

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1990



# ENROLLED

HOUSE BILL No. 4541

(By Mr. Del. D. Cook + Pitrolo )



Passed Feb. 28, 1990

In Effect 90 Days From Passage

**ENROLLED**  
**H. B. 4541**

(By DELEGATES D. COOK AND PITROLO)

[Passed February 28, 1990; in effect ninety days from passage.]

AN ACT to amend article six, chapter seventeen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section one-a, relating to motor vehicle administration; providing a definition of automobile broker; making it unlawful to be an automobile broker; and providing criminal penalties.

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

That article six, chapter seventeen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section one-a, to read as follows:

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

**§17A-6-1a. Unlawful to be an automobile broker; definition; criminal penalties.**

1 No person, except as provided below, shall arrange or  
2 offer to arrange for a fee, commission, or other valuable  
3 consideration, a transaction involving the sale of more  
4 than two new or used motor vehicles per calendar year.  
5 Such person shall be deemed an automobile broker:  
6 *Provided*, That a licensed new or used motor vehicle  
7 dealer in the state of West Virginia or an agent or  
8 employee of such dealer; an authorized distributor or an

9 agent or employee of such distributor; an authorized  
10 automobile auction held by a licensed auctioneer; any  
11 person who sells a motor vehicle pursuant to a pledge  
12 of security and lien as established in article four-a of this  
13 chapter; and an individual or corporation, including  
14 banks and financial institutions, who is the owner of the  
15 new or used motor vehicle titled in the state of West  
16 Virginia which is the object of a sale are not automobile  
17 brokers.

18 Any person violating the provisions of this section is  
19 guilty of a misdemeanor, and, upon conviction thereof,  
20 shall be fined not more than one thousand dollars, or  
21 imprisoned in the county jail not more than sixty days,  
22 or both fined and imprisoned.

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

*Frederick L Parker*  
Chairman Senate Committee

*Bruce V Kelly*  
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

*Harold E. Adams*  
Clerk of the Senate

*Donald G. Topp*  
Clerk of the House of Delegates

*Walter Burdette*  
President of the Senate

*Robert M. Howell*  
Speaker of the House of Delegates

The within is approved this the 12th day of March, 1990.

*Robert M. Howell*  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/6/96

Time 1:12 pm

RECEIVED

1990 MAR 12 PM 4:30

OFFICE OF BEST MANAGEMENT  
SECRETARY OF STATE