

SB 355

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# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1999



## ENROLLED

COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 355

(By Senators ROSS AND SHARPE )



PASSED MARCH 9, 1999  
In Effect JULY 4, 1999 ~~Passage~~

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SENATE

## ENROLLED

COMMITTEE SUBSTITUTE

FOR

## Senate Bill No. 355

(SENATORS ROSS AND SHARPE, *original sponsors*)

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[Passed March 9, 1999; to take effect July 1, 1999.]

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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; and to amend and reenact section three, article six-b of said chapter, all relating to eliminating two special revenue accounts maintained by the division of motor vehicles; and allowing assessors to retain the entire fee for farm-use exemption certificates.

*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; and that section three, article six-b 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-3-2. Every motor vehicle, etc., subject to registration and  
certificate of title provisions; exceptions.**

1 (a) Every motor vehicle, trailer, semitrailer, pole trailer  
2 and recreational vehicle when driven or moved upon a  
3 highway is subject to the registration and certificate of  
4 title provisions of this chapter except:

5 (1) Any vehicle driven or moved upon a highway in  
6 conformance with the provisions of this chapter relating to  
7 manufacturers, transporters, dealers, lienholders or  
8 nonresidents or under a temporary registration permit  
9 issued by the division as authorized under this chapter;

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

35 (A) The exemptions contained in this section also apply  
36 to farm machinery and tractors: *Provided*, That the

37 machinery and tractors may use the highways in going  
38 from one tract of land to another tract of land regardless  
39 of whether the land is owned by the same or different  
40 persons;

41 (B) Any vehicle exempted under this subsection from the  
42 requirements of annual registration certificate and license  
43 plates and fees for the registration certificate and license  
44 plate may not use the highways between sunset and  
45 sunrise;

46 (C) Any vehicle exempted under this section from the  
47 requirements of annual registration certificate and license  
48 plates may use the highways as provided in this section  
49 whether the exempt vehicle is self-propelled, towed by  
50 another exempt vehicle or towed by another vehicle  
51 required to be registered;

52 (D) Any vehicle used as an implement of husbandry  
53 exempt under this section shall have the words "farm use"  
54 affixed to both sides of the implement in ten inch letters.  
55 Any vehicle which would be subject to registration as a  
56 Class A or B vehicle if not exempted by this section shall  
57 display a farm-use exemption certificate on the lower  
58 driver's side of the windshield:

59 (i) The farm-use exemption certificate shall be provided  
60 by the commissioner and shall be issued annually by the  
61 assessor of the applicant's county of residence. The  
62 assessor shall issue a farm-use exemption certificate to the  
63 applicant upon his or her determination pursuant to an  
64 examination of the property books or documentation  
65 provided by the applicant that the vehicle has been  
66 properly assessed as Class I personal property. The  
67 assessor shall charge a fee of two dollars for each certifi-  
68 cate, which shall be retained by the assessor;

69 (ii) A farm-use exemption certificate shall not exempt  
70 the applicant from maintaining the security required by  
71 chapter seventeen-d of this code on any vehicle being  
72 operated on the roads or highways of this state;

73 (iii) No person charged with the offense of operating a  
74 vehicle without a farm-use exemption certificate, if

75 required under this section, may be convicted of the  
76 offense if he or she produces in court, or in the office of the  
77 arresting officer, a valid farm-use exemption certificate  
78 for the vehicle in question within five days;

79 (3) Any vehicle which is propelled exclusively by electric  
80 power obtained from overhead trolley wires though not  
81 operated upon rails;

82 (4) Any vehicle of a type subject to registration which is  
83 owned by the government of the United States;

84 (5) Any wrecked or disabled vehicle towed by a licensed  
85 wrecker or dealer on the public highways of this state;

86 (6) The following recreational vehicles are exempt from  
87 the requirements of annual registration, license plates and  
88 fees, unless otherwise specified by law, but are subject to  
89 the certificate of title provisions of this chapter regardless  
90 of highway use: Motorboats, all-terrain vehicles and  
91 snowmobiles; and

92 (7) Any special mobile equipment as defined in subsec-  
93 tion (r), section one, article one of this chapter.

94 (b) Notwithstanding the provisions of subsection (a) of  
95 this section:

96 (1) Mobile homes or manufactured homes are exempt  
97 from the requirements of annual registration, license  
98 plates and fees;

99 (2) House trailers may be registered and licensed; and

100 (3) Factory-built homes are subject to the certificate of  
101 title provisions of this chapter.

**ARTICLE 6B. LICENSE SERVICES.**

**§17A-6B-3. Fee required for license certificate; special fund created.**

1 The initial application fee for a certificate to engage in  
2 the license service business is twenty-five dollars. The  
3 renewal fee for the certificate is twenty-five dollars.

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

*[Signature]*  
.....  
Chairman Senate Committee

*Joe F. Smith*  
.....  
Chairman House Committee

Originating in the Senate.

In effect July 1, 1999.

*Barrel Phillips*  
.....  
Clerk of the Senate

*Gregory M. Gray*  
.....  
Clerk of the House of Delegates

*Earl Ray Tomblin*  
.....  
President of the Senate

*[Signature]*  
.....  
Speaker House of Delegates

The within *approved* this the *3/55*  
Day of *March*, 1999  
*[Signature]*  
.....  
Governor

PRESENTED TO THE

GOVERNOR

Date

3/25/99

Time

1:45 pm