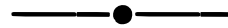


HB 4524

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WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2010



ENROLLED

House Bill No. 4524

(By Delegates Martin, Kominar,
Reynolds, D. Walker and Morgan)



Passed March 13, 2010

In Effect Ninety Days From Passage

ENROLLED

H. B. 4524

2010 MAR 25 PM 3:41

OFFICE OF THE
SECRETARY OF STATE

(BY DELEGATES MARTIN, KOMINAR,
REYNOLDS, D. WALKER AND MORGAN)

[Passed March 13, 2010; in effect ninety days from passage.]

AN ACT to amend and reenact §17A-1-1 of the Code of West Virginia, 1931, as amended; to amend and reenact §17A-6-1 of said code; and to amend and reenact §17F-1-9 of said code, all relating to a revision of the definition of “all-terrain vehicle”; the inclusion of a definition for utility terrain vehicle and authorizing the same restrictions and conditions on the use of utility-terrain vehicles as on all-terrain vehicles.

Be it enacted by the Legislature of West Virginia:

That §17A-1-1 of the Code of West Virginia, 1931, as amended, be amended and reenacted; that §17A-6-1 of said code be amended and reenacted; and that §17F-1-9 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 1. WORDS AND PHRASES DEFINED.

§17A-1-1. Definitions.

1 Except as otherwise provided in this chapter, the
2 following words and phrases, when used in this chapter, shall
3 have the meanings respectively ascribed to them in this
4 article:

5 (a) "Vehicle" means every device in, upon or by which
6 any person or property is or may be transported or drawn
7 upon a highway, excepting devices moved by human power
8 or used exclusively upon stationary rails or tracks.

9 (b) "Motor vehicle" means every vehicle which is self-
10 propelled and every vehicle which is propelled by electric
11 power obtained from overhead trolley wires, but not operated
12 upon rails.

13 (c) "Motorcycle" means every motor vehicle, including
14 motor-driven cycles and mopeds as defined in sections five
15 and five-a, article one, chapter seventeen-c of this code,
16 having a saddle for the use of the rider and designed to travel
17 on not more than three wheels in contact with the ground, but
18 excluding a tractor.

19 (d) "School bus" means every motor vehicle owned by a
20 public governmental agency and operated for the
21 transportation of children to or from school or privately
22 owned and operated for compensation for the transportation
23 of children to or from school.

24 (e) "Bus" means every motor vehicle designed to carry
25 more than seven passengers and used to transport persons;
26 and every motor vehicle, other than a taxicab, designed and
27 used to transport persons for compensation.

28 (f) "Truck tractor" means every motor vehicle designed
29 used primarily for drawing other vehicles and not so
30 constructed as to carry a load other than a part of the weight
of the vehicle and load so drawn.

32 (g) "Farm tractor" means every motor vehicle designed
33 and used primarily as a farm implement for drawing plows,
34 mowing machines and other implements of husbandry.

35 (h) "Road tractor" means every motor vehicle designed,
36 used or maintained for drawing other vehicles and not so
37 constructed as to carry any load thereon either independently
38 or any part of the weight of a vehicle or load so drawn.

39 (i) "Truck" means every motor vehicle designed, used or
40 maintained primarily for the transportation of property.

41 (j) "Trailer" means every vehicle with or without motive
42 power designed for carrying persons or property and for
43 being drawn by a motor vehicle and so constructed that no
44 part of its weight rests upon the towing vehicle, but excluding
45 recreational vehicles.

46 (k) "Semitrailer" means every vehicle with or without
47 motive power designed for carrying persons or property and
48 for being drawn by a motor vehicle and so constructed that
49 some part of its weight and that of its load rests upon or is
50 carried by another vehicle.

51 (l) "Pole trailer" means every vehicle without motive
52 power designed to be drawn by another vehicle and attached
53 to the towing vehicle by means of a reach, or pole, or by
54 being boomed or otherwise secured to the towing vehicle and
55 ordinarily used for transporting long or irregularly shaped
56 loads such as poles, pipes or structural members capable,
57 generally, of sustaining themselves as beams between the
58 supporting connections.

59 (m) "Specially constructed vehicles" means every vehicle
60 of a type required to be registered hereunder not originally
61 constructed under a distinctive name, make, model or type by

62 a generally recognized manufacturer of vehicles and not
63 materially altered from its original construction.

