

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

ENGROSSED

Committee Substitute

for

House Bill 2305

By Delegate Howell

[Originating in the Committee on Government

Organization; Reported on February 22, 2023]

1 A BILL to amend and reenact §17A-1-1 and §17A-3-5 of the Code of West Virginia, 1931, as
2 amended, relating to foreign market vehicles at least 25 years old; defining a term; allowing
3 foreign market vehicles at least 25 years old to be exempted from title requirements and to
4 be registered under this article for an additional \$25 fee.

Be it enacted by the Legislature of West Virginia:

**CHAPTER 17A. MOTOR VEHICLE ADMINISTRATION, REGISTRATION,
CERTIFICATE OF TITLE, AND ANTITHEFT PROVISIONS.**

ARTICLE 1. WORDS AND PHRASES DEFINED.

§17A-1-1. Definitions.

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

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

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

8 (c) "Motorcycle" means every motor vehicle, including motor-driven cycles and mopeds as
9 defined in §17C-1-5 and §17C-1-5a of this code, having a saddle for the use of the rider and
10 designed to travel on not more than three wheels in contact with the ground, but excluding a
11 tractor, and an electric bicycle as defined in §17C-1-70 of this code.

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

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

18 ~~(f) “Truck tractor” means every motor vehicle designed and used primarily for drawing~~
19 ~~other vehicles and not constructed to carry a load other than a part of the weight of the vehicle and~~
20 ~~drawn load.~~

21 ~~(g) “Farm tractor” means every motor vehicle designed and used primarily as a farm~~
22 ~~implement for drawing plows, mowing machines, and other implements of husbandry.~~

23 ~~(h) “Road tractor” means every motor vehicle designed, used, or maintained for drawing~~
24 ~~other vehicles and not constructed to carry any load thereon either independently or any part of the~~
25 ~~weight of a vehicle or drawn load.~~

26 ~~(i) “Truck” means every motor vehicle designed, used, or maintained primarily for the~~
27 ~~transportation of property.~~

28 ~~(j) “Trailer” means every vehicle with or without motive power designed for carrying~~
29 ~~persons or property and for being drawn by a motor vehicle and constructed so that no part of its~~
30 ~~weight rests upon the towing vehicle but excluding recreational vehicles.~~

31 ~~(k) “Semitrailer” means every vehicle with or without motive power designed for carrying~~
32 ~~persons or property and for being drawn by a motor vehicle and constructed so that some part of~~
33 ~~its weight and that of its load rests upon or is carried by another vehicle.~~

34 ~~(l) “Pole trailer” means every vehicle without motive power designed to be drawn by~~
35 ~~another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being~~
36 ~~boomed or otherwise secured to the towing vehicle and ordinarily used for transporting long or~~
37 ~~irregularly shaped loads such as poles, pipes, or structural members capable, generally, of~~
38 ~~sustaining themselves as beams between the supporting connections.~~

39 ~~(m) “Specially constructed vehicles” means every vehicle of a type required to be~~
40 ~~registered hereunder not originally constructed under a distinctive name, make, model, or type by~~

41 ~~a generally recognized manufacturer of vehicles and not materially altered from its original~~
42 ~~construction.~~

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

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

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

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

56 ~~(r) "Special mobile equipment" means every self-propelled vehicle not designed or used~~
57 ~~primarily for the transportation of persons or property and incidentally operated or moved over the~~
58 ~~highways, including, without limitation, road construction or maintenance machinery, ditch-digging~~
59 ~~apparatus, stone crushers, air compressors, power shovels, graders, rollers, well drillers, wood-~~
60 ~~sawing equipment, asphalt spreaders, bituminous mixers, bucket loaders, ditchers, leveling~~
61 ~~graders, finishing machines, motor graders, road rollers, scarifiers, earth-moving carryalls,~~
62 ~~scrapers, drag lines, rock-drilling equipment, and earth-moving equipment. The foregoing~~
63 ~~enumeration in this subdivision is partial and may not operate to exclude other vehicles which are~~
64 ~~within the general terms of this subdivision.~~

65 ~~(s) "Pneumatic tire" means every tire in which compressed air is designed to support the~~
66 ~~load.~~

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

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

71 ~~(v) "Commissioner" means the Commissioner of the Division of Motor Vehicles of this~~
72 ~~state.~~

73 ~~(w) "Division" means the Division of Motor Vehicles of this state acting directly or through~~
74 ~~its duly authorized officers and agents.~~

