

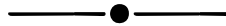
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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2003



ENROLLED

**COMMITTEE SUBSTITUTE
FOR**

House Bill No. 2190

(By Delegates Michael and Warner)



Passed March 6, 2003

In Effect Ninety Days from Passage

FILED

2003 MAR 18 P 6: 20

OFFICE WEST VIRGINIA
SECRETARY OF STATE

E N R O L L E D

COMMITTEE SUBSTITUTE

FOR

H. B. 2190

(BY DELEGATES MICHAEL AND WARNER)

[Passed March 6, 2003; in effect ninety days from passage.]

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 four, article sixteen, chapter seventeen-c of said code, all relating to exceptions to motor vehicle registration; allowing certain farm use motor vehicles with valid inspection stickers limited use of highways between sunset and sunrise; and providing for the inspection of these farm use motor vehicles.

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 four, article sixteen, chapter seventeen-c of said code, be amended and reenacted, all to read as follows:

**CHAPTER 17A. MOTOR VEHICLE ADMINISTRATION,
REGISTRATION, CERTIFICATE OF TITLE, AND
ANTITHEFT PROVISIONS.**

**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 and
2 recreational vehicle when driven or moved upon a highway is
3 subject to the registration and certificate of title provisions of
4 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 nonresidents
8 or under a temporary registration permit issued by the division
9 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 the
12 owner or lessee or for any other implement of husbandry which
13 is used exclusively for agricultural or horticultural purposes on
14 lands owned or leased by the owner of the implement and
15 which is not operated on or over any public highway of this
16 state for any other purpose other than for the purpose of
17 operating it across a highway or along a highway other than an
18 expressway as designated by the commissioner of the division
19 of highways from one point of the owner's land to another part
20 of the owner's land, irrespective of whether or not the tracts
21 adjoin: *Provided*, That the distance between the points may not
22 exceed twenty-five miles, or for the purpose of taking it or other
23 fixtures attached to the implement, to and from a repair shop for
24 repairs. The exemption in this subdivision from registration and
25 license requirements also applies to any vehicle described in

26 this subsection or to any farm trailer owned by the owner or
27 lessee of the farm on which the trailer is used, when the trailer
28 is used by the owner of the trailer for the purpose of moving
29 farm produce and livestock from the farm along a public
30 highway for a distance not to exceed twenty-five miles to a
31 storage house or packing plant, when the use is a seasonal
32 operation:

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

38 (B) Any vehicle exempted under this subsection from the
39 requirements of annual registration certificate and license plates
40 and fees for the registration certificate and license plate may not
41 use the highways between sunset and sunrise unless the vehicle
42 is classified as a Class A motor vehicle with a farm use exemp-
43 tion under the provisions of section one, article ten of this
44 chapter and has a valid and current inspection sticker as
45 required by the provisions of article sixteen, chapter seventeen-
46 c of this code and is traveling from one tract of land to another
47 over a distance of twenty-five miles or less;

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

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

58 exemption certificate on the lower driver's side of the wind-
59 shield:

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

69 (ii) A farm-use exemption certificate shall not exempt the
70 applicant from maintaining the security required by chapter
71 seventeen-d of this code on any vehicle being operated on the
72 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 required
75 under this section, may be convicted of the offense if he or she
76 produces in court, or in the office of the arresting officer, a
77 valid farm-use exemption certificate for the vehicle in question
78 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 the
87 requirements of annual registration, license plates and fees,

88 unless otherwise specified by law, but are subject to the
89 certificate of title provisions of this chapter regardless of
90 highway use: Motorboats, all-terrain vehicles and snowmobiles;
91 and

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

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

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

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

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

CHAPTER 17C. TRAFFIC REGULATIONS AND LAWS OF THE ROAD.

ARTICLE 16. INSPECTION OF VEHICLES.

§17C-16-4. Commissioner to require periodical inspection; acceptance of certificate of inspection from another state; suspension of registration of unsafe vehicles.

1 (a) The commissioner of motor vehicles shall once each
2 year require that every motor vehicle, trailer, semitrailer, and
3 pole trailer registered in this state be inspected and that an
4 official certificate of inspection and approval be obtained for
5 each such vehicle.

6 Such inspections shall be made and such certificates
7 obtained with respect to the mechanism, brakes, and equipment

8 of every such vehicle as shall be designated by the commissioner.

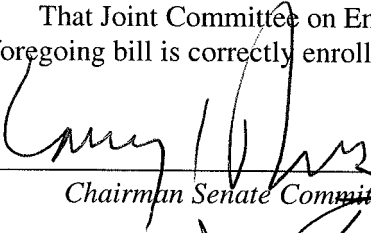
9 The commissioner is hereby authorized to make necessary
10 rules and regulations for the administration and enforcement of
11 this section and to designate any period or periods of time
12 during which owners of any vehicles, subject to this section,
13 shall display upon such vehicles certificates of inspection and
14 approval or shall produce the same upon demand of any officer
15 or employee of the department designated by the commissioner
16 or any police or peace officer when authorized by the commis-
17 sioner.

18 (b) The commissioner may authorize the acceptance in this
19 state of a certificate of inspection and approval issued in
20 another state having an inspection law similar to this chapter
21 and may extend the time within which a certificate shall be
22 obtained by the resident owner of a vehicle which was not in
23 this state during the time an inspection was required.

24 (c) The commissioner may suspend the registration of any
25 vehicle which he determines is in such unsafe condition as to
26 constitute a menace to safety or which after notice and demand
27 is not equipped as required in this chapter or for which a
28 required certificate has not been obtained.

29 (d) If requested by the owner thereof, the commissioner
30 shall also cause to be inspected a Class A, farm use, motor
31 vehicle exempt from annual registration certificate and licens-
32 ing as provided in section two, article three, chapter seventeen-a
33 of this code. If the class A farm use motor vehicle passes the
34 inspection, the commissioner shall cause to be issued a certifi-
35 cate of inspection for that vehicle.

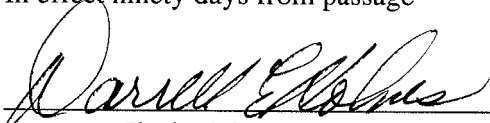
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


Chairman Senate Committee

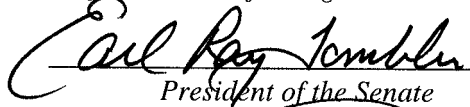

Chairman House Committee

Originating in the House.

In effect ninety days from passage

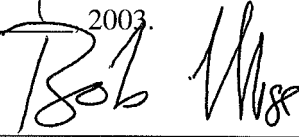

Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

The within is approved this the 18th
day of March 2003.


Governor

PRESENTED TO THE
GOVERNOR

Date 3/14/03

Time 11:05am