

# WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

ENROLLED

House Bill 2310

BY DELEGATE HOWELL

[Passed March 3, 2023; in effect ninety days from passage.]

FILED

2023 MAR 29 P 1:07

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

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1 AN ACT to amend and reenact §17A-3-2 of the Code of West Virginia, 1931, as amended; to  
2 amend said code by adding thereto a new section, designated §17A-3-2a; to amend and  
3 reenact §17A-6-10d of said code; to amend and reenact §17A-10-3a of said code; and to  
4 amend and reenact §17C-16-4, §17C-16-5, and §17C-16-6 of said code, all relating to  
5 motor vehicles; changing the interval of annual mandatory vehicle inspections to  
6 inspections every two years; doubling the charge for inspection stickers; increasing the  
7 maximum fee for an inspection to \$19 to account for inflation; providing an internal  
8 effective date; defining a term; exempting nonresident vehicles from registration  
9 requirement; allowing for optional nonresident vehicle registration and issuance of  
10 registration plates if applicable fees are paid; clarifying that nonresident vehicles are not  
11 subject to personal property taxes or vehicle inspection requirement; authorizing  
12 rulemaking by the Division of Motor Vehicles concerning nonresident vehicles; modifying  
13 definition and permissible uses of antique motor vehicles; authorizing the Division of Motor  
14 Vehicles to create an antique fleet plate program for owners with five or more antique  
15 motor vehicles; specifying requirements, validity period of registration, annual registration  
16 fee, and fee for temporary digital registration card for antique fleet plate program; and  
17 authorizing convenience fee for electronic submission of applications for temporary digital  
18 registration cards.

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

## **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 recreational vehicle when  
2 driven or moved upon a highway is subject to the registration and certificate of title provisions of  
3 this chapter except:

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

7 (2) Any implement of husbandry upon which is securely attached a machine for spraying  
8 fruit trees and plants of the owner or lessee or for any other implement of husbandry which is  
9 used exclusively for agricultural or horticultural purposes on lands owned or leased by the owner  
10 of the implement and which is not operated on or over any public highway of this state for any  
11 other purpose other than for the purpose of operating it across a highway or along a highway  
12 other than an expressway as designated by the Commissioner of the Division of Highways from  
13 one point of the owner's land to another part of the owner's land, irrespective of whether or not  
14 the tracts adjoin: *Provided*, That the distance between the points may not exceed 35 miles, or for  
15 the purpose of taking it or other fixtures attached to the implement, to and from a repair shop for  
16 repairs. The exemption in this subdivision from registration and license requirements also applies  
17 to any vehicle described in this subsection or to any farm trailer owned by the owner or lessee of  
18 the farm on which the trailer is used, when the trailer is used by the owner of the trailer for the  
19 purpose of moving farm produce and livestock from the farm along a public highway for a distance  
20 not to exceed 35 miles to a storage house or packing plant, when the use is a seasonal operation:

21 (A) The exemptions contained in this section also apply to farm machinery, tractors, and  
22 mini-trucks: *Provided*, That the machinery, tractors, and mini-trucks may use the highways in  
23 going from one tract of land to another tract of land regardless of whether the land is owned by  
24 the same or different persons. For the purposes of this section, "mini-truck" means a foreign-

25 manufactured import or domestic-manufactured vehicle designed primarily for off-road use and  
26 powered by an engine ranging in size from 550cc to 660cc and weighing approximately 1,800  
27 pounds;

28 (B) Any vehicle exempted under this subsection from the requirements of annual  
29 registration certificate and license plates and fees for the registration certificate and license plate  
30 may not use the highways between sunset and sunrise unless the vehicle is classified as a Class  
31 A motor vehicle with a farm-use exemption under the provisions of §17A-10-1 of this code and  
32 has a valid and current inspection sticker as required by the provisions of §17C-16-1 *et seq.* of  
33 this code and is traveling from one tract of land to another over a distance of 35 miles or less;

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

38 (D) Any vehicle used as an implement of husbandry exempt under this section shall have  
39 the words "farm use" affixed to both sides of the implement in 10-inch letters. Any vehicle which  
40 would be subject to registration as a Class A or B vehicle if not exempted by this section shall  
41 display a farm-use exemption certificate on the lower driver's side of the windshield:

42 (i) The farm-use exemption certificate shall be provided by the commissioner and shall be  
43 issued annually by the assessor of the applicant's county of residence. The assessor shall issue  
44 a farm-use exemption certificate to the applicant upon his or her determination pursuant to an  
45 examination of the property books or documentation provided by the applicant that the vehicle  
46 has been properly assessed as Class I personal property. Nothing in this section or any rule  
47 promulgated under the authority of chapter 29A of this code may be construed to require any  
48 applicant for a renewal of a farm use exemption certificate to appear personally before any  
49 assessor. The assessor shall charge a fee of \$2 for each certificate, which shall be retained by  
50 the assessor;

51 (ii) A farm-use exemption certificate shall not exempt the applicant from maintaining the  
52 security required by §17D-1-1 *et seq.* of this code on any vehicle being operated on the roads or  
53 highways of this state;

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

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

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

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

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

68 (7) Any special mobile equipment as defined in §17A-1-1(r) of this code.

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

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

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

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

74 (c) The division shall title and register low-speed vehicles if the manufacturer's certificate  
75 of origin clearly identifies the vehicle as a low-speed vehicle. The division may not title or register  
76 homemade low-speed vehicles or retrofitted golf carts and such vehicles do not qualify as low-

77 speed vehicles in this state. In addition to all other motor vehicle laws and regulations, except as  
78 specifically exempted below, low-speed vehicles are subject to the following restrictions and  
79 requirements:

80 (1) Low-speed vehicles shall only be operated on private roads and on public roads and  
81 streets within the corporate limits of a municipality where the speed limit is not more than 25 miles  
82 per hour;

83 (2) Notwithstanding any provisions in this code to the contrary, low-speed vehicles shall  
84 meet the requirements of 49 C.F.R. §571.500 (2003);

85 (3) In lieu of periodic inspection, the owner of a low-speed vehicle shall, upon initial  
86 application for registration and each renewal thereafter, certify under penalty of false swearing,  
87 that all lights, brakes, tires, and seat belts are in good working condition; and

88 (4) Any person operating a low-speed vehicle must hold a valid driver's license, not an  
89 instruction permit.

**§17A-3-2a. Registration of nonresident vehicles.**

1 (a) A nonresident vehicle is not required to be registered pursuant to §17A-3-2 of this  
2 code: *Provided*, That a nonresident vehicle may be registered in this state and be issued a West  
3 Virginia registration plate upon payment of all applicable fees to the division. For purposes of this  
4 subsection, the receipt and verification requirements of §17A-3-3a of this code do not apply.

5 (b) For purposes of this section, "nonresident vehicle" means a vehicle titled in this state  
6 under the provisions of §17A-4-11 of this code, which is not intended to spend a majority of service  
7 time on West Virginia roads, owned by a business whose principal place of business is not in this  
8 state, that is not a common carrier, and that maintains a local, national, or international fleet of  
9 vehicles.

10 (c) Nothing in this section subjects a nonresident vehicle to the inspection requirement set  
11 forth in §17A-16-4 of this code. A nonresident vehicle is not domiciled in any county in this state,

12 and nothing in this section requires the imposition of personal property taxes within this state  
13 pursuant to §11-5-1 *et seq.* of this code.

14 (d) The division may promulgate emergency rules pursuant to the provisions of §29A-3-  
15 15 of this code and may propose rules for legislative approval in accordance with the provisions  
16 of §29A-3-1 *et seq.* of this code to accomplish the provisions of this section.

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

**§17A-6-10d. Special plates for nonprofit corporations engaged in research and  
development.**

1 (a) Notwithstanding any of the other provisions of this article, a nonprofit corporation  
2 engaged in research and development using motor vehicles pursuant to §18B-12-1 *et seq.* of this  
3 code and affiliated with institutions of higher education may operate or move a vehicle, either  
4 owned or in the possession of the nonprofit corporation upon the highways of this state for  
5 purposes of transporting or testing that vehicle without first registering or titling the vehicle and  
6 displaying, in a manner prescribed by the commissioner, a special plate issued to the nonprofit  
7 corporation as provided in this section.

8 (b) Any nonprofit corporation as prescribed in subsection (a) of this section may make  
9 application to the commissioner upon a form prescribed by him or her for a certificate containing  
10 a general distinguishing number and for a special plate or plates. The applicant shall verify that it  
11 is a Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, nonprofit corporation  
12 and submit sufficient information, as may be required by the commissioner, that it is engaged in  
13 research and development of vehicles, special fuels, or equipment for motor vehicles.