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

76 ~~(y) "Owner" means a person who holds the legal title to a vehicle, or in the event a vehicle is~~
77 ~~the subject of an agreement for the conditional sale or lease thereof with the right of purchase~~
78 ~~upon performance of the conditions stated in the agreement and with an immediate right of~~
79 ~~possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is~~
80 ~~entitled to possession, then the conditional vendee or lessee or mortgagor shall be considered the~~
81 ~~owner for the purpose of this chapter.~~

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

83 ~~(aa) "Dealer" or "dealers" is a general term meaning, depending upon the context in which~~
84 ~~used, either a new motor vehicle dealer, used motor vehicle dealer, factory-built home dealer,~~
85 ~~recreational vehicle dealer, trailer dealer or motorcycle dealer, as defined in §17C-1-6 of this code,~~
86 ~~or all of the dealers or a combination thereof and, in some instances, a new motor vehicle dealer or~~
87 ~~dealers in another state.~~

88 ~~(bb) "Registered dealer" or "registered dealers" is a general term meaning, depending~~
89 ~~upon the context in which used, either a new motor vehicle dealer, used motor vehicle dealer,~~
90 ~~house trailer dealer, trailer dealer, recreational vehicle dealer, or motorcycle dealer, or all of the~~
91 ~~dealers or a combination thereof, licensed under the provisions of §17A-6-1 et seq. of this code.~~

92 ~~(cc) "Licensed dealer" or "licensed dealers" is a general term meaning, depending upon the~~
93 ~~context in which used, either a new motor vehicle dealer, used motor vehicle dealer, house trailer~~
94 ~~dealer, trailer dealer, recreational vehicle dealer, or motorcycle dealer, or all of the dealers or a~~
95 ~~combination thereof, licensed under the provisions of §17A-6-1 et seq. of this code.~~

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

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

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

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

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

112 ~~(ii) "All-terrain vehicle" (ATV) means any motor vehicle designed for off-highway use and~~
113 ~~designed to travel on not less than three low-pressure or nonhighway tires, is 50 inches or less in~~
114 ~~width and intended by the manufacturer to be used by a single operator or is specifically designed~~
115 ~~by the manufacturer with seating for each passenger. "All-terrain vehicle" and "ATV" does not~~
116 ~~include mini trucks, golf carts, riding lawnmowers, electric bicycles as defined in §17C-1-70 of this~~
117 ~~code, or tractors.~~

118 ~~(jj) "Travel trailer" means every vehicle, mounted on wheels, designed to provide~~
119 ~~temporary living quarters for recreational, camping, or travel use of such size or weight as not to~~
120 ~~require special highway movement permits when towed by a motor vehicle and of gross trailer~~
121 ~~area less than 400 square feet.~~

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

126 ~~(ll) "Motor home" means every vehicle, designed to provide temporary living quarters, built~~
127 ~~into an integral part of or permanently attached to a self-propelled motor vehicle, chassis or van~~
128 ~~including: (1) Type A motor home built on an incomplete truck chassis with the truck cab~~
129 ~~constructed by the second stage manufacturer; (2) Type B motor home consisting of a van-type~~
130 ~~vehicle which has been altered to provide temporary living quarters; and (3) Type C motor home~~
131 ~~built on an incomplete van or truck chassis with a cab constructed by the chassis manufacturer.~~

132 ~~(mm) "Snowmobile" means a self-propelled vehicle intended for travel primarily on snow~~
133 ~~and driven by a track or tracks in contact with the snow and steered by a ski or skis in contact with~~
134 ~~the snow.~~

135 ~~(nn) "Recreational vehicle" means a motorboat, motorboat trailer, all-terrain vehicle, travel~~
136 ~~trailer, fold-down camping trailer, motor home, or snowmobile.~~

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

142 ~~(pp) "Factory-built home" includes mobile homes, house trailers, and manufactured~~
143 ~~homes.~~

144 ~~(qq) “Manufactured home” has the same meaning as the term is defined in §21-2-9 of this~~
145 ~~code which meets the federal Manufactured Housing Construction and Safety Standards Act of~~
146 ~~1974 (42 U. S. C. §5401, et seq.), effective on June 15, 1976, and the federal manufactured home~~
147 ~~construction and safety standards and regulations promulgated by the Secretary of the United~~
148 ~~States Department of Housing and Urban Development.~~