64 (n) "Reconstructed vehicle" means every vehicle of a
65 type required to be registered hereunder materially altered
66 from its original construction by the removal, addition or
67 substitution of essential parts, new or used.

68 (o) "Essential parts" means all integral and body parts of
69 a vehicle of a type required to be registered hereunder, the
70 removal, alteration or substitution of which would tend to
71 conceal the identity of the vehicle or substantially alter its
72 appearance, model, type or mode of operation.

73 (p) "Foreign vehicle" means every vehicle of a type
74 required to be registered hereunder brought into this state
75 from another state, territory or country other than in the
76 ordinary course of business by or through a manufacturer or
77 dealer and not registered in this state.

78 (q) "Implement of husbandry" means every vehicle
79 which is designed for or adapted to agricultural purposes and
80 used by the owner thereof primarily in the conduct of his or
81 her agricultural operations, including, but not limited to,
82 trucks used for spraying trees and plants: *Provided*, That the
83 vehicle may not be let for hire at any time.

84 (r) "Special mobile equipment" means every self-
85 propelled vehicle not designed or used primarily for the
86 transportation of persons or property and incidentally
87 operated or moved over the highways, including, without
88 limitation, road construction or maintenance machinery,
89 ditch-digging apparatus, stone crushers, air compressors,
power shovels, graders, rollers, well-drillers, wood-sawing
equipment, asphalt spreaders, bituminous mixers, bucket
loaders, ditchers, leveling graders, finishing machines, motor

93 graders, road rollers, scarifiers, earth-moving carryalls,
94 scrapers, drag lines, rock-drilling equipment and earth-
95 moving equipment. The foregoing enumeration shall be
96 deemed partial and may not operate to exclude other such
97 vehicles which are within the general terms of this
98 subdivision.

99 (s) "Pneumatic tire" means every tire in which
100 compressed air is designed to support the load.

101 (t) "Solid tire" means every tire of rubber or other
102 resilient material which does not depend upon compressed air
103 for the support of the load.

104 (u) "Metal tire" means every tire the surface of which in
105 contact with the highway is wholly or partly of metal or other
106 hard, nonresilient material.

107 (v) "Commissioner" means the Commissioner of Motor
108 Vehicles of this state.

109 (w) "Division" means the Division of Motor Vehicles of
110 this state acting directly or through its duly authorized
111 officers and agents.

112 (x) "Person" means every natural person, firm,
113 copartnership, association or corporation.

114 (y) "Owner" means a person who holds the legal title to
115 a vehicle, or in the event a vehicle is the subject of an
116 agreement for the conditional sale or lease thereof with the
117 right of purchase upon performance of the conditions stated
118 in the agreement and with an immediate right of possession
119 vested in the conditional vendee or lessee, or in the event a
120 mortgagor of a vehicle is entitled to possession, then the
121 conditional vendee or lessee or mortgagor shall be deemed
122 the owner for the purpose of this chapter.

123 (z) “Nonresident” means every person who is not a
124 resident of this state.

125 (aa) “Dealer” or “dealers” is a general term meaning,
126 depending upon the context in which used, either a new
127 motor vehicle dealer, used motor vehicle dealer, factory-built
128 home dealer, recreational vehicle dealer, trailer dealer or
129 motorcycle dealer, as defined in section one, article six of this
130 chapter, or all of the dealers or a combination thereof and, in
131 some instances, a new motor vehicle dealer or dealers in
132 another state.

133 (bb) “Registered dealer” or “registered dealers” is a
134 general term meaning, depending upon the context in which
135 used, either a new motor vehicle dealer, used motor vehicle
136 dealer, house trailer dealer, trailer dealer, recreational vehicle
137 dealer or motorcycle dealer, or all of the dealers or a
138 combination thereof, licensed under the provisions of article
139 six of this chapter.

140 (cc) “Licensed dealer” or “licensed dealers” is a general
141 term meaning, depending upon the context in which used,
142 either a new motor vehicle dealer, used motor vehicle dealer,
143 house trailer dealer, trailer dealer, recreational vehicle dealer
144 or motorcycle dealer, or all of the dealers or a combination
145 thereof, licensed under the provisions of article six of this
146 chapter.