14 (c) The commissioner, upon approving an application, may issue without charge to the  
15 applicant, a certificate containing the nonprofit corporation's name and address and its general  
16 distinguishing number. The commissioner may also issue without charge, a special plate or



17 plates, as determined by the commissioner as necessary, that must be displayed on the vehicle.  
18 Each plate shall also contain a number or symbol distinguishing it from other plates bearing the  
19 same general distinguishing number.

20 (d) The nonprofit corporation that is issued a special plate pursuant to this section must  
21 keep written records as required by the commissioner concerning the operation of the vehicle.  
22 The records shall be open to inspection by any law-enforcement officer or division employee.

23 (e) This section does not apply to the use of any other vehicles owned, leased, or operated  
24 by the nonprofit corporation.

25 (f) A nonprofit corporation that has been issued a special plate is not required to comply  
26 with the bond or dealer recovery fund otherwise required under this article for that vehicle.

27 (g) A nonprofit corporation that has been issued a special plate shall furnish information,  
28 satisfactory to the commissioner, that the vehicle is covered by an appropriate insurance policy  
29 or proof of financial responsibility in amounts not less than the requirements of §17D-4-2 of this  
30 code.

31 (h) Vehicles operated by a nonprofit corporation pursuant to this section are exempt from  
32 the periodic motor vehicle inspection and the displaying of the certificate of inspection otherwise  
33 required by §17C-16-1 *et seq.* of this code. However, a vehicle that has been issued a special  
34 plate pursuant to this section must be safe and may not, in any manner, endanger the driver,  
35 other vehicle occupants, other motorists, pedestrians, or the general public.

## **ARTICLE 10. FEES FOR REGISTRATION, LICENSING, ETC.**

### **§17A-10-3a. Special registration of antique motor vehicles and motorcycles; definition, registration, and use of classic motor vehicles and classic motorcycles; customized antique plates.**

1 (a) The annual registration fee for any antique motor vehicle or motorcycle as defined in  
2 this section is \$2. As used in this section:

3 "Antique motor vehicle" means any motor vehicle, regardless of weight, which is more  
4 than 25 years old and is owned solely as a collector's item.

5 "Antique military vehicle" means an antique motor vehicle, regardless of the vehicle's size  
6 or weight, that was manufactured for use in any country's military forces, and that is maintained  
7 to represent its military design and markings accurately, including a trailer meeting the same  
8 requirements, but not including a vehicle or trailer currently in service.

9 "Antique motorcycle" means any motorcycle which is more than 25 years old and is owned  
10 solely as a collector's item.

11 "Classic motor vehicle" means a motor vehicle which is more than 25 years old and is  
12 registered pursuant to §17A-10-3 of this code and is used for general transportation.

13 "Classic motorcycle" means a motorcycle which is more than 25 years old and is  
14 registered pursuant to §17A-10-3 of this code and is used for general transportation.

15 (b) Except as otherwise provided in this section, antique motor vehicles or motorcycles  
16 may not be used for general transportation but may only be used for:

17 (1) Participation in club activities, exhibits, tours, parades, and similar events;

18 (2) The purpose of testing their operation, obtaining repairs or maintenance, and  
19 transportation to and from events as described in subdivision (1) of this subsection; and

20 (3) Recreational purposes: *Provided*, That a classic motor vehicle or a classic motorcycle  
21 as defined in this section may be registered under the applicable class at the applicable  
22 registration fee set forth in §17A-10-3 of this code and may be used for general transportation.

23 (c) A West Virginia motor vehicle or motorcycle displaying license plates of the same year  
24 of issue as the model year of the antique motor vehicle or motorcycle, as authorized in this section,  
25 may be used for general transportation purposes if the following conditions are met:

26 (1) The license plate's physical condition has been inspected and approved by the Division  
27 of Motor Vehicles;

28           (2) The license plate is registered to the specific motor vehicle or motorcycle by the  
29 Division of Motor Vehicles;

30           (3) The owner of the motor vehicle or motorcycle annually registers the motor vehicle or  
31 motorcycle and pays an annual registration fee for the motor vehicle or motorcycle equal to that  
32 charged to obtain regular state license plates;

33           (4) The motor vehicle or motorcycle passes a periodic safety inspection; and

34           (5) The motor vehicle or motorcycle displays a sticker attached to the license plate, issued  
35 by the division, indicating that the motor vehicle or motorcycle may be used for general  
36 transportation.