149 ~~(rr) “Mobile home” means a transportable structure that is wholly, or in substantial part,~~
150 ~~made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and~~
151 ~~installation on a building site and designed for long-term residential use and built prior to~~
152 ~~enactment of the federal Manufactured Housing Construction and Safety Standards Act of 1974~~
153 ~~(42 U. S. C. §5401, et seq.), effective on June 15, 1976, and usually built to the voluntary industry~~
154 ~~standard of the American National Standards Institute (ANSI) — A119.1 standards for mobile~~
155 ~~homes.~~

156 ~~(ss) “House trailers” means all trailers designed and used for human occupancy on a~~
157 ~~continual nonrecreational basis but may not include fold-down camping and travel trailers, mobile~~
158 ~~homes, or manufactured homes.~~

159 ~~(tt) “Parking enforcement vehicle” means a motor vehicle which does not fit into any other~~
160 ~~classification of vehicle in this chapter, has three or four wheels, and is designed for use in an~~
161 ~~incorporated municipality by a city, county, state, or other governmental entity primarily for parking~~
162 ~~enforcement or other governmental purposes with an operator area with sides permanently~~
163 ~~enclosed with rigid construction and a top which may be convertible, sealed beam headlights, turn~~
164 ~~signals, brake lights, horn, at least one rearview mirror on each side, and such other equipment~~
165 ~~that will enable it to pass a standard motorcycle vehicle inspection.~~

166 ~~(uu) “Low-speed vehicle” means a four-wheeled motor vehicle whose attainable speed in~~
167 ~~one mile on a paved level surface is more than 20 miles per hour but not more than 25 miles per~~
168 ~~hour.~~

169 ~~(vv) “Utility terrain vehicle” means any motor vehicle with four or more low-pressure or~~
170 ~~nonhighway tires designed for off-highway use and is greater than 50 inches in width. “Utility~~
171 ~~terrain vehicle” does not include mini trucks, golf carts, riding lawnmowers, or tractors.~~

172 Except as otherwise provided in this chapter, the following words and phrases, when used
173 in this chapter, have the meanings respectively ascribed to them in this article:

174 “All-terrain vehicle” (ATV) means any motor vehicle designed for off-highway use and
175 designed to travel on not less than three low-pressure or nonhighway tires, is 50 inches or less in
176 width and intended by the manufacturer to be used by a single operator or is specifically designed
177 by the manufacturer with seating for each passenger. “All-terrain vehicle” and “ATV” does not
178 include mini trucks, golf carts, riding lawnmowers, electric bicycles as defined in §17C-1-70 of this
179 code, or tractors.

180 “Bus” means every motor vehicle designed to carry more than seven passengers and used
181 to transport persons; and every motor vehicle, other than a taxicab, designed and used to
182 transport persons for compensation.

183 “Commissioner” means the Commissioner of the Division of Motor Vehicles of this state.

184 “Dealer” or “dealers” is a general term meaning, depending upon the context in which
185 used, either a new motor vehicle dealer, used motor vehicle dealer, factory-built home dealer,
186 recreational vehicle dealer, trailer dealer or motorcycle dealer, as defined in §17C-1-6 of this code,
187 or all of the dealers or a combination thereof and, in some instances, a new motor vehicle dealer or
188 dealers in another state.

189 “Division” means the Division of Motor Vehicles of this state acting directly or through its
190 duly authorized officers and agents.

191 “Essential parts” means all integral and body parts of a vehicle of a type required to be
192 registered hereunder, the removal, alteration, or substitution of which would tend to conceal the
193 identity of the vehicle or substantially alter its appearance, model, type, or mode of operation.

194 “Factory-built home” includes mobile homes, house trailers, and manufactured homes.

195 “Farm tractor” means every motor vehicle designed and used primarily as a farm
196 implement for drawing plows, mowing machines, and other implements of husbandry.

197 “Fold-down camping trailer” means every vehicle consisting of a portable unit mounted on
198 wheels and constructed with collapsible partial sidewalls which fold for towing by another vehicle
199 and unfold at the camp site to provide temporary living quarters for recreational, camping, or travel
200 use.

201 “Foreign market vehicle” means any motor vehicle originally manufactured outside the
202 United States, which was not manufactured in accordance with 49 U.S.C. § 30101 *et seq.* and the
203 policies and regulations adopted pursuant to that Act, and for which a West Virginia title or
204 registration is sought.

205 “Foreign vehicle” means every vehicle of a type required to be registered hereunder
206 brought into this state from another state, territory, or country other than in the ordinary course of
207 business by or through a manufacturer or dealer and not registered in this state.

