

Senate Bill No. 123

(By Senators Miller and Beach)

[Introduced February 13, 2013; referred to the Committee on
Transportation and Infrastructure; and then to the Committee on
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 to allow the
operation of low-speed vehicles on roads in municipalities
where the speed limit is not more 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

1 **certificate of title provisions; exceptions.**

2 (a) Every motor vehicle, trailer, semitrailer, pole trailer
3 and recreational vehicle when driven or moved upon a highway is
4 subject to the registration and certificate of title provisions of
5 this chapter except:

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

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

1 repairs. The exemption in this subdivision from registration and
2 license requirements also applies to any vehicle described in this
3 subsection or to any farm trailer owned by the owner or lessee of
4 the farm on which the trailer is used, when the trailer is used by
5 the owner of the trailer for the purpose of moving farm produce and
6 livestock from the farm along a public highway for a distance not
7 to exceed thirty-five miles to a storage house or packing plant,
8 when the use is a seasonal operation:

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

18 (B) Any vehicle exempted under this subsection from the
19 requirements of annual registration certificate and license plates
20 and fees for the registration certificate and license plate may not
21 use the highways between sunset and sunrise unless the vehicle is
22 classified as a Class A motor vehicle with a farm-use exemption
23 ~~under the provisions of~~ section one, article ten of this chapter and

1 has a valid and current inspection sticker as required by ~~the~~
2 ~~provisions of~~ article sixteen, chapter seventeen-c of this code and
3 is traveling from one tract of land to another over a distance of
4 thirty-five miles or less;

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

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

16 (i) The farm-use exemption certificate shall be provided by the
17 commissioner and shall be issued annually by the assessor of the
18 applicant's county of residence. The assessor shall issue a farm-
19 use exemption certificate to the applicant upon his or her
20 determination pursuant to an examination of the property books or
21 documentation provided by the applicant that the vehicle has been
22 properly assessed as Class I personal property. Nothing in this
23 section or any rule promulgated under the authority of chapter

1 twenty-nine-a of this code may be construed to require any applicant
2 for a renewal of a farm-use exemption certificate to appear
3 personally before any assessor. The assessor shall charge a fee of
4 \$2 for each certificate, which shall be retained by the assessor;

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

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

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

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

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

21 (6) The following recreational vehicles are exempt from the
22 requirements of annual registration, license plates and fees, unless
23 otherwise specified by law, but are subject to the certificate of

1 title provisions of this chapter regardless of highway use:
2 Motorboats, all-terrain vehicles, utility terrain vehicles and
3 snowmobiles; and

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

6 (b) Notwithstanding ~~the provisions of~~ subsection (a) of this
7 section:

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

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

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

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

21 (1) Low-speed vehicles shall only be operated on private roads
22 and on public roads and streets within the corporate limits of a
23 municipality where the speed limit is not more than twenty-five

1 miles per hour: Provided, That a municipality may authorize, by
2 ordinance, the operation of low-speed vehicles on private roads and
3 on public roads and streets within the corporate limits of a
4 municipality where the speed limit is not more than thirty-five
5 miles per hour;

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

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

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

NOTE: The purpose of this bill is to authorize municipalities
to allow the operation of low-speed vehicles on roads in
municipalities where the speed limit is not more than thirty-five
miles per hour.

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