

70: 552

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1988



## ENROLLED

*Committee Substitute for*  
SENATE BILL NO. 552

(By Senators Karraw and Tucker)



PASSED March 3, 1988

In Effect ninety days from Passage



**ENROLLED**

COMMITTEE SUBSTITUTE

FOR

**Senate Bill No. 552**

(SENATORS KARRAS AND TUCKER, *original sponsor*)

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[Passed March 3, 1988; in effect ninety days from passage.]

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AN ACT to amend and reenact sections one, two, four and five, article four; section four, article four-a; and section fifteen, article six, all of chapter seventeen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating to extending the time for filing an application for a certificate of title showing a deferred purchase money lien or a deferred purchase money encumbrance from thirty to sixty days after purchase of vehicle; transfer of title or interest; expiration of registration; raising time for operation of vehicle from forty to sixty days after application for transfer of registration plates is made; extending times on transfers by owners; transfers to dealers and transfers by operation of law to sixty days; and extending time that temporary registration plates or markers are valid from forty to sixty days.

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

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

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

**§17A-4-1. Registration expires on transfer by owner; transfer, surrender or retention of plates.**

1 Whenever the owner of a registered vehicle transfers or  
2 assigns his title, or interest thereto, the registration of such  
3 vehicle shall expire: *Provided*, That such owner, if he has  
4 made application to the department within sixty days from  
5 the date of purchase to have said registration plates  
6 transferred to be used on another vehicle owned by said  
7 owner, may then operate the other vehicle for a period of  
8 sixty days, but in no event longer than sixty days from the  
9 date of original transfer. Upon such transfer, it shall be the  
10 duty of the original owner to retain the registration plates  
11 issued therefor and to immediately notify the commissioner  
12 of such transfer upon such form as may be provided therefor  
13 and to deliver to him the certificate of registration,  
14 whereupon the commissioner shall, upon the payment of a  
15 fee of five dollars, issue a new certificate showing the use to  
16 be made of such plates. Such plates may then be used by  
17 such owner on another vehicle of the same class as the  
18 vehicle for which they were originally issued if such other  
19 vehicle does not require a greater license fee than was  
20 required for such original vehicle. If such other vehicle  
21 requires a greater license fee than such original vehicle,  
22 then such plates may be used by paying such difference to  
23 the commissioner. When such transfer of ownership is made  
24 to a licensed dealer in motor vehicles it shall be the duty of  
25 such dealer to immediately execute notification of transfer,  
26 in triplicate, and to have this notification properly signed  
27 by the owner making the transfer. The dealer shall  
28 immediately forward to the department the original copy of  
29 the notification of transfer. One copy of the notification of  
30 transfer shall be given to the owner and one shall be  
31 retained by the dealer. The owner shall immediately send to  
32 the department the transfer fee of five dollars with any  
33 additional fee that may be required under the terms of this  
34 chapter. The owner's copy, properly signed by the dealer,  
35 will be the owner's identification until he receives a new  
36 registration card from the department.

37 The owner of a set of registration plates may surrender  
38 them to the commissioner together with the registration

39 card and, upon the payment of five dollars as an exchange  
40 fee and upon the payment of such additional fees as are  
41 necessary to equalize the value of the plates surrendered  
42 with the value of registration plates desired, receive in  
43 exchange a set of plates and registration card for a vehicle  
44 of a different class.

**§17A-4-2. Endorsement of certificate of title upon transfer by owner.**

1 Whenever the owner of a registered vehicle transfers or  
2 assigns his title, he shall endorse an assignment and  
3 warranty of title upon the certificate of title for such vehicle  
4 with a statement of all liens and encumbrances thereon,  
5 which statement shall be verified under oath by the owner,  
6 and he shall within sixty days from date of sale deliver the  
7 certificate of title to the purchaser or transferee, except in  
8 the case of a vehicle sold as scrap or to be dismantled.

