

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 448**

4 (By Senators Beach, Plymale, Fitzsimmons and Williams)

5 _____
6 [Originating in the Committee on Transportation and
7 Infrastructure;
8 reported March 14, 2013.]

**FISCAL
NOTE**

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12 A BILL to amend and reenact §17A-6-10c of the Code of West
13 Virginia, 1931, as amended, relating to authorizing the
14 commissioner to issue no more than ten additional special
15 demonstration plates, upon a showing of need, to new and used
16 motor vehicle dealers engaged in the business of selling
17 trailers, truck-tractors, road-tractors or trucks and that
18 demonstrate the motor vehicles under actual work conditions to
19 potential purchasers; and setting fee amount for additional
20 plates.

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

22 That §17A-6-10c of the Code of West Virginia, 1931, as
23 amended, be amended and reenacted to read as follows:

24 **ARTICLE 6. LICENSING OF DEALERS AND WRECKERS OR DISMANTLERS;**

1 **SPECIAL PLATES; TEMPORARY PLATES OR MARKERS.**

2 PART III. FEES AND DEALER SPECIAL PLATES GENERALLY.

3 **§17A-6-10c. Special demonstration plates for dealers in trailers,**
4 **truck-tractors, road-tractors and trucks;**
5 **application; fee.**

6 (a) Notwithstanding any other provisions of this code, ~~any a~~
7 new motor vehicle dealer or used motor vehicle dealer engaged in
8 the business of selling trailers, truck-tractors, road-tractors or
9 trucks ~~who demonstrates~~ that demonstrates the motor vehicles under
10 actual work conditions to potential purchasers shall obtain a
11 special demonstration plate from the Division of Motor Vehicles.
12 The motor vehicle dealer may obtain special demonstration plates
13 without first titling or registering each vehicle.

14 (b) The commissioner shall prescribe the application form for
15 these special demonstration plates and shall require the applicant
16 to submit proof of the applicant's status as a bona fide dealer in
17 motor vehicles and to certify that the applicant needs special
18 demonstration plates in the ordinary course of business.

19 The commissioner, upon approving ~~any~~ an application, shall
20 issue to the new motor vehicle dealer or used motor vehicle dealer
21 up to four special demonstration plates which ~~shall~~ display the
22 term "demonstration" or "demo" and a distinguishing number assigned
23 to the motor vehicle dealer. The commissioner may issue no more
24 than ten additional special demonstration plates upon a showing

1 that the licensee has sales or potential sales justifying
2 additional plates. This showing may include, but is not limited
3 to, the dealer's on-site inventory of the applicable type of
4 vehicles, previous sales of applicable vehicles or the geographical
5 divergence of the dealer's customer base.

6 (c) The annual fee for special demonstration plates is \$100
7 for the first plate and \$50 for each additional special
8 demonstration plate that is issued, not to exceed a total of ~~four~~
9 fourteen plates per dealer.

10 (d) Each motor vehicle dealer who is issued special
11 demonstration plates shall keep a written record, on a form
12 approved by the commissioner and open to inspection by a police
13 officer or employee of the division, containing the following
14 information:

15 (1) Identification of the motor vehicles upon which the
16 special demonstration plates are used;

17 (2) The times and dates during which each special
18 demonstration plate is used;

19 (3) The name and address of the company or individual using a
20 motor vehicle on which a special demonstration plate is used; and

21 (4) ~~any~~ Other information considered necessary by the
22 commissioner. ~~This record shall be open to inspection by any~~
23 ~~police officer or employee of the division.~~

24 (e) Each motor vehicle operated under the provisions of this

1 section is considered to be registered at the maximum vehicle
2 weights allowable under article seventeen, chapter seventeen-c of
3 this code.

4 (f) A motor vehicle dealer shall not:

5 (1) Use ~~any~~ a special demonstration ~~plates~~ plate issued under
6 the provisions of this section on ~~any~~ a motor vehicle which is not
7 being demonstrated;

8 (2) Use ~~any~~ a special demonstration ~~plates~~ plate to
9 demonstrate ~~any~~ a single motor vehicle for more than seven calendar
10 days in ~~any~~ a calendar year for ~~any~~ a single customer;

11 (3) Use ~~any~~ a special demonstration ~~plates on any~~ plate on a
12 motor vehicle leased or rented to ~~any~~ a customer; or

13 (4) Use ~~any~~ a special demonstration ~~plates~~ plate in any way
14 other than to demonstrate the on-the-job capabilities of a motor
15 vehicle to a potential purchaser.

16 (g) The motor vehicle dealer is required to furnish a
17 certificate of insurance in the amount required by regulations of
18 the West Virginia Public Service Commission or the United States
19 Department of Transportation for the class of motor carrier for
20 which the motor vehicle is to be demonstrated.

NOTE: The purpose of this bill is to increase the cap on the number of demonstration dealer plates that may be issued to new and used dealers of large, commercial type vehicles.

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