

# **WEST VIRGINIA LEGISLATURE**

## **2025 REGULAR SESSION**

### **Committee Substitute**

**for**

### **House Bill 2093**

By Delegates G. Howell and Smith, B.

[Originating in the Subcommittee on Government  
Administration; Reported on February 25, 2025]

1 A BILL to amend and reenact §17A-1-1 and §17A-3-14 of the Code of West Virginia, 1931, as  
2 amended; and to amend the code by adding a new article, designated §17A-10A-1, §17A-  
3 10A-2, and §17A-10A-3, relating to requiring the Division of Motor Vehicles to establish an  
4 automatic renewal system with automatic billing for the renewals of motor vehicle  
5 registrations; defining a term; requiring the division to permit vehicle owners to enroll in an  
6 automatic vehicle registration program; requiring the Division of Motor Vehicles to  
7 implement an automatic registration renewal program; requiring county sheriff's offices to  
8 notify the Division of Motor Vehicles once property taxes have been paid; providing for  
9 billing and notices to persons in the program; providing an owner with the opportunity to  
10 establish that he or she has already paid property taxes in the event that proof of payment  
11 is not received by the Division of Motor Vehicles.

*Be it enacted by the Legislature of West Virginia:*

## **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

operated for the transportation of children to or from school or privately owned and operated for compensation for the transportation of children to or from school.

(e) "Bus" means every motor vehicle designed to carry more than seven passengers and used to transport persons; and every motor vehicle, other than a taxicab, designed and used to transport persons for compensation.

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

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

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

(i) "Truck" means every motor vehicle designed, used, or maintained primarily for the transportation of property.

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

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

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

(m) "Specially constructed vehicles" means every vehicle of a type required to be registered hereunder not originally constructed under a distinctive name, make, model, or type by a generally recognized manufacturer of vehicles and not materially altered from its original construction.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(bb) "Registered dealer" or "registered dealers" is a general term meaning, depending upon the context in which used, either a new motor vehicle dealer, used motor vehicle dealer, house trailer dealer, trailer dealer, recreational vehicle dealer, or motorcycle dealer, or all of the

dealers or a combination thereof, licensed under the provisions of §17A-6-1 *et seq.* of this code.

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

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

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

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

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

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

(ii) "All-terrain vehicle" (ATV) means any motor vehicle designed for off-highway use and designed to travel on not less than three low-pressure or nonhighway tires, is 50 inches or less in width and intended by the manufacturer to be used by a single operator or is specifically designed by the manufacturer with seating for each passenger. "All-terrain vehicle" and "ATV" does not 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  
123 mounted on wheels and constructed with collapsible partial sidewalls which fold for towing by  
124 another vehicle and unfold at the camp site to provide temporary living quarters for recreational,  
125 camping, 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.



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

(ww) "Automatic registration renewal" means the processing of vehicle registration renewals through an enrollment system with a prebilling account set up through the Division of Motor Vehicles that allows the division to charge a debit or credit card annually for the renewal of the registration for that vehicle.

### **ARTICLE 3. ORIGINAL AND RENEWAL OF REGISTRATION; ISSUANCE OF CERTIFICATES OF TITLE.**

**§17A-3-14. Registration plates generally; description of plates; issuance of special numbers and plates; registration fees; special application fees; exemptions; commissioner to promulgate forms; suspension and nonrenewal; suspension of registration; electronic signatures.**

(a) The division, upon registering a vehicle, shall issue to the owner one registration plate with a registration number consisting of a combination of letters, numerals, symbols, or characters in a configuration determined by the commissioner.

(b) Registration plates shall meet the following requirements:

(1) Plates must incorporate reflectorized material.

(2) Registration numbers shall be plainly readable from 100 feet during daylight.

(3) The commissioner may assign any additional feature to facilitate reciprocal agreements, facilitate interstate travel, promote highway safety, or promote the efficient operation of the division.

(c) The commissioner may suspend the registration of any owner who displays a damaged or illegible plate or otherwise fails to comply with the requirements of §17A-3-19 of this code.

(d) Any license plate issued or renewed pursuant to this chapter which is paid for by a

check that is returned for nonsufficient funds is void without further notice to the applicant. The applicant may not reinstate the registration until the returned check is paid by the applicant in cash, money order, or certified check and all applicable fees assessed as a result thereof have been paid.

(e) In furtherance of the Uniform Electronic Transactions Act, §39A-1-1 *et seq.* of this code, the division may accept or authorize an electronic signature in any instance the law required to be enforced by the commissioner requires a signature or a pen and ink signature.

(f) The division shall permit vehicle owners to enroll in an automatic vehicle registration renewal program.

**ARTICLE 10A. AUTOMATIC REGISTRATION RENEWAL PROGRAM.**

**§17A-10A-1. Automatic registration renewal program.**

(a) The Division of Motor Vehicles shall implement a system that allows owners of motor vehicles registered in this state to save billing information in a secure portal so that vehicle registration can be automatically renewed by the division as soon as the notice from the county showing the payment of personal property taxes is received by the division: *Provided, That a registration may not be automatically renewed until a charge has been applied to the owner's saved billing information.*

(b) The division shall give notice to the owner, in accordance with §17A-2-19 of this code, two calendar weeks before the charge is applied to the saved billing information.

(c) The registrant may change the billing date or account to be charged up to five days before the charges are applied by entering the division's registration portal or going in person to a local division office.

**§17A-10A-2. Required reporting of payment of personal property taxes and application of the notice to Division of Motor Vehicles accounts.**

(a) Each county sheriff's office is required to report the payment of personal property taxes on motor vehicles to the division each month before the fifth business day of the following month.

- 3            (b) The division must apply the information to the registrant's account within 10 business  
4 days of receiving the information from the county sheriffs.

**§17A-10-3. Protesting payments of taxes not applied to a registrant's account.**

- 1            The division shall include within the portal a system to upload documents such as receipts  
2 and proof of bank statements to confirm that personal property taxes have been paid and are  
3 current. Alternately, these can be presented at a local division branch.

NOTE: The purpose of this bill is to require the Division of Motor Vehicles to establish an automatic renewal system with automatic billing for the renewals of motor vehicle registrations.

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