

312 695

FILED

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE



ENROLLED

Committee Substitute for

SENATE BILL NO. 695

(By Senators Wooton and Unger)



PASSED March 9, 2002

In Effect ninety days from **Passage**

FILED

2002 APR -3 P 3: 57

OFFICE WEST VIRGINIA
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COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 695

(SENATORS WOOTON AND UNGER, *original sponsors*)

[Passed March 9, 2002; in effect ninety days from passage.]

AN ACT to amend article six, chapter seventeen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section five-a, relating to authorizing out-of-state dealers duly licensed in a contiguous state to participate in vehicle shows and exhibitions to the extent that the dealer's home state allows dealers licensed under the laws of this state to participate in vehicle shows in the other state; establishing violation of this section as a misdemeanor offense; establishing criminal and civil penalties; and mandating the commissioner of motor vehicles propose or amend legislative rules in order to effectuate the purposes of this section.

Be it enacted by the Legislature of West Virginia:

That article six, chapter seventeen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section five-a, to read as follows:

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

§17A-6-5a. Reciprocity for out-of-state dealers; establishing violations of this section as misdemeanor offense; mandating that the commissioner propose or amend legislative rules.

1 (a) The division may permit a vehicle dealer licensed in
2 another state contiguous to this state to participate in
3 industrywide public vehicle shows and exhibitions subject
4 to the following:

5 (1) The division determines that the state in which the
6 out-of-state dealer is licensed permits dealers licensed by
7 this state to participate in public vehicle shows and
8 exhibitions under conditions substantially equivalent to
9 the conditions which are imposed upon dealers from that
10 state who participate in public vehicle shows and exhibi-
11 tions in this state;

12 (2) The division determines that the out-of-state dealer
13 holds a valid and unrevoked vehicle dealer license from
14 the dealer's home state;

15 (3) The dealer has secured the permission of its manufac-
16 turer; and

17 (4) The dealer first obtains an off-premises sales permit
18 issued under legislative rules promulgated by the division.

19 (b) Nothing in this section requires an organizer of a
20 public vehicle show or exhibition to invite or to include an
21 out-of-state vehicle dealer as a participant.

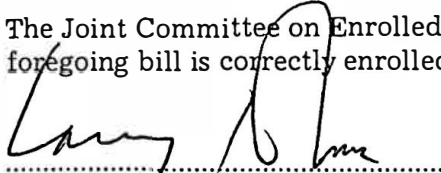
22 (c) Any person who violates the provisions of this section
23 is guilty of a misdemeanor and shall be fined not more

24 than five hundred dollars or confined in the regional or
25 county jail for not more than six months, or both.

26 (d) In addition to any penalty imposed pursuant to
27 subsection (c) of this section, any person violating the
28 provisions of this section may be subject to a civil penalty
29 as provided for in section twenty-five-a of this article.

30 (e) The commissioner shall propose legislative rules for
31 promulgation, in accordance with the provisions of article
32 three, chapter twenty-nine-a of this code, to effectuate the
33 purposes of this section.

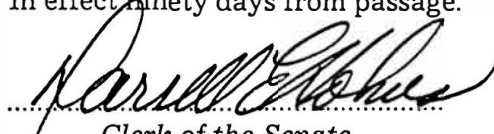
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


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Chairman Senate Committee


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Chairman House Committee

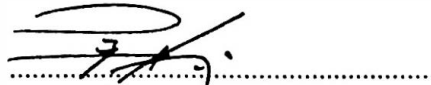
Originated in the Senate.

In effect ninety days from passage.

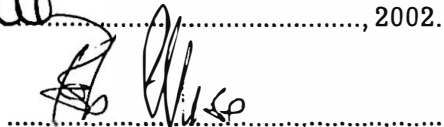

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Clerk of the Senate


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Clerk of the House of Delegates


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President of the Senate


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Speaker House of Delegates

The within is approved this the 3rd
Day of April, 2002.


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Governor

PRESENTED TO THE
GOVERNOR

DATE 3/22/02

TIME 2:45 PM