107 fifteenth days of a month shall be effective during sixty  
108 consecutive days from and including the first day of the  
109 month in which the permit shall issue; and a special permit  
110 issued after the fifteenth day of any month shall be effective  
111 during sixty consecutive days commencing with and including  
112 the first day of the month next following the month in which  
113 such special permit shall be issued.

114 (d) Any other provision of this section notwithstanding,  
115 any nonresident referred to in subsection (c) of this section  
116 who is engaged by a public utility, as the latter is defined in  
117 chapter twenty-four of this code, for the exclusive purpose of  
118 restoring the service of said utility as a result of an emergency  
119 in which such service is affected shall be permitted to operate  
120 such motor vehicle, trailer or semitrailer within this state  
121 without causing said motor vehicle, trailer or semitrailer to  
122 be registered as otherwise provided by this section and article  
123 three of this chapter for the period actually necessary for such  
124 restoration but not to exceed a period of ten consecutive days:  
125 *Provided*, That said motor vehicle, trailer or semitrailer shall  
126 be registered in another state upon entry into this state. The  
127 provisions of this subsection shall not affect the requirements  
128 of reciprocal agreements with other states accomplished pur-  
129 suant to sections ten and ten-a, article two of this chapter.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

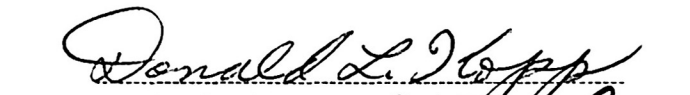

  
Chairman Senate Committee


  
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

  
Clerk of the Senate

  
Clerk of the House of Delegates  
  
President of the Senate

  
Speaker House of Delegates

The within is approved this the 30  
day of March, 1984.

  
Governor

RECEIVED

84 APR 4 P 3:50

OFFICE  
SECY. OF STATE