147 (dd) “Transporter” means every person engaged in the
148 business of delivering vehicles of a type required to be
149 registered hereunder from a manufacturing, assembling or
150 distributing plant to dealers or sales agents of a manufacturer.

 (ee) “Manufacturer” means every person engaged in the
business of constructing or assembling vehicles of a type
required to be registered hereunder at a place of business in

154 this state which is actually occupied either continuously or at
155 regular periods by the manufacturer where his or her books
156 and records are kept and a large share of his or her business
157 is transacted.

158 (ff) "Street" or "highway" means the entire width
159 between boundary lines of every way publicly maintained
160 when any part thereof is open to the use of the public for
161 purposes of vehicular travel.

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

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

171 (ii) "All-terrain vehicle" (ATV) means any motor vehicle
172 designed for off-highway use and designed to travel on not
173 less than three low-pressure tires, having a seat or saddle
174 designed to be straddled by the operator and handlebars for
175 steering control and intended by the manufacturer to be used
176 by a single operator or by an operator and no more than one
177 passenger.

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

184 (kk) "Fold down camping trailer" means every vehicle
185 consisting of a portable unit mounted on wheels and
186 constructed with collapsible partial sidewalls which fold for
187 towing by another vehicle and unfold at the camp site to
188 provide temporary living quarters for recreational, camping
189 or travel use.

190 (ll) "Motor home" means every vehicle, designed to
191 provide temporary living quarters, built into an integral part
192 of or permanently attached to a self-propelled motor vehicle,
193 chassis or van including: (1) Type A motor home built on an
194 incomplete truck chassis with the truck cab constructed by
195 the second stage manufacturer; (2) Type B motor home
196 consisting of a van-type vehicle which has been altered to
197 provide temporary living quarters; and (3) Type C motor
198 home built on an incomplete van or truck chassis with a cab
199 constructed by the chassis manufacturer.

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

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

207 (oo) "Mobile equipment" means every self-propelled
208 vehicle not designed or used primarily for the transportation
209 of persons or property over the highway but which may
210 infrequently or incidentally travel over the highways among
211 job sites, equipment storage sites or repair sites, including
212 farm equipment, implements of husbandry, well-drillers,
213 cranes and wood-sawing equipment.

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

216 (qq) “Manufactured home” has the same meaning as the
217 term is defined in section two, article nine, chapter twenty-
218 one of this code which meets the federal Manufactured
219 Housing Construction and Safety Standards Act of 1974 (42
220 U.S.C. §5401, *et seq.*), effective on June 15, 1976, and the
221 federal manufactured home construction and safety standards
222 and regulations promulgated by the secretary of the United
223 States department of housing and urban development.

224 (rr) “Mobile home” means a transportable structure that
225 is wholly, or in substantial part, made, fabricated, formed or
226 assembled in manufacturing facilities for installation or
227 assembly and installation on a building site and designed for
228 long-term residential use and built prior to enactment of the
229 federal Manufactured Housing Construction and Safety
230 Standards Act of 1974 (42 U.S.C. §5401, *et seq.*), effective
231 on June 15, 1976, and usually built to the voluntary industry
232 standard of the American National Standards Institute (ANSI)
233 -- A119.1 standards for mobile homes.

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

238 (tt) “Parking enforcement vehicle” means a motor vehicle
239 which does not fit into any other classification of vehicle in
240 this chapter, has three or four wheels and is designed for use
241 in an incorporated municipality by a city, county, state or
242 other governmental entity primarily for parking enforcement
243 or other governmental purposes with an operator area with
244 sides permanently enclosed with rigid construction and a top
245 which may be convertible, sealed beam headlights, turn
246 signals, brake lights, horn, at least one rear view mirror on
247 each side and such other equipment that will enable it to pass
248 a standard motorcycle vehicle inspection.

249 (uu) “Low-speed vehicle” means a four-wheeled motor
250 vehicle whose attainable speed in one mile on a paved level
251 surface is more than twenty miles per hour but not more than
252 twenty-five miles per hour.

253 (vv) “Utility terrain vehicle” means any motor vehicle
254 with four or more low-pressure tires designed for off-
255 highway use having bench or bucket seating for each
256 occupant and a steering wheel for control.

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

§17A-6-1. Definitions.

