

SB 380

WEST VIRGINIA LEGISLATURE
EIGHTY-FIRST LEGISLATURE
REGULAR SESSION, 2014



ENROLLED
Senate Bill No. 380

(BY SENATORS BEACH AND STOLLINGS)

[PASSED MARCH 8, 2014; IN EFFECT NINETY DAYS FROM PASSAGE.]

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

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**OFFICE WEST VIRGINIA
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(BY SENATORS BEACH AND STOLLINGS)

[Passed March 8, 2014; in effect ninety days from passage.]

AN ACT to amend and reenact §17A-1-1 of the Code of West Virginia, 1931, as amended; and to amend and reenact §17A-6-1 of said code, all relating to off-road vehicles; and updating statutory definitions to reflect new categories of vehicles and standard accessories.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 1. WORDS AND PHRASES DEFINED.

§17A-1-1. Definitions.

1 Except as otherwise provided in this chapter, the
2 following words and phrases, when used in this chapter, shall
3 have the meanings respectively ascribed to them in this
4 article:

5 (a) "Vehicle" means every device in, upon or by which
6 any person or property is or may be transported or drawn
7 upon a highway, excepting devices moved by human power
8 or used exclusively upon stationary rails or tracks.

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

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

19 (d) "School bus" means every motor vehicle owned by a
20 public governmental agency and operated for the
21 transportation of children to or from school or privately
22 owned and operated for compensation for the transportation
23 of children to or from school.

24 (e) "Bus" means every motor vehicle designed to carry
25 more than seven passengers and used to transport persons;
26 and every motor vehicle, other than a taxicab, designed and
27 used to transport persons for compensation.

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

32 (g) "Farm tractor" means every motor vehicle designed
33 and used primarily as a farm implement for drawing plows,
34 mowing machines and other implements of husbandry.

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

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

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

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

51 (l) "Pole trailer" means every vehicle without motive
52 power designed to be drawn by another vehicle and attached
53 to the towing vehicle by means of a reach, or pole, or by
54 being boomed or otherwise secured to the towing vehicle and
55 ordinarily used for transporting long or irregularly shaped
56 loads such as poles, pipes or structural members capable,
57 generally, of sustaining themselves as beams between the
58 supporting connections.

59 (m) "Specially constructed vehicles" means every vehicle
60 of a type required to be registered hereunder not originally
61 constructed under a distinctive name, make, model or type by
62 a generally recognized manufacturer of vehicles and not
63 materially altered from its original construction.

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

68 (o) "Essential parts" means all integral and body parts of
69 a vehicle of a type required to be registered hereunder, the
70 removal, alteration or substitution of which would tend to
71 conceal the identity of the vehicle or substantially alter its
72 appearance, model, type or mode of operation.

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

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

84 (r) "Special mobile equipment" means every self-
85 propelled vehicle not designed or used primarily for the
86 transportation of persons or property and incidentally
87 operated or moved over the highways, including, without
88 limitation, road construction or maintenance machinery,
89 ditch-digging apparatus, stone crushers, air compressors,
90 power shovels, graders, rollers, well drillers, wood-sawing
91 equipment, asphalt spreaders, bituminous mixers, bucket
92 loaders, ditchers, leveling graders, finishing machines, motor
93 graders, road rollers, scarifiers, earth-moving carryalls,
94 scrapers, drag lines, rock-drilling equipment and earth-
95 moving equipment. The foregoing enumeration shall be
96 deemed partial and may not operate to exclude other such
97 vehicles which are within the general terms of this
98 subdivision.

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

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

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

107 (v) "Commissioner" means the Commissioner of Motor
108 Vehicles of this state.

109 (w) "Division" means the Division of Motor Vehicles of
110 this state acting directly or through its duly authorized
111 officers and agents.

