

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

ENROLLED

House Bill 2310

BY DELEGATE HOWELL

[Passed March 3, 2023; in effect ninety days from passage.]

1 AN ACT to amend and reenact §17A-3-2 of the Code of West Virginia, 1931, as amended; to
2 amend said code by adding thereto a new section, designated §17A-3-2a; to amend and
3 reenact §17A-6-10d of said code; to amend and reenact §17A-10-3a of said code; and to
4 amend and reenact §17C-16-4, §17C-16-5, and §17C-16-6 of said code, all relating to
5 motor vehicles; changing the interval of annual mandatory vehicle inspections to
6 inspections every two years; doubling the charge for inspection stickers; increasing the
7 maximum fee for an inspection to \$19 to account for inflation; providing an internal
8 effective date; defining a term; exempting nonresident vehicles from registration
9 requirement; allowing for optional nonresident vehicle registration and issuance of
10 registration plates if applicable fees are paid; clarifying that nonresident vehicles are not
11 subject to personal property taxes or vehicle inspection requirement; authorizing
12 rulemaking by the Division of Motor Vehicles concerning nonresident vehicles; modifying
13 definition and permissible uses of antique motor vehicles; authorizing the Division of Motor
14 Vehicles to create an antique fleet plate program for owners with five or more antique
15 motor vehicles; specifying requirements, validity period of registration, annual registration
16 fee, and fee for temporary digital registration card for antique fleet plate program; and
17 authorizing convenience fee for electronic submission of applications for temporary digital
18 registration cards.

Be it enacted by the Legislature of West Virginia:

CHAPTER 17A. MOTOR VEHICLE ADMINISTRATION, REGISTRATION,

CERTIFICATE OF TITLE AND ANTITHEFT PROVISIONS.

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
2 driven or moved upon a highway is subject to the registration and certificate of title provisions of
3 this 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
9 used exclusively for agricultural or horticultural purposes on lands owned or leased by the owner
10 of the implement and which is not operated on or over any public highway of this state for any
11 other purpose other than for the purpose of operating it across a highway or along a highway
12 other than an expressway as designated by the Commissioner of the Division of Highways from
13 one point of the owner's land to another part of the owner's land, irrespective of whether or not
14 the tracts adjoin: *Provided*, That the distance between the points may not exceed 35 miles, or for
15 the purpose of taking it or other fixtures attached to the implement, to and from a repair shop for
16 repairs. The exemption in this subdivision from registration and license requirements also applies
17 to any vehicle described in this subsection or to any farm trailer owned by the owner or lessee of
18 the farm on which the trailer is used, when the trailer is used by the owner of the trailer for the
19 purpose of moving farm produce and livestock from the farm along a public highway for a distance
20 not to 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
23 going from one tract of land to another tract of land regardless of whether the land is owned by
24 the same or different persons. For the purposes of this section, "mini-truck" means a foreign-

25 manufactured import or domestic-manufactured vehicle designed primarily for off-road use and
26 powered by an engine ranging in size from 550cc to 660cc and weighing approximately 1,800
27 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 §17A-10-1 of this code and
32 has a valid and current inspection sticker as required by the provisions of §17C-16-1 *et seq.* of
33 this code and is traveling from one tract of land to another over a distance of 35 miles or less;

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

38 (D) Any vehicle used as an implement of husbandry exempt under this section shall have
39 the words "farm use" affixed to both sides of the implement in 10-inch letters. Any vehicle which
40 would be subject to registration as a Class A or B vehicle if not exempted by this section shall
41 display a farm-use exemption certificate on the lower driver's side of the windshield:

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

51 (ii) A farm-use exemption certificate shall not exempt the applicant from maintaining the
52 security required by §17D-1-1 *et seq.* of this code on any vehicle being operated on the roads or
53 highways of this state;

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

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

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

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

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

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

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

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

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

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

74 (c) The division shall title and register low-speed vehicles if the manufacturer's certificate
75 of origin clearly identifies the vehicle as a low-speed vehicle. The division may not title or register
76 homemade low-speed vehicles or retrofitted golf carts and such vehicles do not qualify as low-

77 speed vehicles in this state. In addition to all other motor vehicle laws and regulations, except as
78 specifically exempted below, low-speed vehicles are subject to the following restrictions and
79 requirements:

80 (1) Low-speed vehicles shall only be operated on private roads and on public roads and
81 streets within the corporate limits of a municipality where the speed limit is not more than 25 miles
82 per hour;

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

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

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

§17A-3-2a. Registration of nonresident vehicles.

