WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1987

ENROLLED

SENATE BILL NO. 735

PASSED March 3, 1987

In Effect January 1, 1987
ENROLLED
Senate Bill No. 735

(Originating in the Committee on Government Organization)

[Passed March 13, 1987; to take effect July 1, 1987.]

AN ACT to amend and reenact sections ten and ten-a, article six, chapter seventeen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to initial application fees for issuance of a dealer license certificate or a manufacturer or transporter license certificate; renewal fees for such certificates; and increasing the amounts of insurance required of manufacturers and transporters.

Be it enacted by the Legislature of West Virginia:

That sections ten and ten-a, article six, 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 6. LICENSING OF DEALERS AND WRECKERS OR DISMANTLERS; SPECIAL PLATES; TEMPORARY PLATES OR MARKERS, ETC.

PART III. FEES AND DEALER SPECIAL PLATES GENERALLY.

§17A-6-10. Fee required for license certificate; dealer special plates.

1 (a) The initial application fee for a license certificate to engage in the business of a new motor vehicle dealer, used
motor vehicle dealer, house trailer dealer, trailer dealer, motorcycle dealer, or used parts dealer, or wrecker, or dismantler, shall be two hundred and fifty dollars: Provided, That if an application for a license certificate is denied or refused in accordance with section six of this article, one hundred twenty-five dollars shall be refunded to the applicant. The initial application fee shall entitle the licensee to dealer special plates as prescribed by subsections (b), (c), (d) and (e) of this section.

(b) The annual renewal fee required for a license certificate to engage in the business of new motor vehicle dealer shall be one hundred dollars. This fee shall also entitle such licensee to one dealer's special plate which shall be known as a Class D special plate. Up to nine additional Class D special plates shall be issued to any such licensee upon application therefor on a form prescribed by the commissioner for such purpose and the payment of a fee of five dollars for each additional Class D special plate. Any such licensee who obtains a total of ten Class D special plates as aforesaid shall be entitled to receive additional Class D special plates on a formula basis, that is, one additional Class D special plate per twenty new motor vehicles sold at retail in this state by such licensee or his predecessor during the preceding fiscal year, upon application therefor on a form prescribed by the commissioner for such purpose and the payment of a fee of five dollars for each such additional Class D special plate: Provided, That in the case of a licensee who did not own or operate such business during such preceding fiscal year and who has no predecessor who owned or operated such business during the preceding fiscal year, additional Class D special plates shall be issued, for the ensuing fiscal year only, on a formula basis of one additional Class D special plate per twenty new motor vehicles which such licensee estimates on his application for his license certificate he will sell at retail in this state during said ensuing fiscal year. Any such licensee may obtain Class D special plates in addition to the ten plates authorized above and any authorized on a formula basis, but the cost of each such Class D special plate shall be thirty dollars.

(c) The annual renewal fee required for a license certificate to engage in the business of used motor vehicle dealer shall be one hundred dollars. This fee shall also
entitle such licensee to one dealer's special plate which shall be known as a Class D-U/C special plate. Up to four additional Class D-U/C special plates shall be issued to any such licensee upon application therefor on a form prescribed by the commissioner for such purpose and the payment of a fee of five dollars for each additional Class D-U/C special plate. Any such licensee who obtains a total of five Class D-U/C special plates as aforesaid shall be entitled to receive additional Class D-U/C special plates on a formula basis, that is, one additional Class D-U/C special plate per thirty used motor vehicles sold at retail in this state by such licensee or his predecessor during the preceding fiscal year, upon application therefor on a form prescribed by the commissioner for such purpose and the payment of a fee of five dollars for each such additional Class D-U/C special plate: Provided, That in the case of a licensee who did not own or operate such business during such preceding fiscal year and who has no predecessor who owned or operated such business during the preceding fiscal year, additional Class D-U/C special plates shall be issued, for the ensuing fiscal year only, on a formula basis of one additional Class D-U/C special plate per thirty used motor vehicles which such licensee estimates on his application for his license certificate he will sell at retail in this state during said ensuing fiscal year. Any such licensee may obtain Class D-U/C special plates, in addition, to the five plates authorized above and any authorized on a formula basis, but the cost of each such Class D-U/C special plate shall be thirty dollars.