**§17A-4-4. Transfers to dealers and others.**

1 When the transferee of a vehicle is a dealer who holds the  
2 same for resale and lawfully operates the same under  
3 dealer's plates, such dealer shall not be required to obtain a  
4 new registration of said vehicle or be required to forward  
5 the certificate of title to the department, but such dealer  
6 upon transferring his title or interest to another person  
7 shall execute and acknowledge an assignment and  
8 warranty of title upon the certificate of title and deliver the  
9 same not later than sixty days from date of sale to the person  
10 to whom such transfer is made.

11 When the transferee of a vehicle does not drive such  
12 vehicle or permit it to be driven upon the highways, such  
13 transferee shall not be required to obtain a new registration  
14 of said vehicle, but such transferee shall be required within  
15 sixty days from the date of such transfer to forward the  
16 certificate of title to the department accompanied by an  
17 application for a new certificate of title in his name.

**§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 by  
3 voluntary transfer, the registration thereof shall expire and  
4 the vehicle shall not be operated upon the highways unless

5 and until the person entitled to possession of such vehicle  
6 shall apply for and obtain the registration thereof, except  
7 that such vehicle may be operated by the person entitled to  
8 its possession or his legal representative upon the highways  
9 for a distance not exceeding seventy-five miles upon  
10 displaying upon such vehicle the registration plates issued  
11 to the former owner, or in the event title has become vested  
12 in the person holding a lien or encumbrance upon said  
13 vehicle, such person may apply to the department for and  
14 obtain special plates as may be issued under this chapter to  
15 dealers or others and may operate any said repossessed  
16 vehicle under such special plates only for purposes of  
17 transporting the same to a garage or warehouse or for  
18 purposes of demonstrating or selling the same: *Provided,*  
19 That the commissioner is authorized to transfer the plates  
20 and registration of a deceased person to his legal heir or  
21 legatee without payment of any fee and the legal heir or  
22 legatee may keep and use the same license plate until it  
23 regularly expires.

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

**ARTICLE 4A. LIENS AND ENCUMBRANCES ON VEHICLES TO BE SHOWN ON CERTIFICATE OF TITLE; NOTICE TO CREDITORS AND PURCHASERS.**

**§17A-4A-4. Deferred purchase money lien or encumbrance may be filed within sixty days after purchase.**

1 If application for a certificate of title showing a deferred  
2 purchase money lien or deferred purchase money  
3 encumbrance to be placed upon a vehicle be filed in the  
4 office of the department within sixty days from the date of  
5 such applicant's purchase of such vehicle, it shall be as valid  
6 as to all persons, whomsoever, including the state, as if such  
7 filing had been done on the day such lien or encumbrance  
8 was acquired.

**ARTICLE 6. LICENSING OF DEALERS AND WRECKERS OR DISMANTLERS; SPECIAL PLATES; TEMPORARY PLATES OR MARKERS, ETC.**

**§17A-6-15. Temporary registration plates or markers.**

1 (a) In order to permit a vehicle which is sold to a  
2 purchaser by a dealer to be operated on the streets and  
3 highways pending receipt of the annual registration plate  
4 from the department for such vehicle, the commissioner  
5 may, subject to the limitations and conditions hereinafter  
6 set forth, deliver temporary vehicle registration plates or  
7 markers to dealers who in turn may, subject to the  
8 limitations and conditions hereinafter set forth, issue the  
9 same to purchasers of vehicles, but such purchasers must  
10 comply with the pertinent provisions of this section.

11 (b) Application by a dealer to the commissioner for such  
12 temporary registration plates or markers shall be made on  
13 the form prescribed and furnished by the commissioner for  
14 such purpose and shall be accompanied by a fee of three  
15 dollars for each such temporary registration plate or  
16 marker. No refund or credit of fees paid by dealers to the  
17 commissioner for temporary registration plates or markers  
18 shall be allowed, except that in the event the commissioner  
19 discontinues the issuance of such temporary plates or  
20 markers, dealers returning temporary registration plates or  
21 markers to the commissioner may petition for and be  
22 entitled to a refund or a credit thereof. No temporary  
23 registration plates or markers shall be delivered by the

24 commissioner to any dealer in house trailers only, and no  
25 such temporary plates or markers shall be issued for or used  
26 on any house trailer for any purpose.

