

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1987



# ENROLLED

HOUSE BILL No. 2075

(By Delegates GIVENS + OTTE )



Passed MARCH 13, 1987

In Effect NINETY Days From Passage

**ENROLLED**  
**H. B. 2075**

(By DELEGATES GIVENS and OTTE)

[Passed March 13, 1987; in effect ninety days from passage.]

AN ACT to amend and reenact section five, article four, chapter seventeen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to allowing legal heirs and legatees to have the license plates and registrations of deceased persons transferred to them without cost and to use the plates until they regularly expire.

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

That section five, article four, chapter seventeen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

**ARTICLE 4. TRANSFERS OF TITLE OR INTEREST.**

**§17A-4-5. Transfer by operation of law.**

1 Whenever the title or interest of an owner in or to a  
2 registered vehicle shall pass to another otherwise than  
3 by voluntary transfer, the registration thereof shall  
4 expire and the vehicle shall not be operated upon the  
5 highways unless and until the person entitled to  
6 possession of such vehicle shall apply for and obtain the  
7 registration thereof, except that such vehicle may be  
8 operated by the person entitled to its possession or his  
9 legal representative upon the highways for a distance  
10 not exceeding seventy-five miles upon displaying upon  
11 such vehicle the registration plates issued to the former  
12 owner, or in the event title has become vested in the

13 person holding a lien or encumbrance upon said vehicle,  
14 such person may apply to the department for and obtain  
15 special plates as may be issued under this chapter to  
16 dealers or others and may operate any said repossessed  
17 vehicle under such special plates only for purposes of  
18 transporting the same to a garage or warehouse or for  
19 purposes of demonstrating or selling the same: *Provided,*  
20 That the commissioner is authorized to transfer the  
21 plates and registration of a deceased person to his legal  
22 heir or legatee without payment of any fee and the legal  
23 heir or legatee may keep and use the same license plate  
24 until it regularly expires.

25 Upon any transfer the new owner may secure a new  
26 registration and certificate of title upon proper applica-  
27 tion and upon presentation of the last certificate of title  
28 if available, and such instruments or documents of  
29 authority or certified copies thereof as may be sufficient  
30 or required by law to evidence or effect a transfer of  
31 title or interest in or to chattels in such case. In the event  
32 title has become vested in the person or financial  
33 institution holding a lien or encumbrance upon said  
34 vehicle, such person or institution need not obtain a new  
35 registration of said vehicle or forward the certificate of  
36 title to the department in order to sell the vehicle, but  
37 the person or institution upon transfer of title or interest  
38 to another shall execute and acknowledge an assignment  
39 and warranty of title upon the certificate of title and  
40 deliver the same not later than thirty days from the date  
41 of sale to the purchaser. The person or institution  
42 holding a lien or encumbrance upon the vehicle who  
43 acquires the vehicle as a result of the lien or encum-  
44 brance and subsequently, within sixty days, sells the  
45 vehicle in satisfaction of the debt creating the lien or  
46 encumbrance, shall not be subject to any privilege tax  
47 or personal property tax on the vehicle imposed by any  
48 other section.

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

*Bruce O. Williams*  
Chairman Senate Committee

*Lyle Sotter*  
Chairman House Committee  
Member

Originating in the House.

Takes effect ninety days from passage.

*Todd C. Miller*  
Clerk of the Senate

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

*Ran Turkovic*  
President of the Senate

*W. K. ...*  
Speaker of the House of Delegates

The within *approved* this the *30th*  
*March* day of \_\_\_\_\_, 1987.

*Arch A. Shaw, Jr.*  
Governor

PRESENTED TO THE  
GOVERNOR

Date 3/25/87

Time 4:27 p.m.

RECEIVED

*Apr. 1*

1907 ~~APR 1~~ 07 AM 9 31

OFFICE OF THE SECRETARY  
SECRETARY OF THE ARMY