

SB 448

**WEST VIRGINIA LEGISLATURE**  
**EIGHTY-FIRST LEGISLATURE**  
**REGULAR SESSION, 2013**



**ENROLLED**  
COMMITTEE SUBSTITUTE  
FOR  
COMMITTEE SUBSTITUTE  
FOR

2013 APR 19 PM 12:50  
SENATE OF WEST VIRGINIA  
FILED

**Senate Bill No. 448**

(By SENATORS BEACH, PLYMALE, FITZSIMMONS AND WILLIAMS,  
*ORIGINAL SPONSORS*)

[PASSED APRIL 4, 2013; IN EFFECT NINETY DAYS FROM PASSAGE.]

FILED

2013 APR 19 PM 12: 51

**ENROLLED**  
**COMMITTEE SUBSTITUTE**  
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**FOR**

WEST VIRGINIA  
SECRETARY OF STATE

**Senate Bill No. 448**

**(SENATORS BEACH, PLYMALE, FITZSIMMONS AND WILLIAMS,  
*original sponsors*)**

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**[Passed April 4, 2013; in effect ninety days from passage.]**

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**AN ACT to amend and reenact §17A-6-10c of the Code of West Virginia, 1931, as amended, relating to authorizing the commissioner to issue no more than ten additional special demonstration plates, upon a showing of need, to new and used motor vehicle dealers engaged in the business of selling trailers, truck-tractors, road-tractors or trucks and that demonstrate the motor vehicles under actual work conditions to potential purchasers; and setting fee amount for additional plates.**

***Be it enacted by the Legislature of West Virginia:***

**That §17A-6-10c of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:**

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

**PART III. FEES AND DEALER SPECIAL PLATES  
GENERALLY.**

**§17A-6-10c. Special demonstration plates for dealers in trailers, truck-tractors, road-tractors and trucks; application; fee.**

1           (a) Notwithstanding any other provisions of this code, a  
2 new motor vehicle dealer or used motor vehicle dealer  
3 engaged in the business of selling trailers, truck-tractors,  
4 road-tractors or trucks that demonstrates the motor vehicles  
5 under actual work conditions to potential purchasers shall  
6 obtain a special demonstration plate from the Division of  
7 Motor Vehicles. The motor vehicle dealer may obtain special  
8 demonstration plates without first titling or registering each  
9 vehicle.

10           (b) The commissioner shall prescribe the application form  
11 for these special demonstration plates and shall require the  
12 applicant to submit proof of the applicant's status as a bona  
13 fide dealer in motor vehicles and to certify that the applicant  
14 needs special demonstration plates in the ordinary course of  
15 business.

16           The commissioner, upon approving an application, shall  
17 issue to the new motor vehicle dealer or used motor vehicle  
18 dealer up to four special demonstration plates which display  
19 the term "demonstration" or "demo" and a distinguishing  
20 number assigned to the motor vehicle dealer. The  
21 commissioner may issue no more than ten additional special  
22 demonstration plates to a licensee upon a showing that the  
23 licensee has sales or potential sales justifying additional  
24 plates. This showing may include, but is not limited to, the  
25 dealer's on-site inventory of the applicable type of vehicles,  
26 previous sales of applicable vehicles or the geographical  
27 divergence of the dealer's customer base.

28 (c) The annual fee for special demonstration plates is  
29 \$100 for the first plate and \$50 for each additional special  
30 demonstration plate that is issued, not to exceed a total of  
31 fourteen plates per dealer.

32 (d) Each motor vehicle dealer who is issued special  
33 demonstration plates shall keep a written record, on a form  
34 approved by the commissioner and open to inspection by a  
35 police officer or employee of the division, containing the  
36 following information:

37 (1) Identification of the motor vehicles upon which the  
38 special demonstration plates are used;

39 (2) The times and dates during which each special  
40 demonstration plate is used;

41 (3) The name and address of the company or individual  
42 using a motor vehicle on which a special demonstration plate  
43 is used; and

44 (4) Other information considered necessary by the  
45 commissioner.

46 (e) Each motor vehicle operated under the provisions of  
47 this section is considered to be registered at the maximum  
48 vehicle weights allowable under article seventeen, chapter  
49 seventeen-c of this code.

50 (f) A motor vehicle dealer shall not:

51 (1) Use a special demonstration plate issued under the  
52 provisions of this section on a motor vehicle which is not  
53 being demonstrated;

54 (2) Use a special demonstration plate to demonstrate a  
55 single motor vehicle for more than seven calendar days in a  
56 calendar year for a single customer;

57           (3) Use a special demonstration plate on a motor vehicle  
58 leased or rented to a customer; or

59           (4) Use a special demonstration plate in any way other  
60 than to demonstrate the on-the-job capabilities of a motor  
61 vehicle to a potential purchaser.

62           (g) The motor vehicle dealer is required to furnish a  
63 certificate of insurance in the amount required by regulations  
64 of the West Virginia Public Service Commission or the  
65 United States Department of Transportation for the class of  
66 motor carrier for which the motor vehicle is to be  
67 demonstrated.

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 of the House of Delegates

The within *is approved* ..... this the *19<sup>th</sup>*  
Day of *April* ....., 2013.

*[Signature]*  
.....  
Governor

**PRESENTED TO THE GOVERNOR**

**APR 15 2013**

Time 4:05 pm