

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 66**

4 (By Senator Browning)

5 _____
6 [Originating in the Committee on Government Organization;
7 reported February 23, 2011.]
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9
10 A BILL to amend and reenact §17A-3-2 of the Code of West Virginia,
11 1931, as amended, relating to the use of low-speed vehicles in
12 municipalities; and authorizing municipalities, by ordinance,
13 to allow the use of low-speed vehicles on roads in
14 municipalities with speed limits over twenty-five miles per
15 hour and less than thirty-five miles per hour.

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

17 That §17A-3-2 of the Code of West Virginia, 1931, as amended,
18 be amended and reenacted to read as follows:

19 **ARTICLE 3. ORIGINAL AND RENEWAL OF REGISTRATION; ISSUANCE OF**
20 **CERTIFICATES OF TITLE.**

21 **§17A-3-2. Every motor vehicle, etc., subject to registration and**
22 **certificate of title provisions; exceptions.**

23 (a) Every motor vehicle, trailer, semitrailer, pole trailer
24 and recreational vehicle when driven or moved upon a highway is
25 subject to the registration and certificate of title provisions of
26 this chapter except:

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

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

1 (A) The exemptions contained in this section also apply to farm
2 machinery, tractors and mini-trucks: *Provided*, That the machinery,
3 tractors and mini-trucks may use the highways in going from one
4 tract of land to another tract of land regardless of whether the
5 land is owned by the same or different persons. For the purposes
6 of this section, mini-truck means a foreign-manufactured import or
7 domestic-manufactured vehicle designed primarily for off-road use
8 and powered by an engine ranging in size from 550cc to 660cc and
9 weighing approximately one thousand eight hundred pounds;

10 (B) Any vehicle exempted under this subsection from the
11 requirements of annual registration certificate and license plates
12 and fees for the registration certificate and license plate may not
13 use the highways between sunset and sunrise unless the vehicle is
14 classified as a Class A motor vehicle with a farm-use exemption
15 under the provisions of section one, article ten of this chapter and
16 has a valid and current inspection sticker as required by the
17 provisions of article sixteen, chapter seventeen-c of this code and
18 is traveling from one tract of land to another over a distance of
19 thirty-five miles or less;

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

25 (D) Any vehicle used as an implement of husbandry exempt under
26 this section shall have the words "farm use" affixed to both sides

1 of the implement in ten-inch letters. Any vehicle which would be
2 subject to registration as a Class A or B vehicle if not exempted
3 by this section shall display a farm-use exemption certificate on
4 the lower driver's side of the windshield:

5 (i) The farm-use exemption certificate shall be provided by the
6 commissioner and shall be issued annually by the assessor of the
7 applicant's county of residence. The assessor shall issue a farm-
8 use exemption certificate to the applicant upon his or her
9 determination pursuant to an examination of the property books or
10 documentation provided by the applicant that the vehicle has been
11 properly assessed as Class I personal property. Nothing in this
12 section or any rule promulgated under the authority of chapter
13 twenty-nine-a of this code may be construed to require any applicant
14 for a renewal of a farm use exemption certificate to appear
15 personally before any assessor. The assessor shall charge a fee of
16 \$2 for each certificate, which shall be retained by the assessor;

17 (ii) A farm-use exemption certificate shall not exempt the
18 applicant from maintaining the security required by chapter
19 seventeen-d of this code on any vehicle being operated on the roads
20 or highways of this state;

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

26 (3) Any vehicle which is propelled exclusively by electric

1 power obtained from overhead trolley wires though not operated upon
2 rails;

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

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

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

13 (7) Any special mobile equipment as defined in subsection (r),
14 section one, article one of this chapter.

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

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

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

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

22 (c) The division shall title and register low-speed vehicles
23 if the manufacturer's certificate of origin clearly identifies the
24 vehicle as a low-speed vehicle. The division may not title or
25 register homemade low-speed vehicles or retrofitted golf carts and
26 such vehicles do not qualify as low-speed vehicles in this state.

1 In addition to all other motor vehicle laws and regulations, except
2 as specifically exempted below, low-speed vehicles are subject to
3 the following restrictions and requirements:

4 (1) Low-speed vehicles shall only be operated on private roads
5 and on public roads and streets within the corporate limits of a
6 municipality where the speed limit is not more than twenty-five
7 miles per hour: Provided, That a municipality may authorize, by
8 ordinance, low-speed vehicles on private roads and on public roads
9 and streets within the corporate limits of a municipality where the
10 speed limit is not more than thirty-five miles per hour;

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

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

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