208 “House trailers” means all trailers designed and used for human occupancy on a continual
209 nonrecreational basis but may not include fold-down camping and travel trailers, mobile homes, or
210 manufactured homes.

211 “Implement of husbandry” means every vehicle which is designed for or adapted to
212 agricultural purposes and used by the owner thereof primarily in the conduct of his or her
213 agricultural operations, including, but not limited to, trucks used for spraying trees and plants:
214 *Provided*, That the vehicle may not be let for hire at any time.

215 “Licensed dealer” or “licensed dealers” is a general term meaning, depending upon the
216 context in which used, either a new motor vehicle dealer, used motor vehicle dealer, house trailer
217 dealer, trailer dealer, recreational vehicle dealer, or motorcycle dealer, or all of the dealers or a
218 combination thereof, licensed under the provisions of §17A-6-1 *et seq.* of this code.

219 “Low-speed vehicle” means a four-wheeled motor vehicle whose attainable speed in one
220 mile on a paved level surface is more than 20 miles per hour but not more than 25 miles per hour.

221 “Manufactured home” has the same meaning as the term is defined in §21-2-9 of this code
222 which meets the federal Manufactured Housing Construction and Safety Standards Act of 1974
223 (42 U. S. C.§5401, et seq.), effective on June 15, 1976, and the federal manufactured home
224 construction and safety standards and regulations promulgated by the Secretary of the United
225 States Department of Housing and Urban Development.

226 “Manufacturer” means every person engaged in the business of constructing or
227 assembling vehicles of a type required to be registered hereunder at a place of business in this
228 state which is actually occupied either continuously or at regular periods by the manufacturer
229 where his or her books and records are kept and a large share of his or her business is transacted.

230 “Metal tire” means every tire the surface of which in contact with the highway is wholly or
231 partly of metal or other hard, nonresilient material.

232 “Mobile equipment” means every self-propelled vehicle not designed or used primarily for
233 the transportation of persons or property over the highway but which may infrequently or
234 incidentally travel over the highways among job sites, equipment storage sites, or repair sites,
235 including farm equipment, implements of husbandry, well drillers, cranes, and wood-sawing
236 equipment.

237 “Mobile home” means a transportable structure that is wholly, or in substantial part, made,
238 fabricated, formed, or assembled in manufacturing facilities for installation or assembly and
239 installation on a building site and designed for long-term residential use and built prior to
240 enactment of the federal Manufactured Housing Construction and Safety Standards Act of 1974
241 (42 U. S. C.§5401, et seq.), effective on June 15, 1976, and usually built to the voluntary industry
242 standard of the American National Standards Institute (ANSI) — A119.1 standards for mobile
243 homes.

244 “Motor home” means every vehicle, designed to provide temporary living quarters, built
245 into an integral part of or permanently attached to a self-propelled motor vehicle, chassis or van
246 including: (1) Type A motor home built on an incomplete truck chassis with the truck cab

247 constructed by the second stage manufacturer; (2) Type B motor home consisting of a van-type
248 vehicle which has been altered to provide temporary living quarters; and (3) Type C motor home
249 built on an incomplete van or truck chassis with a cab constructed by the chassis manufacturer.

250 “Motor vehicle” means every vehicle which is self-propelled and every vehicle which is
251 propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

252 “Motorboat” means any vessel propelled by an electrical, steam, gas, diesel, or other fuel-
253 propelled or -driven motor, whether or not the motor is the principal source of propulsion, but may
254 not include a vessel which has a valid marine document issued by the bureau of customs of the
255 United States government or any federal agency successor thereto.

256 “Motorboat trailer” means every vehicle designed for or ordinarily used for the
257 transportation of a motorboat.

258 “Motorcycle” means every motor vehicle, including motor-driven cycles and mopeds as
259 defined in §17C-1-5 and §17C-1-5a of this code, having a saddle for the use of the rider and
260 designed to travel on not more than three wheels in contact with the ground, but excluding a
261 tractor, and an electric bicycle as defined in §17C-1-70 of this code.

262 “Nonresident” means every person who is not a resident of this state.

263 “Owner” means a person who holds the legal title to a vehicle, or in the event a vehicle is
264 the subject of an agreement for the conditional sale or lease thereof with the right of purchase
265 upon performance of the conditions stated in the agreement and with an immediate right of
266 possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is
267 entitled to possession, then the conditional vendee or lessee or mortgagor shall be considered the
268 owner for the purpose of this chapter.

