

1 **Senate Bill No. 380**

2 (By Senators Beach and Stollings)

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4 [Introduced January 20, 2014; referred to the Committee on
5 Transportation and Infrastructure; and then to the Committee on
6 the Judiciary.]
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11 A BILL to amend and reenact §17A-1-1 of the Code of West Virginia,
12 1931, as amended; and to amend and reenact §17A-6-1 of said
13 code, all relating to redefining "all-terrain vehicle" and
14 "utility terrain vehicle".

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

16 That §17A-1-1 of the Code of West Virginia, 1931, as amended,
17 be amended and reenacted; and that §17A-6-1 be amended and
18 reenacted, all to read as follows:

19 **ARTICLE 1. WORDS AND PHRASES DEFINED.**

20 **§17A-1-1. Definitions.**

21 Except as otherwise provided in this chapter, the following
22 words and phrases, when used in this chapter, shall have the
23 meanings respectively ascribed to them in this article:

24 (a) "Vehicle" means every device in, upon or by which any

1 person or property is or may be transported or drawn upon a
2 highway, excepting devices moved by human power or used exclusively
3 upon stationary rails or tracks.

4 (b) "Motor vehicle" means every vehicle which is self
5 propelled and every vehicle which is propelled by electric power
6 obtained from overhead trolley wires, but not operated upon rails.

7 (c) "Motorcycle" means every motor vehicle, including motor-
8 driven cycles and mopeds as defined in sections five and five-a,
9 article one, chapter seventeen-c of this code, having a saddle for
10 the use of the rider and designed to travel on not more than three
11 wheels in contact with the ground, but excluding a tractor.

12 (d) "School bus" means every motor vehicle owned by a public
13 governmental agency and operated for the transportation of children
14 to or from school or privately owned and operated for compensation
15 for the transportation of children to or from school.

16 (e) "Bus" means every motor vehicle designed to carry more
17 than seven passengers and used to transport persons; and every
18 motor vehicle, other than a taxicab, designed and used to transport
19 persons for compensation.

20 (f) "Truck tractor" means every motor vehicle designed and
21 used primarily for drawing other vehicles and not so constructed as
22 to carry a load other than a part of the weight of the vehicle and
23 load so drawn.

24 (g) "Farm tractor" means every motor vehicle designed and used

1 primarily as a farm implement for drawing plows, mowing machines
2 and other implements of husbandry.

3 (h) "Road tractor" means every motor vehicle designed, used or
4 maintained for drawing other vehicles and not so constructed as to
5 carry any load thereon either independently or any part of the
6 weight of a vehicle or load so drawn.

7 (i) "Truck" means every motor vehicle designed, used or
8 maintained primarily for the transportation of property.

9 (j) "Trailer" means every vehicle with or without motive power
10 designed for carrying persons or property and for being drawn by a
11 motor vehicle and so constructed that no part of its weight rests
12 upon the towing vehicle, but excluding recreational vehicles.

13 (k) "Semitrailer" means every vehicle with or without motive
14 power designed for carrying persons or property and for being drawn
15 by a motor vehicle and so constructed that some part of its weight
16 and that of its load rests upon or is carried by another vehicle.

17 (l) "Pole trailer" means every vehicle without motive power
18 designed to be drawn by another vehicle and attached to the towing
19 vehicle by means of a reach, or pole, or by being boomed or
20 otherwise secured to the towing vehicle and ordinarily used for
21 transporting long or irregularly shaped loads such as poles, pipes
22 or structural members capable, generally, of sustaining themselves
23 as beams between the supporting connections.

24 (m) "Specially constructed vehicles" means every vehicle of a

1 type required to be registered hereunder not originally constructed
2 under a distinctive name, make, model or type by a generally
3 recognized manufacturer of vehicles and not materially altered from
4 its original construction.

5 (n) "Reconstructed vehicle" means every vehicle of a type
6 required to be registered hereunder materially altered from its
7 original construction by the removal, addition or substitution of
8 essential parts, new or used.

