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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 1992

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ENROLLED

HOUSE BILL No. 4710

(By Delegate Love)

— ● —

Passed March 6, 1992

In Effect Ninety Days From Passage

ENROLLED
H. B. 4710

(By DELEGATE LOVE)

[Passed March 6, 1992; in effect ninety days from passage.]

AN ACT to amend and reenact section one, article five, chapter seventeen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to special permit and certificate in lieu of registration for nonresident owners of special mobile equipment.

Be it enacted by the Legislature of West Virginia:

That section one, article five, 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:

§17A-5-1. Exemptions from registration of nonresident owners; special permit and certificate in lieu of registration for nonresidents maintaining temporary and recurrent or seasonal residence in state.

1 (a) A nonresident owner, except as otherwise provided
2 in this section, owning any vehicle registered in a
3 foreign state or country of a Class A type otherwise
4 subject to registration hereunder may operate or permit
5 the operation of such vehicle within this state for a
6 period of thirty days without registering such vehicle in,
7 or paying any fees to, this state subject to the condition
8 that such vehicle at all times when operated in this state
9 is duly registered in and displays upon it a valid
10 registration card and registration plate or plates issued
11 for such vehicle in the place of residence of such owner

12 and that such vehicle is not operated for commercial
13 purposes.

14 (b) Every nonresident, including any foreign corpora-
15 tion, carrying on business within this state and owning
16 and regularly operating in such business any motor
17 vehicle, trailer, semitrailer or special mobile equipment
18 as defined in section one, article one, chapter seventeen-
19 a, within this state, shall be required to register each
20 such vehicle and pay the same fee therefor as is required
21 with reference to like vehicles owned by residents of this
22 state, except as otherwise provided by reciprocal
23 agreements with other states accomplished pursuant to
24 sections ten and ten-a, article two of this chapter.

25 (c) Any nonresident who accepts or engages in
26 temporary and recurrent or seasonal employment,
27 business, profession or occupation in this state and
28 maintains temporary and recurrent or seasonal resi-
29 dence in this state in connection with such employment,
30 business, profession or occupation, and any nonresident,
31 including any corporation carrying on business of a
32 temporary and recurrent or seasonal nature in this state
33 and owning and temporarily and recurrently or season-
34 ally operating in such business any motor vehicle,
35 trailer, semitrailer or special mobile equipment as
36 defined in section one, article one, chapter seventeen-a,
37 within this state, may operate or permit the operation
38 of such vehicle within this state without causing said
39 vehicle to be registered as otherwise required by article
40 three of this chapter: *Provided*, That such nonresident,
41 in lieu of registration of such vehicle, shall make
42 application to the department and receive a special
43 permit for such vehicle which shall be evidenced by a
44 metal identification plate and certificate in writing,
45 which special permit plate and certificate shall together
46 identify the vehicle for which such special permit and
47 plate shall issue and such certificate shall bear the name
48 and address of the owner of such vehicle. Such special
49 permit shall be issued without previous certification of
50 title to such vehicle as otherwise required by article
51 three of this chapter or the provisions of subsection (b)
52 of this section.

53 (1) Every owner of a vehicle for which such special
54 permit is desired shall make a verified application to the
55 division for such special permit upon the appropriate
56 form or forms furnished by the division and shall bear
57 the signature of the owner written with pen and ink and
58 shall contain the character of information called for by
59 section three, article three of this chapter, a description
60 of the employment, residence, business and location of
61 such business set forth in such manner as to show the
62 temporary and recurrent or seasonal nature of such
63 residence, employment, business, profession or occupa-
64 tion, and that such vehicle is duly registered in the state
65 of residence of such owner. There shall be an application
66 for each vehicle for which a special permit is desired.

67 (2) Any special permit or plate issued by the division
68 under this section shall be effective and valid for a
69 period of sixty consecutive days from and including the
70 date of issuance and, upon similar application by the
71 owner, the commissioner may renew any such special
72 permit for immediately ensuing similar period or
73 periods of sixty days in any fiscal year. The division
74 shall charge a fee of fifty dollars for each special permit
75 issued under this section.

