

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 1992



ENROLLED

Com. Sub. for
HOUSE BILL No. 4156

(By Delegates Reid AND L. White)



Passed MARCH 7, 1992

In Effect JULY 1, 1992 ~~— Passage —~~



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SECRETARY OF STATE

ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 4156
(By DELEGATES REID AND L. WHITE)

[Passed March 7, 1992; in effect July 1, 1992.]

AN ACT to amend and reenact section four, article three, chapter seventeen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend and reenact sections four, ten and thirteen, article six of said chapter, all relating to automobile dealers and owners; vehicle owners' application for certificate of title; tax for privilege of certification of title; providing that the division of motor vehicles may issue a certificate of registration and title to an applicant if the applicant provides proof that the dealership has gone out of business and not paid the fees to the division; providing for transfer of certificates of registration and title among members of the same controlled group; criminal penalty for false swearing; application for license certificate; information required in an application; insurance; requiring an applicant for a new or used motor vehicle dealer's license to disclose on the application form information regarding retail and wholesale sales of motor vehicles during the preceding fiscal year; requiring a license applicant who sold no motor vehicles during the preceding fiscal year to disclose the information regarding anticipated sales during the ensuing fiscal year; authorizing the increase from two thousand dollars to ten thousand dollars the

amount of the surety bond to be posted by an applicant for a motor vehicles dealer's license; application and renewal fees; issuance of dealers' plates; changing the formula under which new and used car dealers apply for and receive dealers' plates; limiting the use of dealer plates on courtesy vehicles to one per dealership; and maintenance of records.

Be it enacted by the Legislature of West Virginia:

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

**ARTICLE 3. ORIGINAL AND RENEWAL OF REGISTRATION;
ISSUANCE OF CERTIFICATES OF TITLE.**

**§17A-3-4. Application for certificate of title; tax for
privilege of certification of title; penalty for
false swearing.**

1 (a) Certificates of registration of any vehicle or
2 registration plates therefor, whether original issues or
3 duplicates, shall not be issued or furnished by the
4 division of motor vehicles or any other officer charged
5 with the duty, unless the applicant therefor already has
6 received, or at the same time makes application for and
7 is granted, an official certificate of title of the vehicle.
8 The application shall be upon a blank form to be
9 furnished by the division of motor vehicles and shall
10 contain a full description of the vehicle, which descrip-
11 tion shall contain a manufacturer's serial or identifica-
12 tion number or other number as determined by the
13 commissioner and any distinguishing marks, together
14 with a statement of the applicant's title and of any liens
15 or encumbrances upon the vehicle, the names and
16 addresses of the holders of the liens and any other
17 information as the division of motor vehicles may
18 require. The application shall be signed and sworn to
19 by the applicant.

20 (b) A tax is hereby imposed upon the privilege of
21 effecting the certification of title of each vehicle in the
22 amount equal to five percent of the value of the motor

23 vehicle at the time of the certification. If the vehicle is
24 new, the actual purchase price or consideration to the
25 purchaser thereof is the value of the vehicle; if the
26 vehicle is a used or secondhand vehicle, the present
27 market value at time of transfer or purchase is the value
28 thereof for the purposes of this section: *Provided*, That
29 so much of the purchase price or consideration as is
30 represented by the exchange of other vehicles on which
31 the tax imposed by this section has been paid by the
32 purchaser shall be deducted from the total actual price
33 or consideration paid for the vehicle, whether the same
34 be new or secondhand; if the vehicle is acquired through
35 gift, or by any manner whatsoever, unless specifically
36 exempted in this section, the present market value of the
37 vehicle at the time of the gift or transfer is the value
38 thereof for the purposes of this section. No certificate of
39 title for any vehicle shall be issued to any applicant
40 unless the applicant has paid to the division of motor
41 vehicles the tax imposed by this section which is five
42 percent of the true and actual value of the vehicle
43 whether the vehicle is acquired through purchase, by
44 gift or by any other manner whatsoever except gifts
45 between husband and wife or between parents and
46 children: *Provided, however*, That the husband or wife,
47 or the parents or children previously have paid the tax
48 on the vehicles transferred to the state of West Virginia:
49 *Provided further*, That the division of motor vehicles
50 may issue a certificate of registration and title to an
51 applicant if the applicant provides sufficient proof to the
52 division of motor vehicles that the applicant has paid the
53 taxes and fees required by this section to a motor vehicle
54 dealership that has gone out of business or has filed
55 bankruptcy proceedings in the United States bank-
56 ruptcy court and the taxes and fees so required to be
57 paid by the applicant have not been sent to the division
58 by the motor vehicle dealership or have been impounded
59 due to the bankruptcy proceedings: *And provided*
60 *further*, That the applicant makes an affidavit of the
61 same and assigns all rights to claims for money the
62 applicant may have against the motor vehicle dealership
63 to the division of motor vehicles: *And provided further*,
64 That the division of motor vehicles shall issue a