9 (o) "Essential parts" means all integral and body parts of a
10 vehicle of a type required to be registered hereunder, the removal,
11 alteration or substitution of which would tend to conceal the
12 identity of the vehicle or substantially alter its appearance,
13 model, type or mode of operation.

14 (p) "Foreign vehicle" means every vehicle of a type required
15 to be registered hereunder brought into this state from another
16 state, territory or country other than in the ordinary course of
17 business by or through a manufacturer or dealer and not registered
18 in this state.

19 (q) "Implement of husbandry" means every vehicle which is
20 designed for or adapted to agricultural purposes and used by the
21 owner thereof primarily in the conduct of his or her agricultural
22 operations, including, but not limited to, trucks used for spraying
23 trees and plants: *Provided*, That the vehicle may not be let for
24 hire at any time.

1 (r) "Special mobile equipment" means every self-propelled
2 vehicle not designed or used primarily for the transportation of
3 persons or property and incidentally operated or moved over the
4 highways, including, without limitation, road construction or
5 maintenance machinery, ditch-digging apparatus, stone crushers, air
6 compressors, power shovels, graders, rollers, well drillers, wood-
7 sawing equipment, asphalt spreaders, bituminous mixers, bucket
8 loaders, ditchers, leveling graders, finishing machines, motor
9 graders, road rollers, scarifiers, earth-moving carryalls,
10 scrapers, drag lines, rock-drilling equipment and earth-moving
11 equipment. The foregoing enumeration shall be deemed partial and
12 may not operate to exclude other such vehicles which are within the
13 general terms of this subdivision.

14 (s) "Pneumatic tire" means every tire in which compressed air
15 is designed to support the load.

16 (t) "Solid tire" means every tire of rubber or other resilient
17 material which does not depend upon compressed air for the support
18 of the load.

19 (u) "Metal tire" means every tire the surface of which in
20 contact with the highway is wholly or partly of metal or other
21 hard, nonresilient material.

22 (v) "Commissioner" means the Commissioner of Motor Vehicles of
23 this state.

24 (w) "Division" means the Division of Motor Vehicles of this

1 state acting directly or through its duly authorized officers and
2 agents.

3 (x) "Person" means every natural person, firm, copartnership,
4 association or corporation.

5 (y) "Owner" means a person who holds the legal title to a
6 vehicle, or in the event a vehicle is the subject of an agreement
7 for the conditional sale or lease thereof with the right of
8 purchase upon performance of the conditions stated in the agreement
9 and with an immediate right of possession vested in the conditional
10 vendee or lessee, or in the event a mortgagor of a vehicle is
11 entitled to possession, then the conditional vendee or lessee or
12 mortgagor shall be deemed the owner for the purpose of this
13 chapter.

14 (z) "Nonresident" means every person who is not a resident of
15 this state.

16 (aa) "Dealer" or "dealers" is a general term meaning,
17 depending upon the context in which used, either a new motor
18 vehicle dealer, used motor vehicle dealer, factory-built home
19 dealer, recreational vehicle dealer, trailer dealer or motorcycle
20 dealer, as defined in section one, article six of this chapter, or
21 all of the dealers or a combination thereof and, in some instances,
22 a new motor vehicle dealer or dealers in another state.

23 (bb) "Registered dealer" or "registered dealers" is a general
24 term meaning, depending upon the context in which used, either a

1 new motor vehicle dealer, used motor vehicle dealer, house trailer
2 dealer, trailer dealer, recreational vehicle dealer or motorcycle
3 dealer, or all of the dealers or a combination thereof, licensed
4 under the provisions of article six of this chapter.

5 (cc) "Licensed dealer" or "licensed dealers" is a general term
6 meaning, depending upon the context in which used, either a new
7 motor vehicle dealer, used motor vehicle dealer, house trailer
8 dealer, trailer dealer, recreational vehicle dealer or motorcycle
9 dealer, or all of the dealers or a combination thereof, licensed
10 under the provisions of article six of this chapter.

11 (dd) "Transporter" means every person engaged in the business
12 of delivering vehicles of a type required to be registered
13 hereunder from a manufacturing, assembling or distributing plant to
14 dealers or sales agents of a manufacturer.

