

HB# 4106

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SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1994



ENROLLED

Com. Sub. for
HOUSE BILL No. *4106*

(By Delegate *Bennett*)



Passed *March 9,* 1994

In Effect *90 Days from* Passage

ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 4106
(By DELEGATE BENNETT)

[Passed March 9, 1994; in effect ninety days from passage.]

AN ACT to amend and reenact section ten, article four, chapter seventeen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to certificates of title for salvaged or reconstructed vehicles; surrender of certificate of title for salvaged vehicles; inspection requirements; fees; deleting the exception permitting unmarked certificates of title for certain reconstructed vehicles; and penalties.

Be it enacted by the Legislature of West Virginia:

That section ten, article four, chapter seventeen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 4. TRANSFERS OF TITLE OR INTEREST.

§17A-4-10. Salvage certificates for certain wrecked or damaged vehicles; fee; penalty.

1 (a) In the event a motor vehicle is determined to be
2 a total loss or otherwise designated as "totaled" by any
3 insurance company or insurer, and upon payment of an
4 agreed price as a claim settlement to any insured or
5 claimant owner for the purchase of the vehicle, the
6 insurance company or the insurer shall receive the
7 certificate of title and the vehicle. The insurance

8 company or insurer shall within ten days surrender the
9 certificate of title and a copy of the claim settlement to
10 the division of motor vehicles. The division shall issue
11 a "salvage certificate," on a form prescribed by the
12 commissioner, in the name of the insurance company or
13 the insurer. Such certificate shall contain on the reverse
14 thereof spaces for one successive assignment before a
15 new certificate at an additional fee is required. Upon the
16 sale of the vehicle the insurance company or insurer
17 shall endorse the assignment of ownership on the
18 salvage certificate and deliver it to the purchaser. The
19 vehicle shall not be titled or registered for operation on
20 the streets or highways of this state unless there is
21 compliance with subsection (c) of this section. In the
22 event a motor vehicle is determined to be damaged in
23 excess of seventy-five percent of its retail price as
24 described in the national automobile dealers association
25 official used car guide, a junk card will be issued in lieu
26 of a salvage certificate.

27 (b) Any owner, who scraps, compresses, dismantles or
28 destroys a vehicle for which a certificate of title or
29 salvage certificate has been issued, shall, within twenty
30 days, surrender the certificate of title or salvage
31 certificate to the division for cancellation. Any person
32 who purchases or acquires a vehicle as salvage or scrap,
33 to be dismantled, compressed or destroyed, shall within
34 twenty days surrender the certificate to the division.
35 Should a vehicle less than eight years old be determined
36 to be a complete loss as a result of fire, flood or a basket,
37 a photograph of the vehicle shall accompany the
38 surrendered certificate: *Provided*, That the term
39 "basket" means a vehicle which has been damaged more
40 than seventy-five percent of the retail price as described
41 in the national automobile dealers association official
42 used car guide. If the vehicle is to be reconstructed, the
43 owner must obtain a salvage certificate and comply with
44 the provisions of subsection (c) of this section.

45 (c) If the motor vehicle is a "reconstructed vehicle" as
46 defined in section one, article one of this chapter, it may
47 not be titled or registered for operation until it has been
48 inspected by an official state inspection station and by

49 a representative of the division of motor vehicles who
50 has been designated by the commissioner as an inves-
51 tigator. Following an approved inspection, an applica-
52 tion for a new certificate of title may be submitted to
53 the division; however, the applicant shall be required to
54 retain all receipts for component parts, equipment and
55 materials used in the reconstruction. The salvage
56 certificate must also be surrendered to the division
57 before a certificate of title may be issued.

58 (d) The division shall charge a fee of fifteen dollars
59 for the issuance of each salvage certificate but shall not
60 require the payment of the five percent privilege tax.
61 However, upon application for a certificate of title for
62 a reconstructed vehicle, the division shall collect the five
63 percent privilege tax on the fair market value of the
64 vehicle as determined by the commissioner unless the
65 applicant is otherwise exempt from the payment of such
66 privilege tax. A wrecker/dismantler/rebuilder is ex-
67 empt from the five percent privilege tax upon titling a
68 reconstructed vehicle. The division shall collect a fee of
69 thirty-five dollars per vehicle for inspections of recon-
70 structed vehicles. These fees shall be deposited in a
71 special fund created in the state treasurer's office and
72 may be expended by the division to carry out the
73 provisions of this article. Licensed wreckers/dismantler/
74 rebuilders may charge a fee not to exceed twenty-five
75 dollars for all vehicles owned by private rebuilders
76 which are inspected at the place of business of a
77 wrecker/dismantler/rebuilder.

78 (e) A certificate of title issued by the division for a
79 reconstructed vehicle shall contain markings in bold
80 print on the face of the title that it is for a reconstructed
81 or salvaged vehicle.

82 Any person who violates the provisions of this section
83 shall be guilty of a misdemeanor, and, upon conviction
84 thereof, shall be fined not less than five hundred dollars
85 nor more than one thousand dollars, or imprisoned in
86 the county jail for not more than one year, or both fined
87 and imprisoned.

Enr. Com. Sub. for H. B. 4106] 4

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Handwritten Signature]
.....
Chairman Senate Committee

Ernest E Moore
.....
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

[Handwritten Signature]
.....
Clerk of the Senate

Donald L. Hopp
.....
Clerk of the House of Delegates

[Handwritten Signature]
.....
President of the Senate

[Handwritten Signature]
.....
Speaker of the House of Delegates

The within is approved this the 29th
day of March 1994.

[Handwritten Signature]
.....
Governor



PRESENTED TO THE

GOVERNOR

Date 3/25/94

Time 9:58 am