

H. B. 2859

(By Delegates Staggers, L. Phillips, P. Smith, Gearheart,
Cowles, D. Poling, Longstreth and Lynch)

[Introduced March 7, 2013; referred to the
Committee on Roads and Transportation then Finance.]

**FISCAL
NOTE**

A BILL to amend and reenact §17A-6-10c of the Code of West
Virginia, 1931, as amended, relating to authorizing the
Commissioner to issue no more than ten additional special
demonstration plates to a new motor vehicle dealer or used
motor vehicle dealer engaged in the business of selling
trailers, truck-tractors, road-tractors or trucks, who
demonstrates the motor vehicles under actual work conditions
to potential purchasers upon a showing of need.

Be it enacted by the Legislature of West Virginia:

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

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

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

14 The commissioner, upon approving any application, shall issue
15 to the new motor vehicle dealer or used motor vehicle dealer up to
16 four special demonstration plates which shall display the term
17 "demonstration" or "demo" and a distinguishing number assigned to
18 the motor vehicle dealer. The Commissioner may issue no more than
19 ten additional special demonstration plates at the fee of \$50 for
20 each additional plate upon a showing that the licensee has sales or
21 potential sales justifying additional plates. The showing may
22 include, but is not limited to, the dealer's on-site inventory of
23 the applicable type of vehicles, previous sales to residents and
24 nonresidents of applicable vehicles or the geographical divergence

1 of the dealer's customer base.

2 (c) The annual fee for special demonstration plates is \$100
3 for the first plate and \$50 for each additional plate, not to
4 exceed a total of ~~four~~ fourteen plates per dealer.

5 (d) Each motor vehicle dealer who is issued special
6 demonstration plates shall keep a written record, on a form
7 approved by the commissioner, containing the following information:
8 Identification of the motor vehicles upon which the special
9 demonstration plates are used; the times and dates during which
10 each special demonstration plate is used; the name and address of
11 the company or individual using a motor vehicle on which a special
12 demonstration plate is used; and any other information considered
13 necessary by the commissioner. This record shall be open to
14 inspection by any police officer or employee of the division.

15 (e) Each motor vehicle operated under the provisions of this
16 section is considered to be registered at the maximum vehicle
17 weights allowable under article seventeen, chapter seventeen-c of
18 this code.

19 (f) A motor vehicle dealer ~~shall~~ may not: (1) Use any special
20 demonstration plates issued under the provisions of this section on
21 any motor vehicle which is not being demonstrated; (2) use any
22 special demonstration plates to demonstrate any single motor
23 vehicle for more than seven calendar days in any calendar year for
24 any single customer; (3) use any special demonstration plates on

1 any motor vehicle leased or rented to any customer; or (4) use any
2 special demonstration plates in any way other than to demonstrate
3 the on-the-job capabilities of a motor vehicle to a potential
4 purchaser.

5 (g) The motor vehicle dealer is required to furnish a
6 certificate of insurance in the amount required by regulations of
7 the West Virginia Public Service Commission or the United States
8 Department of Transportation for the class of motor carrier for
9 which the motor vehicle is to be demonstrated.

NOTE: The purpose of the bill is to increase the cap on the number of dealer plates that may be used by new and used dealers of larger commercial type vehicles.

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