1 (a) Unless the context in which used clearly requires a
2 different meaning, as used in this article:

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

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

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

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

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

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

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

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

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

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

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

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

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

5 “Applicant” means any person making application
for original or renewal license certificate under the
provisions of this article.

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

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

84 (17) "Established place of business" means, in the case of
85 a new motor vehicle dealer, a permanent location, not a
86 temporary stand or other temporary quarters, owned or leased
87 by the licensee or applicant and actually occupied or to be
88 occupied by him or her, as the case may be, which is or is to
89 be used exclusively for the purpose of selling new motor
90 vehicles or new and used motor vehicles, which shall have
91 space under roof for the display of at least one new motor
92 vehicle and facilities and space therewith for the servicing
93 and repair of at least one motor vehicle, which servicing and
94 repair facilities and space is adequate and suitable to carry
95 out servicing and to make repairs necessary to keep and carry
96 out all representations, warranties and agreements made or to
97 be made by the dealer with respect to motor vehicles sold by
98 him or her, which is easily accessible to the public, which
99 conforms to all applicable laws of this state and the
100 ordinances of the municipality in which it is located, if any,
101 which displays thereon at least one permanent sign, clearly
102 visible from the principal public street or highway nearest the
103 location and clearly stating the business which is or shall be
104 conducted thereat, and which has adequate facilities to keep,
105 maintain and preserve records, papers and documents
106 necessary to carry on the business and to make the business
107 available to inspection by the commissioner at all reasonable
108 times: *Provided*, That each established place of business shall
109 have a display area which may be outside or inside or a
110 combination thereof of at least twelve hundred square feet
111 which is to be used exclusively for the display of vehicles
112 which are offered for sale by the dealer, office space

113 least one hundred forty-four square feet and a telephone
114 listed in the name of the dealership. Each established place
115 of business shall be open to the public a minimum of twenty
116 hours per week at least forty weeks per calendar year with at
117 least ten of those hours being between the hours of nine thirty
118 a.m. and eight thirty p.m., Monday through Saturday:
119 *Provided, however,* That the requirement of exclusive use is
120 met even though: (A) Some new and any used motor
121 vehicles sold or to be sold by the dealer or sold or are to be
122 sold at a different location or locations not meeting the
123 definition of an established place of business of a new motor
124 vehicle dealer, if each location is or is to be served by other
125 facilities and space of the dealer for the servicing and repair
126 of at least one motor vehicle, adequate and suitable as
127 aforesaid, and each location used for the sale of some new
128 and any used motor vehicles otherwise meets the definition
129 of an established place of business of a used motor vehicle
130 dealer; (B) house trailers, trailers or motorcycles are sold or
131 are to be sold thereat, if, subject to the provisions of section
132 five of this article, a separate license certificate is obtained
133 for each type of vehicle business, which license certificate
134 remains unexpired, unsuspended and unrevoked; (C) farm
135 machinery is sold thereat; (D) accessory, gasoline and oil, or
136 storage departments are maintained thereat, if the
137 departments are operated for the purpose of furthering and
138 assisting in the licensed business or businesses; and (E) the
139 established place of business has an attached single
140 residential rental unit with an outside separate entrance and
141 occupied by a person or persons with no financial or
142 or personal interest in the dealership where the established
143 place of business has space under roof for the display of at
144 least one new motor vehicle and facilities and space
145 thereat for the concurrent servicing and repair of at least
146 two motor vehicles and otherwise meets the requirements set
147 forth in this subdivision.

