

1 **ENROLLED**

2 COMMITTEE SUBSTITUTE

3 FOR

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5 FOR

6 **Senate Bill No. 448**

7 (SENATORS BEACH, PLYMALE, FITZSIMMONS AND WILLIAMS, *original sponsors*)

8 \_\_\_\_\_  
9 [Passed April 4, 2013; in effect ninety days from passage.]  
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12  
13 AN ACT to amend and reenact §17A-6-10c of the Code of West  
14 Virginia, 1931, as amended, relating to authorizing the  
15 commissioner to issue no more than ten additional special  
16 demonstration plates, upon a showing of need, to new and used  
17 motor vehicle dealers engaged in the business of selling  
18 trailers, truck-tractors, road-tractors or trucks and that  
19 demonstrate the motor vehicles under actual work conditions to  
20 potential purchasers; and setting fee amount for additional  
21 plates.

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

23 That §17A-6-10c of the Code of West Virginia, 1931, as  
24 amended, be amended and reenacted to read as follows:

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

3 PART III. FEES AND DEALER SPECIAL PLATES GENERALLY.

4 **§17A-6-10c. Special demonstration plates for dealers in trailers,**  
5 **truck-tractors, road-tractors and trucks;**  
6 **application; fee.**

7 (a) Notwithstanding any other provisions of this code, a new  
8 motor vehicle dealer or used motor vehicle dealer engaged in the  
9 business of selling trailers, truck-tractors, road-tractors or  
10 trucks that demonstrates the motor vehicles under actual work  
11 conditions to potential purchasers shall obtain a special  
12 demonstration plate from the Division of Motor Vehicles. The motor  
13 vehicle dealer may obtain special demonstration plates without  
14 first titling or registering each vehicle.

15 (b) The commissioner shall prescribe the application form for  
16 these special demonstration plates and shall require the applicant  
17 to submit proof of the applicant's status as a bona fide dealer in  
18 motor vehicles and to certify that the applicant needs special  
19 demonstration plates in the ordinary course of business.

20 The commissioner, upon approving an application, shall issue  
21 to the new motor vehicle dealer or used motor vehicle dealer up to  
22 four special demonstration plates which display the term  
23 "demonstration" or "demo" and a distinguishing number assigned to  
24 the motor vehicle dealer. The commissioner may issue no more than

1 ten additional special demonstration plates to a licensee upon a  
2 showing that the licensee has sales or potential sales justifying  
3 additional plates. This showing may include, but is not limited  
4 to, the dealer's on-site inventory of the applicable type of  
5 vehicles, previous sales of applicable vehicles or the geographical  
6 divergence of the dealer's customer base.

7 (c) The annual fee for special demonstration plates is \$100  
8 for the first plate and \$50 for each additional special  
9 demonstration plate that is issued, not to exceed a total of  
10 fourteen plates per dealer.

11 (d) Each motor vehicle dealer who is issued special  
12 demonstration plates shall keep a written record, on a form  
13 approved by the commissioner and open to inspection by a police  
14 officer or employee of the division, containing the following  
15 information:

16 (1) Identification of the motor vehicles upon which the  
17 special demonstration plates are used;

18 (2) The times and dates during which each special  
19 demonstration plate is used;

20 (3) The name and address of the company or individual using a  
21 motor vehicle on which a special demonstration plate is used; and

22 (4) Other information considered necessary by the  
23 commissioner.

24 (e) Each motor vehicle operated under the provisions of this

1 section is considered to be registered at the maximum vehicle  
2 weights allowable under article seventeen, chapter seventeen-c of  
3 this code.

4 (f) A motor vehicle dealer shall not:

5 (1) Use a special demonstration plate issued under the  
6 provisions of this section on a motor vehicle which is not being  
7 demonstrated;

8 (2) Use a special demonstration plate to demonstrate a single  
9 motor vehicle for more than seven calendar days in a calendar year  
10 for a single customer;

11 (3) Use a special demonstration plate on a motor vehicle  
12 leased or rented to a customer; or

13 (4) Use a special demonstration plate in any way other than to  
14 demonstrate the on-the-job capabilities of a motor vehicle to a  
15 potential purchaser.

16 (g) The motor vehicle dealer is required to furnish a  
17 certificate of insurance in the amount required by regulations of  
18 the West Virginia Public Service Commission or the United States  
19 Department of Transportation for the class of motor carrier for  
20 which the motor vehicle is to be demonstrated.