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

114 (y) "Owner" means a person who holds the legal title to
115 a vehicle, or in the event a vehicle is the subject of an
116 agreement for the conditional sale or lease thereof with the
117 right of purchase upon performance of the conditions stated
118 in the agreement and with an immediate right of possession
119 vested in the conditional vendee or lessee, or in the event a
120 mortgagor of a vehicle is entitled to possession, then the
121 conditional vendee or lessee or mortgagor shall be deemed
122 the owner for the purpose of this chapter.

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

125 (aa) "Dealer" or "dealers" is a general term meaning,
126 depending upon the context in which used, either a new

127 motor vehicle dealer, used motor vehicle dealer, factory-built
128 home dealer, recreational vehicle dealer, trailer dealer or
129 motorcycle dealer, as defined in section one, article six of this
130 chapter, or all of the dealers or a combination thereof and, in
131 some instances, a new motor vehicle dealer or dealers in
132 another state.

133 (bb) "Registered dealer" or "registered dealers" is a general
134 term meaning, depending upon the context in which used, either
135 a new motor vehicle dealer, used motor vehicle dealer, house
136 trailer dealer, trailer dealer, recreational vehicle dealer or
137 motorcycle dealer, or all of the dealers or a combination thereof,
138 licensed under the provisions of article six of this chapter.

139 (cc) "Licensed dealer" or "licensed dealers" is a general
140 term meaning, depending upon the context in which used,
141 either a new motor vehicle dealer, used motor vehicle dealer,
142 house trailer dealer, trailer dealer, recreational vehicle dealer or
143 motorcycle dealer, or all of the dealers or a combination
144 thereof, licensed under the provisions of article six of this
145 chapter.

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

150 (ee) "Manufacturer" means every person engaged in the
151 business of constructing or assembling vehicles of a type
152 required to be registered hereunder at a place of business in this
153 state which is actually occupied either continuously or at
154 regular periods by the manufacturer where his or her books and
155 records are kept and a large share of his or her business is
156 transacted.

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

161 (gg) "Motorboat" means any vessel propelled by an
162 electrical, steam, gas, diesel or other fuel-propelled or -driven
163 motor, whether or not the motor is the principal source of
164 propulsion, but may not include a vessel which has a valid
165 marine document issued by the bureau of customs of the
166 United States government or any federal agency successor
167 thereto.

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

170 (ii) "All-terrain vehicle" (ATV) means any motor vehicle
171 designed for off-highway use and designed to travel on not
172 less than three low-pressure or nonhighway tires, is fifty
173 inches or less in width and intended by the manufacturer to
174 be used by a single operator or is specifically designed by the
175 manufacturer with seating for each passenger. "All-terrain
176 vehicle" and "ATV" does not include mini trucks, golf carts,
177 riding lawnmowers or tractors.

178 (jj) "Travel trailer" means every vehicle, mounted on
179 wheels, designed to provide temporary living quarters for
180 recreational, camping or travel use of such size or weight as
181 not to require special highway movement permits when
182 towed by a motor vehicle and of gross trailer area less than
183 four hundred square feet.

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

190 (ll) "Motor home" means every vehicle, designed to
191 provide temporary living quarters, built into an integral part

192 of or permanently attached to a self-propelled motor vehicle,
193 chassis or van including: (1) Type A motor home built on an
194 incomplete truck chassis with the truck cab constructed by
195 the second stage manufacturer; (2) Type B motor home
196 consisting of a van-type vehicle which has been altered to
197 provide temporary living quarters; and (3) Type C motor
198 home built on an incomplete van or truck chassis with a cab
199 constructed by the chassis manufacturer.

200 (mm) "Snowmobile" means a self-propelled vehicle
201 intended for travel primarily on snow and driven by a track
202 or tracks in contact with the snow and steered by a ski or skis
203 in contact with the snow.

204 (nn) "Recreational vehicle" means a motorboat,
205 motorboat trailer, all-terrain vehicle, travel trailer, fold-down
206 camping trailer, motor home or snowmobile.

