

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 2530

BY DELEGATES LINVILLE AND STEELE

(BY REQUEST OF THE DEPARTMENT OF TRANSPORTATION)

[Passed February 6, 2023; in effect ninety days from passage.]

FILED

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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1 AN ACT to amend and reenact §17A-6-15 of the Code of West Virginia, 1931, as amended; to
2 amend and reenact §17A-6B-10 of said code; and to amend and reenact §17A-6C-11, all
3 relating to the extension of the expiration of temporary registration plates from sixty days
4 to ninety days.

Be it enacted by the Legislature of West Virginia:

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

§17A-6-15. Temporary registration plates or markers.

1 (a) In order to permit a vehicle which is sold to a purchaser by a dealer to be operated on
2 the streets and highways pending receipt of the annual registration plate from the division for such
3 vehicle, the commissioner may, subject to the limitations and conditions hereinafter set forth,
4 deliver temporary vehicle registration plates or markers to dealers who in turn may, subject to the
5 limitations and conditions hereinafter set forth, issue the same to purchasers of vehicles, but such
6 purchasers must comply with the pertinent provisions of this section.

7 (b) Application by a dealer to the commissioner for temporary registration plates or
8 markers shall be made on the form and in the manner prescribed and furnished by the
9 commissioner for such purpose and shall be accompanied by a fee of \$3 for each such temporary
10 registration plate or marker. The commissioner may require the fee to be remitted to the division
11 in an electronic format. No refund or credit of fees paid by dealers to the commissioner for
12 temporary registration plates or markers shall be allowed, except that in the event the
13 commissioner discontinues the issuance of such temporary plates or markers, dealers returning
14 temporary registration plates or markers to the commissioner may petition for and be entitled to
15 a refund or a credit thereof. No temporary registration plates or markers shall be delivered by the
16 commissioner to any dealer in house trailers only, and no such temporary plates or markers shall
17 be issued for or used on any house trailer for any purpose.

18 (c) Every dealer who has made application for and received temporary registration plates
19 or markers shall maintain in a manner prescribed by the commissioner, a record of all temporary
20 registration plates or markers issued by him or her, and a record of any other information
21 pertaining to the receipt or the issuance of temporary registration plates or markers which the
22 commissioner may require. Every dealer who issues a temporary registration plate or marker shall
23 notify the division in the manner prescribed by the commissioner. No temporary registration plates
24 or markers may be delivered to any dealer until such dealer has fully accounted to the
25 commissioner for the temporary registration plates or markers last delivered to such dealer, by
26 showing the number issued to purchasers by such dealer and any on hand.

27 (d) A dealer may not issue, assign, transfer or deliver a temporary registration plate or
28 marker to anyone other than the bona fide purchaser of the vehicle to be registered; nor may a
29 dealer issue a temporary registration plate or marker to anyone possessing an annual registration
30 plate for a vehicle which has been sold or exchanged, except a dealer may issue a temporary
31 registration plate or marker to the bona fide purchaser of a vehicle to be registered who possesses
32 an annual registration plate of a different class and makes application to the division to exchange
33 such annual registration plate of a different class in accordance with the provisions of §17A-4-1
34 of this code; nor may a dealer lend to anyone, or use on any vehicle which he or she may own, a
35 temporary registration plate or marker. It is unlawful for any dealer to issue any temporary
36 registration plate or marker knowingly containing any misstatement of fact, or knowingly to insert
37 any false information upon the face thereof.

38 (e) Every dealer who issues temporary registration plates or markers shall affix or insert
39 clearly and indelibly on the face of each temporary registration plate or marker in the manner
40 prescribed by the commissioner, the date of issuance and expiration thereof, and the make and
41 motor or serial number of the vehicle for which issued.

42 (f) If the commissioner finds that the provisions of this section or his or her directions are
43 not being complied with by a dealer, he or she may suspend the right of such dealer to issue
44 temporary registration plates or markers.

45 (g) Every person to whom a temporary registration plate or marker has been issued shall
46 permanently destroy such temporary registration plate or marker immediately upon receiving the
47 annual registration plate for such vehicle from the division: *Provided*, That if the annual registration
48 plate is not received within 90 days of the issuance of the temporary registration plate or marker,
49 the owner shall, notwithstanding the fact that the annual registration plate has not been received,
50 immediately and permanently destroy the temporary registration plate or marker: *Provided*,
51 *however*, That not more than one temporary registration plate or marker shall be issued to the
52 same bona fide purchaser for the same vehicle.

