

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

House Bill 4479

BY DELEGATE BUTLER

[BY REQUEST OF THE DIVISION OF MOTOR VEHICLES]

[Introduced January 22, 2020; Referred to the
Committee on Technology and Infrastructure then the
Judiciary]

1 A BILL to amend and reenact §17A-6-18a of the Code of West Virginia, 1931, as amended,
 2 relating to removing the authority of the Commissioner of the Division of Motor Vehicles
 3 to set documentary charges or similar charges motor vehicle dealers may charge
 4 consumers for documentary services in relation to securing a title.

Be it enacted by the Legislature of West Virginia:

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

§17A-6-18a. Motor Vehicle Dealers Advisory Board.

1 (a) There is continued a Motor Vehicle Dealers Advisory Board to assist and to advise the
 2 commissioner on the administration of laws regulating the motor vehicle industry; to work with the
 3 commissioner in developing new laws, rules or policies regarding the motor vehicle industry; ~~to~~
 4 ~~advise the commissioner on setting documentary charges or similar charges motor vehicle~~
 5 ~~dealers may charge consumers for documentary services in relation to securing a title, which such~~
 6 ~~charges the commissioner is hereby granted authority to set and to give the commissioner any~~
 7 further advice and assistance as he or she may, from time to time, require.

8 The board shall consist of nine members and the Commissioner of Motor Vehicles, or his
 9 or her representative, who shall be an *ex officio* member. Two members shall represent new
 10 motor vehicle dealers, with one of these two members representing dealers that sell less than
 11 100 new vehicles per year; one member shall represent used motor vehicle dealers; one member
 12 shall represent wrecker/dismantler/rebuilders; one member shall represent automobile auctions;
 13 one member shall represent recreational dealers; one member shall represent the West Virginia
 14 Attorney General's office; and two members shall represent consumers. All of the representatives,
 15 except the Attorney General representative who shall be designated by the Attorney General,
 16 shall be appointed by the Governor with the advice and consent of the Senate, with no more than
 17 five representatives being from the same political party.

18 The terms of the board members shall be for three years. The Attorney General
19 representative shall serve continuously.

20 The board shall meet at least four times annually and at the call of the commissioner.

21 (b) The commissioner shall consult with the board before he or she takes any disciplinary
22 action against a dealer, an automobile auction or a license service to revoke or suspend a license,
23 place the licensee on probation or levy a civil penalty, unless the commissioner determines that
24 the consultation would endanger a criminal investigation.

25 (c) The commissioner may consult with the board by mail, by facsimile, by telephone or at
26 a meeting of the board, but the commissioner is not bound by the recommendations of the board.
27 The commissioner shall give members seven days from the date of a mailing or other notification
28 to respond to proposed actions, except in those instances when the commissioner determines
29 that the delay in acting creates a serious danger to the public's health or safety or would unduly
30 compromise the effectiveness of the action.

31 (d) No action taken by the commissioner is subject to challenge or rendered invalid on
32 account of his or her failure to consult with the board.

33 (e) The appointed members shall serve without compensation, however, members are
34 entitled to reimbursement of travel and other necessary expenses actually incurred while engaged
35 in legitimate board activities in accordance with the guidelines of the Travel Management Office
36 of the Department of Administration or its successor agency.

NOTE: The purpose of this bill is to remove the Commissioner of the Division of Motor Vehicles' authority to set documentary fees motor vehicle dealers may charge consumers for documentary services, and the authority of Motor Vehicle Dealers Advisory Board to advise on those fees.

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