

**H. B. 2340**

(By Delegates Caputo and Longstreth)

[Introduced January 12, 2011; referred to the  
Committee on Roads and Transportation then the  
Judiciary.]

A BILL to amend and reenact §17A-6-7 of the Code of West Virginia,  
1931, as amended, relating to issuance of renewal license  
certificate to motor vehicle dealers; and when renewal may be  
issued to dealers who sell less than eighteen vehicles in a  
year.

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

That §17A-6-7 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.**

**§17A-6-7. When application to be made; expiration of license  
certificate; renewal.**

(a) Every license certificate issued in accordance with the  
provisions of this article shall, unless sooner suspended or  
revoked, expire on June 30 next following the issuance thereof.

1       (b) A license certificate may be renewed each year in the same  
2 manner, for the same fee as prescribed in section ten of this  
3 article and upon the same basis as an original license certificate  
4 is issued under section six of this article: *Provided*, That the  
5 commissioner may not renew the license of any new or used motor  
6 vehicle dealer who has sold less than eighteen vehicles during the  
7 preceding year unless the dealer has had a dealer's license for the  
8 seven prior years subject to the following:

9       (1) This proviso does not apply to a dealer in the business of  
10 selling commercial motor vehicles of a gross vehicle weight of  
11 twenty-six thousand one pounds or more;

12       (2) The commissioner may approve the renewal of a dealer  
13 selling less than eighteen vehicles based on a finding of  
14 extenuating circumstances including, but not limited to, the  
15 illness of the dealer or immediate family, adverse business  
16 conditions or sales credited to other types of dealer licenses held  
17 by the dealer; and

18       (3) Any dealer may appeal the commissioner's refusal to the  
19 Motor Vehicle Dealers Advisory Board which may consider extenuating  
20 circumstances and approve the renewal.

21       All applications for the renewal of any license certificate  
22 shall be filed with the commissioner at least thirty days before  
23 the expiration thereof. Any application for renewal of any license  
24 certificate not filed at least thirty days before the expiration

1 may not be renewed except upon payment of the same fee as an  
2 original license certificate as prescribed in subsection (a),  
3 section ten of this article. The commissioner may allow the  
4 delinquent applicant to complete an abbreviated application for  
5 renewal in lieu of an original application.

NOTE: The purpose of this bill is to provide situations when  
renewal license certificate to motor vehicle dealers may be issued  
to dealers who sell less than eighteen vehicles in a year.

Strike-throughs indicate language that would be stricken from  
the present law, and underscoring indicates new language that would  
be added.