27 (c) Every dealer who has made application for and  
28 received temporary registration plates or markers shall  
29 maintain in permanent form a record of all temporary  
30 registration plates or markers delivered to him, a record of  
31 all temporary registration plates or markers issued by him,  
32 and a record of any other information pertaining to the  
33 receipt or the issuance of temporary registration plates or  
34 markers which the commissioner may require. Each such  
35 record shall be kept for a period of at least three years from  
36 the date of the making thereof. Every dealer who issues a  
37 temporary registration plate or marker shall, within five  
38 working days after he issues such plate or marker, send to  
39 the department a copy of the temporary registration plate  
40 or marker certificate properly executed by such dealer and  
41 the purchaser. No temporary registration plates or markers  
42 may be delivered to any dealer until such dealer has fully  
43 accounted to the commissioner for the temporary  
44 registration plates or markers last delivered to such dealer,  
45 by showing the number issued to purchasers by such dealer  
46 and any on hand.

47 (d) A dealer shall not issue, assign, transfer or deliver a  
48 temporary registration plate or marker to anyone other  
49 than the bona fide purchaser of the vehicle to be registered;  
50 nor shall a dealer issue a temporary registration plate or  
51 marker to anyone possessed of an annual registration plate  
52 for a vehicle which has been sold or exchanged, except a  
53 dealer may issue a temporary registration plate or marker  
54 to the bona fide purchaser of a vehicle to be registered who  
55 possesses an annual registration plate of a different class  
56 and makes application to the department to exchange such  
57 annual registration plate of a different class in accordance  
58 with the provisions of section one, article four of this  
59 chapter; nor shall a dealer lend to anyone, or use on any  
60 vehicle which he may own, a temporary registration plate or  
61 marker. It shall be unlawful for any dealer to issue any  
62 temporary registration plate or marker knowingly  
63 containing any misstatement of fact, or knowingly to insert  
64 any false information upon the face thereof.

65 (e) Every dealer who issues temporary registration

66 plates or markers shall affix or insert clearly and indelibly  
67 on the face of each temporary registration plate or marker  
68 the date of issuance and expiration thereof, and the make  
69 and motor or serial number of the vehicle for which issued.

70 (f) If the commissioner finds that the provisions of this  
71 section or his directions are not being complied with by a  
72 dealer, he may suspend the right of such dealer to issue  
73 temporary registration plates or markers.

74 (g) Every person to whom a temporary registration  
75 plate or marker has been issued shall permanently destroy  
76 such temporary registration plate or marker immediately  
77 upon receiving the annual registration plate for such  
78 vehicle from the department: *Provided*, That if the annual  
79 registration plate is not received within sixty days of the  
80 issuance of the temporary registration plate or marker, the  
81 owner shall, notwithstanding the fact that the annual  
82 registration plate has not been received, immediately and  
83 permanently destroy the temporary registration plate or  
84 marker: *Provided, however*, That not more than one  
85 temporary registration plate or marker shall be issued to  
86 the same bona fide purchaser for the same vehicle.

87 (h) A temporary registration plate or marker shall  
88 expire and become void upon the receipt of the annual  
89 registration plate from the department or upon the  
90 rescission of the contract to purchase the vehicle in  
91 question, or upon the expiration of sixty days from the date  
92 of issuance, depending upon whichever event shall first  
93 occur.



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

*Robert O. Winters*  
.....  
Chairman Senate Committee

*Bernard V. Kelly*  
.....  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

*Jedd C. Walls*  
.....  
Clerk of the Senate

*Donald W. Keys*  
.....  
Clerk of the House of Delegates

*Sam Tombrun*  
.....  
President of the Senate

*[Signature]*  
.....  
Speaker House of Delegates

The within *approved* ..... this the *14th*  
day of *March* ..... 1988.

*Arthur Shreve Jr.*  
.....  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/8/88

Time 4:26 p.m.

RECEIVED

1988 MAR 22 PM 3:43

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE