WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 1999

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ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 2143

(By Delegate Warner)

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Passed March 13, 1999

In Effect Ninety Days from Passage
AN ACT to amend and reenact sections one, six, seven, ten and thirteen, article six, chapter seventeen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating to motor vehicle dealers; changing the definition of an established place of business with respect to motor vehicle dealers; and clarifying the criteria for issuance of a dealer license and the use of dealer special license plates.

Be it enacted by the Legislature of West Virginia:

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

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

§17A-6-1. Definitions.
(a) Unless the context in which used clearly requires a different meaning, as used in this article:

(1) "New motor vehicle dealer" means every person (other than agents and employees, if any, while acting within the scope of their authority or employment), engaged in, or held out to the public to be engaged in, the business in this state of selling five or more new motor vehicles or new and used motor vehicles in any fiscal year of a type required to be registered under the provisions of this chapter, except, for the purposes of this article only, motorcycles.

(2) "Used motor vehicle dealer" means every person (other than agents and employees, if any, while acting within the scope of their authority or employment), engaged in, or held out to the public to be engaged in, the business in this state of selling five or more used motor vehicles in any fiscal year of a type required to be registered under the provisions of this chapter, except, for the purposes of this article only, motorcycles.

(3) "House trailer dealer" means every person (other than agents and employees, if any, while acting within the scope of their authority or employment), engaged in, or held out to the public to be engaged in, the business in this state of selling new or used house trailers, or both, or new or used, or both, house trailers and trailers or new or used, or both, manufactured homes and mobile homes.

(4) "Trailer dealer" means every person (other than agents and employees, if any, while acting within the scope of their authority or employment), engaged in, or held out to the public to be engaged in, the business in this state of selling new or used trailers.

(5) "Motorcycle dealer" means every person (other than agents and employees, if any, while acting within the scope of their authority or employment), engaged in, or held out to the public to be engaged in, the business in this state of selling new or used motorcycles.

(6) "Used parts dealer" means every person (other than agents and employees, if any, while acting within the scope of
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their authority or employment), engaged in, or held out to the public to be engaged in, the business in this state of selling any used appliance, accessory, member, portion or other part of any vehicle.

(7) “Wrecker/dismantler/rebuilder” means every person (other than agents and employees, if any, while acting within the scope of their authority or employment), engaged in, or held out to the public to be engaged in, the business in this state of dealing in wrecked or damaged motor vehicles or motor vehicle parts for the purpose of selling the parts thereof or scrap therefrom or who is in the business of rebuilding salvage motor vehicles for the purpose of resale to the public.

(8) “New motor vehicles” means all motor vehicles, except motorcycles and used motor vehicles, of a type required to be registered under the provisions of this chapter.

(9) “Used motor vehicles” means all motor vehicles, except motorcycles, of a type required to be registered under the provisions of this chapter which have been sold and operated, or which have been registered or titled, in this or any other state or jurisdiction.

(10) “House trailers” means all trailers designed and used for human occupancy on a continual nonrecreational basis, but may not include fold down camping and travel trailers, mobile homes or manufactured homes.

(11) “Trailers” means all types of trailers other than house trailers, and shall include, but not be limited to, pole trailers and semitrailers but excluding recreational vehicles.

(12) “Sales instrument” means any document resulting from the sale of a vehicle, which shall include, but not be limited to, a bill of sale, invoice, conditional sales contract, chattel mortgage, chattel trust deed, security agreement or similar document.

(13) “Sell”, “sale” or “selling,” in addition to the ordinary definitions of the terms, includes offering for sale, soliciting sales of, negotiating for the sale of, displaying for sale or
advertising for sale, any vehicle, whether at retail, wholesale or
at auction. "Selling," in addition to the ordinary definition of
that term, also includes buying and exchanging.

(14) "Applicant" means any person making application for
an original or renewal license certificate under the provisions of
this article.

(15) "Licensee" means any person holding any license
certificate issued under the provisions of this article.

(16) "Predecessor" means the former owner or owners or
operator or operators of any new motor vehicle dealer business
or used motor vehicle dealer business.

(17) "Established place of business" means, in the case of
a new motor vehicle dealer, a permanent location, not a
temporary stand or other temporary quarters, owned or leased
by the licensee or applicant and actually occupied or to be
occupied by him or her, as the case may be, which is or is to be
used exclusively for the purpose of selling new motor vehicles
or new and used motor vehicles, which shall have space under
roof for the display of at least one new motor vehicle and
facilities and space therewith for the servicing and repair of at
least one motor vehicle, which servicing and repair facilities
and space is adequate and suitable to carry out servicing and to
make repairs necessary to keep and carry out all representa-
tions, warranties and agreements made or to be made by the
dealer with respect to motor vehicles sold by him or her, which
is easily accessible to the public, which conforms to all applica-
ble laws of this state and the ordinances of the municipality in
which it is located, if any, which displays thereon at least one
permanent sign, clearly visible from the principal public street
or highway nearest the location and clearly stating the business
which is or shall be conducted thereat, and which has adequate
facilities to keep, maintain and preserve records, papers and
documents necessary to carry on the business and to make the
business available to inspection by the commissioner at all
reasonable times: Provided, That each established place of
business shall have a display area which may be outside or
inside or a combination thereof of at least twelve hundred
square feet which is to be used exclusively for the display of
vehicles which are offered for sale by the dealer, office space of at least one hundred forty-four square feet and a telephone listed in the name of the dealership. Each established place of business shall be open to the public a minimum of twenty hours per week at least forty weeks per calendar year with at least ten of those hours being between the hours of nine-thirty a.m. and eight-thirty p.m., Monday through Saturday: Provided, however, That the requirement of exclusive use is met even though: (A) Some new and any used motor vehicles sold or to be sold by the dealer or sold or are to be sold at a different location or locations not meeting the definition of an established place of business of a new motor vehicle dealer, if each location is or is to be served by other facilities and space of the dealer for the servicing and repair of at least one motor vehicle, adequate and suitable as aforesaid, and each location used for the sale of some new and any used motor vehicles otherwise meets the definition of an established place of business of a used motor vehicle dealer; (B) house trailers, trailers or motorcycles are sold or are to be sold thereat, if, subject to the provisions of section five of this article, a separate license certificate is obtained for each type of vehicle business, which license certificate remains unexpired, unsuspended and unrevoked; (C) farm machinery is sold thereat; (D) accessory, gasoline and oil, or storage departments are maintained thereat, if the departments are operated for the purpose of furthering and assisting in the licensed business or businesses; and (E) the established place of business has an attached single residential rental unit with an outside separate entrance and occupied by a person or persons with no financial or operational interest in the dealership where the established place of business has space under roof for the display of at least three new motor vehicles and facilities and space therewith for the concurrent servicing and repair of at least two motor vehicles and otherwise meets the requirements set forth in this subdivision.

(18) “Farm machinery” means all machines and tools used in the production, harvesting or care of farm products.

(19) “Established place of business,” in the case of a used motor vehicle dealer, means a permanent location, not a
temporary stand or other temporary quarters, owned or leased
by the licensee or applicant and actually occupied or to be
occupied by him or her, as the case may be, which is or is to be
used exclusively for the purpose of selling used motor vehicles,
which shall have facilities and space therewith for the servicing
and repair of at least one motor vehicle, which servicing and
repair facilities and space shall be adequate and suitable to
carry out servicing and to make repairs necessary to keep and
carry out all representations, warranties and agreements made
or to be made by the dealer with respect to used motor vehicles
sold by him or her, which is easily accessible to the public,
conforms to all applicable laws of this state, and the ordinances
of the municipality in which it is located, if any, which displays
thereon at least one permanent sign, clearly visible from the
principal public street or highway nearest the location and
clearly stating the business which is or shall be conducted
thereat, and which has adequate facilities to keep, maintain and
preserve records, papers and documents necessary to carry on
the business and to make the business available to inspection by
the commissioner at all reasonable times: Provided, That each
established place of business shall have a display area which
may be outside or inside or a combination thereof of at least
twelve hundred square feet which is to be used exclusively for
the display of vehicles which are offered for sale by the dealer,
office space of at least one hundred forty-four square feet and
a telephone listed in the name of the dealership. Each estab-
lished place of business shall be open to the public a minimum
of twenty hours per week at least forty weeks per calendar year
with at least ten of those hours being between the hours of nine-
thirty a.m. and eight-thirty p.m., Monday through Saturday:
Provided, however, That if a used motor vehicle dealer has
entered into a written agreement or agreements with a person or
persons owning or operating a servicing and repair facility or
facilities adequate and suitable as aforesaid, the effect of which
agreement or agreements is to provide the servicing and repair
services and space in like manner as if the servicing and repair
facilities and space were located in or on the dealer's place of
business, then, so long as the agreement or agreements are in
effect, it is not necessary for the dealer to maintain the servicing
and repair facilities and space at the place of business in order for the place of business to be an established place of business as herein defined: Provided further, That the requirement of exclusive use is met even though: (A) House trailers, trailers or motorcycles are sold or are to be sold thereat, if, subject to the provisions of section five of this article, a separate license certificate is obtained for each type of vehicle business, which license certificate remains unexpired, unsuspended and unrevoked; (B) farm machinery is sold thereat; (C) accessory, gasoline and oil, or storage departments are maintained thereat, if the departments are operated for the purpose of furthering and assisting in the licensed business or businesses; and (D) the established place of business has an attached single residential rental unit with an outside separate entrance and occupied by a person or persons with no financial or operational interest in the dealership where the established place of business has space under roof for the display of at least three motor vehicles and facilities and space therewith for the concurrent servicing and repair of at least two motor vehicles and otherwise meets the requirements set forth herein.

(20) “Established place of business,” in the case of a house trailer dealer, trailer dealer, recreational vehicle dealer, motorcycle dealer, used parts dealer and wrecker or dismantler, means a permanent location, not a temporary stand or other temporary quarters, owned or leased by the licensee or applicant and actually occupied or to be occupied by the licensee, as the case may be, which is easily accessible to the public, which conforms to all applicable laws of this state and the ordinances of the municipality in which it is located, if any, which displays thereon at least one permanent sign, clearly visible from the principal public street or highway nearest the location and clearly stating the business which is or shall be conducted thereat, and which has adequate facilities to keep, maintain and preserve records, papers and documents necessary to carry on the business and to make the business available to inspection by the commissioner at all reasonable times.

(21) “Manufacturer” means every person engaged in the business of reconstructing, assembling or reassembling vehicles
(22) "Transporter" means every person engaged in the business of transporting vehicles to or from a manufacturing, assembling or distributing plant to dealers or sales agents of a manufacturer, or purchasers.

(23) "Recreational vehicle dealer" means every person (other than agents and employees, if any, while acting within the scope of their authority or employment), engaged in, or held out to the public to be engaged in, the business in this state of selling new or used recreational vehicles, or both.

(24) "Motorboat" means any vessel propelled by an electrical, steam, gas, diesel or other fuel propelled or driven motor, whether or not the motor is the principal source of propulsion, but does not include a vessel which has a valid marine document issued by the bureau of customs of the United States government or any federal agency successor thereto.

(25) "Motorboat trailer" means every vehicle designed for or ordinarily used for the transportation of a motorboat.

(26) "All-terrain vehicle" (ATV) means any motor vehicle designed for off-highway use and designed for operator use only with no passengers, having a seat or saddle designed to be straddled by the operator, and handlebars for steering control.

(27) "Travel trailer" means every vehicle, mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use of such size or weight as not to require special highway movement permits when towed by a motor vehicle and of gross trailer area less than four hundred square feet.

(28) "Fold down camping trailer" means every vehicle consisting of a portable unit mounted on wheels and constructed with collapsible partial sidewalls which fold for towing by another vehicle and unfold at the camp site to provide temporary living quarters for recreational, camping or travel use.
(29) "Motor home" means every vehicle, designed to provide temporary living quarters, built into an integral part of or permanently attached to a self-propelled motor vehicle, chassis or van including: (1) Type A motor home built on an incomplete truck chassis with the truck cab constructed by the second stage manufacturer; (2) Type B motor home consisting of a van-type vehicle which has been altered to provide temporary living quarters; and (3) Type C motor home built on an incomplete van or truck chassis with a cab constructed by the chassis manufacturer.

(30) "Snowmobile" means a self-propelled vehicle intended for travel primarily on snow and driven by a track or tracks in contact with the snow and steered by a ski or skis in contact with the snow.

(31) "Recreational vehicle" means a motorboat, motorboat trailer, all-terrain vehicle, travel trailer, fold down camping trailer, motor home or snowmobile.

(32) "Major component" means any one of the following subassemblies of a motor vehicle: (A) Front clip assembly consisting of fenders, grille, hood, bumper and related parts; (B) engine; (C) transmission; (D) rear clip assembly consisting of quarter panels and floor panel assembly; or (E) two or more doors.

(33) "Factory-built home" includes mobile homes, house trailers and manufactured homes.

(34) "Manufactured home" has the same meaning as the term is defined in section two, article nine, chapter twenty-one of this code which meets the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. §5401 et seq.), effective on the fifteenth day of June, one thousand nine hundred seventy-six, and the federal manufactured home construction and safety standards and regulations promulgated by the secretary of the United States department of housing and urban development.

(35) "Mobile home" means a transportable structure that is wholly, or in substantial part, made, fabricated, formed or
assembled in manufacturing facilities for installation or
assembly and installation on a building site and designed for
long-term residential use and built prior to enactment of the
federal manufactured housing construction and safety standards
institute (ANSI) — A119.1 standards for mobile homes.

(b) Under no circumstances whatever may the terms “new
motor vehicle dealer”, “used motor vehicle dealer”, “house
trailer dealer”, “trailer dealer”, “recreational vehicle dealer”,
“motorcycle dealer”, “used parts dealer” or
“wrecker/dismantler/rebuilder” be construed or applied under
this article in such a way as to include a banking institution,
insurance company, finance company, or other lending or
financial institution, or other person, the state or any agency or
political subdivision thereof, or any municipality, who or which
owns or comes in possession or ownership of, or acquires
contract rights, or security interests in or to, any vehicle or
vehicles or any part thereof and sells the vehicle or vehicles or
any part thereof for purposes other than engaging in and
holding out to the public to be engaged in the business of
selling vehicles or any part thereof.

(c) It is recognized that throughout this code the term
“trailer” or “trailers” is used to include, among other types of
trailers, house trailers. It is also recognized that throughout this
code the term “trailer” or “trailers” is seldom used to include
semitrailers or pole trailers. However, for the purposes of this
article only, the term “trailers” has the meaning ascribed to it in
subsection (a) of this section.”

§17A-6-6. Refusal or issuance of license certificate; license certifi-
cate not transferable.

(a) Upon the basis of the application and all other informa-
tion before him or her, the commissioner shall make and enter
an order denying the application for a license certificate and
refusing the license certificate sought, which denial and refusal
are final and conclusive unless an appeal is taken in accordance
with the provisions of section twenty-one of this article, if the
commissioner finds that the applicant (individually, if an
individual, or the partners, if a copartnership, or the officers and
directors, if a corporation):
(1) Has failed to furnish the required bond;

(2) Has failed to furnish the required certificate of insurance;

(3) Has knowingly made false statement of a material fact in his or her application;

(4) Has habitually defaulted on financial obligations in this state or any other state or jurisdiction;

(5) Has been convicted of a felony: Provided, That upon appeal, the motor vehicle dealers advisory board established pursuant to the provisions of section eighteen-a of this article has the authority to grant as exemption of this restriction if the felony did not involve financial matters, the motor vehicle industry or matters of moral turpitude.

(6) So far as can be ascertained, has not complied with and will not comply with the registration and title laws of this state or any other state or jurisdiction;

(7) Does not or will not have or maintain at each place of business (subject to the qualification contained in subdivision (17), subsection (a), section one of this article with respect to a new motor vehicle dealer) an established place of business as defined for the business in question in said section one;

(8) Has been convicted of any fraudulent act in connection with the business of new motor vehicle dealer, used motor vehicle dealer, house trailer dealer, trailer dealer, recreational vehicle dealer, motorcycle dealer, used parts dealer, or wrecker or dismantler in this state or any other state or jurisdiction;

(9) Has done any act or has failed or refused to perform any duty for which the license certificate sought could be suspended or revoked were it then issued and outstanding;

(10) Is not age eighteen years or older;

(11) Is delinquent in the payment of any taxes owed to the United States, the state of West Virginia or any political subdivision thereof;
(12) Has been denied a license in another state or has been the subject of license revocation or suspension in another state; or

(13) Has committed any action in another state which, if it had been committed in this state, would be grounds for denial and refusal of the application for a license certificate.

(14) Has failed to pay any civil penalty assessed by this state or any other state.

Otherwise, the commissioner shall issue to the applicant the appropriate license certificate which shall entitle the licensee to engage in the business of new motor vehicle dealer, used motor vehicle dealer, house trailer dealer, trailer dealer, recreational vehicle dealer, motorcycle dealer, used parts dealer, or wrecker or dismantler, as the case may be, during the period, unless sooner suspended or revoked, for which the license certificate is issued.

(b) A license certificate issued in accordance with the provisions of this article is not transferable.

§17A-6-7. When application to be made; expiration of license certificate; renewal.

(a) Every license certificate issued in accordance with the provisions of this article shall, unless sooner suspended or revoked, expire on June thirtieth next following the issuance thereof.

(b) A license certificate may be renewed each year in the same manner, for the same fee as prescribed in section ten of this article and upon the same basis as an original license certificate is issued under section six of this article. All applications for the renewal of any license certificate shall be filed with the commissioner at least thirty days before the expiration thereof. Any application for renewal of any license certificate not filed at least thirty days before the expiration may not be renewed except upon payment of the same fee as an original license certificate as prescribed in subsection (a), section ten of this article. The commissioner may allow the delinquent
§17A-6-10. Fee required for license certificate; dealer special plates

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

(b) The annual renewal fee required for a license certificate to engage in the business of new motor vehicle dealer is one hundred dollars. This fee shall also entitle the licensee to one dealer's special plate which shall be known as a Class D special plate. Up to two additional Class D special plates shall be issued to the licensee upon application on a form prescribed by the commissioner for such purpose and the payment of a fee of five dollars for each additional Class D special plate. Any licensee is also entitled to receive additional Class D special plates on a formula basis, that is, one additional Class D special plate per twenty new and used motor vehicles sold at retail and wholesale by the licensee or predecessor during the preceding fiscal year, upon application on a form prescribed by the commissioner for such purpose and the payment of a fee of five dollars for each additional Class D special plate: Provided, That in the case of a licensee who did not own or operate the business during the preceding fiscal year and who has no predecessor who owned or operated a business during the fiscal year, additional Class D plates shall be issued for the ensuing fiscal year only on a formula basis of one additional Class D plate per twenty new and used motor vehicles which the licensee estimates on his or her application for his or her license.
certificate he or she will sell at retail and wholesale during the ensuing fiscal year. The licensee may revise his or her estimate if actual sales of new and used motor vehicles in the initial year exceed the estimate by filing an amended application for his or her license certificate. Additional Class D plates shall be issued for the remaining portion of the fiscal year only on a formula basis of one additional Class D plate per twenty new and used vehicles in the revised estimate. A licensee may receive no more than five additional Class D special license plates upon a showing that the licensee’s new vehicle retail sale business requires more special license plates than authorized under the formula established under the provisions of this section. Such showing shall include evidence of the geographical divergence of the licensee’s customer base and the number of licensees holding similar franchises of a particular brand of a motor vehicle to show the need for additional Class D special plates.