1 (a) A nonresident vehicle is not required to be registered pursuant to §17A-3-2 of this
2 code: *Provided*, That a nonresident vehicle may be registered in this state and be issued a West
3 Virginia registration plate upon payment of all applicable fees to the division. For purposes of this
4 subsection, the receipt and verification requirements of §17A-3-3a of this code do not apply.

5 (b) For purposes of this section, "nonresident vehicle" means a vehicle titled in this state
6 under the provisions of §17A-4-11 of this code, which is not intended to spend a majority of service
7 time on West Virginia roads, owned by a business whose principal place of business is not in this
8 state, that is not a common carrier, and that maintains a local, national, or international fleet of
9 vehicles.

10 (c) Nothing in this section subjects a nonresident vehicle to the inspection requirement set
11 forth in §17A-16-4 of this code. A nonresident vehicle is not domiciled in any county in this state,

12 and nothing in this section requires the imposition of personal property taxes within this state
13 pursuant to §11-5-1 *et seq.* of this code.

14 (d) The division may promulgate emergency rules pursuant to the provisions of §29A-3-
15 15 of this code and may propose rules for legislative approval in accordance with the provisions
16 of §29A-3-1 *et seq.* of this code to accomplish the provisions of this section.

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

**§17A-6-10d. Special plates for nonprofit corporations engaged in research and
development.**

1 (a) Notwithstanding any of the other provisions of this article, a nonprofit corporation
2 engaged in research and development using motor vehicles pursuant to §18B-12-1 *et seq.* of this
3 code and affiliated with institutions of higher education may operate or move a vehicle, either
4 owned or in the possession of the nonprofit corporation upon the highways of this state for
5 purposes of transporting or testing that vehicle without first registering or titling the vehicle and
6 displaying, in a manner prescribed by the commissioner, a special plate issued to the nonprofit
7 corporation as provided in this section.

8 (b) Any nonprofit corporation as prescribed in subsection (a) of this section may make
9 application to the commissioner upon a form prescribed by him or her for a certificate containing
10 a general distinguishing number and for a special plate or plates. The applicant shall verify that it
11 is a Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, nonprofit corporation
12 and submit sufficient information, as may be required by the commissioner, that it is engaged in
13 research and development of vehicles, special fuels, or equipment for motor vehicles.

14 (c) The commissioner, upon approving an application, may issue without charge to the
15 applicant, a certificate containing the nonprofit corporation's name and address and its general
16 distinguishing number. The commissioner may also issue without charge, a special plate or

17 plates, as determined by the commissioner as necessary, that must be displayed on the vehicle.
18 Each plate shall also contain a number or symbol distinguishing it from other plates bearing the
19 same general distinguishing number.

20 (d) The nonprofit corporation that is issued a special plate pursuant to this section must
21 keep written records as required by the commissioner concerning the operation of the vehicle.
22 The records shall be open to inspection by any law-enforcement officer or division employee.

23 (e) This section does not apply to the use of any other vehicles owned, leased, or operated
24 by the nonprofit corporation.

25 (f) A nonprofit corporation that has been issued a special plate is not required to comply
26 with the bond or dealer recovery fund otherwise required under this article for that vehicle.

27 (g) A nonprofit corporation that has been issued a special plate shall furnish information,
28 satisfactory to the commissioner, that the vehicle is covered by an appropriate insurance policy
29 or proof of financial responsibility in amounts not less than the requirements of §17D-4-2 of this
30 code.

31 (h) Vehicles operated by a nonprofit corporation pursuant to this section are exempt from
32 the periodic motor vehicle inspection and the displaying of the certificate of inspection otherwise
33 required by §17C-16-1 *et seq.* of this code. However, a vehicle that has been issued a special
34 plate pursuant to this section must be safe and may not, in any manner, endanger the driver,
35 other vehicle occupants, other motorists, pedestrians, or the general public.

ARTICLE 10. FEES FOR REGISTRATION, LICENSING, ETC.

**§17A-10-3a. Special registration of antique motor vehicles and motorcycles; definition,
registration, and use of classic motor vehicles and classic motorcycles; customized
antique plates.**

1 (a) The annual registration fee for any antique motor vehicle or motorcycle as defined in
2 this section is \$2. As used in this section:

3 "Antique motor vehicle" means any motor vehicle, regardless of weight, which is more
4 than 25 years old and is owned solely as a collector's item.