65 certificate of registration and title to an applicant
66 without payment of the tax imposed by this section if
67 the applicant is a corporation, partnership or limited
68 liability company transferring the vehicle to another
69 corporation, partnership or limited liability company
70 when the entities involved in the transfer are members
71 of the same controlled group and the transferring entity
72 has previously paid the tax on the vehicle transferred.
73 For the purposes of this section, control means owner-
74 ship, directly or indirectly, of stock or equity interests
75 possessing fifty percent or more of the total combined
76 voting power of all classes of the stock of a corporation
77 or equity interests of a partnership or limited liability
78 company entitled to vote or ownership, directly or
79 indirectly, of stock or equity interests possessing fifty
80 percent or more of the value of the corporation,
81 partnership or limited liability company.

82 The tax imposed by this section does not apply to
83 vehicles to be registered as Class H vehicles, or Class
84 S vehicles, as defined in section one, article ten of this
85 chapter, which are used or to be used in interstate
86 commerce. Nor does the tax imposed by this section
87 apply to the titling of Class B, Class K or Class E
88 vehicles registered at a gross weight of fifty-five
89 thousand pounds or more, or to the titling of Class C or
90 Class L semitrailers, full trailers, pole trailers, and
91 converter gear: *Provided*, That if an owner of a vehicle
92 has previously titled the vehicle at a declared gross
93 weight of fifty-five thousand pounds or more and the
94 title was issued without the payment of the tax imposed
95 by this section, then before the owner may obtain
96 registration for the vehicle at a gross weight less than
97 fifty-five thousand pounds, the owner must surrender to
98 the commissioner the exempted registration, the exemp-
99 ted certificate of title, and pay the tax imposed by this
100 section based upon the current market value of the
101 vehicle: *Provided, however*, That notwithstanding the
102 provisions of section nine, article fifteen, chapter eleven
103 of this code, the exemption from tax under this section
104 for Class B, Class K or Class E vehicles in excess of fifty-
105 five thousand pounds and Class C or Class L semitrail-
106 ers, full trailers, pole trailers and converter gear shall

107 not subject the sale or purchase of the vehicles to the
108 consumers sales tax. The tax imposed by this section
109 does not apply to titling of vehicles by a registered
110 dealer of this state for resale only, nor does the tax
111 imposed by this section apply to titling of vehicles by
112 this state or any political subdivision thereof, or by any
113 volunteer fire department or duly chartered rescue or
114 ambulance squad organized and incorporated under the
115 laws of the state of West Virginia as a nonprofit
116 corporation for protection of life or property. The total
117 amount of revenue collected by reason of this tax shall
118 be paid into the state road fund and expended by the
119 commissioner of highways for matching federal funds
120 allocated for West Virginia. In addition to the tax, there
121 is a charge of five dollars for each original certificate
122 of title or duplicate certificate of title so issued: *Provided*
123 *further*, That this state or any political subdivision
124 thereof, or any volunteer fire department, or duly
125 chartered rescue squad, is exempt from payment of the
126 charge.

127 The certificate is good for the life of the vehicle, so
128 long as the same is owned or held by the original holder
129 of the certificate, and need not be renewed annually, or
130 any other time, except as provided in this section.

131 If, by will or direct inheritance, a person becomes the
132 owner of a motor vehicle and the tax imposed by this
133 section previously has been paid, to the division of motor
134 vehicles, on that vehicle, he or she is not required to pay
135 the tax.

136 A person who has paid the tax imposed by this section
137 is not required to pay the tax a second time for the same
138 motor vehicle, but is required to pay a charge of five
139 dollars for the certificate of retitle of that motor vehicle,
140 except that the tax shall be paid by the person when the
141 title to the vehicle has been transferred either in this
142 or another state from such person to another person and
143 transferred back to such person.