(c) The annual renewal fee required for a license certificate to engage in the business of used motor vehicle dealer is one hundred dollars. This fee also entitles the licensee to one dealer’s special plate which shall be known as a Class D-U/C special plate. Up to two additional Class D-U/C special plates shall be issued to the licensee upon application on a form prescribed by the commissioner for such purpose and the payment of a fee of five dollars for each additional Class D-U/C special plate. Any licensee is also entitled to receive additional Class D-U/C special plates on a formula basis, that is, one additional Class D-U/C special plate per twenty used motor vehicles sold at retail and/or wholesale by the licensee or his or her predecessor during the preceding fiscal year, upon application therefor on a form prescribed by the commissioner for such purpose and the payment of a fee of five dollars for each additional Class D-U/C special plate: Provided, That in the case of a licensee who did not own or operate the business during the preceding fiscal year and who has no predecessor who owned or operated the business during the preceding fiscal year, additional Class D-U/C plates shall be issued for the ensuing fiscal year only on a formula basis of one additional Class D-U/C plate per twenty used motor vehicles which the licensee
estimates on his or her application for the license certificate he or she will sell at retail and/or wholesale during the ensuing fiscal year. The licensee may revise his or her estimate if actual sales of used motor vehicles in the ensuing fiscal year exceed the estimate by filing an amended application for his or her license certificate. Additional Class D-U/C plates shall be issued for the remaining portion of the fiscal year only on a formula basis of one additional Class D-U/C plate per twenty used vehicles in the revised estimate.

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

(e) The annual renewal fee required for a license certificate to engage in the business of recreational vehicle dealer is one hundred dollars. This fee shall also entitle the licensee to four dealer special plates which shall be known as Class D-R/V special plates. Additional Class D-R/V special plates shall be issued to any licensee upon application therefor on a form prescribed by the commissioner for such purpose on the payment of a fee of twenty-five dollars for each additional Class D-R/V special plate.

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

(g) The annual renewal fee required for a license certificate to engage in the business of wrecker/dismantler/rebuilder is
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109 fifteen dollars. Upon payment of the fee for the license certificate, a licensee is entitled to up to four special license plates which shall be known as Class WD special plates. The plates shall be issued to any licensee upon application therefor on a form prescribed by the commissioner for such purpose and the payment of a fee of twenty-five dollars for each plate. The plate issued under the provisions of this subsection shall have the words “Towing Only” affixed thereon. A wrecker/dismantler/rebuilder is entitled to one special plate known as a Class WD/Demo special plate upon payment of a twenty-five dollar fee. This plate shall only be used for demonstrating rebuilt automobiles owned by the wrecker/dismantler/rebuilder.

(h) All of the special plates provided for in this section shall be of such form and design and contain such other distinguishing marks or characteristics as the commissioner may prescribe.

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

(a) The Class D special plates and the Class D-U/C special plates authorized in this article may be used for any purpose on any motor vehicle owned by the dealer to whom issued and which is being operated with his or her knowledge and consent and not otherwise: Provided, That under no circumstances whatever may a Class D special plate or Class D-U/C special plate be used on any work or service vehicle owned by a dealer, on any vehicle owned by a dealer and offered for hire or lease, or on any vehicle which has been sold by a dealer to a customer: Provided, however, That a dealer is authorized to use a Class D or Class D-U/C special plate on no more than one courtesy vehicle per dealership: Provided, further, That a Class D licensee is authorized to use a Class D special plate on no more than one Class A type pickup truck or van which is specifically identified as a parts truck for the Class D licensee and which is used exclusively for the transportation of parts for the dealership.

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

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

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

(e) Under no circumstances whatever may a special plate
authorized under the provisions of this section be subcon-
tracted, brokered, leased or rented.

(f) Every dealer entitled to and issued a special plate or
plates under the provisions of this article shall keep a written
record of the salesman, mechanic, employee, agent, officer or
other person to whom a special plate or plates have been
assigned by the dealer. Every record shall be open to inspection
by the commissioner or his or her representatives or any law
enforcement officer.
That 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 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 ________ approved this the _______ day of ________, 1999.

Governor