5 "Antique military vehicle" means an antique motor vehicle, regardless of the vehicle's size
6 or weight, that was manufactured for use in any country's military forces, and that is maintained
7 to represent its military design and markings accurately, including a trailer meeting the same
8 requirements, but not including a vehicle or trailer currently in service.

9 "Antique motorcycle" means any motorcycle which is more than 25 years old and is owned
10 solely as a collector's item.

11 "Classic motor vehicle" means a motor vehicle which is more than 25 years old and is
12 registered pursuant to §17A-10-3 of this code and is used for general transportation.

13 "Classic motorcycle" means a motorcycle which is more than 25 years old and is
14 registered pursuant to §17A-10-3 of this code and is used for general transportation.

15 (b) Except as otherwise provided in this section, antique motor vehicles or motorcycles
16 may not be used for general transportation but may only be used for:

17 (1) Participation in club activities, exhibits, tours, parades, and similar events;

18 (2) The purpose of testing their operation, obtaining repairs or maintenance, and
19 transportation to and from events as described in subdivision (1) of this subsection; and

20 (3) Recreational purposes: *Provided*, That a classic motor vehicle or a classic motorcycle
21 as defined in this section may be registered under the applicable class at the applicable
22 registration fee set forth in §17A-10-3 of this code and may be used for general transportation.

23 (c) A West Virginia motor vehicle or motorcycle displaying license plates of the same year
24 of issue as the model year of the antique motor vehicle or motorcycle, as authorized in this section,
25 may be used for general transportation purposes if the following conditions are met:

26 (1) The license plate's physical condition has been inspected and approved by the Division
27 of Motor Vehicles;

28 (2) The license plate is registered to the specific motor vehicle or motorcycle by the
29 Division of Motor Vehicles;

30 (3) The owner of the motor vehicle or motorcycle annually registers the motor vehicle or
31 motorcycle and pays an annual registration fee for the motor vehicle or motorcycle equal to that
32 charged to obtain regular state license plates;

33 (4) The motor vehicle or motorcycle passes a periodic safety inspection; and

34 (5) The motor vehicle or motorcycle displays a sticker attached to the license plate, issued
35 by the division, indicating that the motor vehicle or motorcycle may be used for general
36 transportation.

37 (d) If more than one request is made for license plates having the same number, the
38 division shall accept only the first application.

39 (e) The commissioner may propose rules for legislative approval in accordance with the
40 provisions of §29A-3-1 *et seq.* of this code as may be necessary or convenient for the carrying
41 out of the provisions of this section.

42 (f) Upon appropriate application, together with a special annual fee of \$40, which is in
43 addition to all other fees required by this chapter, there shall be issued to the owner of an antique
44 motor vehicle a special registration plate for an antique motor vehicle titled in the name of the
45 qualified applicant, bearing a combination of letters or numbers requested by that applicant,
46 subject to the approval by the commissioner, and with the maximum number of letters or numbers
47 to be determined by the commissioner.

48 (g) Upon proper application pursuant to subsection (f) of this section, the commissioner
49 shall approve an alternative registration insignia for an antique military vehicle that is compatible
50 with the vehicle's original markings, including, but not limited to, the display of the vehicle's unique
51 military identification number not to exceed eight characters on the bumper of the vehicle:
52 *Provided*, That nothing in this section exempts the operator of an antique military vehicle from the
53 requirements set forth in §17A-3-13 of this code. Pursuant to this subsection, an antique military

54 vehicle is exempt from the requirement to display a registration plate if the exemption is necessary
55 to maintain the vehicle's accurate military marking.

56 (h) The commissioner is hereby authorized to develop an antique fleet plate program to
57 enable an owner of five or more antique motor vehicles to use a single registration plate on
58 multiple antique motor vehicles. The owner is required to register with the Division of Motor
59 Vehicles every antique motor vehicle upon which the plate will be displayed. The annual
60 registration fee for an antique fleet plate is \$2 a year per registered antique motor vehicle. The
61 antique fleet plate is valid for one year and must be renewed annually. The antique fleet plate
62 may be used on a newly acquired antique motor vehicle prior to titling: *Provided*, That the owner
63 completes an application for a 30-day temporary digital registration card in the format established
64 by the commissioner and displays such card upon request when operating the vehicle prior to
65 titling and regular registration. The fee for a 30-day temporary digital registration card is \$10, and
66 the commissioner is authorized to charge a convenience fee for electronic submission of the
67 application.

