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H. B. 4448

(By Delegates Skaff, Hall, Swartzmiller,
Morgan and Staggers)

[Introduced February 7, 2012; referred to the
Committee on Roads and Transportation then the Judiciary.]

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; ISSUANCE OF
CERTIFICATES OF TITLE.**

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

(a) Every motor vehicle, trailer, semitrailer, pole trailer
and recreational vehicle when driven or moved upon a highway is

1 subject to the registration and certificate of title provisions of
2 this chapter except:

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

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

1 used, when the trailer is used by the owner of the trailer for the
2 purpose of moving farm produce and livestock from the farm along a
3 public highway for a distance not to exceed thirty-five miles to a
4 storage house or packing plant, when the use is a seasonal
5 operation:

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

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

1 thirty-five miles or less;

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

7 (D) Any vehicle used as an implement of husbandry exempt under
8 this section shall have the words "farm use" affixed to both sides
9 of the implement in ten-inch letters. Any vehicle which would be
10 subject to registration as a Class A or B vehicle if not exempted
11 by this section shall display a farm-use exemption certificate on
12 the lower driver's side of the windshield:

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

1 assessor;

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

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

12 (3) Any vehicle which is propelled exclusively by electric
13 power obtained from overhead trolley wires though not operated upon
14 rails;

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

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

19 (6) The following recreational vehicles are exempt from the
20 requirements of annual registration, license plates and fees,
21 unless otherwise specified by law, but are subject to the
22 certificate of title provisions of this chapter regardless of
23 highway use: Motorboats, all-terrain vehicles, utility terrain
24 vehicles and snowmobiles; and

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

3 (b) Notwithstanding the provisions of subsection (a) of this
4 section:

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

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

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

10 (c) The division shall title and register low-speed vehicles
11 if the manufacturer's certificate of origin clearly identifies the
12 vehicle as a low-speed vehicle. The division may not title or
13 register homemade low-speed vehicles or retrofitted golf carts and
14 such vehicles do not qualify as low-speed vehicles in this state.
15 In addition to all other motor vehicle laws and regulations, except
16 as specifically exempted below, low-speed vehicles are subject to
17 the following restrictions and requirements:

18 (1) Low-speed vehicles shall only be operated on private roads
19 and on public roads and streets within the corporate limits of a
20 municipality where the speed limit is not more than twenty-five
21 miles per hour: Provided, That a municipality may authorize, by
22 ordinance, low-speed vehicles on private roads and on public roads
23 and streets within the corporate limits of a municipality where the
24 speed limit is not more than thirty-five miles per hour;

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

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

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

NOTE: The purpose of this bill is to allow the use of low-speed vehicles in incorporated municipalities with speed limits of thirty-five miles per hour or less.

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