76 (A) A special permit shall be issued for one vehicle
77 only and no combination of two or more vehicles shall
78 be operated under fewer special permits than the
79 number of vehicles in such combination. A special
80 permit shall not be issued for any vehicle which is not
81 duly registered in the state of residence of the owner
82 thereof.

83 (B) The registration plate issued for such vehicle by
84 the state of residence of the owner shall not be displayed
85 on such vehicle while being operated over any highway
86 during any period for which a special permit shall have
87 been issued for such vehicle under this section, but there
88 shall be carried in such vehicle the certificate of
89 registration issued for such vehicle by the state of
90 residence of such owner.

91 (C) Any owner of any vehicle making application to
92 operate such vehicle upon the highways of this state

93 pursuant to the provisions of this article shall also be
94 required to comply with the provisions of chapter
95 seventeen-d of this code prior to commencing such
96 operation.

97 (3) The commissioner shall prescribe the substance,
98 form, color and context of the certificate or special
99 permit and the special permit plate, each of which shall
100 be visually distinguishable from the certificates of
101 registration and registration plates issued under article
102 three of this chapter.

103 (4) It is a misdemeanor for any person to drive or
104 move or knowingly to permit to be moved or driven upon
105 any highway any vehicle for which a special permit
106 shall have been issued under this section unless such
107 vehicle shall bear the special plate called for by the
108 certificate evidencing such special permit.

109 (5) When the employment, business, profession,
110 occupation or residence of the owner of a vehicle for
111 which such special permit shall have been issued shall
112 cease to be temporary and recurrent or seasonal, any
113 special permit issued for such vehicle pursuant to this
114 section shall immediately terminate and become void
115 and such vehicle shall thereupon become subject to
116 registration under article three of this chapter or the
117 provisions of subsection (b) of this section.

118 (6) Any special permit issued pursuant to this section
119 shall be valid and effective on and after the first day
120 of a month; that is, such special permit issued between
121 the first and fifteenth days of a month shall be effective
122 during sixty consecutive days from and including the
123 first day of the month in which the permit shall issue;
124 and a special permit issued after the fifteenth day of any
125 month shall be effective during sixty consecutive days
126 commencing with and including the first day of the
127 month next following the month in which such special
128 permit shall be issued.

129 (d) Any other provision of this section notwithstand-
130 ing any nonresident referred to in subsection (c) of this
131 section who is engaged by a public utility, as the later
132 is defined in chapter twenty-four of this code, for the

133 exclusive purpose of restoring the service of said utility
134 as a result of an emergency in which such service is
135 affected shall be permitted to operate such motor
136 vehicle, trailer, semitrailer or special mobile equipment
137 as defined in section one, article one, chapter seventeen-
138 a within this state without causing said motor vehicle,
139 trailer, semitrailer or special mobile equipment as
140 defined in section one, article one, chapter seventeen-a
141 to be registered as otherwise provided by this section
142 and article three of this chapter for the period actually
143 necessary for such restoration but not to exceed a period
144 of ten consecutive days: *Provided*, That said motor
145 vehicle, trailer, semitrailer or special mobile equipment
146 shall be registered in another state upon entry into this
147 state. The provisions of this subsection shall not affect
148 the requirements of reciprocal agreements with other
149 states accomplished pursuant to sections ten and ten-a,
150 article two of this chapter.

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

Lomer Leck

Chairman Senate Committee

Ernest C. Macie

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Narrell E. Holmes

Clerk of the Senate

Donald L. Hopp

Clerk of the House of Delegates

Kurt Buntelle

President of the Senate

Bo. Hall

Speaker of the House of Delegates

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

Gaston Caperton

Governor

PRESENTED TO THE

GOVERNOR

Date 3/19/92

Time 2:45 pm