

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

Senate Bill 543

FISCAL
NOTE

BY SENATORS BLAIR, ROBERTS, AND TARR

[Introduced February 7, 2019; Referred
to the Committee on Transportation and Infrastructure; and
then to the Committee on Finance]

1 A BILL to repeal §17C-16-1, §17C-16-2, §17C-16-3, §17C-16-4, §17C-16-5, §17C-16-6, §17C-
 2 16-7, §17C-16-8, and §17C-16-9 of the Code of West Virginia, 1931, as amended; to
 3 amend and reenact §17A-10-3a of said code; and to amend said code by adding thereto
 4 a new section, designated §46A-6-107a, all relating generally to automobile warranties
 5 and inspections; eliminating annual mandatory state inspections of motor vehicles;
 6 providing that a used motor vehicle may only be sold “as is” under certain circumstances;
 7 providing certain disclosure requirements for “as is” sales of used motor vehicles;
 8 providing that a consumer shall sign and date the disclosure for an “as is” sale in order for
 9 the disclosure to be effective; providing that a merchant disclose in writing certain defects
 10 or malfunctions when selling a used motor vehicle “as is”; providing that the merchant shall
 11 provide the consumer a copy of a nationally recognized vehicle history report for the used
 12 motor vehicle; and providing that an “as is” sale of a used motor vehicle waives implied
 13 warranties, but does not waive any express warranties.

Be it enacted by the Legislature of West Virginia:

CHAPTER 17A. MOTOR VEHICLE ADMINISTRATION, REGISTRATION, CERTIFICATE OF TITLE, AND ANTITHEFT PROVISIONS.

ARTICLE 10. FEES FOR REGISTRATION, LICENSING, ETC.

**§17A-10-3a. Special registration of antique motor vehicles and motorcycles; definition,
 registration, and use of classic motor vehicles and classic motorcycles; customized
 antique plates.**

1 (a) The annual registration fee for any antique motor vehicle or motorcycle as defined in
 2 this section is \$2. As used in this section:

3 “Antique motor vehicle” means any motor vehicle which is more than 25 years old and is
 4 owned solely as a collector’s item.

5 “Antique motorcycle” means any motorcycle which is more than 25 years old and is owned

6 solely as a collector's item.

7 "Classic motor vehicle" means a motor vehicle which is more than 25 years old and is
8 registered pursuant to §17A-10-3 of this code and is used for general transportation.

9 "Classic motorcycle" means a motorcycle which is more than 25 years old and is registered
10 pursuant to §17A-10-3 of this code and is used for general transportation.

11 (b) Except as otherwise provided in this section, antique motor vehicles or motorcycles
12 may not be used for general transportation but may only be used for:

13 (1) Participation in club activities, exhibits, tours, parades, and similar events;

14 (2) The purpose of testing their operation, obtaining repairs or maintenance, and
15 transportation to and from events as described in §17A-10-3a(b)(1) of this code; and

16 (3) Recreational purposes over weekends, beginning on Friday at 12:00 p. m., and ending
17 on the following Monday at 12:00 p. m., and on holidays: *Provided*, That a classic motor vehicle
18 or a classic motorcycle as defined in this section may be registered under the applicable class at
19 the applicable registration fee set forth in §17A-10-3 of this code and may be used for general
20 transportation.

21 (c) A West Virginia motor vehicle or motorcycle displaying license plates of the same year
22 of issue as the model year of the antique motor vehicle or motorcycle, as authorized in this section,
23 may be used for general transportation purposes if the following conditions are met:

24 (1) The license plate's physical condition has been inspected and approved by the Division
25 of Motor Vehicles;

26 (2) The license plate is registered to the specific motor vehicle or motorcycle by the
27 Division of Motor Vehicles;

28 (3) The owner of the motor vehicle or motorcycle annually registers the motor vehicle or
29 motorcycle and pays an annual registration fee for the motor vehicle or motorcycle equal to that
30 charged to obtain regular state license plates; and

31 ~~(4) The motor vehicle or motorcycle passes an annual safety inspection; and~~

32 ~~(5)~~ (4) The motor vehicle or motorcycle displays a sticker attached to the license plate,
 33 issued by the division, indicating that the motor vehicle or motorcycle may be used for general
 34 transportation.

35 (d) If more than one request is made for license plates having the same number, the
 36 division shall accept only the first application.

37 (e) The commissioner may propose rules for legislative approval in accordance with the
 38 provisions of §29A-3-1 *et seq.* of this code as may be necessary or convenient for the carrying
 39 out of the provisions of this section.

40 (f) Upon appropriate application, together with a special annual fee of \$40, which is in
 41 addition to all other fees required by this chapter, there shall be issued to the owner of an antique
 42 motor vehicle a special registration plate for an antique motor vehicle titled in the name of the
 43 qualified applicant, bearing a combination of letters or numbers requested by that applicant,
 44 subject to the approval by the commissioner, and with the maximum number of letters or numbers
 45 to be determined by the commissioner.

CHAPTER 17C. TRAFFIC REGULATIONS AND LAWS OF THE ROAD.

ARTICLE 16. INSPECTION OF VEHICLES.

§17C-16-1. Vehicles not to operate without required equipment or in unsafe condition.

1 [Repealed]

§17C-16-2. Inspection by department of public safety.

1 [Repealed]

§17C-16-3. Owners and drivers to comply with inspection laws.

1 [Repealed]

**§17C-16-4. Superintendent of the West Virginia State Police to require periodical
 inspection; acceptance of certificate of inspection from another state; suspension
 of registration of unsafe vehicles.**

1 [Repealed]

§17C-16-5. Permit for official inspection stations; fees for and certificate of inspection.

1 [Repealed]

§17C-16-6. Assignment, transfer and posting of official inspection station permit; issuance and record of certificate of inspection; inspection fee.

1 [Repealed]

§17C-16-7. Improper representation as official stations.

1 [Repealed]

§17C-16-8. False certificates.

1 [Repealed]

§17C-16-9. Operation without certificate or failure to produce certificate; penalty for misdemeanor.

1 [Repealed]

CHAPTER 46A. WEST VIRGINIA CONSUMER CREDIT AND PROTECTION ACT.

ARTICLE 6. GENERAL CONSUMER PROTECTION.

§46A-6-107a. Used motor vehicles sold “as is”.

1 (a) Notwithstanding the provisions of §46A-6-107 of this code, a used motor vehicle may
2 be sold “as is” if:

3 (1) The used motor vehicle is sold for less than \$2,500;

4 (2) The used motor vehicle has been driven more than 80,000 miles at the time sold;

5 (3) The used motor vehicle is seven years of age or older, calculated from January 1, of
6 the designated model year of the vehicle;

7 (4) The vehicle has been custom built or modified for show purposes or racing; or

8 (5) The vehicle is inoperable and a total loss.

34 transaction.

NOTE: The purpose of this bill relates to automobile warranties and inspections. It eliminates annual mandatory state inspections of motor vehicles and provides that a used motor vehicle may only be sold "as is" under certain circumstances. It also provides that an "as is" sale of a used motor vehicle waives implied warranties but does not waive any express warranties.

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