269 “Parking enforcement vehicle” means a motor vehicle which does not fit into any other
270 classification of vehicle in this chapter, has three or four wheels, and is designed for use in an
271 incorporated municipality by a city, county, state, or other governmental entity primarily for parking
272 enforcement or other governmental purposes with an operator area with sides permanently

273 enclosed with rigid construction and a top which may be convertible, sealed beam headlights, turn
274 signals, brake lights, horn, at least one rearview mirror on each side, and such other equipment
275 that will enable it to pass a standard motorcycle vehicle inspection.

276 “Person” means every natural person, firm, copartnership, association, or corporation.

277 “Pneumatic tire” means every tire in which compressed air is designed to support the load.

278 “Pole trailer” means every vehicle without motive power designed to be drawn by another
279 vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or
280 otherwise secured to the towing vehicle and ordinarily used for transporting long or irregularly
281 shaped loads such as poles, pipes, or structural members capable, generally, of sustaining
282 themselves as beams between the supporting connections.

283 “Reconstructed vehicle” means every vehicle of a type required to be registered hereunder
284 materially altered from its original construction by the removal, addition, or substitution of essential
285 parts, new or used.

286 “Recreational vehicle” means a motorboat, motorboat trailer, all-terrain vehicle, travel
287 trailer, fold-down camping trailer, motor home, or snowmobile.

288 “Registered dealer” or “registered dealers” is a general term meaning, depending upon the
289 context in which used, either a new motor vehicle dealer, used motor vehicle dealer, house trailer
290 dealer, trailer dealer, recreational vehicle dealer, or motorcycle dealer, or all of the dealers or a
291 combination thereof, licensed under the provisions of §17A-6-1 et seq. of this code.

292 “Road tractor” means every motor vehicle designed, used, or maintained for drawing other
293 vehicles and not constructed to carry any load thereon either independently or any part of the
294 weight of a vehicle or drawn load.

295 “School bus” means every motor vehicle owned by a public governmental agency and
296 operated for the transportation of children to or from school or privately owned and operated for
297 compensation for the transportation of children to or from school.

298 “Semitrailer” means every vehicle with or without motive power designed for carrying
299 persons or property and for being drawn by a motor vehicle and constructed so that some part of
300 its weight and that of its load rests upon or is carried by another vehicle.

301 “Snowmobile” means a self-propelled vehicle intended for travel primarily on snow and
302 driven by a track or tracks in contact with the snow and steered by a ski or skis in contact with the
303 snow.

304 “Solid tire” means every tire of rubber or other resilient material which does not depend
305 upon compressed air for the support of the load.

306 “Special mobile equipment” means every self-propelled vehicle not designed or used
307 primarily for the transportation of persons or property and incidentally operated or moved over the
308 highways, including, without limitation, road construction or maintenance machinery, ditch-digging
309 apparatus, stone crushers, air compressors, power shovels, graders, rollers, well drillers, wood-
310 sawing equipment, asphalt spreaders, bituminous mixers, bucket loaders, ditchers, leveling
311 graders, finishing machines, motor graders, road rollers, scarifiers, earth-moving carryalls,
312 scrapers, drag lines, rock-drilling equipment, and earth-moving equipment. The foregoing
313 enumeration in this subdivision is partial and may not operate to exclude other vehicles which are
314 within the general terms of this subdivision.

315 “Specially constructed vehicles” means every vehicle of a type required to be registered
316 hereunder not originally constructed under a distinctive name, make, model, or type by a generally
317 recognized manufacturer of vehicles and not materially altered from its original construction.

318 “Street” or “highway” means the entire width between boundary lines of every way publicly
319 maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

320 “Trailer” means every vehicle with or without motive power designed for carrying persons
321 or property and for being drawn by a motor vehicle and constructed so that no part of its weight
322 rests upon the towing vehicle but excluding recreational vehicles.

323 “Transporter” means every person engaged in the business of delivering vehicles of a type
324 required to be registered hereunder from a manufacturing, assembling, or distributing plant to
325 dealers or sales agents of a manufacturer.

326 “Travel trailer” means every vehicle, mounted on wheels, designed to provide temporary
327 living quarters for recreational, camping, or travel use of such size or weight as not to require
328 special highway movement permits when towed by a motor vehicle and of gross trailer area less
329 than 400 square feet.

330 “Truck” means every motor vehicle designed, used, or maintained primarily for the
331 transportation of property.