53 (h) A temporary registration plate or marker shall expire and become void upon the receipt
54 of the annual registration plate from the division or upon the rescission of the contract to purchase
55 the vehicle in question, or upon the expiration of 90 days from the date of issuance, depending
56 upon whichever event shall first occur.

57 (i) For the purpose of this section, the term "dealer" includes a
58 wrecker/dismantler/rebuilder and, in the context of issuing temporary registration plates, any other
59 business licensed by the division in accordance with the provisions of this chapter and authorized
60 to issue temporary registration plates or markers.

61 (j) The commissioner may require participation in an electronic temporary plate issuance
62 system by all dealers as a precondition for authority for a dealer to issue temporary license plates
63 or markers.

ARTICLE 6B. LICENSE SERVICES.

§17A-6B-10. Temporary registration plates or markers.

1 (a) In order to permit a vehicle which is to be titled and registered to be operated on the
2 streets and highways pending receipt of the annual registration plate from the division for such

3 vehicle, the commissioner may, subject to the limitations and conditions hereinafter set forth,
4 deliver temporary vehicle registration plates or markers to persons engaged in license service
5 businesses who in turn may, subject to the limitations and conditions hereinafter set forth, issue
6 the same to applicants for title and registration of vehicles, but such applicants must comply with
7 the pertinent provisions of this section.

8 (b) Application by a license service business to the commissioner for such temporary
9 registration plates or markers shall be made on the form prescribed and furnished by the
10 commissioner for such purpose and shall be accompanied by a fee of \$3 for each such temporary
11 registration plate or marker. No refund or credit of fees paid by license services to the
12 commissioner for temporary registration plates or markers shall be allowed, except that in the
13 event the commissioner discontinues the issuance of such temporary plates or markers, license
14 services returning temporary registration plates or markers to the commissioner may petition for
15 and be entitled to a refund or a credit thereof.

16 (c) Every license service who has made application for and received temporary
17 registration plates or markers shall maintain in permanent form a record of all temporary
18 registration plates or markers delivered to the licensee, a record of all temporary registration
19 plates or markers issued, and a record of any other information pertaining to the receipt or the
20 issuance of temporary registration plates or markers which the commissioner may require. Each
21 such record shall be kept for a period of at least three years from the date of the making thereof.

22 Every licensee who issues a temporary registration plate or marker shall, within five
23 working days after the issuance of such plate or marker, send to the division a copy of the
24 temporary registration plate or marker certificate properly executed by the license service and the
25 purchaser.

26 No temporary registration plates or markers may be delivered to any license service until
27 such license service has fully accounted to the commissioner for the temporary registration plates

28 or markers last delivered to such license service, by showing the number issued to purchasers
29 by such license service and any on hand.

30 (d) A license service shall not issue, assign, or deliver a temporary registration plate or
31 marker to anyone other than the bona fide applicant for title and registration of the vehicle to be
32 registered. Not more than one temporary registration plate or marker shall be issued to the same
33 bona fide applicant for the same vehicle. A license service shall not issue a temporary registration
34 plate or marker to anyone possessing an annual registration plate for a vehicle which has been
35 sold or exchanged, except a license service may issue a temporary registration plate or marker
36 to the bona fide applicant of a vehicle to be registered who possesses an annual registration plate
37 of a different class and makes application to the division to exchange such annual registration
38 plate of a different class in accordance with the provisions of §17A-4-1 of this code. A license
39 service shall not lend to anyone, or use on any vehicle which he or she may own, a temporary
40 registration plate or marker.

41 It is unlawful for any license service to issue any temporary registration plate or marker
42 which contains a misstatement of fact or false information.

43 No license service shall issue, assign, or deliver a temporary registration plate or marker
44 to anyone unless and until the license service has physical possession of the application and
45 appropriate fees and taxes of the vehicle to be titled and registered. Such application, fees, and
46 taxes shall be postmarked to the issuing agency or submitted to the Division of Motor Vehicles
47 within 48 hours after issuance of the temporary plate or marker.

48 (e) Every license service who issues temporary registration plates or markers shall affix
49 or insert clearly and indelibly on the face of each temporary registration plate or marker the date
50 of issuance and expiration thereof, and the make, model, and serial number of the vehicle for
51 which issued.

52 (f) If the commissioner finds that the provisions of this section or his or her directions are
53 not being complied with by a license service, he or she may suspend the right of such license
54 service to issue temporary registration plates or markers.

55 (g) A temporary registration plate or marker shall expire upon the receipt of the annual
56 registration plate from the division, or upon the rescission of the contract to purchase the vehicle
57 in question, or upon the expiration of 90 days from the date of issuance, depending upon which
58 event occurs first.