144 (c) Notwithstanding any provisions of this code to the
145 contrary, the owners of trailers, semitrailers, recrea-
146 tional vehicles and other vehicles not subject to the

147 certificate of title tax prior to the enactment of this
148 chapter are subject to the privilege tax imposed by this
149 section: *Provided*, That the certification of title of any
150 recreational vehicle owned by the applicant on the
151 thirtieth day of June, one thousand nine hundred eighty-
152 nine, is not subject to the tax imposed by this section:
153 *Provided, however*, That mobile homes, house trailers,
154 modular homes and similar nonmotive propelled vehi-
155 cles, except recreational vehicles, susceptible of being
156 moved upon the highways but primarily designed for
157 habitation and occupancy, rather than for transporting
158 persons or property, or any vehicle operated on a
159 nonprofit basis and used exclusively for the transporta-
160 tion of mentally retarded or physically handicapped
161 children when the application for certificate of registra-
162 tion for the vehicle is accompanied by an affidavit
163 stating that the vehicle will be operated on a nonprofit
164 basis and used exclusively for the transportation of
165 mentally retarded and physically handicapped children,
166 are not subject to the tax imposed by this section, but
167 are taxable under the provisions of articles fifteen and
168 fifteen-a, chapter eleven of this code.

169 (d) Any person making any affidavit required under
170 any provision of this section, who knowingly swears
171 falsely, or any person who counsels, advises, aids or
172 abets another in the commission of false swearing, is on
173 the first offense guilty of a misdemeanor, and, upon
174 conviction thereof, shall be fined not more than five
175 hundred dollars or be imprisoned in the county jail for
176 a period not to exceed six months, or, in the discretion
177 of the court, both fined and imprisoned. For a second
178 or any subsequent conviction within five years, that
179 person is guilty of a felony, and, upon conviction thereof,
180 shall be fined not more than five thousand dollars or be
181 imprisoned in the penitentiary for not less than one year
182 nor more than five years or, in the discretion of the
183 court, fined and imprisoned.

184 (e) Notwithstanding any other provisions of this
185 section, any person in the military stationed outside
186 West Virginia, or his or her dependents who possess a
187 motor vehicle with valid registration, are exempt from

188 the provisions of this article for a period of nine months
189 from the date that that person returns to this state or
190 the date his or her dependent returns to this state,
191 whichever is later.

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

**§17A-6-4. Application for license certificate; insurance;
bonds; investigation; information
confidential.**

1 (a) Application for any license certificate required by
2 section three of this article shall be made on a form
3 prescribed by the commissioner. There shall be attached
4 to the application a certificate of insurance certifying
5 that the applicant has in force an insurance policy issued
6 by an insurance company authorized to do business in
7 this state insuring the applicant and any other person,
8 as insured, using any vehicle or vehicles owned by the
9 applicant with the express or implied permission of the
10 named insured, against loss from the liability imposed
11 by law for damages arising out of the ownership,
12 operation, maintenance or use of the vehicle or vehicles,
13 subject to minimum limits, exclusive of interest and
14 costs, with respect to each vehicle, as follows: Twenty
15 thousand dollars because of bodily injury to or death of
16 one person in any one accident and, subject to the limit
17 for one person, forty thousand dollars because of bodily
18 injury to or death of two or more persons in any one
19 accident, and ten thousand dollars because of injury to
20 or destruction of property of others in any one accident.

21 (b) In the case of an application for a license certifi-
22 cate to engage in the business of new motor vehicle
23 dealer, used motor vehicle dealer or house trailer dealer,
24 the application shall disclose, but not be limited to, the
25 following:

26 (1) The type of business for which a license certificate
27 is sought;

28 (2) If the applicant is an individual, the full name and
29 address of the applicant and any trade name under
30 which he or she will engage in the business;

31 (3) If the applicant is a copartnership, the full name
32 and address of each partner therein, the name of the
33 copartnership, its post-office address and any trade
34 name under which it will engage in the business;

35 (4) If the applicant is a corporation, its name, the state
36 of its incorporation, its post-office address and the full
37 name and address of each officer and director thereof;

38 (5) The location of each place in this state at which
39 the applicant will engage in the business and whether
40 the business is owned or leased by the applicant;

41 (6) Whether the applicant, any partner, officer or
42 director thereof has previously engaged in the business
43 or any other business required to be licensed under the
44 provisions of this article and if so, with or for whom,
45 at what location and for what periods of time;

46 (7) Whether the applicant, any partner, officer,
47 director or employer thereof has previously applied for
48 a license certificate under the provisions of this article
49 or a similar license certificate in this or any other state,
50 and if so, whether the license certificate was issued or
51 refused, and, if issued, whether it was ever suspended
52 or revoked;

53 (8) A statement of previous general business expe-
54 rience and the past history of the applicant; and

55 (9) Any other information that the commissioner may
56 reasonably require which may include information
57 relating to any contracts, agreements or understandings
58 between the applicant and other persons respecting the
59 transaction of the business, and any criminal record of
60 the applicant if an individual, or of each partner if a
61 copartnership, or of each officer and director, if a
62 corporation.

