

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Enrolled

Senate Bill 834

By Senators Clements and Plymale

[Passed March 8, 2024; in effect 90 days from
passage]

1 AN ACT to amend and reenact §17A-6-18a of the Code of West Virginia, 1931, as amended,
2 relating to adding a member to the Motor Vehicle Advisory Board; and specifying that one
3 of the members shall be a representative of automobile auctions of primarily salvage
4 vehicles.

Be it enacted by the Legislature of West Virginia:

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

§17A-6-18a. Motor Vehicle Dealers Advisory Board.

5 (a) There is continued a Motor Vehicle Dealers Advisory Board to assist and to advise the
6 commissioner on the administration of laws regulating the motor vehicle industry; to work with the
7 commissioner in developing new laws, rules, or policies regarding the motor vehicle industry; to
8 advise the commissioner on setting documentary charges or similar charges motor vehicle
9 dealers may charge consumers for documentary services in relation to securing a title, which such
10 charges the commissioner is hereby granted authority to set; and to give the commissioner any
11 further advice and assistance as he or she may, from time to time, require.

12 The board shall consist of 10 members and the Commissioner of Motor Vehicles, or his or
13 her representative, who shall be an ex officio member. Two members shall represent new motor
14 vehicle dealers, with one of these two members representing dealers that sell less than 100 new
15 vehicles per year; one member shall represent used motor vehicle dealers; one member shall
16 represent wrecker/dismantler/rebuilders; two members shall represent automobile auctions, with
17 one of these two members representing automobile auctions of primarily salvage vehicles; one
18 member shall represent recreational dealers; one member shall represent the West Virginia
19 Attorney General's office; and two members shall represent consumers. All of the representatives,
20 except the Attorney General representative who shall be designated by the Attorney General,
21 shall be appointed by the Governor with the advice and consent of the Senate, with no more than

22 five representatives being from the same political party.

23 The terms of the board members shall be for three years. The Attorney General
24 representative shall serve continuously.

25 The board shall meet at least four times annually and at the call of the commissioner.

26 (b) The commissioner shall consult with the board before he or she takes any disciplinary
27 action against a dealer, an automobile auction, or a license service to revoke or suspend a license,
28 place the licensee on probation or levy a civil penalty, unless the commissioner determines that
29 the consultation would endanger a criminal investigation.

30 (c) The commissioner may consult with the board by mail, by facsimile, by telephone or at a
31 meeting of the board, but the commissioner is not bound by the recommendations of the board.
32 The commissioner shall give members seven days from the date of a mailing or other notification
33 to respond to proposed actions, except in those instances when the commissioner determines that
34 the delay in acting creates a serious danger to the public's health or safety or would unduly
35 compromise the effectiveness of the action.

36 (d) No action taken by the commissioner is subject to challenge or rendered invalid on
37 account of his or her failure to consult with the board.

38 (e) The appointed members shall serve without compensation; however, members are
39 entitled to reimbursement of travel and other necessary expenses actually incurred while engaged
40 in legitimate board activities in accordance with the guidelines of the Travel Management Office of
41 the Department of Administration or its successor agency.