

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

Senate Bill 254

FISCAL
NOTE

By Senator Stuart

[Introduced January 17, 2023; referred
to the Committee on Transportation and
Infrastructure; and then to the Committee on Finance]

1 A BILL to amend and reenact §17A-10-3a of the Code of West Virginia, 1931, as amended; and to
 2 amend and reenact §17C-16-4 of said code, all relating to changing annual mandatory
 3 state inspections of antique motor vehicles and motorcycles, motor vehicles, trailers,
 4 semitrailers and pole trailers to mandatory inspections done every two years.

Be it enacted by the Legislature of West Virginia:

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

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 which is more than 25 years old and is
 4 owned solely as a collector's item.

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

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

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

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

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

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

16 (3) Recreational purposes over weekends, beginning on Friday at 12:00 p.m., and ending
17 on the following Monday at 12:00 p.m., and on holidays: *Provided*, That a classic motor vehicle or
18 a classic motorcycle as defined in this section may be registered under the applicable class at the
19 applicable registration fee set forth in §17A-10-3 of this code and may be used for general
20 transportation.

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

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

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

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

31 (4) The motor vehicle or motorcycle passes ~~an annual safety inspection~~ a safety inspection
32 every two years; and

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

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

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

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

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 once
 3 every two years and that an official certificate of inspection and approval be obtained for each
 4 vehicle.

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

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

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

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

21 (d) If requested by the owner of the vehicle, the superintendent shall also cause to be
22 inspected a Class A farm use motor vehicle exempt from annual registration certificate and
23 licensing as provided in §17A-3-2 of this code. If the Class A farm use motor vehicle passes the
24 inspection, the superintendent shall cause a certificate of inspection to be issued for that vehicle.

NOTE: The purpose of this bill is to require safety inspections for antique motor vehicles and motor vehicles every two years instead of each year.

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