63 (c) In the case of an application for a license certificate
64 to engage in the business of new motor vehicle dealer,
65 the application shall, in addition to the matters outlined
66 in subsection (b) of this section disclose:

67 (1) The make or makes of new motor vehicles which
68 the applicant will offer for sale in this state during the

69 ensuing fiscal year; and

70 (2) The exact number of new and used motor vehicles,
 71 if any, sold at retail and wholesale by the applicant or
 72 his or her predecessor, if any, during the preceding
 73 fiscal year, and if no new and used motor vehicles were
 74 sold at retail and wholesale by the applicant or his or
 75 her predecessor, if any, during the preceding fiscal year,
 76 the number of new and used motor vehicles the
 77 applicant reasonably expects to sell at retail and
 78 wholesale during the ensuing fiscal year.

79 (d) In the case of an application for a license certifi-
 80 cate to engage in the business of used motor vehicle
 81 dealer, the application shall in addition to the matters
 82 outlined in subsection (b) of this section, disclose the
 83 exact number of used motor vehicles, if any, sold at
 84 retail and wholesale by the applicant or his or her
 85 predecessor, if any, during the preceding fiscal year,
 86 and if no used motor vehicles were sold at retail and
 87 wholesale by the applicant or his or her predecessor, if
 88 any, during the preceding fiscal year, the number of
 89 used motor vehicles the applicant reasonably expects to
 90 sell at retail and wholesale during the ensuing fiscal
 91 year.

92 (e) In the case of an application for a license certificate
 93 to engage in the business of trailer dealer, recreational
 94 vehicle dealer, motorcycle dealer, used parts dealer or
 95 wrecker/dismantler/rebuilder, the application shall
 96 disclose any information that the commissioner may
 97 reasonably require.

98 (f) The application shall be verified by the oath or
 99 affirmation of the applicant, if an individual, or if the
 100 applicant is a copartnership or corporation, by a partner
 101 or officer thereof, as the case may be. The application
 102 must be accompanied by a bond of the applicant in the
 103 penal sum of ten thousand dollars, in the form pres-
 104 cribed by the commissioner, conditioned that the
 105 applicant will not in the conduct of his or her business
 106 practice any fraud which, or make any fraudulent
 107 representation which, shall cause a financial loss to any
 108 purchaser, seller or financial institution or agency, or

109 the state of West Virginia, with a corporate surety
110 thereon authorized to do business in this state, which
111 bond shall be effective as of the date on which the license
112 certificate sought is issued.

113 (g) Upon receipt of any fully completed application,
114 together with any bond required under subsection (f) of
115 this section, the certificate of insurance as aforesaid and
116 the appropriate fee provided for in section ten of this
117 article, the commissioner may conduct any investiga-
118 tion, as he considers necessary to determine the
119 accuracy of any statements contained in the application
120 and the existence of any other facts which he deems
121 relevant in considering such application. To facilitate
122 the investigation, the commissioner may withhold
123 issuance or refusal of the license certificate for a period
124 not to exceed twenty days.

125 (h) Any application for a license certificate under the
126 provisions of this article and any information submitted
127 with the application is confidential for the use of the
128 division. No person shall divulge any information
129 contained in any application or any information submit-
130 ted with the application except in response to a valid
131 subpoena or subpoena duces tecum issued pursuant to
132 law.

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
2 to engage in the business of a new motor vehicle dealer,
3 used motor vehicle dealer, house trailer dealer, trailer
4 dealer, motorcycle dealer, recreational vehicle dealer or
5 wrecker dismantler/ rebuilder is two hundred and fifty
6 dollars: *Provided*, That if an application for a license
7 certificate is denied or refused in accordance with
8 section six of this article, one hundred twenty-five
9 dollars shall be refunded to the applicant. The initial
10 application fee entitles the licensee to dealer special
11 plates as prescribed by subsections (b),(c),(d) and (e) of
12 this section.