15 (ee) "Manufacturer" means every person engaged in the business
16 of constructing or assembling vehicles of a type required to be
17 registered hereunder at a place of business in this state which is
18 actually occupied either continuously or at regular periods by the
19 manufacturer where his or her books and records are kept and a
20 large share of his or her business is transacted.

21 (ff) "Street" or "highway" means the entire width between
22 boundary lines of every way publicly maintained when any part
23 thereof is open to the use of the public for purposes of vehicular
24 travel.

1 (gg) "Motorboat" means any vessel propelled by an electrical,
2 steam, gas, diesel or other fuel-propelled or -driven motor,
3 whether or not the motor is the principal source of propulsion, but
4 may not include a vessel which has a valid marine document issued
5 by the bureau of customs of the United States government or any
6 federal agency successor thereto.

7 (hh) "Motorboat trailer" means every vehicle designed for or
8 ordinarily used for the transportation of a motorboat.

9 ~~(ii) "All-terrain vehicle" (ATV) means any motor vehicle~~
10 ~~designed for off-highway use and designed to travel on not less~~
11 ~~than three low-pressure tires, having a seat or saddle designed to~~
12 ~~be straddled by the operator and handlebars for steering control~~
13 ~~and intended by the manufacturer to be used by a single operator or~~
14 ~~by an operator and no more than one passenger.~~

15 (ii) "All-terrain vehicle" (ATV) means any motor vehicle
16 designed for off-highway use and designed to travel on not less
17 than three low-pressure or nonhighway tires, is fifty inches or
18 less in width and intended by the manufacturer to be used by a
19 single operator or is specifically designed by the manufacturer
20 with seating for each passenger. "All-terrain vehicle" and "ATV"
21 does not include mini trucks, golf carts, riding lawnmowers or
22 tractors.

23 (jj) "Travel trailer" means every vehicle, mounted on wheels,
24 designed to provide temporary living quarters for recreational,

1 camping or travel use of such size or weight as not to require
2 special highway movement permits when towed by a motor vehicle and
3 of gross trailer area less than four hundred square feet.

4 (kk) "Fold-down camping trailer" means every vehicle
5 consisting of a portable unit mounted on wheels and constructed
6 with collapsible partial sidewalls which fold for towing by another
7 vehicle and unfold at the camp site to provide temporary living
8 quarters for recreational, camping or travel use.

9 (ll) "Motor home" means every vehicle, designed to provide
10 temporary living quarters, built into an integral part of or
11 permanently attached to a self-propelled motor vehicle, chassis or
12 van including: (1) Type A motor home built on an incomplete truck
13 chassis with the truck cab constructed by the second stage
14 manufacturer; (2) Type B motor home consisting of a van-type
15 vehicle which has been altered to provide temporary living
16 quarters; and (3) Type C motor home built on an incomplete van or
17 truck chassis with a cab constructed by the chassis manufacturer.

18 (mm) "Snowmobile" means a self-propelled vehicle intended for
19 travel primarily on snow and driven by a track or tracks in contact
20 with the snow and steered by a ski or skis in contact with the
21 snow.

22 (nn) "Recreational vehicle" means a motorboat, motorboat
23 trailer, all-terrain vehicle, travel trailer, fold-down camping
24 trailer, motor home or snowmobile.

1 (oo) "Mobile equipment" means every self-propelled vehicle not
2 designed or used primarily for the transportation of persons or
3 property over the highway but which may infrequently or
4 incidentally travel over the highways among job sites, equipment
5 storage sites or repair sites, including farm equipment, implements
6 of husbandry, well drillers, cranes and wood-sawing equipment.

7 (pp) "Factory-built home" includes mobile homes, house
8 trailers and manufactured homes.

9 (qq) "Manufactured home" has the same meaning as the term is
10 defined in section two, article nine, chapter twenty-one of this
11 code which meets the federal Manufactured Housing Construction and
12 Safety Standards Act of 1974 (42 U. S. C. §5401, *et seq.*),
13 effective on June 15, 1976, and the federal manufactured home
14 construction and safety standards and regulations promulgated by
15 the Secretary of the United States Department of Housing and Urban
16 Development.