332 “Truck tractor” means every motor vehicle designed and used primarily for drawing other
333 vehicles and not constructed to carry a load other than a part of the weight of the vehicle and
334 drawn load.

335 “Utility terrain vehicle” means any motor vehicle with four or more low-pressure or
336 nonhighway tires designed for off-highway use and is greater than 50 inches in width. “Utility
337 terrain vehicle” does not include mini trucks, golf carts, riding lawnmowers, or tractors.

338 “Vehicle” means every device in, upon, or by which any person or property is or may be
339 transported or drawn upon a highway, excepting devices moved by human power or used
340 exclusively upon stationary rails or tracks.

**ARTICLE 3A. VEHICLE COMPLIANCE WITH FEDERAL CLEAN AIR STANDARDS
AND VEHICLE SAFETY.**

§17A-3A-3. Certificates of title.

1 (a) Before any imported vehicle which has not previously been titled or registered in the
2 United States may be titled in this state, the applicant must submit: (1) A manufacturer’s certificate
3 of origin issued by the actual vehicle manufacturer together with a notarized translation thereof; or
4 (2) the documents constituting valid proof of ownership by an individual owner or exporter and

5 evidencing a change of such ownership to the applicant, together with a notarized translation of
6 any document; or (3) with regard to vehicles imported from countries which cancel the vehicle
7 registration and title for export, the documents assigned to such vehicle after the registration and
8 title have been canceled, together with a notarized translation thereof, and proof satisfactory to the
9 division that the motor vehicle complies with the United States Clean Air Act and the Motor Vehicle
10 Safety Act.

11 (b) In the event that the documents submitted as required by subsection (a) of this section
12 do not name as owner the current applicant for a certificate of title, the applicant must also submit
13 reliable proof of a chain of title. For those countries which utilize documents of registration rather
14 than a certificate of title, proof of a chain of title for purposes of this subsection shall be
15 accomplished by presenting the change of ownership certificate referred to in subsection (a) of this
16 section.

17 (c) Any foreign market vehicle manufactured at least 25 years ago shall not be subject to
18 the provisions of this section and may be titled in this state and registered upon application and
19 payment of fees, including an additional \$25 fee.

CHAPTER 17C. TRAFFIC REGULATIONS AND LAWS OF THE ROAD.

ARTICLE 16. INSPECTION OF VEHICLES.

**§17C-16-4. Superintendent of the West Virginia State Police to require periodical
inspection; acceptance of certificate of inspection from another state; suspension
of registration of unsafe vehicles.**

1 (a) The Superintendent of the West Virginia State Police shall once each year require that
2 every motor vehicle, trailer, semitrailer and pole trailer registered in this state be inspected and that
3 an official certificate of inspection and approval be obtained for each vehicle: Provided, That any
4 foreign market vehicle manufactured at least 25 years ago and that is titled in this state pursuant to
5 §17A-3A-3(c) of this code shall not be subject to the safety inspections required by this section.

6 The inspections shall be made and the certificates obtained with respect to the
7 mechanism, brakes and equipment of every vehicle designated by the Superintendent.

8 The Superintendent may make necessary rules for the administration and enforcement of
9 this section and may designate any period or periods during which owners of any vehicles, subject
10 to this section, shall display upon the vehicles certificates of inspection and approval or shall
11 produce the certificates upon demand of any officer or employee of the State Police designated by
12 the Superintendent or any police or peace officer when authorized by the Superintendent.

13 (b) The superintendent may authorize the acceptance in this state of a certificate of
14 inspection and approval issued in another state having an inspection law similar to this chapter
15 and may extend the time within which the resident owner of a vehicle which was not in this state
16 during the time an inspection was required must obtain a certificate.

17 (c) At the request of the Superintendent, the Commissioner of the Division of Motor
18 Vehicles may suspend the registration of any vehicle which the Superintendent determines is in
19 such an unsafe condition that it constitutes a menace to safety or which after notice and demand is
20 not equipped as required in this chapter or for which the vehicle's owner has not obtained the
21 required certificate.

22 (d) If requested by the owner of the vehicle, the Superintendent shall also cause to be
23 inspected a Class A farm use motor vehicle exempt from annual registration certificate and
24 licensing as provided in section two, article three, chapter seventeen-a of this code. If the Class A
25 farm use motor vehicle passes the inspection, the Superintendent shall cause a certificate of
26 inspection to be issued for that vehicle.