13 (b) The annual renewal fee required for a license
14 certificate to engage in the business of new motor
15 vehicle dealer is one hundred dollars. This fee shall also
16 entitle the licensee to one dealer's special plate which
17 shall be known as a Class D special plate. Up to two
18 additional Class D special plates shall be issued to the
19 licensee upon application on a form prescribed by the
20 commissioner for such purpose and the payment of a fee
21 of five dollars for each additional Class D special plate.
22 Any licensee is also entitled to receive additional Class
23 D special plates on a formula basis, that is, one
24 additional Class D special plate per twenty new and
25 used motor vehicles sold at retail and wholesale by the
26 licensee or predecessor during the preceding fiscal year,
27 upon application on a form prescribed by the commis-
28 sioner for such purpose and the payment of a fee of five
29 dollars for each additional Class D special plate:
30 *Provided*, That in the case of a licensee who did not own
31 or operate the business during the preceding fiscal year
32 and who has no predecessor who owned or operated a
33 business during the fiscal year, additional Class D plates
34 shall be issued for the ensuing fiscal year only on a
35 formula basis of one additional Class D plate per twenty
36 new and used motor vehicles which the licensee esti-
37 mates on his or her application for his or her license
38 certificate he or she will sell at retail and wholesale
39 during the ensuing fiscal year. The licensee may revise
40 his or her estimate if actual sales of new and used motor
41 vehicles in the initial year exceed the estimate by filing
42 an amended application for his or her license certificate.
43 Additional Class D plates shall be issued for the
44 remaining portion of the fiscal year only on a formula
45 basis of one additional Class D plate per twenty new and
46 used vehicles in the revised estimate.

47 (c) The annual renewal fee required for a license
48 certificate to engage in the business of used motor
49 vehicle dealer is one hundred dollars. This fee also
50 entitles the licensee to one dealer's special plate which
51 shall be known as a Class D-U/C special plate. Up to
52 two additional Class D-U/C special plates shall be issued
53 to the licensee upon application on a form prescribed by
54 the commissioner for such purpose and the payment of

55 a fee of five dollars for each additional Class D-U/C
56 special plate. Any any licensee is also entitled to receive
57 additional Class D-U/C special plates on a formula basis,
58 that is, one additional class D-U/C special plate per
59 twenty used motor vehicles sold at retail and/or
60 wholesale by the licensee or his or her predecessor
61 during the preceding fiscal year, upon application
62 therefor on a form prescribed by the commissioner for
63 such purpose and the payment of a fee of five dollars
64 for each additional Class D-U/C special plate: *Provided,*
65 That in the case of a licensee who did not own or operate
66 the business during the preceding fiscal year and who
67 has no predecessor who owned or operated the business
68 during the preceding fiscal year, additional Class D-U/C
69 plates shall be issued for the ensuing fiscal year only on
70 a formula basis of one additional Class D-U/C plate per
71 twenty used motor vehicles which the licensee estimates
72 on his or her application for the license certificate he
73 or she will sell at retail and/or wholesale during the
74 ensuing fiscal year. The licensee may revise his or her
75 estimate if actual sales of used motor vehicles in the
76 ensuing fiscal year exceed the estimate by filing an
77 amended application for his or her license certificate.
78 Additional Class D-U/C plates shall be issued for the
79 remaining portion of the fiscal year only on a formula
80 basis of one additional Class D-U/C plate per twenty
81 used vehicles in the revised estimate.

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

92 (e) The annual renewal fee required for a license
93 certificate to engage in the business of recreational
94 vehicle dealer is one hundred dollars. This fee shall also
95 entitle the licensee to four dealer special plates which

96 shall be known as Class D-R/V special plates. Additional
 97 Class D-R/V special plates shall be issued to any licensee
 98 upon application therefor on a form prescribed by the
 99 commissioner for such purpose on the payment of a fee
 100 of twenty-five dollars for each additional Class D-R/V
 101 special plate.

102 (f) The annual renewal fee required for a license
 103 certificate to engage in the business of motorcycle dealer
 104 is ten dollars. This fee shall also entitle the licensee to
 105 two dealer's special plates which shall be known as Class
 106 F special plates. Additional Class F special plates shall
 107 be issued to any the dealer upon application therefor on
 108 a form prescribed by the commissioner for such purpose
 109 and the payment of a fee of five dollars for each
 110 additional Class F special plate.