17 (rr) "Mobile home" means a transportable structure that is
18 wholly, or in substantial part, made, fabricated, formed or
19 assembled in manufacturing facilities for installation or assembly
20 and installation on a building site and designed for long-term
21 residential use and built prior to enactment of the federal
22 Manufactured Housing Construction and Safety Standards Act of 1974
23 (42 U. S. C. §5401, *et seq.*), effective on June 15, 1976, and
24 usually built to the voluntary industry standard of the American

1 National Standards Institute (ANSI) -- A119.1 standards for mobile
2 homes.

3 (ss) "House trailers" means all trailers designed and used for
4 human occupancy on a continual nonrecreational basis, but may not
5 include fold-down camping and travel trailers, mobile homes or
6 manufactured homes.

7 (tt) "Parking enforcement vehicle" means a motor vehicle which
8 does not fit into any other classification of vehicle in this
9 chapter, has three or four wheels and is designed for use in an
10 incorporated municipality by a city, county, state or other
11 governmental entity primarily for parking enforcement or other
12 governmental purposes with an operator area with sides permanently
13 enclosed with rigid construction and a top which may be
14 convertible, sealed beam headlights, turn signals, brake lights,
15 horn, at least one rearview mirror on each side and such other
16 equipment that will enable it to pass a standard motorcycle vehicle
17 inspection.

18 (uu) "Low-speed vehicle" means a four-wheeled motor vehicle
19 whose attainable speed in one mile on a paved level surface is more
20 than twenty miles per hour but not more than twenty-five miles per
21 hour.

22 ~~(vv) "Utility terrain vehicle" means any motor vehicle with~~
23 ~~four or more low-pressure tires designed for off-highway use having~~
24 ~~bench or bucket seating for each occupant and a steering wheel for~~

1 ~~control.~~

2 (vv) "Utility terrain vehicle" means any motor vehicle with
3 four or more low-pressure or nonhighway tires designed for off-
4 highway use and is greater than fifty inches in width. "Utility
5 terrain vehicle" does not include mini trucks, golf carts, riding
6 lawnmowers or tractors.

7 **ARTICLE 6. LICENSING OF DEALERS AND WRECKERS OR DISMANTLERS;**

8 **SPECIAL PLATES; TEMPORARY PLATES OR MARKERS.**

9 **§17A-6-1. Definitions.**

10 (a) Unless the context in which used clearly requires a
11 different meaning, as used in this article:

12 (1) "New motor vehicle dealer" means every person (other than
13 agents and employees, if any, while acting within the scope of
14 their authority or employment), engaged in, or held out to the
15 public to be engaged in, the business in this state of selling five
16 or more new motor vehicles or new and used motor vehicles in any
17 fiscal year of a type required to be registered under the
18 provisions of this chapter, except, for the purposes of this
19 article only, motorcycles.

20 (2) "Used motor vehicle dealer" means every person (other than
21 agents and employees, if any, while acting within the scope of
22 their authority or employment), engaged in, or held out to the
23 public to be engaged in, the business in this state of selling five
24 or more used motor vehicles in any fiscal year of a type required

1 to be registered under the provisions of this chapter, except, for
2 the purposes of this article only, motorcycles.

3 (3) "House trailer dealer" means every person (other than
4 agents and employees, if any, while acting within the scope of
5 their authority or employment), engaged in, or held out to the
6 public to be engaged in, the business in this state of selling new
7 or used house trailers, or both, or new or used, or both, house
8 trailers and trailers or new or used, or both, manufactured homes
9 and mobile homes.

10 (4) "Trailer dealer" means every person (other than agents and
11 employees, if any, while acting within the scope of their authority
12 or employment), engaged in, or held out to the public to be engaged
13 in, the business in this state of selling new or used trailers.

14 (5) "Motorcycle dealer" means every person (other than agents
15 and employees, if any, while acting within the scope of their
16 authority or employment), engaged in, or held out to the public to
17 be engaged in, the business in this state of selling new or used
18 motorcycles.