207 (oo) "Mobile equipment" means every self-propelled
208 vehicle not designed or used primarily for the transportation
209 of persons or property over the highway but which may
210 infrequently or incidentally travel over the highways among
211 job sites, equipment storage sites or repair sites, including
212 farm equipment, implements of husbandry, well drillers,
213 cranes and wood-sawing equipment.

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

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

224 (rr) "Mobile home" means a transportable structure that
225 is wholly, or in substantial part, made, fabricated, formed or
226 assembled in manufacturing facilities for installation or
227 assembly and installation on a building site and designed for
228 long-term residential use and built prior to enactment of the
229 federal Manufactured Housing Construction and Safety
230 Standards Act of 1974 (42 U. S. C. §5401, *et seq.*), effective
231 on June 15, 1976, and usually built to the voluntary industry
232 standard of the American National Standards Institute (ANSI)
233 – A119.1 standards for mobile homes.

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

238 (tt) "Parking enforcement vehicle" means a motor vehicle
239 which does not fit into any other classification of vehicle in
240 this chapter, has three or four wheels and is designed for use
241 in an incorporated municipality by a city, county, state or
242 other governmental entity primarily for parking enforcement
243 or other governmental purposes with an operator area with
244 sides permanently enclosed with rigid construction and a top
245 which may be convertible, sealed beam headlights, turn
246 signals, brake lights, horn, at least one rearview mirror on
247 each side and such other equipment that will enable it to pass
248 a standard motorcycle vehicle inspection.

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

253 (vv) "Utility terrain vehicle" means any motor vehicle
254 with four or more low-pressure or nonhighway tires designed
255 for off-highway use and is greater than fifty inches in width.

256 "Utility terrain vehicle" does not include mini trucks, golf
257 carts, riding lawnmowers or tractors.

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

§17A-6-1. Definitions.

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

3 (1) "New motor vehicle dealer" means every person
4 (other than agents and employees, if any, while acting within
5 the scope of their authority or employment), engaged in, or
6 held out to the public to be engaged in, the business in this
7 state of selling five or more new motor vehicles or new and
8 used motor vehicles in any fiscal year of a type required to be
9 registered under the provisions of this chapter, except, for the
10 purposes of this article only, motorcycles.

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

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

24 both, house trailers and trailers or new or used, or both,
25 manufactured homes and mobile homes.

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

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

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

42 (7) "Wrecker/dismantler/rebuilder" means every person
43 (other than agents and employees, if any, while acting within
44 the scope of their authority or employment), engaged in, or
45 held out to the public to be engaged in, the business in this
46 state of dealing in wrecked or damaged motor vehicles or
47 motor vehicle parts for the purpose of selling the parts thereof
48 or scrap therefrom or who is in the business of rebuilding
49 salvage motor vehicles for the purpose of resale to the public.

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

53 (9) "Used motor vehicles" means all motor vehicles,
54 except motorcycles, of a type required to be registered under
55 the provisions of this chapter which have been sold and
56 operated, or which have been registered or titled, in this or
57 any other state or jurisdiction.

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

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

65 (12) "Sales instrument" means any document resulting
66 from the sale of a vehicle, which shall include, but not be
67 limited to, a bill of sale, invoice, conditional sales contract,
68 chattel mortgage, chattel trust deed, security agreement or
69 similar document.

70 (13) "Sell", "sale" or "selling", in addition to the ordinary
71 definitions of the terms, includes offering for sale, soliciting
72 sales of, negotiating for the sale of, displaying for sale or
73 advertising for sale, any vehicle, whether at retail, wholesale
74 or at auction. "Selling", in addition to the ordinary definition
75 of that term, also includes buying and exchanging.

