

# **WEST VIRGINIA LEGISLATURE**

## **2023 REGULAR SESSION**

**Introduced**

### **House Bill 2191**

By Delegates Burkhammer, Steele, Ross, E. Pritt,

Brooks and Holstein

[Introduced January 11, 2023; 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 driven  
 2 or moved upon a highway is subject to the registration and certificate of title provisions of this  
 3 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 going  
23 from one tract of land to another tract of land regardless of whether the land is owned by the same  
24 or different persons. For the purposes of this section, mini-truck means a foreign-manufactured  
25 import or domestic-manufactured vehicle designed primarily for off-road use and powered by an  
26 engine ranging in size from 550cc to 660cc and weighing approximately one thousand eight  
27 hundred 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 section one, article ten of this  
32 chapter and has a valid and current inspection sticker as required by ~~the provisions of~~ §17C-16-1  
33 *et seq.* of this code and is traveling from one tract of land to another over a distance of 35 miles or  
34 less;

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

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

43 (i) The farm-use exemption certificate shall be provided by the commissioner and shall be

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

96 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.