

# **WEST VIRGINIA LEGISLATURE**

**2023 REGULAR SESSION**

**Introduced**

## **Senate Bill 221**

By Senators Clements and Barrett

[Introduced January 13, 2023; referred to  
the Committee on Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
 2 designated §17A-4-11, relating to creating a title clearinghouse for nonresident  
 3 businesses; authorizing the Division of Motor Vehicles to regulate participation in the  
 4 clearinghouse; authorizing the Division of Motor Vehicles to set fees for participants; and  
 5 authorizing fleet registration.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 4. TRANSFERS OF TITLE OR INTEREST.**

**§17A-4-11. Title Clearinghouse.**

1 (a) The Legislature finds that continuing advances in digital title technology have improved  
 2 and are expected to continue to improve such that the Division of Motor Vehicles can produce a  
 3 secure digital title with an efficiency that is sought by businesses in other states. The Legislature  
 4 hereby authorizes the Division of Motor Vehicles to operate and regulate a title clearinghouse to  
 5 produce titles for nonresident businesses.

6 (b) Any nonresident business may apply to participate in the title clearinghouse.  
 7 Notwithstanding any code provision to the contrary, the division may produce a title for a non-  
 8 resident business participant in accordance with this section.

9 (c) The division is authorized to establish a participation fee and title fees for participants.  
 10 The title fees shall not be less than the fees assessed to residents of this state to obtain a title.

11 (d) The division shall require a participant to submit a penalty bond payable to the division  
 12 in the sum of \$250,000, conditioned that the participant will not commit any fraud against any  
 13 purchaser, seller, financial institution, the State of West Virginia or any other state through the use  
 14 of the title clearinghouse.

15 (e) The division may issue emergency rules and propose legislative rules to implement the  
 16 provisions of this section.

17 (f) The title clearinghouse is not intended to supplant any reciprocal agreements or  
 18 compacts for title and registration entered by the division with other states and jurisdictions. If any

- 19 provision of this section or rule is deemed to conflict with a reciprocal agreement or compact, the  
20 conflicting provision in this section or rule shall not apply.
- 21 (g) The commissioner is authorized to develop and manage a registration process  
22 designed for resident businesses maintaining a local, national or international fleet of vehicles.

NOTE: The purpose of this bill is to establish a national title clearinghouse using the WV DMV title system.

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