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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1992

ENROLLED

SENATE BILL NO. 317

(By Senator Sharpe, et al)

PASSED March 7, 1992
In Effect 90 days from Passage

ENROLLED

Senate Bill No. 317

(By SENATORS SHARPE, WHITLOW, HELMICK AND HAWSE)

[Passed March 7, 1992; in effect ninety days 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 motor vehicle registration; increasing from ten to twenty-five miles the distance that a farm use vehicle or trailer may be moved along a public highway under certain circumstances in order to be exempt from motor vehicle registration and licensing requirements; providing that a farm use exemption certificate be displayed on a vehicle otherwise subject to registration; and providing that farm use exemption certificate be issued and fee collected by county assessor.

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 (a) Every motor vehicle, trailer, semitrailer, pole

2 trailer, and recreational vehicle when driven or
3 moved upon a highway shall be subject to the registra-
4 tion and certificate of title provisions of this chapter
5 except:

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

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

38 (A) The exemptions contained in this section shall
39 also apply to farm machinery and tractors: *Provided*,
40 That such machinery and tractors may use the high-
41 ways in going from one tract of land to another tract
42 of land regardless of whether such land be owned by

43 the same or different persons.

44 (B) Any vehicle exempted hereunder from the
45 requirements of annual registration certificate and
46 license plates and fees therefor shall not be permitted
47 to use the highways between sunset and sunrise.

48 (C) Any vehicle exempted hereunder from the
49 requirements of annual registration certificate and
50 license plates shall be permitted to use the highways
51 as herein provided whether such exempt vehicle is
52 self-propelled, towed by another exempt vehicle or
53 towed by another vehicle for which registration is
54 required.

55 (D) Any vehicle used as an implement of husbandry
56 exempt hereunder must have the words "farm use"
57 affixed to both sides of the implement in ten inch
58 letters. Any vehicle which would be subject to regis-
59 tration as a Class A or B vehicle if not exempted by
60 this section shall display a farm use exemption certifi-
61 cate on the lower driver's side of the windshield.

62 (i) The farm use exemption certificate shall be
63 provided by the commissioner and shall be issued
64 annually by the assessor of the applicant's county of
65 residence. The assessor shall issue a farm use exemp-
66 tion certificate upon his or her determination pursu-
67 ant to an examination of the property books or
68 documentation provided by the applicant that the
69 vehicle has been properly assessed as Class I personal
70 property. The assessor shall charge a fee of two dollars
71 for each certificate, one dollar of the fee shall be
72 retained by the assessor and one dollar shall be
73 remitted by the assessor to the commissioner of the
74 division of motor vehicles to be deposited in a special
75 revolving fund to be used in the administration of this
76 section.

77 (ii) A farm use exemption certificate shall in no way
78 exempt the applicant from maintaining the security as
79 required by chapter seventeen-d of this code on any
80 vehicle being operated on the roads or highways of
81 this state.

82 (iii) No person charged with operating a vehicle
83 without a farm use exemption certificate, if required
84 under this section, shall be convicted if he or she
85 produces in court or in the office of the arresting
86 officer a valid farm use exemption certificate for the
87 vehicle in question within five days.

88 (3) Any vehicle which is propelled exclusively by
89 electric power obtained from overhead trolley wires
90 though not operated upon rails;

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

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

96 (6) The following recreational vehicles shall be
97 exempt from the requirements of annual registration,
98 license plates and fees, unless otherwise specified by
99 law, but shall be subject to the certificate of title
100 provisions of this chapter regardless of highway use:
101 motorboats, all-terrain vehicles and snowmobiles.

102 (b) The provisions of this article relating to recrea-
103 tional vehicles shall become effective on the first day
104 of July, one thousand nine hundred eighty-nine.

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

Homer Duck
.....
Chairman Senate Committee

Ernest C. Moore
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

David E. Nelson
.....
Clerk of the Senate

Donald L. Hoop
.....
Clerk of the House of Delegates

Will Burdette
.....
President of the Senate

Bob Coo
.....
Speaker House of Delegates

The within is approved this the *30th*
day of *March*, 1992.

Gaston Caperton
.....
Governor

PRESENTED TO THE

GOVERNOR /

Date 3/20/92

Time 3:30pm