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SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

3rd EXTRAORDINARY SESSION, 1988

ENROLLED

SENATE BILL NO. 13

(By Senator Jones, M. President By Request)

PASSED June 17, 1988

In Effect from Passage



ENROLLED

Senate Bill No. 13

(BY SENATORS TONKOVICH, MR. PRESIDENT (BY REQUEST) AND HARMAN)

[Passed June 17, 1988; in effect from passage.]

AN ACT to amend and reenact section two, article three, chapter seventeen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to prohibited use of certain vehicles on the highways between sunset and sunrise.

Be it enacted by the Legislature of West Virginia:

That section two, article three, 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 3. ORIGINAL AND RENEWAL OF REGISTRATION; ISSUANCE OF CERTIFICATES OF TITLE.

§17A-3-2. Every motor vehicle, etc., subject to registration and certificate of title provisions; exceptions.

1 Every motor vehicle, trailer, semitrailer, pole trailer and
2 recreational vehicle when driven or moved upon a highway
3 shall be subject to the registration and certificate of title
4 provisions of this chapter except:

5 (1) Any such vehicle driven or moved upon a highway in
6 conformance with the provisions of this chapter relating to
7 manufacturers, transporters, dealers, lienholders or
8 nonresidents or under a temporary registration permit
9 issued by the department as hereinafter authorized;

10 (2) Any implement of husbandry upon which is securely
11 attached a machine for spraying fruit trees and plants of the
12 owner or lessee or for any other implement of husbandry
13 which is used exclusively for agricultural or horticultural
14 purposes on lands owned or leased by the owner thereof and
15 which is not operated on or over any public highway of this
16 state for any other purpose other than for the purpose of
17 operating it across a highway or along a highway other than
18 an expressway as designated by the commissioner of the
19 department of highways from one point of the owner's land
20 to another part thereof, irrespective of whether or not the
21 tracts adjoin: *Provided*, That the distance between the
22 points shall not exceed fifteen miles, or for the purpose of
23 taking it or other fixtures thereto attached, to and from a
24 repair shop for repairs. The foregoing exemption from
25 registration and license requirements shall also apply to
26 any vehicle hereinbefore described or to any farm trailer
27 owned by the owner or lessee of the farm on which such
28 trailer is used, when such trailer is used by the owner
29 thereof for the purpose of moving farm produce and
30 livestock from such farm along a public highway for a
31 distance not to exceed ten miles to a storage house or
32 packing plant, when such use is a seasonal operation.

33 The exemptions contained in this section shall also apply
34 to farm machinery and tractors: *Provided*, That such
35 machinery and tractors may use the highways in going from
36 one tract of land to another tract of land regardless of
37 whether such land be owned by the same or different
38 persons.

39 Any vehicle exempted hereunder from the requirements
40 of annual registration certificate and license plates and fees
41 therefor shall not be permitted to use the highways as above
42 provided between sunset and sunrise.

43 Any vehicle exempted hereunder from the requirements
44 of annual registration certificate and license plates shall be
45 permitted to use the highways as herein provided whether
46 such exempt vehicle is self-propelled, towed by another
47 exempt vehicle or towed by another vehicle for which
48 registration is required.

49 Any vehicle used as an implement of husbandry exempt
50 hereunder must have the words "farm use" affixed to both
51 sides of the implement in ten inch letters;

52 (3) Any vehicle which is propelled exclusively by
53 electric power obtained from overhead trolley wires though
54 not operated upon rails;

55 (4) Any vehicle of a type subject to registration owned
56 by the government of the United States;

57 (5) Any wrecked or disabled vehicle which is being
58 towed by a licensed wrecker or dealer on the public
59 highways of this state;

60 (6) The following recreational vehicles shall be exempt
61 from the requirements of annual registration, license plates
62 and fees, unless otherwise specified by law, but shall be
63 subject to the certificate of title provisions of this chapter
64 regardless of highway use: motorboats, all-terrain vehicles
65 and snowmobiles.

66 The provisions of this article relating to recreational
67 vehicles shall become effective on the first day of July, one
68 thousand nine hundred eighty-nine.

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

James O. Wilson
.....
Chairman Senate Committee

James V. Kelly
.....
Chairman House Committee

Originated in the Senate.

In effect from passage.

Isaac C. Hicks
.....
Clerk of the Senate

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

Sam Tenbarrel
.....
President of the Senate

Ed. Cab
.....
Speaker House of Delegates

The within *approved* this the *27th*
day of *June* 1888.

Wm. A. Shreve
.....
Governor



PRESENTED TO THE

GOVERNOR

Date 6/21/88

Time 11:20 a.m.