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

150 (19) "Established place of business," in the case of a used
151 motor vehicle dealer, means a permanent location, not a
152 temporary stand or other temporary quarters, owned or leased
153 by the licensee or applicant and actually occupied or to be
154 occupied by him or her, as the case may be, which is or is to
155 be used exclusively for the purpose of selling used motor
156 vehicles, which shall have facilities and space therewith for
157 the servicing and repair of at least one motor vehicle, which
158 servicing and repair facilities and space shall be adequate and
159 suitable to carry out servicing and to make repairs necessary
160 to keep and carry out all representations, warranties and
161 agreements made or to be made by the dealer with respect to
162 used motor vehicles sold by him or her, which is easily
163 accessible to the public, conforms to all applicable laws of
164 this state, and the ordinances of the municipality in which it
165 is located, if any, which displays thereon at least one
166 permanent sign, clearly visible from the principal public
167 street or highway nearest the location and clearly stating the
168 business which is or shall be conducted thereat, and which
169 has adequate facilities to keep, maintain and preserve records,
170 papers and documents necessary to carry on the business and
171 to make the business available to inspection by the
172 commissioner at all reasonable times: *Provided*, That each
173 established place of business shall have a display area which
174 may be outside or inside or a combination thereof of at least
175 twelve hundred square feet which is to be used exclusively
176 for the display of vehicles which are offered for sale by the
177 dealer, office space of at least one hundred forty-four square
178 feet and a telephone listed in the name of the dealership.
179 Each established place of business shall be open to the public
180 a minimum of twenty hours per week at least forty weeks per
181 calendar year with at least ten of those hours being between
182 the hours of nine thirty a.m. and eight thirty p.m., Monday

183 through Saturday: *Provided, however,* That if a used motor
184 vehicle dealer has entered into a written agreement or
185 agreements with a person or persons owning or operating a
186 servicing and repair facility or facilities adequate and suitable
187 as aforesaid, the effect of which agreement or agreements is
188 to provide the servicing and repair services and space in like
189 manner as if the servicing and repair facilities and space were
190 located in or on the dealer's place of business, then, so long
191 as the agreement or agreements are in effect, it is not
192 necessary for the dealer to maintain the servicing and repair
193 facilities and space at the place of business in order for the
194 place of business to be an established place of business as
195 herein defined: *Provided further,* That the requirement of
196 exclusive use is met even though: (A) House trailers, trailers
197 or motorcycles are sold or are to be sold thereat, if, subject to
198 the provisions of section five of this article, a separate license
199 certificate is obtained for each type of vehicle business,
200 which license certificate remains unexpired, unsuspended and
201 unrevoked; (B) farm machinery is sold thereat; (C) accessory,
202 gasoline and oil, or storage departments are maintained
203 thereat, if the departments are operated for the purpose of
204 furthering and assisting in the licensed business or
205 businesses; and (D) the established place of business has an
206 attached single residential rental unit with an outside separate
207 entrance and occupied by a person or persons with no
208 financial or operational interest in the dealership where the
209 established place of business has space under roof for the
210 display of at least three motor vehicles and facilities and
211 space therewith for the concurrent servicing and repair of at
212 least two motor vehicles and otherwise meets the
213 requirements set forth herein.

21 20) "Established place of business," in the case of a
215 trailer dealer, trailer dealer-recreational vehicle dealer,
16 vehicle dealer, used passenger vehicle dealer and wholesaler or
17 repair shop, means a permanent location, not a temporary

218 stand or other temporary quarters, owned or leased by the
219 licensee or applicant and actually occupied or to be occupied
220 by the licensee, as the case may be, which is easily accessible
221 to the public, which conforms to all applicable laws of this
222 state and the ordinances of the municipality in which it is
223 located, if any, which displays thereon at least one permanent
224 sign, clearly visible from the principal public street or
225 highway nearest the location and clearly stating the business
226 which is or shall be conducted thereat, and which has
227 adequate facilities to keep, maintain and preserve records,
228 papers and documents necessary to carry on the business and
229 to make the business available to inspection by the
230 commissioner at all reasonable times.

231 (21) “Manufacturer” means every person engaged in the
232 business of reconstructing, assembling or reassembling
233 vehicles with a special type body required by the purchaser
234 if the vehicle is subject to the title and registration provisions
235 of this code.

236 (22) “Transporter” means every person engaged in the
237 business of transporting vehicles to or from a manufacturing,
238 assembling or distributing plant to dealers or sales agents of
239 a manufacturer, or purchasers.

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

245 (24) “Motorboat” means any vessel propelled by an
246 electrical, steam, gas, diesel or other fuel propelled or driven
247 motor, whether or not the motor is the principal source of
248 propulsion, but does not include a vessel which has a valid
249 marine document issued by the bureau of customs of the

250 United States government or any federal agency successor
251 thereto.

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

254 (26) "All-terrain vehicle" (ATV) means any motor
255 vehicle designed for off-highway use and designed to travel
256 on not less than three low-pressure tires and designed for
257 operator use only with no passengers, having a seat or saddle
258 designed to be straddled by the operator, and handlebars for
259 steering control and intended by the manufacturer to be used
260 by a single operator or by an operator and no more than one
261 passenger.

