WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1994

--- • ---

ENROLLED

Com. S.ub. for

HOUSE BILL No. 4106

(By Delegate Bennett)

--- • ---

Passed March 9, 1994

In Effect 90 Days from Passage
AN ACT to amend and reenact section ten, article four, chapter seventeen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to certificates of title for salvaged or reconstructed vehicles; surrender of certificate of title for salvaged vehicles; inspection requirements; fees; deleting the exception permitting unmarked certificates of title for certain reconstructed vehicles; and penalties.

Be it enacted by the Legislature of West Virginia:

That section ten, article four, 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 4. TRANSFERS OF TITLE OR INTEREST.

§17A-4-10. Salvage certificates for certain wrecked or damaged vehicles; fee; penalty.

1 (a) In the event a motor vehicle is determined to be a total loss or otherwise designated as “totaled” by any insurance company or insurer, and upon payment of an agreed price as a claim settlement to any insured or claimant owner for the purchase of the vehicle, the insurance company or the insurer shall receive the certificate of title and the vehicle. The insurance
company or insurer shall within ten days surrender the
certificate of title and a copy of the claim settlement to
the division of motor vehicles. The division shall issue
a "salvage certificate," on a form prescribed by the
commissioner, in the name of the insurance company or
the insurer. Such certificate shall contain on the reverse
thereof spaces for one successive assignment before a
new certificate at an additional fee is required. Upon the
sale of the vehicle the insurance company or insurer
shall endorse the assignment of ownership on the
salvage certificate and deliver it to the purchaser. The
vehicle shall not be titled or registered for operation on
the streets or highways of this state unless there is
compliance with subsection (c) of this section. In the
event a motor vehicle is determined to be damaged in
excess of seventy-five percent of its retail price as
described in the national automobile dealers association
official used car guide, a junk card will be issued in lieu
of a salvage certificate.

(b) Any owner, who scraps, compresses, dismantles or
destroys a vehicle for which a certificate of title or
salvage certificate has been issued, shall, within twenty
days, surrender the certificate of title or salvage
certificate to the division for cancellation. Any person
who purchases or acquires a vehicle as salvage or scrap,
to be dismantled, compressed or destroyed, shall within
twenty days surrender the certificate to the division.
Should a vehicle less than eight years old be determined
to be a complete loss as a result of fire, flood or a basket,
a photograph of the vehicle shall accompany the
surrendered certificate: Provided, That the term
"basket" means a vehicle which has been damaged more
than seventy-five percent of the retail price as described
in the national automobile dealers association official
used car guide. If the vehicle is to be reconstructed, the
owner must obtain a salvage certificate and comply with
the provisions of subsection (c) of this section.

(c) If the motor vehicle is a "reconstructed vehicle" as
defined in section one, article one of this chapter, it may
not be titled or registered for operation until it has been
inspected by an official state inspection station and by
a representative of the division of motor vehicles who has been designated by the commissioner as an investigator. Following an approved inspection, an application for a new certificate of title may be submitted to the division; however, the applicant shall be required to retain all receipts for component parts, equipment and materials used in the reconstruction. The salvage certificate must also be surrendered to the division before a certificate of title may be issued.

(d) The division shall charge a fee of fifteen dollars for the issuance of each salvage certificate but shall not require the payment of the five percent privilege tax. However, upon application for a certificate of title for a reconstructed vehicle, the division shall collect the five percent privilege tax on the fair market value of the vehicle as determined by the commissioner unless the applicant is otherwise exempt from the payment of such privilege tax. A wrecker/dismantler/rebuilder is exempt from the five percent privilege tax upon titling a reconstructed vehicle. The division shall collect a fee of thirty-five dollars per vehicle for inspections of reconstructed vehicles. These fees shall be deposited in a special fund created in the state treasurer's office and may be expended by the division to carry out the provisions of this article. Licensed wreckers/dismantler/rebuilders may charge a fee not to exceed twenty-five dollars for all vehicles owned by private rebuilders which are inspected at the place of business of a wrecker/dismantler/rebuilder.

(e) A certificate of title issued by the division for a reconstructed vehicle shall contain markings in bold print on the face of the title that it is for a reconstructed or salvaged vehicle.

Any person who violates the provisions of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five hundred dollars nor more than one thousand dollars, or imprisoned in the county jail for not more than one year, or both fined and imprisoned.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Ernest C. Moore
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

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 29th day of March, 1994.

Governor
PRESENTED TO THE
GOVERNOR
Date 3/25/94
Time 9:59 AM