

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Committee Substitute

for

Senate Bill 254

BY SENATOR STUART

[Originating in the Committee on Transportation and
Infrastructure; reported on January 24, 2023]

1 A BILL to amend and reenact §17A-3-2 of the Code of West Virginia, 1931, as amended; to amend
2 and reenact §17A-6-10d of said code; to amend and reenact §17A-10-3a of said code;
3 and to amend and reenact §17C-16-4, §17C-16-5, and §17C-16-6 of said code, all relating
4 to mandatory state inspections; modifying interval of mandatory inspections of motor
5 vehicles, trailers, semitrailers, pole trailers, antique motor vehicles, and motorcycles; and
6 adjusting fees for inspection and inspection sticker.

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 thirty-five miles to a storage house or packing plant, when the use is a seasonal
21 operation:

22 (A) The exemptions contained in this section also apply to farm machinery, tractors, and
23 mini-trucks: *Provided*, That the machinery, tractors, and mini-trucks may use the highways in
24 going from one tract of land to another tract of land regardless of whether the land is owned by
25 the same or different persons. For the purposes of this section, "mini-truck" means a foreign-
26 manufactured import or domestic-manufactured vehicle designed primarily for off-road use and
27 powered by an engine ranging in size from 550cc to 660cc and weighing approximately 1,800
28 pounds;

29 (B) Any vehicle exempted under this subsection from the requirements of annual
30 registration certificate and license plates and fees for the registration certificate and license plate
31 may not use the highways between sunset and sunrise unless the vehicle is classified as a Class
32 A motor vehicle with a farm-use exemption under the provisions of §17A-10-1 of this code and
33 has a valid and current inspection sticker as required by the provisions of §17C-16-1 *et seq.* of
34 this code and is traveling from one tract of land to another over a distance of 35 miles or 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
38 to 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 10-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
45 a 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
47 has 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
51 the assessor;

52 (ii) A farm-use exemption certificate shall not exempt the applicant from maintaining the
53 security required by §17D-1-1 *et seq.* 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 25 miles
83 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~~ periodic inspection, the owner of a low-speed vehicle shall,
87 upon initial application for registration and each renewal thereafter, certify under penalty of false
88 swearing, 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.

**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 annual periodic motor vehicle inspection and the displaying of the certificate of inspection
33 otherwise required by §17C-16-1 *et seq.* of this code. However, a vehicle that has been issued a
34 special plate pursuant to this section must be safe and may not, in any manner, endanger the
35 driver, 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 which is more than 25 years old and is
4 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 over weekends, beginning on Friday at 12:00 p.m., and ending
21 on the following Monday at 12:00 p.m., and on holidays: *Provided*, That a classic motor vehicle
22 or a classic motorcycle as defined in this section may be registered under the applicable class at
23 the applicable registration fee set forth in §17A-10-3 of this code and may be used for general
24 transportation.

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

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

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

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

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

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

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

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

45 (f) Upon appropriate application, together with a special annual fee of \$40, which is in
46 addition to all other fees required by this chapter, there shall be issued to the owner of an antique
47 motor vehicle a special registration plate for an antique motor vehicle titled in the name of the
48 qualified applicant, bearing a combination of letters or numbers requested by that applicant,
49 subject to the approval by the commissioner, and with the maximum number of letters or numbers
50 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
11 by 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
17 Vehicles may suspend the registration of any vehicle which the superintendent determines is in
18 such an unsafe condition that it constitutes a menace to safety, or which after notice and demand
19 is not equipped as required in this chapter, or for which the vehicle's owner has not obtained the
20 required 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.

§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 ~~\$3~~ \$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.

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

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

30 reinstate the permit, upon application, after the expiration of one year. He or she shall maintain
31 and post at his or her office and at any other places as he or she may select lists of all stations
32 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 ~~\$14~~ \$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.