19 (6) "Used parts dealer" means every person (other than agents
20 and employees, if any, while acting within the scope of their
21 authority or employment), engaged in, or held out to the public to
22 be engaged in, the business in this state of selling any used
23 appliance, accessory, member, portion or other part of any vehicle.

24 (7) "Wrecker/dismantler/rebuilder" means every person (other

1 than agents and employees, if any, while acting within the scope of
2 their authority or employment), engaged in, or held out to the
3 public to be engaged in, the business in this state of dealing in
4 wrecked or damaged motor vehicles or motor vehicle parts for the
5 purpose of selling the parts thereof or scrap therefrom or who is
6 in the business of rebuilding salvage motor vehicles for the
7 purpose of resale to the public.

8 (8) "New motor vehicles" means all motor vehicles, except
9 motorcycles and used motor vehicles, of a type required to be
10 registered under the provisions of this chapter.

11 (9) "Used motor vehicles" means all motor vehicles, except
12 motorcycles, of a type required to be registered under the
13 provisions of this chapter which have been sold and operated, or
14 which have been registered or titled, in this or any other state or
15 jurisdiction.

16 (10) "House trailers" means all trailers designed and used for
17 human occupancy on a continual nonrecreational basis, but may not
18 include fold-down camping and travel trailers, mobile homes or
19 manufactured homes.

20 (11) "Trailers" means all types of trailers other than house
21 trailers, and shall include, but not be limited to, pole trailers
22 and semitrailers but excluding recreational vehicles.

23 (12) "Sales instrument" means any document resulting from the
24 sale of a vehicle, which shall include, but not be limited to, a

1 bill of sale, invoice, conditional sales contract, chattel
2 mortgage, chattel trust deed, security agreement or similar
3 document.

4 (13) "Sell", "sale" or "selling", in addition to the ordinary
5 definitions of the terms, includes offering for sale, soliciting
6 sales of, negotiating for the sale of, displaying for sale or
7 advertising for sale, any vehicle, whether at retail, wholesale or
8 at auction. "Selling", in addition to the ordinary definition of
9 that term, also includes buying and exchanging.

10 (14) "Applicant" means any person making application for an
11 original or renewal license certificate under the provisions of
12 this article.

13 (15) "Licensee" means any person holding any license
14 certificate issued under the provisions of this article.

15 (16) "Predecessor" means the former owner or owners or
16 operator or operators of any new motor vehicle dealer business or
17 used motor vehicle dealer business.

18 (17) "Established place of business" means, in the case of a
19 new motor vehicle dealer, a permanent location, not a temporary
20 stand or other temporary quarters, owned or leased by the licensee
21 or applicant and actually occupied or to be occupied by him or her,
22 as the case may be, which is or is to be used exclusively for the
23 purpose of selling new motor vehicles or new and used motor
24 vehicles, which shall have space under roof for the display of at

1 least one new motor vehicle and facilities and space therewith for
2 the servicing and repair of at least one motor vehicle, which
3 servicing and repair facilities and space is adequate and suitable
4 to carry out servicing and to make repairs necessary to keep and
5 carry out all representations, warranties and agreements made or to
6 be made by the dealer with respect to motor vehicles sold by him or
7 her, which is easily accessible to the public, which conforms to
8 all applicable laws of this state and the ordinances of the
9 municipality in which it is located, if any, which displays thereon
10 at least one permanent sign, clearly visible from the principal
11 public street or highway nearest the location and clearly stating
12 the business which is or shall be conducted thereat, and which has
13 adequate facilities to keep, maintain and preserve records, papers
14 and documents necessary to carry on the business and to make the
15 business available to inspection by the commissioner at all
16 reasonable times: *Provided,* That each established place of
17 business shall have a display area which may be outside or inside
18 or a combination thereof of at least one thousand two hundred
19 square feet which is to be used exclusively for the display of
20 vehicles which are offered for sale by the dealer, office space of
21 at least one hundred forty-four square feet and a telephone listed
22 in the name of the dealership. Each established place of business
23 shall be open to the public a minimum of twenty hours per week at
24 least forty weeks per calendar year with at least ten of those