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

268 (28) "Fold down camping trailer" means every vehicle
269 consisting of a portable unit mounted on wheels and
270 constructed with collapsible partial sidewalls which fold for
271 towing by another vehicle and unfold at the camp site to
272 provide temporary living quarters for recreational, camping
273 or travel use.

274 (29) "Motor home" means every vehicle, designed to
275 provide temporary living quarters, built into an integral part
276 of or permanently attached to a self-propelled motor vehicle,
277 chassis or van including: (1) Type A motor home built on an
278 complete truck chassis with the truck cab constructed by
279 a second stage manufacturer; (2) Type B motor home
280 consisting of a van-trailer vehicle which has been altered to

281 provide temporary living quarters; and (3) Type C motor
282 home built on an incomplete van or truck chassis with a cab
283 constructed by the chassis manufacturer.

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

288 (31) “Recreational vehicle” means a motorboat,
289 motorboat trailer, all-terrain vehicle, travel trailer, fold down
290 camping trailer, motor home, snowmobile or utility-terrain
291 vehicle.

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

298 (33) “Factory-built home” includes mobile homes, house
299 trailers and manufactured homes.

300 (34) “Manufactured home” has the same meaning as the
301 term is defined in section two, article nine, chapter twenty-
302 one of this code which meets the National Manufactured
303 Housing Construction and Safety Standards Act of 1974 (42
304 U.S.C. §5401 et seq.), effective on June 15, 1976, and the
305 federal manufactured home construction and safety standards
306 and regulations promulgated by the secretary of the United
307 States department of housing and urban development.

308 (35) “Mobile home” means a transportable structure that
309 is wholly, or in substantial part, made, fabricated, formed or
310 assembled in manufacturing facilities for installation or

311 assembly and installation on a building site and designed for
312 long-term residential use and built prior to enactment of the
313 federal manufactured housing construction and safety
314 standards institute (ANSI) -- A119.1 standards for mobile
315 homes.

316 (36) "Utility terrain vehicle" means any motor vehicle
317 with four or more low-pressure tires designed for off-
318 highway use having bench or bucket seating for each
319 occupant and a steering wheel for control.

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

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

CHAPTER 17F. ALL-TERRAIN VEHICLES.

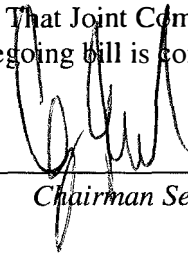
ARTICLE 1. REGULATION OF ALL-TERRAIN VEHICLES.**§17F-1-9. Definition of all-terrain and utility terrain vehicle.**

1 (a) As used in this chapter, “all-terrain vehicle” or
2 “ATV” shall mean any motor vehicle, designed for off-
3 highway use and designed to travel on not less than three
4 low-pressure tires, having a seat or saddle designed to be
5 straddled by the operator and handlebars for steering control
6 and intended by the manufacturer to be used by a single
7 operator or by an operator and no more than one passenger.

8 (b) “Utility terrain vehicle” shall mean any motor vehicle
9 with four or more low-pressure tires designed for off-
10 highway use having bench or bucket seating for each
11 occupant and a steering wheel for control.

12 (c) As used in this article, all-terrain vehicles shall mean
13 all-terrain vehicles and utility-terrain vehicles.

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




Chairman Senate Committee



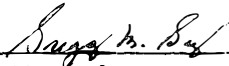
Chairman House Committee

Originating in the House.

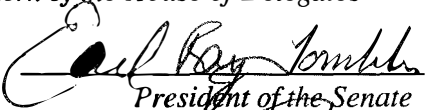
In effect ninety days from passage.



Clerk of the Senate



Clerk of the House of Delegates

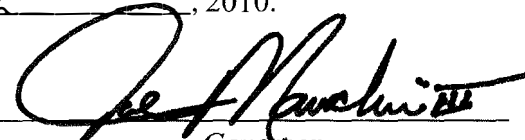


President of the Senate



Speaker of the House of Delegates

The within is approved this the 25th
day of March, 2010.



Governor

PRESENTED TO THE
GOVERNOR

MAR 22 2010

Time 3:40p