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
ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 355

(SENATORS ROSS AND SHARPE, original sponsors)

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

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.

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

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

(2) Any implement of husbandry upon which is securely attached a machine for spraying fruit trees and plants of the owner or lessee or for any other implement of husbandry which is used exclusively for agricultural or horticultural purposes on lands owned or leased by the owner of the implement and which is not operated on or over any public highway of this state for any other purpose other than for the purpose of operating it across a highway or along a highway other than an expressway as designated by the commissioner of the division of highways from one point of the owner's land to another part of the owner's land, irrespective of whether or not the tracts adjoin: Provided, That the distance between the points may not exceed twenty-five miles, or for the purpose of taking it or other fixtures attached to the implement, to and from a repair shop for repairs. The exemption in this subdivision from registration and license requirements also applies to any vehicle described in this subsection or to any farm trailer owned by the owner or lessee of the farm on which the trailer is used, when the trailer is used by the owner of the trailer for the purpose of moving farm produce and livestock from the farm along a public highway for a distance not to exceed twenty-five miles to a storage house or packing plant, when the use is a seasonal operation:

(A) The exemptions contained in this section also apply to farm machinery and tractors: Provided, That the
machinery and tractors may use the highways in going
from one tract of land to another tract of land regardless
of whether the land is owned by the same or different
persons;

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

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

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

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

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

(iii) No person charged with the offense of operating a
vehicle without a farm-use exemption certificate, if
required under this section, may be convicted of the
offense if he or she produces in court, or in the office of the
arresting officer, a valid farm-use exemption certificate
for the vehicle in question within five days;

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

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

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

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

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

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

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

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

(3) Factory-built homes are subject to the certificate of
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
the license service business is twenty-five dollars. The
renewal fee for the certificate is twenty-five dollars.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the Senate.

In effect July 1, 1999.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 365

Day of 1999

Governor