

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 4309

FISCAL
NOTE

By Delegate Burkhammer, Young and Holstein

[Introduced January 10, 2024; Referred
to the Committee on Fire Departments and
Emergency Medical Services then Finance]

1 A BILL to amend and reenact §17A-3-2 of the Code of West Virginia, 1931, as amended, relating
 2 to providing motor vehicle registrations and license plates free of charge to volunteer
 3 firefighters who have at least five years of service.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 3. ORIGINAL AND RENEWAL OF REGISTRATION; ISSUANCE OF
 CERTIFICATES OF TITLE.**

**§17A-3-2. Every motor vehicle, etc., subject to registration and certificate of title
 provisions; exceptions.**

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

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

7 (2) Any implement of husbandry upon which is securely attached a machine for spraying
 8 fruit trees and plants of the owner or lessee or for any other implement of husbandry which is used
 9 exclusively for agricultural or horticultural purposes on lands owned or leased by the owner of the
 10 implement and which is not operated on or over any public highway of this state for any other
 11 purpose other than for the purpose of operating it across a highway or along a highway other than
 12 an expressway as designated by the Commissioner of the Division of Highways from one point of
 13 the owner's land to another part of the owner's land, irrespective of whether or not the tracts adjoin:
 14 *Provided,* That the distance between the points may not exceed 35 miles, or for the purpose of
 15 taking it or other fixtures attached to the implement, to and from a repair shop for repairs. The
 16 exemption in this subdivision from registration and license requirements also applies to any
 17 vehicle described in this subsection or to any farm trailer owned by the owner or lessee of the farm

18 on which the trailer is used, when the trailer is used by the owner of the trailer for the purpose of
19 moving farm produce and livestock from the farm along a public highway for a distance not to
20 exceed 35 miles to a storage house or packing plant, when the use is a seasonal operation:

21 (A) The exemptions contained in this section also apply to farm machinery, tractors, and
22 mini-trucks: *Provided*, That the machinery, tractors, and mini-trucks may use the highways in
23 going from one tract of land to another tract of land regardless of whether the land is owned by the
24 same or different persons. For the purposes of this section, "mini-truck" means a foreign-
25 manufactured import or domestic-manufactured vehicle designed primarily for off-road use and
26 powered by an engine ranging in size from 550cc to 660cc and weighing approximately 1,800
27 pounds;

28 (B) Any vehicle exempted under this subsection from the requirements of annual
29 registration certificate and license plates and fees for the registration certificate and license plate
30 may not use the highways between sunset and sunrise unless the vehicle is classified as a Class
31 A motor vehicle with a farm-use exemption under the provisions of §17A-10-1 of this code and has
32 a valid and current inspection sticker as required by the provisions of §17C-16-1 *et seq.* of this
33 code and is traveling from one tract of land to another over a distance of 35 miles or less;

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

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

42 (i) The farm-use exemption certificate shall be provided by the commissioner and shall be
43 issued annually by the assessor of the applicant's county of residence. The assessor shall issue a

44 farm-use exemption certificate to the applicant upon his or her determination pursuant to an
45 examination of the property books or documentation provided by the applicant that the vehicle has
46 been properly assessed as Class I personal property. Nothing in this section or any rule
47 promulgated under the authority of chapter 29A of this code may be construed to require any
48 applicant for a renewal of a farm use exemption certificate to appear personally before any
49 assessor. The assessor shall charge a fee of \$2 for each certificate, which shall be retained by the
50 assessor;

51 (ii) A farm-use exemption certificate shall not exempt the applicant from maintaining the
52 security required by §17D-1-1 *et seq.* of this code on any vehicle being operated on the roads or
53 highways of this state;

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

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

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

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

64 (6) The following recreational vehicles are exempt from the requirements of annual
65 registration, license plates and fees, unless otherwise specified by law, but are subject to the
66 certificate of title provisions of this chapter regardless of highway use: Motorboats, all-terrain
67 vehicles, utility terrain vehicles, and snowmobiles; and

68 (7) Any special mobile equipment as defined in §17A-1-1(r) of this code.

69 (b) Notwithstanding the provisions of subsection (a) of this section:

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

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

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

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

80 (1) Low-speed vehicles shall only be operated on private roads and on public roads and
81 streets within the corporate limits of a municipality where the speed limit is not more than 25 miles
82 per hour;

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

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

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

90 (d) License plate and vehicle registration fees otherwise charged in this section are hereby
91 waived for volunteer firefighters for one personal vehicle: *Provided*, That a firefighter shall only be
92 eligible after he or she has accrued five years of service. Eligible firefighters shall present an
93 affidavit from his or her chief confirming their participation for five years or more, and annually
94 thereafter. This section does not apply to commercial vehicles owned or operated by the volunteer
95 firefighter.

NOTE: The purpose of this bill is to permit volunteer firefighters with five or more years of service to be eligible for free vehicle registrations and license plates on their personal vehicle.

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