

No: 1419

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1986

— ● —

## ENROLLED

Com. Sub. for  
HOUSE BILL No. 1419

(By Mr. Del Yarni & 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)

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

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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.

5 [Enr. Com. Sub. for H. B. 1419

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

*Bruce A. Williams*  
Chairman Senate Committee

*Floyd Fuller*  
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

*Todd C. Stuck*  
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*  
day of *March*, 1986.

*Arthur P. Bass Jr.*  
Governor

PRESENTED TO :

GOVERNOR

Date 3/24/86

Time 4:26 p.m.

RECEIVED

1906 MAR 23 PM 9 03

DEPT. OF STATE

FILED IN THE OFFICE OF  
SECRETARY OF STATE OF  
WEST VIRGINIA

THIS DATE 3/26/86