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 periodic 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 require that every motor
2 vehicle, trailer, semitrailer, and pole trailer registered in this state be inspected once every two
3 years and that an official certificate of inspection and approval be obtained for each vehicle:
4 *Provided*, That the amendments made to this subsection during the 2023 regular session of the
5 Legislature shall become effective on January 1, 2024.

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
12 by 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
20 is 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 §17A-3-2 of this code. If the Class A farm use motor vehicle passes the
25 inspection, the superintendent shall cause a certificate of inspection to be issued for that vehicle.

§17C-16-5. Permit for official inspection stations; fees for and certificate of inspection.

1 (a) The Superintendent of the State Police is responsible for the inspection as provided in
2 this article and shall prescribe requirements and qualifications for official inspection stations. He
3 or she shall select and designate the stations and shall issue permits for official inspection stations
4 and furnish instructions and all necessary forms for the inspection of vehicles as required in this
5 article and the issuance of official certificates of inspection and approval. The certificate of

6 inspection shall be a paper sticker or decal to be affixed to the windshield of a motor vehicle, shall
7 be serially numbered, and shall properly identify the official inspection station which issued it. A
8 charge of \$6 per sticker shall be charged by the State Police to the inspection station, and the
9 funds received shall be deposited into the State Treasury and credited to the account of the State
10 Police for application in the administration and enforcement of the provisions of this article and
11 for the purchase of vehicles, equipment for vehicles, and maintenance of vehicles. The
12 superintendent may exchange stickers or make refunds to official inspection stations for stickers
13 on hand when permits are revoked or when, for any reason, the stickers become obsolete. The
14 amendments made to this subsection during the 2023 regular session of the Legislature shall
15 become effective on January 1, 2024.

16 (b) A person shall apply for a permit upon an official form prescribed by the superintendent
17 and the superintendent shall grant permits only when the superintendent is satisfied that the
18 station is properly equipped, has competent personnel to make the inspections and adjustments,
19 and that the inspections and adjustments will be properly conducted. The superintendent, before
20 issuing a permit, may require the applicant to file a bond with surety approved by the
21 superintendent, conditioned that such applicant, as a station operator, will make compensation
22 for any damage to a vehicle during an inspection or adjustment due to negligence on the part of
23 the station operator or employees thereof.

24 (c) The superintendent shall properly supervise and cause inspections to be made of the
25 stations. Upon finding that a station is not properly equipped or conducted, the superintendent
26 may, upon a first violation, suspend the permit for a period of up to one year. Upon a second or
27 subsequent finding that a station is not properly equipped or conducted, the superintendent shall
28 permanently revoke and require the surrender of the permit. The superintendent may reinstate
29 the permit of any person whose permit was permanently revoked prior to the effective date of this
30 section upon a first finding that a station was not properly equipped or conducted, upon
31 application, at any time after the expiration of six months from the time of revocation and shall

32 reinstate the permit, upon application, after the expiration of one year. He or she shall maintain
33 and post at his or her office and at any other places as he or she may select lists of all stations
34 holding permits and of those whose permits have been suspended or revoked.

**§17C-16-6. Assignment, transfer, and posting of official inspection station permit;
issuance and record of certificate of inspection; inspection fee.**

1 (a) No permit for an official inspection station shall be assigned or transferred or used at
2 any location other than designated in the permit and every permit shall be posted in a conspicuous
3 place at the station location designated in the permit.

4 (b) The person operating the station shall issue a certificate of inspection and approval,
5 upon an official form, to the owner of a vehicle upon inspecting the vehicle and determining that
6 its equipment required under this article is in good condition and proper adjustment, but otherwise
7 no certificate shall be issued, except one issued pursuant to section two of this article. When
8 required by the superintendent, a record and report shall be made of every inspection and every
9 certificate issued.

10 (c) A fee of not more than \$19 may be charged for an inspection and any necessary
11 headlight adjustment to proper focus, not including any replacement parts required, and the
12 issuance of the certificate, but the imposition of the charge is not mandatory. The amendments
13 made to this subsection during the 2023 regular session of the Legislature shall become effective
14 on January 1, 2024.

The Clerk of the House of Delegates and the Clerk of the Senate hereby certify that the foregoing bill is correctly enrolled.

.....
Clerk of the House of Delegates

.....
Clerk of the Senate

Originated in the House of Delegates.

In effect ninety days from passage.

.....
Speaker of the House of Delegates

.....
President of the Senate

The within is this the.....
Day of, 2023.

.....
Governor