(d) The annual renewal fee required for a license certificate to engage in the business of house trailer dealer or trailer dealer, as the case may be, shall be twenty-five dollars. This fee shall also entitle such licensee to four dealer's special plates which shall be known as Class D-T/R special plates. Additional Class D-T/R special plates shall be issued to any such licensee upon application therefor on a form prescribed by the commissioner for such purpose and the payment of a fee of five dollars for each such additional Class D-T/R special plate.

(e) The annual renewal fee required for a license certificate to engage in the business of motorcycle dealer shall be ten dollars. This fee shall also entitle such licensee to two dealer's special plates which shall be known as Class
89 F special plates. Additional Class F special plates shall be
90 issued to any such dealer upon application therefor on a
91 form prescribed by the commissioner for such purpose and
92 the payment of a fee of five dollars for each such additional
93 Class F special plate.
94 (f) The annual renewal fee required for a license
95 certificate to engage in the business of used parts dealer, or
96 wrecker, or dismantler, as the case may be, shall be fifteen
97 dollars. Upon payment of the fee for said license certificate,
98 a licensee shall be entitled to up to four special license
99 plates which shall be known as Class WD special plates.
100 Such plates shall be issued to any such licensee upon
101 application thereon on a form prescribed by the
102 commissioner for such purpose and the payment of a fee of
103 twenty-five dollars for each such plate. Such plate issued
104 under the provisions of this subsection shall have the words
105 “Towing Only” affixed thereon.
106 (g) All of the special plates provided for in this section
107 shall be of such form and design and contain such other
108 distinguishing marks or characteristics as the
109 commissioner may prescribe.

§17A-6-10a. Special plates for manufacturers and
transporters; fee.

1 (1) The initial application fee for a license certificate to
2 engage in the business of a manufacturer or transporter
3 shall be two hundred and fifty dollars: Provided, That if an
4 application for a license certificate is denied or refused in
5 accordance with section six of this article, one hundred
6 twenty-five dollars shall be refunded to the applicant. The
7 initial application shall entitle the licensee to manufacturer
8 or transporter plates as prescribed in subsection five of this
9 section.
10 (2) Notwithstanding any of the other provisions of this
11 article, a manufacturer or transporter may operate or move
12 a vehicle upon the highways of this state solely for purposes
13 of transporting and/or testing the same without first
14 registering each such vehicle upon condition that any such
15 vehicle display thereon, in a manner prescribed by the
16 commissioner, a special plate or plates issued to such
17 manufacturer or transporter as provided in this section.
18 (3) Any manufacturer or transporter may make
19 application to the commissioner upon a form prescribed by
him for a certificate containing a general distinguishing number and for a special plate or plates. The applicant shall also submit proof of his status as a bona fide manufacturer or transporter as may be required by the commissioner.

(4) The commissioner, upon approving any such application, shall issue to the applicant a certificate containing the applicant's name and address and the general distinguishing number assigned to the applicant. The commissioner shall also issue a special plate, or special plates, as applied for, which shall have displayed thereon the general distinguishing number assigned to the applicant. Each plate shall also contain a number or symbol identifying the same from every other plate or plates bearing the same general distinguishing number.

(5) The annual renewal fee for a license certificate for a manufacturer or transporter and one special plate shall be one hundred dollars. Additional special plates shall be twenty-five dollars each.

(6) Every manufacturer or transporter shall keep a written record of the vehicle upon which such special plates are used, the time during which each is used on a particular vehicle, and the location to which the vehicle was delivered, which record shall be open to inspection by any police officer or employee of the department.

(7) The provisions of this section shall not apply to work or service vehicles owned by a manufacturer or transporter.

(8) Said manufacturer or transporter shall be required to furnish a certificate of insurance in amounts which shall be no less than the requirements of section two, article four, chapter seventeen-d of this code.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

To take effect July 1, 1987.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 24th day of March, 1987.

Governor