1 hours being between the hours of 9:30 a.m. and 8:30 p.m., Monday
2 through Saturday: *Provided, however,* That the requirement of
3 exclusive use is met even though: (A) Some new and any used motor
4 vehicles sold or to be sold by the dealer or sold or are to be sold
5 at a different location or locations not meeting the definition of
6 an established place of business of a new motor vehicle dealer, if
7 each location is or is to be served by other facilities and space
8 of the dealer for the servicing and repair of at least one motor
9 vehicle, adequate and suitable as aforesaid, and each location used
10 for the sale of some new and any used motor vehicles otherwise
11 meets the definition of an established place of business of a used
12 motor vehicle dealer; (B) house trailers, trailers or motorcycles
13 are sold or are to be sold thereat, if, subject to the provisions
14 of section five of this article, a separate license certificate is
15 obtained for each type of vehicle business, which license
16 certificate remains unexpired, unsuspended and unrevoked; (C) farm
17 machinery is sold thereat; (D) accessory, gasoline and oil, or
18 storage departments are maintained thereat, if the departments are
19 operated for the purpose of furthering and assisting in the
20 licensed business or businesses; and (E) the established place of
21 business has an attached single residential rental unit with an
22 outside separate entrance and occupied by a person or persons with
23 no financial or operational interest in the dealership where the
24 established place of business has space under roof for the display

1 of at least three new motor vehicles and facilities and space
2 therewith for the concurrent servicing and repair of at least two
3 motor vehicles and otherwise meets the requirements set forth in
4 this subdivision.

5 (18) "Farm machinery" means all machines and tools used in the
6 production, harvesting or care of farm products.

7 (19) "Established place of business", in the case of a used
8 motor vehicle dealer, means a permanent location, not a temporary
9 stand or other temporary quarters, owned or leased by the licensee
10 or applicant and actually occupied or to be occupied by him or her,
11 as the case may be, which is or is to be used exclusively for the
12 purpose of selling used motor vehicles, which shall have facilities
13 and space therewith for the servicing and repair of at least one
14 motor vehicle, which servicing and repair facilities and space
15 shall be adequate and suitable to carry out servicing and to make
16 repairs necessary to keep and carry out all representations,
17 warranties and agreements made or to be made by the dealer with
18 respect to used motor vehicles sold by him or her, which is easily
19 accessible to the public, conforms to all applicable laws of this
20 state, and the ordinances of the municipality in which it is
21 located, if any, which displays thereon at least one permanent
22 sign, clearly visible from the principal public street or highway
23 nearest the location and clearly stating the business which is or
24 shall be conducted thereat, and which has adequate facilities to

1 keep, maintain and preserve records, papers and documents necessary
2 to carry on the business and to make the business available to
3 inspection by the commissioner at all reasonable times: *Provided,*
4 That each established place of business shall have a display area
5 which may be outside or inside or a combination thereof of at least
6 one thousand two hundred square feet which is to be used
7 exclusively for the display of vehicles which are offered for sale
8 by the dealer, office space of at least one hundred forty-four
9 square feet and a telephone listed in the name of the dealership.
10 Each established place of business shall be open to the public a
11 minimum of twenty hours per week at least forty weeks per calendar
12 year with at least ten of those hours being between the hours of
13 9:30 a.m. and 8:30 p.m., Monday through Saturday: *Provided,*
14 *however,* That if a used motor vehicle dealer has entered into a
15 written agreement or agreements with a person or persons owning or
16 operating a servicing and repair facility or facilities adequate
17 and suitable as aforesaid, the effect of which agreement or
18 agreements is to provide the servicing and repair services and
19 space in like manner as if the servicing and repair facilities and
20 space were located in or on the dealer's place of business, then,
21 so long as the agreement or agreements are in effect, it is not
22 necessary for the dealer to maintain the servicing and repair
23 facilities and space at the place of business in order for the
24 place of business to be an established place of business as herein