37           (d) If more than one request is made for license plates having the same number, the  
38 division shall accept only the first application.

39           (e) The commissioner may propose rules for legislative approval in accordance with the  
40 provisions of §29A-3-1 *et seq.* of this code as may be necessary or convenient for the carrying  
41 out of the provisions of this section.

42           (f) Upon appropriate application, together with a special annual fee of \$40, which is in  
43 addition to all other fees required by this chapter, there shall be issued to the owner of an antique  
44 motor vehicle a special registration plate for an antique motor vehicle titled in the name of the  
45 qualified applicant, bearing a combination of letters or numbers requested by that applicant,  
46 subject to the approval by the commissioner, and with the maximum number of letters or numbers  
47 to be determined by the commissioner.

48           (g) Upon proper application pursuant to subsection (f) of this section, the commissioner  
49 shall approve an alternative registration insignia for an antique military vehicle that is compatible  
50 with the vehicle's original markings, including, but not limited to, the display of the vehicle's unique  
51 military identification number not to exceed eight characters on the bumper of the vehicle:  
52 *Provided,* That nothing in this section exempts the operator of an antique military vehicle from the  
53 requirements set forth in §17A-3-13 of this code. Pursuant to this subsection, an antique military

54 vehicle is exempt from the requirement to display a registration plate if the exemption is necessary  
55 to maintain the vehicle's accurate military marking.

56 (h) The commissioner is hereby authorized to develop an antique fleet plate program to  
57 enable an owner of five or more antique motor vehicles to use a single registration plate on  
58 multiple antique motor vehicles. The owner is required to register with the Division of Motor  
59 Vehicles every antique motor vehicle upon which the plate will be displayed. The annual  
60 registration fee for an antique fleet plate is \$2 a year per registered antique motor vehicle. The  
61 antique fleet plate is valid for one year and must be renewed annually. The antique fleet plate  
62 may be used on a newly acquired antique motor vehicle prior to titling: *Provided*, That the owner  
63 completes an application for a 30-day temporary digital registration card in the format established  
64 by the commissioner and displays such card upon request when operating the vehicle prior to  
65 titling and regular registration. The fee for a 30-day temporary digital registration card is \$10, and  
66 the commissioner is authorized to charge a convenience fee for electronic submission of the  
67 application.

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

### **ARTICLE 16. INSPECTION OF VEHICLES.**

**§17C-16-4. Superintendent of the West Virginia State Police to require periodic inspection;  
acceptance of certificate of inspection from another state; suspension of  
registration of unsafe vehicles.**

1 (a) The Superintendent of the West Virginia State Police shall require that every motor  
2 vehicle, trailer, semitrailer, and pole trailer registered in this state be inspected once every two  
3 years and that an official certificate of inspection and approval be obtained for each vehicle:  
4 *Provided*, That the amendments made to this subsection during the 2023 regular session of the  
5 Legislature shall become effective on January 1, 2024.

6           The inspections shall be made and the certificates obtained with respect to the  
7 mechanism, brakes, and equipment of every vehicle designated by the superintendent.

8           The superintendent may make necessary rules for the administration and enforcement of  
9 this section and may designate any period or periods during which owners of any vehicles, subject  
10 to this section, shall display upon the vehicles certificates of inspection and approval or shall  
11 produce the certificates upon demand of any officer or employee of the State Police designated  
12 by the superintendent or any police or peace officer when authorized by the superintendent.

13           (b) The superintendent may authorize the acceptance in this state of a certificate of  
14 inspection and approval issued in another state having an inspection law similar to this chapter  
15 and may extend the time within which the resident owner of a vehicle which was not in this state  
16 during the time an inspection was required must obtain a certificate.

17           (c) At the request of the superintendent, the Commissioner of the Division of Motor  
18 Vehicles may suspend the registration of any vehicle which the superintendent determines is in  
19 such an unsafe condition that it constitutes a menace to safety, or which after notice and demand  
20 is not equipped as required in this chapter, or for which the vehicle's owner has not obtained the  
21 required certificate.

22           (d) If requested by the owner of the vehicle, the superintendent shall also cause to be  
23 inspected a Class A farm use motor vehicle exempt from annual registration certificate and  
24 licensing as provided in §17A-3-2 of this code. If the Class A farm use motor vehicle passes the  
25 inspection, the superintendent shall cause a certificate of inspection to be issued for that vehicle.

