

No: 1419

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1986



ENROLLED

Com. Sub. for
HOUSE BILL No. 1419

(By Del Yanni + Del Burke)



Passed March 8, 1986

In Effect Ninety Days From Passage

ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 1419
(By DELEGATE YANNI and DELEGATE BURKE)

[Passed March 8, 1986; in effect ninety days from passage.]

AN ACT to amend and reenact chapter seventeen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article three-a, relating to motor vehicles not manufactured in accordance with federal laws and regulations; requirements which must be met in order to obtain a title or registration; exceptions; commissioner of department of motor vehicles required to conduct limited inspections; issuance of certificate of inspection; fees for application for inspection; requiring purchaser to be given written disclosure of all modifications; and documents required to be submitted with an application for title.

Be it enacted by the Legislature of West Virginia:

That chapter seventeen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article three-a, to read as follows:

ARTICLE 3A. VEHICLE COMPLIANCE WITH FEDERAL CLEAN AIR STANDARDS AND VEHICLE SAFETY.

§17A-3A-1. Compliance with federal standards and vehicle safety.

1 (a) Before a vehicle not manufactured in accordance
2 with the laws and regulations of the United States
3 Motor Vehicle Safety Act or the United States Clean Air
4 Act may be titled and registered in this state, the
5 following requirements must be met: (1) The dealer or
6 owner of a vehicle sought to be titled and registered
7 must have obtained copies of the bond release letters
8 required by federal law from the United States Envir-
9 onmental Protection Agency and the United States
10 Department of Transportation. Copies of these bond
11 release letters must be displayed to any prospective
12 purchaser whenever the vehicle is offered for sale:
13 *Provided*, That sections one and two of this article do
14 not apply to antique vehicles or to vehicles especially
15 designed for racing purposes. A vehicle subject to the
16 requirements of this subsection may not be titled as a
17 new motor vehicle. (2) The dealer or owner of a vehicle,
18 upon initial application for a title and registration in
19 this state must submit a receipt or other documentation
20 from the United States Department of the Treasury
21 showing that any and all gas guzzler tax payable on the
22 vehicle under Section 4064 of Title 26, U.S. Code, has
23 been paid by the vehicle importer: *Provided*, That such
24 receipt or documentation is not necessary for those
25 vehicles not subject to the gas guzzler tax.

26 (b) The commissioner shall conduct limited inspec-
27 tions of all such vehicles described above, in accordance
28 with the following:

29 (1) On the occasion of the initial application for a title
30 and registration or as part of any presale inspection
31 mandated by state law, the vehicle shall be inspected for
32 compliance with federal safety standards or conditions
33 which render the vehicle unsafe or hazardous during
34 normal use. This inspection is in addition to the
35 standard vehicle inspection and may not be construed
36 as state approval of the modifications performed to
37 bring the vehicle into compliance with federal standards
38 or as a state certification that the vehicle is free of
39 hazardous conditions. The state will issue a certificate
40 of inspection and approval if the vehicle appears to
41 comply with all federal safety standards. This certificate

42 must be submitted as part of the initial application for
43 a title and registration in this state. Denial of such a
44 certificate is without prejudice to reapplication after the
45 detected noncompliance or unsafe or hazardous condi-
46 tion has been corrected; and

47 (2) For each vehicle, each time review is sought, the
48 applicant must submit a fee in an amount determined
49 by the commssioner to be sufficient to cover the costs
50 of the presale inspection mandated by this section.

51 (c) The provisions of this section apply to the initial
52 sale or registration of a vehicle within this state, without
53 regard to whether it has previously been sold or
54 registered in another state.

§17A-3A-2. Consumer disclosure.

1 Before a motor vehicle not manufactured in accor-
2 dance with the laws and regulations of the United States
3 Clean Air Act and the United States Motor Vehicle
4 Safety Act can be sold to a consumer in this state, the
5 seller must provide the purchaser with full written
6 disclosure of all modifications performed to the vehicle.
7 This disclosure consists of a description phased in terms
8 reasonably understandable to a consumer with no
9 specialized technical training, accompanied by a copy of
10 the technical submissions made to the environmental
11 protection agency and department of transportation in
12 order to obtain certification of compliance. Failure to
13 make this disclosure renders the sale voidable.

§17A-3A-3. Certificates of title.

1 (a) Before any imported vehicle which has not pre-
2 viously been titled or registered in the United States
3 may be titled in this state, the applicant must submit:
4 (1) A manufacturer's certificate of origin issued by the
5 actual vehicle manufacturer together with a notarized
6 translation thereof, or (2) the documents constituting
7 valid proof of ownership in the country in which the
8 vehicle was originally purchased, together with a
9 notarized translation of any such document or (3) with
10 regard to vehicles imported from countries which cancel
11 the vehicle registration and title for export, the

12 documents assigned to such vehicle after the registra-
13 tion and title have been canceled, together with a
14 notarized translation thereof.

15 (b) In the event that the documents submitted as
16 required by subsection (a) do not name as owner the
17 current applicant for a certificate of title, the applicant
18 must also submit reliable proof of a chain of title.

19 The commissioner shall have the authority to issue a
20 temporary title for vehicles subject to the provisions of
21 this section. Application for a temporary title shall
22 include an affidavit from a U. S. Department of
23 Transportation approved modification facility, stating
24 that the standards required by the U.S. Department of
25 Transportation and the U.S. Environmental Protection
26 Agency have been met; and further an affidavit from
27 the vehicle owner stating that all necessary paperwork
28 has been forwarded to the applicable federal agencies
29 for consideration of a bond release letter. Temporary
30 titles shall not be transferable and shall be valid for a
31 period of time not to exceed ten months.

32 The fee for the temporary title shall be twenty-five
33 dollars. Applicable privilege taxes, as provided for in
34 this or other sections of the code, shall be collected from
35 the owner upon application for the temporary title, and
36 additional privilege taxes shall not be required upon
37 application for permanent titles issued following the
38 issuance of said temporary titles. Receipt of a federal
39 bond release letter shall be required to be filed with the
40 commissioner prior to issuance of a permanent title.

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

Bruce O. Williams
.....
Chairman Senate Committee

Floyd Fuller
.....
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Todd C. Stahl
.....
Clerk of the Senate

Donald L. Kopp
.....
Clerk of the House of Delegates

Sam Tolson
.....
President of the Senate

Joseph P. Allright
.....
Speaker of the House of Delegates

The within *appeared* this the *26th*
March
day of, 1986.

Arthur P. Bass Jr.
.....
Governor

PRESENTED TO . :

GOVERNOR

Date 3/24/86

Time 4:26 p.m.

RECEIVED

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DEPT. OF STATE
SECRETARY OF STATE

FILED IN THE OFFICE OF
SECRETARY OF STATE OF
WEST VIRGINIA

THIS DATE 3/26/86