59 (h) A license service may charge a fee not to exceed \$5 for issuing a temporary registration
60 plate or marker.

ARTICLE 6C. AUTOMOBILE AUCTION BUSINESSES.

§17A-6C-11. Temporary registration plates or markers.

1 (a) In order to permit a vehicle which is to be titled and registered to be operated on the
2 streets and highways pending receipt of the annual registration plate, the commissioner may,
3 subject to the following limitations, deliver temporary vehicle registration plates or markers to
4 persons engaged in the automobile auction business for issuance to applicants for title and
5 registration of vehicles.

6 (b) An application by an automobile auction business to the commissioner for temporary
7 registration plates or markers shall be made on the form prescribed and furnished by the
8 commissioner and shall be accompanied by a fee of \$3 for each temporary registration plate or
9 marker. No refund or credit of fees paid by automobile auction businesses to the commissioner
10 for temporary registration plates or markers is allowed, except in the event the commissioner
11 discontinues the issuance of temporary plates or markers. Automobile auction businesses
12 returning temporary registration plates or markers to the commissioner may petition for and be
13 entitled to a refund or a credit.

14 (c) Every automobile auction business applying for and receiving temporary registration
15 plates or markers shall maintain in permanent form a record of all temporary registration plates

16 or markers delivered to the licensee, a record of all temporary registration plates or markers
17 issued and a record of any other information pertaining to the receipt or the issuance of temporary
18 registration plates or markers which the commissioner may require. Each record shall be kept for
19 a period of at least three years from the date issued. Every automobile auction business issuing
20 a temporary registration plate or marker shall send to the division a copy of the temporary
21 registration plate or marker certificate properly executed by the automobile auction business and
22 the purchaser within five working days after the issuance of the plate or marker. No temporary
23 registration plates or markers may be delivered to any automobile auction business until the
24 business has fully accounted to the commissioner for the temporary registration plates or markers
25 last delivered by showing the number issued to purchasers and the number remaining to be
26 issued.

27 (d) An automobile auction business may not issue, assign, or deliver a temporary
28 registration plate or marker to anyone other than the bona fide applicant for title and registration
29 of the vehicle to be registered. Not more than one temporary registration plate or marker may be
30 issued to the same bona fide applicant for the same vehicle. An automobile auction business may
31 not issue a temporary registration or marker to anyone possessing an annual registration plate
32 for a vehicle which has been sold or exchanged, except an automobile auction business may
33 issue a temporary registration plate or marker to the bona fide applicant who possesses an annual
34 registration plate of a different class and it may make application to the division to exchange the
35 annual registration plate of a different class in accordance with the provisions of §17A-4-1 of this
36 code. An automobile auction business may not lend to anyone or use on any vehicle which it may
37 own, a temporary registration plate or marker. It is unlawful for any automobile auction business
38 to issue any temporary registration plate or marker which contains a misstatement of fact or false
39 information.

40 (e) Every automobile auction business issuing temporary registration plates or markers
41 shall affix or insert clearly and indelibly on the face of each temporary registration plate or marker
42 the date of issuance, the date of expiration and the make, model, and serial number of the vehicle.

43 (f) If the commissioner finds that the provisions of this section or his or her directions are
44 not being complied with by an automobile auction business, the commissioner may suspend the
45 right of the automobile auction business to issue temporary registration plates or markers.

46 (g) A temporary registration plate or marker expires upon the receipt of the annual
47 registration plate from the division, or upon the rescission of the contract to purchase the vehicle
48 in question, or upon the expiration of 90 days from the date of issuance, whichever event occurs
49 first.

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


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Clerk of the House of Delegates

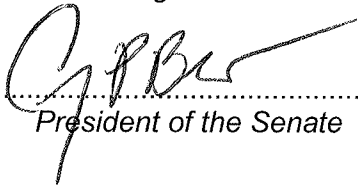

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Clerk of the Senate

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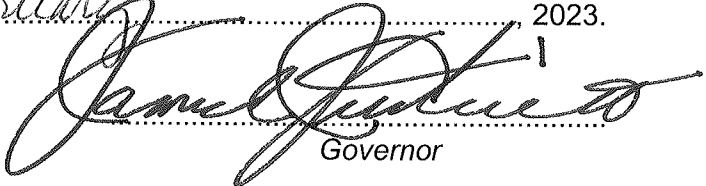
Originated in the House of Delegates.

In effect ninety days from passage.


.....
Speaker of the House of Delegates


.....
President of the Senate

The within is *is approved* this the *15th*
Day of *February* 2023.


.....
Governor

PRESENTED TO THE GOVERNOR

FEB 09 2023

Time 10:21 am