

# **WEST VIRGINIA LEGISLATURE**

## **2020 REGULAR SESSION**

**Introduced**

### **House Bill 4639**

BY DELEGATES KUMP, LINVILLE, BUTLER, FAST, CRISS,

PORTERFIELD AND FOSTER

[Introduced January 31, 2020; Referred to the  
Committee on Technology and Infrastructure then  
Finance]

1 A BILL to amend and reenact §17A-10-3a of the Code of West Virginia, 1931, as amended; and  
 2 to amend and reenact §17C-16-4 and §17C-16-5 of said code, all relating to changing  
 3 annual mandatory state inspections of antique motor vehicles and motorcycles, motor  
 4 vehicles, trailers, semitrailers and pole trailers to mandatory inspections every three years;  
 5 changing fee for inspection from three to nine dollars; and providing operative date of  
 6 amendments.

*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 subdivision (1) of this subsection; 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;
- 31 (4) The motor vehicle or motorcycle passes ~~an annual safety inspection~~ a safety inspection  
32 every three years; and
- 33 (5) The motor vehicle or motorcycle displays a sticker attached to the license plate, issued  
34 by the division, indicating that the motor vehicle or motorcycle may be used for general  
35 transportation.
- 36 (d) If more than one request is made for license plates having the same number, the  
37 division shall accept only the first application.
- 38 (e) The commissioner may propose rules for legislative approval in accordance with the

39 provisions of §29A-3-1 *et seq.* of this code as may be necessary or convenient for the carrying  
40 out of the provisions of this section.

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

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

### **ARTICLE 16. INSPECTION OF VEHICLES.**

#### **§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 (a) The superintendent of the West Virginia State Police shall ~~once each year~~ require that  
2 every motor vehicle, trailer, semitrailer, and pole trailer registered in this state be inspected once  
3 every three years and that an official certificate of inspection and approval be obtained for each  
4 vehicle.

5 The inspections shall be made and the certificates obtained with respect to the  
6 mechanism, brakes, and equipment of every vehicle designated by the superintendent.

7 The superintendent may make necessary rules for the administration and enforcement of  
8 this section and may designate any period or periods during which owners of any vehicles, subject  
9 to this section, shall display upon the vehicles certificates of inspection and approval or shall  
10 produce the certificates upon demand of any officer or employee of the State Police designated  
11 by the superintendent or any police or peace officer when authorized by the superintendent.

12 (b) The superintendent may authorize the acceptance in this state of a certificate of  
13 inspection and approval issued in another state having an inspection law similar to this chapter  
14 and may extend the time within which the resident owner of a vehicle which was not in this state  
15 during the time an inspection was required must obtain a certificate.

16 (c) At the request of the superintendent, the commissioner of the Division of Motor  
17 Vehicles may suspend the registration of any vehicle which the superintendent determines is in  
18 such an unsafe condition that it constitutes a menace to safety or which after notice and demand  
19 is not equipped as required in this chapter or for which the vehicle's owner has not obtained the  
20 required certificate.

21 (d) If requested by the owner of the vehicle, the superintendent shall also cause to be  
22 inspected a Class A farm use motor vehicle exempt from annual registration certificate and  
23 licensing as provided in §17A-3-2 of this code. If the Class A farm use motor vehicle passes the  
24 inspection, the superintendent shall cause a certificate of inspection to be issued for that vehicle.

25 (e) The amendments to this section enacted during 2020 shall be operative beginning on  
26 and after January 1, 2021.

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

1 (a) The superintendent of the State Police is responsible for the inspection as provided in  
2 this article and shall prescribe requirements and qualifications for official inspection stations. He  
3 or she shall select and designate the stations and shall issue permits for official inspection stations  
4 and furnish instructions and all necessary forms for the inspection of vehicles as required in this  
5 article and the issuance of official certificates of inspection and approval. The certificate of  
6 inspection shall be a paper sticker or decal to be affixed to the windshield of a motor vehicle, shall  
7 be serially numbered and shall properly identify the official inspection station which issued it. A  
8 charge of ~~\$3~~ \$9 per sticker shall be charged by the State Police to the inspection station, and the  
9 funds received shall be deposited into the State Treasury and credited to the account of the State  
10 Police for application in the administration and enforcement of the provisions of this article and

11 for the purchase of vehicles, equipment for vehicles, and maintenance of vehicles. The  
12 superintendent may exchange stickers or make refunds to official inspection stations for stickers  
13 on hand when permits are revoked or when, for any reason, the stickers become obsolete.

14 (b) A person shall apply for a permit upon an official form prescribed by the superintendent  
15 and the superintendent shall grant permits only when the superintendent is satisfied that the  
16 station is properly equipped and has competent personnel to make the inspections and  
17 adjustments and that the inspections and adjustments will be properly conducted. The  
18 superintendent, before issuing a permit, may require the applicant to file a bond with surety  
19 approved by the superintendent, conditioned that such applicant, as a station operator, will make  
20 compensation for any damage to a vehicle during an inspection or adjustment due to negligence  
21 on the part of the station operator or employees thereof.

22 (c) The superintendent shall properly supervise and cause inspections to be made of the  
23 stations. Upon finding that a station is not properly equipped or conducted, the superintendent  
24 may, upon a first violation, suspend the permit for a period of up to one year. Upon a second or  
25 subsequent finding that a station is not properly equipped or conducted, the superintendent shall  
26 permanently revoke and require the surrender of the permit. The superintendent may reinstate  
27 the permit of any person whose permit was permanently revoked prior to the effective date of this  
28 section upon a first finding that a station was not properly equipped or conducted, upon  
29 application, at any time after the expiration of six months from the time of revocation and shall  
30 reinstate the permit, upon application, after the expiration of one year. He or she shall maintain  
31 and post at his or her office and at any other places as he or she may select lists of all stations  
32 holding permits and of those whose permits have been suspended or revoked.

33 (d) The amendments to this section enacted during 2020 shall be operative beginning on  
34 and after January 1, 2021.

NOTE: The purpose of this bill is to require safety inspections for antique motor vehicles

and motor vehicles every three years instead of each year; change the fee for inspections from three to nine dollars; and provide operative date for amendments.

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