

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 66

(By Senator Browning)

[Originating in the Committee on Government Organization;
reported February 23, 2011.]

A BILL to amend and reenact §17A-3-2 of the Code of West Virginia, 1931, as amended, relating to the use of low-speed vehicles in municipalities; and authorizing municipalities, by ordinance, to allow the use of low-speed vehicles on roads in municipalities with speed limits over twenty-five miles per hour and less than thirty-five miles per hour.

Be it enacted by the Legislature of West Virginia:

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

**ARTICLE 3. ORIGINAL AND RENEWAL OF REGISTRATION; ISSU-
ANCE 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
2 and recreational vehicle when driven or moved upon a
3 highway is subject to the registration and certificate of title
4 provisions of this chapter except:

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

10 (2) Any implement of husbandry upon which is securely
11 attached a machine for spraying fruit trees and plants of the
12 owner or lessee or for any other implement of husbandry
13 which is used exclusively for agricultural or horticultural
14 purposes on lands owned or leased by the owner of the
15 implement and which is not operated on or over any public
16 highway of this state for any other purpose other than for the
17 purpose of operating it across a highway or along a highway
18 other than an expressway as designated by the Commissioner
19 of the Division of Highways from one point of the owner's
20 land to another part of the owner's land, irrespective of
21 whether or not the tracts adjoin: *Provided*, That the distance
22 between the points may not exceed thirty-five miles, or for

23 the purpose of taking it or other fixtures attached to the
24 implement, to and from a repair shop for repairs. The
25 exemption in this subdivision from registration and license
26 requirements also applies to any vehicle described in this
27 subsection or to any farm trailer owned by the owner or
28 lessee of the farm on which the trailer is used, when the
29 trailer is used by the owner of the trailer for the purpose of
30 moving farm produce and livestock from the farm along a
31 public highway for a distance not to exceed thirty-five miles
32 to a storage house or packing plant, when the use is a
33 seasonal operation:

34 (A) The exemptions contained in this section also apply to
35 farm machinery, tractors and mini-trucks: *Provided*, That
36 the machinery, tractors and mini-trucks may use the high-
37 ways in going from one tract of land to another tract of land
38 regardless of whether the land is owned by the same or
39 different persons. For the purposes of this section, mini-
40 truck means a foreign-manufactured import or domestic-
41 manufactured vehicle designed primarily for off-road use
42 and powered by an engine ranging in size from 550cc to
43 660cc and weighing approximately one thousand eight
44 hundred pounds;

45 (B) Any vehicle exempted under this subsection from the
46 requirements of annual registration certificate and license
47 plates and fees for the registration certificate and license
48 plate may not use the highways between sunset and sunrise
49 unless the vehicle is classified as a Class A motor vehicle
50 with a farm-use exemption under the provisions of section
51 one, article ten of this chapter and has a valid and current
52 inspection sticker as required by the provisions of article
53 sixteen, chapter seventeen-c of this code and is traveling
54 from one tract of land to another over a distance of thirty-
55 five miles or less;

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

62 (D) Any vehicle used as an implement of husbandry exempt
63 under this section shall have the words "farm use" affixed to
64 both sides of the implement in ten-inch letters. Any vehicle
65 which would be subject to registration as a Class A or B
66 vehicle if not exempted by this section shall display a farm-

67 use exemption certificate on the lower driver's side of the
68 windshield:

69 (i) The farm-use exemption certificate shall be provided by
70 the commissioner and shall be issued annually by the
71 assessor of the applicant's county of residence. The assessor
72 shall issue a farm-use exemption certificate to the applicant
73 upon his or her determination pursuant to an examination of
74 the property books or documentation provided by the
75 applicant that the vehicle has been properly assessed as
76 Class I personal property. Nothing in this section or any rule
77 promulgated under the authority of chapter twenty-nine-a of
78 this code may be construed to require any applicant for a
79 renewal of a farm use exemption certificate to appear
80 personally before any assessor. The assessor shall charge a
81 fee of \$2 for each certificate, which shall be retained by the
82 assessor;

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

87 (iii) No person charged with the offense of operating a
88 vehicle without a farm-use exemption certificate, if required

89 under this section, may be convicted of the offense if he or
90 she produces in court, or in the office of the arresting officer,
91 a valid farm-use exemption certificate for the vehicle in
92 question within five days;

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

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

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

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

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

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

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

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

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

116 (c) The division shall title and register low-speed vehicles
117 if the manufacturer's certificate of origin clearly identifies
118 the vehicle as a low-speed vehicle. The division may not title
119 or register homemade low-speed vehicles or retrofitted golf
120 carts and such vehicles do not qualify as low-speed vehicles
121 in this state. In addition to all other motor vehicle laws and
122 regulations, except as specifically exempted below, low-
123 speed vehicles are subject to the following restrictions and
124 requirements:

125 (1) Low-speed vehicles shall only be operated on private
126 roads and on public roads and streets within the corporate
127 limits of a municipality where the speed limit is not more
128 than twenty-five miles per hour: Provided, That a municipal-
129 ity may authorize, by ordinance, low-speed vehicles on
130 private roads and on public roads and streets within the

131 corporate limits of a municipality where the speed limit is
132 not more than thirty-five miles per hour;

133 (2) Notwithstanding any provisions in this code to the
134 contrary, low-speed vehicles shall meet the requirements of
135 49 C.F.R. §571.500 (2003);

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

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