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

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

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

84 (17) "Established place of business" means, in the case
85 of a new motor vehicle dealer, a permanent location, not a
86 temporary stand or other temporary quarters, owned or
87 leased by the licensee or applicant and actually occupied or
88 to be occupied by him or her, as the case may be, which is or
89 is to be used exclusively for the purpose of selling new
90 motor vehicles or new and used motor vehicles, which shall
91 have space under roof for the display of at least one new
92 motor vehicle and facilities and space therewith for the
93 servicing and repair of at least one motor vehicle, which
94 servicing and repair facilities and space is adequate and
95 suitable to carry out servicing and to make repairs necessary
96 to keep and carry out all representations, warranties and
97 agreements made or to be made by the dealer with respect to
98 motor vehicles sold by him or her, which is easily accessible
99 to the public, which conforms to all applicable laws of this
100 state and the ordinances of the municipality in which it is
101 located, if any, which displays thereon at least one
102 permanent sign, clearly visible from the principal public
103 street or highway nearest the location and clearly stating the
104 business which is or shall be conducted thereat, and which
105 has adequate facilities to keep, maintain and preserve
106 records, papers and documents necessary to carry on the
107 business and to make the business available to inspection by
108 the commissioner at all reasonable times: *Provided*, That
109 each established place of business shall have a display area
110 which may be outside or inside or a combination thereof of
111 at least one thousand two hundred square feet which is to be
112 used exclusively for the display of vehicles which are
113 offered for sale by the dealer, office space of at least one
114 hundred forty-four square feet and a telephone listed in the
115 name of the dealership. Each established place of business

116 shall be open to the public a minimum of twenty hours per
117 week at least forty weeks per calendar year with at least ten
118 of those hours being between the hours of 9:30 a.m. and 8:30
119 p.m., Monday through Saturday: *Provided, however,* That
120 the requirement of exclusive use is met even though: (A)
121 Some new and any used motor vehicles sold or to be sold by
122 the dealer or sold or are to be sold at a different location or
123 locations not meeting the definition of an established place
124 of business of a new motor vehicle dealer, if each location is
125 or is to be served by other facilities and space of the dealer
126 for the servicing and repair of at least one motor vehicle,
127 adequate and suitable as aforesaid, and each location used
128 for the sale of some new and any used motor vehicles
129 otherwise meets the definition of an established place of
130 business of a used motor vehicle dealer; (B) house trailers,
131 trailers or motorcycles are sold or are to be sold thereat, if,
132 subject to the provisions of section five of this article, a
133 separate license certificate is obtained for each type of
134 vehicle business, which license certificate remains
135 unexpired, unsuspended and unrevoked; (C) farm machinery
136 is sold thereat; (D) accessory, gasoline and oil, or storage
137 departments are maintained thereat, if the departments are
138 operated for the purpose of furthering and assisting in the
139 licensed business or businesses; and (E) the established place
140 of business has an attached single residential rental unit with
141 an outside separate entrance and occupied by a person or
142 persons with no financial or operational interest in the
143 dealership where the established place of business has space
144 under roof for the display of at least three new motor
145 vehicles and facilities and space therewith for the concurrent
146 servicing and repair of at least two motor vehicles and
147 otherwise meets the requirements set forth in this
148 subdivision.

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

151 (19) "Established place of business", in the case of a used
152 motor vehicle dealer, means a permanent location, not a
153 temporary stand or other temporary quarters, owned or leased
154 by the licensee or applicant and actually occupied or to be
155 occupied by him or her, as the case may be, which is or is to
156 be used exclusively for the purpose of selling used motor
157 vehicles, which shall have facilities and space therewith for
158 the servicing and repair of at least one motor vehicle, which
159 servicing and repair facilities and space shall be adequate and
160 suitable to carry out servicing and to make repairs necessary
161 to keep and carry out all representations, warranties and
162 agreements made or to be made by the dealer with respect to
163 used motor vehicles sold by him or her, which is easily
164 accessible to the public, conforms to all applicable laws of
165 this state, and the ordinances of the municipality in which it
166 is located, if any, which displays thereon at least one
167 permanent sign, clearly visible from the principal public
168 street or highway nearest the location and clearly stating the
169 business which is or shall be conducted thereat, and which
170 has adequate facilities to keep, maintain and preserve records,
171 papers and documents necessary to carry on the business and
172 to make the business available to inspection by the
173 commissioner at all reasonable times: *Provided*, That each
174 established place of business shall have a display area which
175 may be outside or inside or a combination thereof of at least
176 one thousand two hundred square feet which is to be used
177 exclusively for the display of vehicles which are offered for
178 sale by the dealer, office space of at least one hundred forty-
179 four square feet and a telephone listed in the name of the
180 dealership. Each established place of business shall be open
181 to the public a minimum of twenty hours per week at least
182 forty weeks per calendar year with at least ten of those hours
183 being between the hours of 9:30 a.m. and 8:30 p.m., Monday
184 through Saturday: *Provided, however*, That if a used motor
185 vehicle dealer has entered into a written agreement or
186 agreements with a person or persons owning or operating a

