

1 **H. B. 2770**

2
3 (By Delegates Caputo, Longstreth, Manchin
4 and Staggers)

5 [Introduced March 1, 2013; referred to the
6 Committee on Roads and Transportation then Finance.]
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10 A BILL to amend and reenact §17A-6-7 of the Code of West Virginia,
11 1931, as amended, relating to permitting dealers who sell
12 fewer than eighteen new or used motor vehicles during a year
13 to have their dealer licenses renewed.

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

15 That §17A-6-7 of the Code of West Virginia, 1931, as amended,
16 be amended and reenacted to read as follows:

17 **ARTICLE 6. LICENSING OF DEALERS AND WRECKERS OR DISMANTLERS;**
18 **SPECIAL PLATES; TEMPORARY PLATES OR MARKERS.**

19 **§17A-6-7. When application to be made; expiration of license**
20 **certificate; renewal.**

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

24 (b) A license certificate may be renewed each year in the same

1 manner, for the same fee as prescribed in section ten of this
2 article and upon the same basis as an original license certificate
3 is issued under section six of this article. ~~Provided, That the~~
4 ~~commissioner may not renew the license of any new or used motor~~
5 ~~vehicle dealer who has sold less than eighteen vehicles during the~~
6 ~~preceding year subject to the following:~~

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

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

15 ~~(3) Any dealer may appeal the commissioner's refusal to the~~
16 ~~Motor Vehicle Dealers Advisory Board which may consider extenuating~~
17 ~~circumstances and approve the renewal.~~

18 All applications for the renewal of any license certificate
19 shall be filed with the commissioner at least thirty days before
20 the expiration thereof. Any application for renewal of any license
21 certificate not filed at least thirty days before the expiration
22 may not be renewed except upon payment of the same fee as an
23 original license certificate as prescribed in subsection (a),
24 section ten of this article. The commissioner may allow the

1 delinquent applicant to complete an abbreviated application for
2 renewal in lieu of an original application.

NOTE: The purpose of this bill is to permit dealers who sell fewer than eighteen new or used motor vehicles during a year to have their dealer licenses renewed.

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