

SB 122

FILED

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

Regular Session, 2002

ENROLLED

SENATE BILL NO. 725

(By Senator Redd, et al)

PASSED March 9, 2002

In Effect 90 days from **Passage**

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Senate Bill No. 725

(BY SENATORS REDD, FACEMYER, KESSLER, MCKENZIE,
OLIVERIO, ROWE AND ROSS)

[Passed March 9, 2002; in effect ninety days from passage.]

AN ACT to amend and reenact section five, article six, chapter seventeen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend and reenact section one, article six-c, chapter seventeen-a of said code, all relating to allowing used motor vehicle dealers to purchase new motor vehicles and to sell the vehicle without first obtaining a new motor vehicle license under certain circumstances and to allowing automobile auction businesses to sell vehicles with a salvage or nonrepairable certificate.

Be it enacted by the Legislature of West Virginia:

That section five, article six, chapter seventeen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that section one, article six-c, chapter seventeen-a of said code be amended and reenacted, all to read as follows:

**ARTICLE 6. LICENSING OF DEALERS AND WRECKERS OR DIS-
MANTLERS; SPECIAL PLATES; TEMPORARY PLATES OR
MARKERS, ETC.**

§17A-6-5. License certificate exemption.

1 (a) Any new motor vehicle dealer, used motor vehicle
2 dealer, house trailer dealer, trailer dealer, recreational
3 vehicle dealer, motorcycle dealer or wrecker/
4 dismantler/rebuilder receiving a vehicle in trade of a type
5 other than that he is licensed to sell hereunder may sell
6 such vehicle without obtaining a license certificate to
7 engage in the business of selling vehicles of such type and
8 without being considered to be a dealer in vehicles of such
9 type.

10 (b) Any used motor vehicle dealer may obtain a new
11 motor vehicle from a new motor vehicle dealer licensed in
12 this state or any other state and sell the new motor vehicle
13 without first obtaining a license to engage in the business
14 of selling new motor vehicles: *Provided*, That the used
15 motor vehicle dealer first titles the new motor vehicle in
16 the name of the used motor vehicle dealer.

**§17A-6C-1. License certificate required; application form;
prohibited acts; reassignment of title; and ex-
emption from privilege tax.**

1 (a) A person, partnership or corporation may not engage
2 in, represent or advertise that he, she or it is in the busi-
3 ness of conducting automobile auctions without first
4 obtaining a license certificate from the office of the
5 commissioner. The commissioner shall provide an applica-
6 tion form for applicants seeking a license certificate. The
7 applicant shall provide full information required by the
8 commissioner on the application form. The applicant, if a
9 person, shall verify the information on the form by oath or
10 affirmation. If the applicant is a partnership or corpora-
11 tion, the oath or affirmation shall be made by a partner or
12 an officer of the corporation.

13 (b) For the purposes of this article, the term "automobile
14 auction" means an auction or other sale where twenty or

15 more used motor vehicles are offered for sale by auction
16 within a license year, but does not include a sale or auction
17 of surplus vehicles by an agency of this state, a municipal-
18 ity of this state or of the federal government or a sale or
19 auction of repossessed vehicles by a financial institution or
20 a sale or auction by a licensed motor vehicle dealer of
21 vehicles owned by said dealer.

22 (c) The automobile auction may auction or sell vehicles
23 owned by the auction or may auction vehicles which are
24 owned by others.

25 (d) When the transferee of a vehicle is an automobile
26 auction which holds the same for resale and lawfully
27 operates the same under Class AA plates, such automobile
28 auction shall not be required to obtain a new registration
29 of said vehicle or be required to forward the certificate of
30 title to the division, but upon transfer of title or interest to
31 another person the automobile auction shall execute and
32 acknowledge an assignment and warranty of title upon the
33 certificate of title and deliver the same not later than sixty
34 days from date of sale to the person to whom such transfer
35 is made.

36 (e) The tax imposed by section four, article three of this
37 chapter does not apply to the titling of vehicles purchased
38 for resale by an automobile auction.

39 (F) Notwithstanding any other provision of this article,
40 while the vehicle is in the possession and control of an
41 automobile auction business, its employees may not
42 operate or allow another to operate a vehicle with a
43 salvage or a nonrepairable motor vehicle certificate issued
44 pursuant to section ten, article four of this chapter on the
45 roads and highways of this state. In accordance with the
46 temporary plate provisions and the special dealer plate
47 provisions of this article, an automobile auction may
48 operate or allow another person to operate a vehicle on the
49 roads and highways of this state that has a cosmetic total
50 loss salvage certificate issued pursuant to section ten,
51 article four of this chapter.

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

[Signature]
.....
Chairman Senate Committee

[Signature]
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

[Signature]
.....
Clerk of the Senate

[Signature]
.....
Clerk of the House of Delegates

[Signature]
.....
President of the Senate

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

The within *is approved* this the *3rd*
Day of *April*, 2002.

[Signature]
.....
Governor

PROJECT: 10101

DATE:

3/25/02

TIME: 11:35 AM