1 defined: *Provided further*, That the requirement of exclusive use
2 is met even though: (A) House trailers, trailers or motorcycles
3 are sold or are to be sold thereat, if, subject to the provisions
4 of section five of this article, a separate license certificate is
5 obtained for each type of vehicle business, which license
6 certificate remains unexpired, unsuspended and unrevoked; (B) farm
7 machinery is sold thereat; (C) accessory, gasoline and oil, or
8 storage departments are maintained thereat, if the departments are
9 operated for the purpose of furthering and assisting in the
10 licensed business or businesses; and (D) the established place of
11 business has an attached single residential rental unit with an
12 outside separate entrance and occupied by a person or persons with
13 no financial or operational interest in the dealership where the
14 established place of business has space under roof for the display
15 of at least three motor vehicles and facilities and space therewith
16 for the concurrent servicing and repair of at least two motor
17 vehicles and otherwise meets the requirements set forth herein.

18 (20) "Established place of business", in the case of a house
19 trailer dealer, trailer dealer, recreational vehicle dealer,
20 motorcycle dealer, used parts dealer and wrecker or dismantler,
21 means a permanent location, not a temporary stand or other
22 temporary quarters, owned or leased by the licensee or applicant
23 and actually occupied or to be occupied by the licensee, as the
24 case may be, which is easily accessible to the public, which

1 conforms to all applicable laws of this state and the ordinances of
2 the municipality in which it is located, if any, which displays
3 thereon at least one permanent sign, clearly visible from the
4 principal public street or highway nearest the location and clearly
5 stating the business which is or shall be conducted thereat, and
6 which has adequate facilities to keep, maintain and preserve
7 records, papers and documents necessary to carry on the business
8 and to make the business available to inspection by the
9 commissioner at all reasonable times.

10 (21) "Manufacturer" means every person engaged in the business
11 of reconstructing, assembling or reassembling vehicles with a
12 special type body required by the purchaser if the vehicle is
13 subject to the title and registration provisions of this code.

14 (22) "Transporter" means every person engaged in the business
15 of transporting vehicles to or from a manufacturing, assembling or
16 distributing plant to dealers or sales agents of a manufacturer, or
17 purchasers.

18 (23) "Recreational vehicle dealer" means every person (other
19 than agents and employees, if any, while acting within the scope of
20 their authority or employment), engaged in, or held out to the
21 public to be engaged in, the business in this state of selling new
22 or used recreational vehicles, or both.

23 (24) "Motorboat" means any vessel propelled by an electrical,
24 steam, gas, diesel or other fuel-propelled or -driven motor,

1 whether or not the motor is the principal source of propulsion, but
2 does not include a vessel which has a valid marine document issued
3 by the bureau of customs of the United States government or any
4 federal agency successor thereto.

5 (25) "Motorboat trailer" means every vehicle designed for or
6 ordinarily used for the transportation of a motorboat.

7 ~~(26) "All-terrain vehicle" (ATV) means any motor vehicle~~
8 ~~designed for off-highway use and designed to travel on not less~~
9 ~~than three low-pressure tires and designed for operator use only~~
10 ~~with no passengers, having a seat or saddle designed to be~~
11 ~~straddled by the operator, and handlebars for steering control and~~
12 ~~intended by the manufacturer to be used by a single operator or by~~
13 ~~an operator and no more than one passenger.~~

14 (26) "All-terrain vehicle" (ATV) means any motor vehicle
15 designed for off-highway use and designed to travel on not less
16 than three low-pressure or nonhighway tires, is fifty inches or
17 less in width and intended by the manufacturer to be used by a
18 single operator or is specifically designed by the manufacturer
19 with seating for each passenger. "All-terrain vehicle" and "ATV"
20 does not include mini trucks, golf carts, riding lawnmowers or
21 tractors.

22 (27) "Travel trailer" means every vehicle, mounted on wheels,
23 designed to provide temporary living quarters for recreational,
24 camping or travel use of such size or weight as not to require

1 special highway movement permits when towed by a motor vehicle and
2 of gross trailer area less than four hundred square feet.

3 (28) "Fold-down camping trailer" means every vehicle
4 consisting of a portable unit mounted on wheels and constructed
5 with collapsible partial sidewalls which fold for towing by another
6 vehicle and unfold at the camp site to provide temporary living
7 quarters for recreational, camping or travel use.