187 servicing and repair facility or facilities adequate and suitable
188 as aforesaid, the effect of which agreement or agreements is
189 to provide the servicing and repair services and space in like
190 manner as if the servicing and repair facilities and space were
191 located in or on the dealer's place of business, then, so long
192 as the agreement or agreements are in effect, it is not
193 necessary for the dealer to maintain the servicing and repair
194 facilities and space at the place of business in order for the
195 place of business to be an established place of business as
196 herein defined: *Provided further*, That the requirement of
197 exclusive use is met even though: (A) House trailers, trailers
198 or motorcycles are sold or are to be sold thereat, if, subject to
199 the provisions of section five of this article, a separate license
200 certificate is obtained for each type of vehicle business,
201 which license certificate remains unexpired, unsuspended and
202 unrevoked; (B) farm machinery is sold thereat; (C) accessory,
203 gasoline and oil, or storage departments are maintained
204 thereat, if the departments are operated for the purpose of
205 furthering and assisting in the licensed business or
206 businesses; and (D) the established place of business has an
207 attached single residential rental unit with an outside separate
208 entrance and occupied by a person or persons with no
209 financial or operational interest in the dealership where the
210 established place of business has space under roof for the
211 display of at least three motor vehicles and facilities and
212 space therewith for the concurrent servicing and repair of at
213 least two motor vehicles and otherwise meets the
214 requirements set forth herein.

215 (20) "Established place of business", in the case of a
216 house trailer dealer, trailer dealer, recreational vehicle dealer,
217 motorcycle dealer, used parts dealer and wrecker or
218 dismantler, means a permanent location, not a temporary
219 stand or other temporary quarters, owned or leased by the
220 licensee or applicant and actually occupied or to be occupied
221 by the licensee, as the case may be, which is easily accessible

222 to the public, which conforms to all applicable laws of this
223 state and the ordinances of the municipality in which it is
224 located, if any, which displays thereon at least one permanent
225 sign, clearly visible from the principal public street or
226 highway nearest the location and clearly stating the business
227 which is or shall be conducted thereat, and which has
228 adequate facilities to keep, maintain and preserve records,
229 papers and documents necessary to carry on the business and
230 to make the business available to inspection by the
231 commissioner at all reasonable times.

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

237 (22) "Transporter" means every person engaged in the
238 business of transporting vehicles to or from a manufacturing,
239 assembling or distributing plant to dealers or sales agents of
240 a manufacturer, or purchasers.

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

246 (24) "Motorboat" means any vessel propelled by an
247 electrical, steam, gas, diesel or other fuel-propelled or -driven
248 motor, whether or not the motor is the principal source of
249 propulsion, but does not include a vessel which has a valid
250 marine document issued by the bureau of customs of the
251 United States government or any federal agency successor
252 thereto.

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

255 (26) "All-terrain vehicle" (ATV) means any motor
256 vehicle designed for off-highway use and designed to travel
257 on not less than three low-pressure or nonhighway tires, is
258 fifty inches or less in width and intended by the manufacturer
259 to be used by a single operator or is specifically designed by
260 the manufacturer with seating for each passenger. "All-
261 terrain vehicle" and "ATV" does not include mini trucks, golf
262 carts, riding lawnmowers or tractors.