**§17C-16-5. Permit for official inspection stations; fees for and certificate of inspection.**

1           (a) The Superintendent of the State Police is responsible for the inspection as provided in  
2 this article and shall prescribe requirements and qualifications for official inspection stations. He  
3 or she shall select and designate the stations and shall issue permits for official inspection stations  
4 and furnish instructions and all necessary forms for the inspection of vehicles as required in this  
5 article and the issuance of official certificates of inspection and approval. The certificate of

6 inspection shall be a paper sticker or decal to be affixed to the windshield of a motor vehicle, shall  
7 be serially numbered, and shall properly identify the official inspection station which issued it. A  
8 charge of \$6 per sticker shall be charged by the State Police to the inspection station, and the  
9 funds received shall be deposited into the State Treasury and credited to the account of the State  
10 Police for application in the administration and enforcement of the provisions of this article and  
11 for the purchase of vehicles, equipment for vehicles, and maintenance of vehicles. The  
12 superintendent may exchange stickers or make refunds to official inspection stations for stickers  
13 on hand when permits are revoked or when, for any reason, the stickers become obsolete. The  
14 amendments made to this subsection during the 2023 regular session of the Legislature shall  
15 become effective on January 1, 2024.

16 (b) A person shall apply for a permit upon an official form prescribed by the superintendent  
17 and the superintendent shall grant permits only when the superintendent is satisfied that the  
18 station is properly equipped, has competent personnel to make the inspections and adjustments,  
19 and that the inspections and adjustments will be properly conducted. The superintendent, before  
20 issuing a permit, may require the applicant to file a bond with surety approved by the  
21 superintendent, conditioned that such applicant, as a station operator, will make compensation  
22 for any damage to a vehicle during an inspection or adjustment due to negligence on the part of  
23 the station operator or employees thereof.

24 (c) The superintendent shall properly supervise and cause inspections to be made of the  
25 stations. Upon finding that a station is not properly equipped or conducted, the superintendent  
26 may, upon a first violation, suspend the permit for a period of up to one year. Upon a second or  
27 subsequent finding that a station is not properly equipped or conducted, the superintendent shall  
28 permanently revoke and require the surrender of the permit. The superintendent may reinstate  
29 the permit of any person whose permit was permanently revoked prior to the effective date of this  
30 section upon a first finding that a station was not properly equipped or conducted, upon  
31 application, at any time after the expiration of six months from the time of revocation and shall

32 reinstate the permit, upon application, after the expiration of one year. He or she shall maintain  
33 and post at his or her office and at any other places as he or she may select lists of all stations  
34 holding permits and of those whose permits have been suspended or revoked.

**§17C-16-6. Assignment, transfer, and posting of official inspection station permit;  
issuance and record of certificate of inspection; inspection fee.**

1 (a) No permit for an official inspection station shall be assigned or transferred or used at  
2 any location other than designated in the permit and every permit shall be posted in a conspicuous  
3 place at the station location designated in the permit.

4 (b) The person operating the station shall issue a certificate of inspection and approval,  
5 upon an official form, to the owner of a vehicle upon inspecting the vehicle and determining that  
6 its equipment required under this article is in good condition and proper adjustment, but otherwise  
7 no certificate shall be issued, except one issued pursuant to section two of this article. When  
8 required by the superintendent, a record and report shall be made of every inspection and every  
9 certificate issued.

10 (c) A fee of not more than \$19 may be charged for an inspection and any necessary  
11 headlight adjustment to proper focus, not including any replacement parts required, and the  
12 issuance of the certificate, but the imposition of the charge is not mandatory. The amendments  
13 made to this subsection during the 2023 regular session of the Legislature shall become effective  
14 on January 1, 2024.

The Clerk of the House of Delegates and the Clerk of the Senate hereby certify that the foregoing bill is correctly enrolled.

*Steve Harrison*  
Clerk of the House of Delegates

*Jason*  
Clerk of the Senate

Originated in the House of Delegates.

In effect ninety days from passage.

*Ray Hanlon*  
Speaker of the House of Delegates

*C. P. B.*  
President of the Senate

FILED  
2023 MAR 29 P 1:08  
OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

The within is *approved* this the *29th*  
Day of *March*, 2023.

*James Justice*  
Governor



PRESENTED TO THE GOVERNOR

MAR 20 2023

Time 1:21 pm