WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1986

---

ENROLLED

Comm. Sub. for
HOUSE BILL No. 4419

(By Mr. Del. Yannick & Del. Burke)

---

Passed \hspace{1cm} 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.
(a) Before a vehicle not manufactured in accordance with the laws and regulations of the United States Motor Vehicle Safety Act or the United States Clean Air Act may be titled and registered in this state, the following requirements must be met: (1) The dealer or owner of a vehicle sought to be titled and registered must have obtained copies of the bond release letters required by federal law from the United States Environmental Protection Agency and the United States Department of Transportation. Copies of these bond release letters must be displayed to any prospective purchaser whenever the vehicle is offered for sale: Provided, That sections one and two of this article do not apply to antique vehicles or to vehicles especially designed for racing purposes. A vehicle subject to the requirements of this subsection may not be titled as a new motor vehicle. (2) The dealer or owner of a vehicle, upon initial application for a title and registration in this state must submit a receipt or other documentation from the United States Department of the Treasury showing that any and all gas guzzler tax payable on the vehicle under Section 4064 of Title 26, U.S. Code, has been paid by the vehicle importer: Provided, That such receipt or documentation is not necessary for those vehicles not subject to the gas guzzler tax.

(b) The commissioner shall conduct limited inspections of all such vehicles described above, in accordance with the following:

(1) On the occasion of the initial application for a title and registration or as part of any presale inspection mandated by state law, the vehicle shall be inspected for compliance with federal safety standards or conditions which render the vehicle unsafe or hazardous during normal use. This inspection is in addition to the standard vehicle inspection and may not be construed as state approval of the modifications performed to bring the vehicle into compliance with federal standards or as a state certification that the vehicle is free of hazardous conditions. The state will issue a certificate of inspection and approval if the vehicle appears to comply with all federal safety standards. This certificate
must be submitted as part of the initial application for a title and registration in this state. Denial of such a certificate is without prejudice to reapplication after the detected noncompliance or unsafe or hazardous condition has been corrected; and

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

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

§17A-3A-2. Consumer disclosure.

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


(a) Before any imported vehicle which has not previously been titled or registered in the United States may be titled in this state, the applicant must submit: (1) A manufacturer's certificate of origin issued by the actual vehicle manufacturer together with a notarized translation thereof, or (2) the documents constituting valid proof of ownership in the country in which the vehicle was originally purchased, together with a notarized translation of any such document or (3) with regard to vehicles imported from countries which cancel the vehicle registration and title for export, the
documents assigned to such vehicle after the registration and title have been canceled, together with a notarized translation thereof.

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

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

The fee for the temporary title shall be twenty-five dollars. Applicable privilege taxes, as provided for in this or other sections of the code, shall be collected from the owner upon application for the temporary title, and additional privilege taxes shall not be required upon application for permanent titles issued following the issuance of said temporary titles. Receipt of a federal bond release letter shall be required to be filed with the commissioner prior to issuance of a permanent title.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker of the House of Delegates

The within bill is approved this the 26th day of [Month], 1986.

[Signature]
Governor