263 (27) "Travel trailer" means every vehicle, mounted on
264 wheels, designed to provide temporary living quarters for
265 recreational, camping or travel use of such size or weight as
266 not to require special highway movement permits when
267 towed by a motor vehicle and of gross trailer area less than
268 four hundred square feet.

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

275 (29) "Motor home" means every vehicle, designed to
276 provide temporary living quarters, built into an integral part
277 of or permanently attached to a self-propelled motor vehicle,
278 chassis or van including: (1) Type A motor home built on an
279 incomplete truck chassis with the truck cab constructed by
280 the second-stage manufacturer; (2) Type B motor home
281 consisting of a van-type vehicle which has been altered to
282 provide temporary living quarters; and (3) Type C motor
283 home built on an incomplete van or truck chassis with a cab
284 constructed by the chassis manufacturer.

285 (30) "Snowmobile" means a self-propelled vehicle
286 intended for travel primarily on snow and driven by a track
287 or tracks in contact with the snow and steered by a ski or skis
288 in contact with the snow.

289 (31) "Recreational vehicle" means a motorboat,
290 motorboat trailer, all-terrain vehicle, travel trailer, fold-down
291 camping trailer, motor home, snowmobile or utility-terrain
292 vehicle.

293 (32) "Major component" means any one of the following
294 subassemblies of a motor vehicle: (A) Front clip assembly
295 consisting of fenders, grille, hood, bumper and related parts;
296 (B) engine; (C) transmission; (D) rear clip assembly
297 consisting of quarter panels and floor panel assembly; or (E)
298 two or more doors.

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

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

309 (35) "Mobile home" means a transportable structure that
310 is wholly, or in substantial part, made, fabricated, formed or
311 assembled in manufacturing facilities for installation or
312 assembly and installation on a building site and designed for
313 long-term residential use and built prior to enactment of the
314 federal Manufactured Housing Construction and Safety
315 Standards Institute (ANSI) – A119.1 standards for mobile
316 homes.

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

322 (b) Under no circumstances whatever may the terms "new
323 motor vehicle dealer", "used motor vehicle dealer", "house
324 trailer dealer", "trailer dealer", "recreational vehicle dealer",
325 "motorcycle dealer", "used parts dealer" or "wrecker/
326 dismantler/rebuilder" be construed or applied under this
327 article in such a way as to include a banking institution,
328 insurance company, finance company, or other lending or
329 financial institution, or other person, the state or any agency
330 or political subdivision thereof, or any municipality, who or
331 which owns or comes in possession or ownership of, or
332 acquires contract rights, or security interests in or to, any
333 vehicle or vehicles or any part thereof and sells the vehicle or
334 vehicles or any part thereof for purposes other than engaging
335 in and holding out to the public to be engaged in the business
336 of selling vehicles or any part thereof.

337 (c) It is recognized that throughout this code the term
338 "trailer" or "trailers" is used to include, among other types of
339 trailers, house trailers. It is also recognized that throughout
340 this code the term "trailer" or "trailers" is seldom used to
341 include semitrailers or pole trailers. However, for the
342 purposes of this article only, the term "trailers" has the
343 meaning ascribed to it in subsection (a) of this section.

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

Rocky Filpino
.....
Member ~~Chairman~~ Senate Committee

Danny Wells
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Joseph M. Minard
.....
Clerk of the Senate

OFFICE WEST VIRGINIA
SECRETARY OF STATE

2014 MAR 24 P 4:03

FILED

Bryan D. Day
.....
Clerk of the House of Delegates

Jeffrey K. ...
.....
President of the Senate

Henry ...
.....
Speaker of the House of Delegates

The within *is approved* this
the *24th* Day of *March*, 2014.

Earl Ray Tomblin
.....
Governor

PRESENTED TO THE GOVERNOR

MAR 21 2014

Time 2:50 pm