8 (29) "Motor home" means every vehicle, designed to provide
9 temporary living quarters, built into an integral part of or
10 permanently attached to a self-propelled motor vehicle, chassis or
11 van including: (1) Type A motor home built on an incomplete truck
12 chassis with the truck cab constructed by the second-stage
13 manufacturer; (2) Type B motor home consisting of a van-type
14 vehicle which has been altered to provide temporary living
15 quarters; and (3) Type C motor home built on an incomplete van or
16 truck chassis with a cab constructed by the chassis manufacturer.

17 (30) "Snowmobile" means a self-propelled vehicle intended for
18 travel primarily on snow and driven by a track or tracks in contact
19 with the snow and steered by a ski or skis in contact with the
20 snow.

21 (31) "Recreational vehicle" means a motorboat, motorboat
22 trailer, all-terrain vehicle, travel trailer, fold-down camping
23 trailer, motor home, snowmobile or utility-terrain vehicle.

24 (32) "Major component" means any one of the following

1 subassemblies of a motor vehicle: (A) Front clip assembly
2 consisting of fenders, grille, hood, bumper and related parts; (B)
3 engine; (C) transmission; (D) rear clip assembly consisting of
4 quarter panels and floor panel assembly; or (E) two or more doors.

5 (33) "Factory-built home" includes mobile homes, house
6 trailers and manufactured homes.

7 (34) "Manufactured home" has the same meaning as the term is
8 defined in section two, article nine, chapter twenty-one of this
9 code which meets the National Manufactured Housing Construction and
10 Safety Standards Act of 1974 (42 U. S. C. §5401 et seq.), effective
11 on June 15, 1976, and the federal manufactured home construction
12 and safety standards and regulations promulgated by the Secretary
13 of the United States Department of Housing and Urban Development.

14 (35) "Mobile home" means a transportable structure that is
15 wholly, or in substantial part, made, fabricated, formed or
16 assembled in manufacturing facilities for installation or assembly
17 and installation on a building site and designed for long-term
18 residential use and built prior to enactment of the federal
19 Manufactured Housing Construction and Safety Standards Institute
20 (ANSI) -- A119.1 standards for mobile homes.

21 ~~(36) "Utility terrain vehicle" means any motor vehicle with~~
22 ~~four or more low-pressure tires designed for off-highway use having~~
23 ~~bench or bucket seating for each occupant and a steering wheel for~~
24 ~~control.~~

1 (36) "Utility terrain vehicle" means any motor vehicle with
2 four or more low-pressure or nonhighway tires designed for off-
3 highway use and is greater than fifty inches in width. "Utility
4 terrain vehicle" does not include mini trucks, golf carts, riding
5 lawnmowers or tractors.

6 (b) Under no circumstances whatever may the terms "new motor
7 vehicle dealer", "used motor vehicle dealer", "house trailer
8 dealer", "trailer dealer", "recreational vehicle dealer",
9 "motorcycle dealer", "used parts dealer" or "wrecker/dismantler/
10 rebuilder" be construed or applied under this article in such a way
11 as to include a banking institution, insurance company, finance
12 company, or other lending or financial institution, or other
13 person, the state or any agency or political subdivision thereof,
14 or any municipality, who or which owns or comes in possession or
15 ownership of, or acquires contract rights, or security interests in
16 or to, any vehicle or vehicles or any part thereof and sells the
17 vehicle or vehicles or any part thereof for purposes other than
18 engaging in and holding out to the public to be engaged in the
19 business of selling vehicles or any part thereof.

20 (c) It is recognized that throughout this code the term
21 "trailer" or "trailers" is used to include, among other types of
22 trailers, house trailers. It is also recognized that throughout
23 this code the term "trailer" or "trailers" is seldom used to
24 include semitrailers or pole trailers. However, for the purposes

1 of this article only, the term "trailers" has the meaning ascribed
2 to it in subsection (a) of this section.

(NOTE: The purpose of this bill is to amend the definition of
all-terrain vehicle and utility terrain vehicle.

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