111 (g) The annual renewal fee required for a license
 112 certificate to engage in the business of wrecker/
 113 dismantler/rebuilder, is fifteen dollars. Upon payment
 114 of the fee for the license certificate, a licensee is entitled
 115 to up to four special license plates which shall be known
 116 as Class WD special plates. The plates shall be issued
 117 to any licensee upon application therefor on a form
 118 prescribed by the commissioner for such purpose and
 119 the payment of a fee of twenty-five dollars for each
 120 plate. The plate issued under the provisions of this
 121 subsection shall have the words "Towing Only" affixed
 122 thereon. A wrecker/dismantler/rebuilder is entitled to
 123 one special plate known as a Class WD/Demo special
 124 plate upon payment of a twenty-five dollar fee. This
 125 plate shall only be used for demonstrating rebuilt
 126 automobiles owned by the wrecker/dismantler/
 127 rebuilder.

128 (h) All of the special plates provided for in this section
 129 shall be of such form and design and contain such other
 130 distinguishing marks or characteristics as the commis-
 131 sioner may prescribe.

**§17A-6-13. Use of special plates; records to be maintained
 by dealer.**

1 (a) The Class D special plates and the Class D-U/C
 2 special plates authorized in this article may be used for

3 any purpose on any motor vehicle owned by the dealer
4 to whom issued and which is being operated with his
5 or her knowledge and consent and not otherwise:
6 *Provided*, That under no circumstances whatever shall
7 a Class D special plate or Class D-U/C special plate be
8 used on any work or service vehicle owned by a dealer,
9 on any vehicle owned by a dealer and offered for hire
10 or lease, or on any vehicle which has been sold by a
11 dealer to a customer: *Provided, however*, That a dealer
12 is authorized to use a Class D or Class D-U/C special
13 plate on no more than one courtesy vehicle per
14 dealership.

15 (b) Under no circumstances whatever shall a Class D-
16 T/R special plate be used for the purpose of operating
17 a motor vehicle upon the streets and highways, or on any
18 house trailer or other trailer owned by a dealer and
19 offered for hire or lease, or on any house trailer or other
20 trailer which has been sold by a dealer to a customer:
21 *Provided*, That notwithstanding the sale or any provi-
22 sion of this code to the contrary, a Class D-T/R special
23 plate may be used in moving a house trailer sold by a
24 house trailer dealer to a customer for one trip only from
25 the house trailer dealer's established place of business
26 to a place designated by the customer.

27 (c) Under no circumstances whatever shall a Class D-
28 R/V special plate be used for the purpose of operating
29 a motor vehicle upon the streets and highways, or on any
30 recreational vehicle owned by a dealer and offered for
31 hire or lease, or on any recreational vehicle which has
32 been sold by a dealer to a customer: *Provided*, That
33 notwithstanding any provision of this code to the
34 contrary, a Class D-R/V special plate may be used upon
35 the streets and highways for demonstration purposes
36 only on those recreational vehicles that are subject to
37 registration under article three of this chapter.

38 (d) Under no circumstances whatever shall a Class F
39 special plate be used for the purpose of operating any
40 type of motor vehicle other than a motorcycle on the
41 streets and highways, or on a motorcycle owned by a
42 dealer and offered for hire or lease, or on any motorcycle
43 which has been sold by a dealer to a customer.

44 (e) Every dealer entitled to and issued a special plate
45 or plates under the provisions of this article shall keep
46 a written record of the salesman, mechanic, employee,
47 agent, officer or other person, to whom a special plate
48 or plates have been assigned by the dealer. Every record
49 shall be open to inspection by the commissioner or his
50 or her representatives or any law-enforcement officer.

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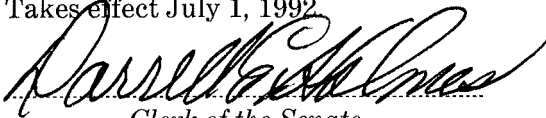
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

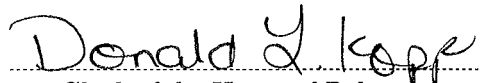

Chairman Senate Committee

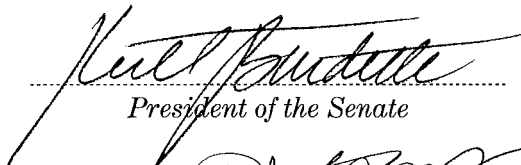

Chairman House Committee

Originating in the House.

Takes effect July 1, 1992

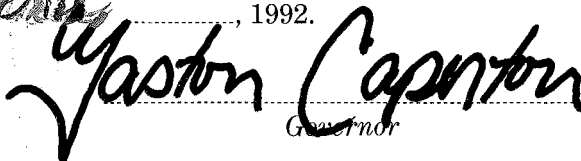

Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

The within is approved this the 1st
day of April, 1992.


Governor

PRESENTED TO THE

GOVERNOR

Date

3/30/92

Time

2:45 pm