

# **WEST VIRGINIA LEGISLATURE**

## **2025 REGULAR SESSION**

### **Committee Substitute**

**for**

### **Senate Bill 298**

By Senator Clements

[Reported March 18, 2025, from the Committee on  
Transportation and Infrastructure]

A BILL to amend and reenact §17A-1-1, §17A-3-15, §17A-10-1, §17A-10-3, §17B-1-1, §17B-2-7b, and §17C-15-44 of the Code of West Virginia, 1931, as amended; and to amend the code by adding five new sections, designated §11-5-16, §17A-3-14j, §17C-1-71, §17C-14-16, and §17C-16-10, relating to roadable aircraft; specifying taxation of roadable aircraft, defining terms; requiring special registration plates for roadable aircraft and establishing annual fee per plate; regulating display of registration plates; classifying roadable aircraft for purpose of registration and establishing registration fee; correcting citation cross references; exempting roadable aircraft operators from motorcycle examination, licensing, and endorsement requirements; clarifying that a roadable aircraft is considered a motor vehicle if it is operated on a highway for purposes of traffic regulations and laws of the road; prohibiting roadable aircraft from taking off from or landing on any highway except if landing due to an emergency; exempting persons with a valid driver's license who are operating or riding in a fully enclosed roadable aircraft from the motorcycle helmet requirement; exempting roadable aircraft from the vehicle inspection requirement under certain circumstances; imposing duties on the Division of Motor Vehicles related to roadable aircraft and authorizing collection of fees; and authorizing rulemaking by the Division of Motor Vehicles related to roadable aircraft.

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

## CHAPTER 11. TAXATION.

### ARTICLE 5. ASSESSMENT OF PERSONAL PROPERTY.

#### §11-5-16. Taxation of roadable aircraft.

Roadable aircraft, as defined in §17A-1-1 of this code, shall be considered motor vehicles for purposes of taxation under this chapter: *Provided*, That roadable aircraft are not considered motor vehicles for purposes of the West Virginia Property Tax Adjustment Act, §11-13MM-1 *et seq.* of this code.

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

### ARTICLE 1. WORDS AND PHRASES DEFINED.

#### §17A-1-1. Definitions.

Except as otherwise provided in this chapter, the following words and phrases, when used in this chapter, have the meanings respectively ascribed to them in this article:

~~(a) "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.~~

~~(b) "Motor vehicle" means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.~~

~~(c) "Motorcycle" means every motor vehicle, including motor-driven cycles and mopeds as defined in §17C-1-5 and §17C-1-5a of this code, having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor, and an electric bicycle as defined in §17C-1-70 of this code.~~

~~(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-6-1 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 code, or tractors.~~

~~(jj) "Travel trailer" means every vehicle, mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use of such size or weight as not to require special highway movement permits when towed by a motor vehicle and of gross trailer area less than 400 square feet.~~

~~(kk) "Fold-down camping trailer" means every vehicle consisting of a portable unit mounted on wheels and constructed with collapsible partial sidewalls which fold for towing by another vehicle and unfold at the camp site to provide temporary living quarters for recreational, camping, or travel use.~~

~~(ll) "Motor home" means every vehicle, designed to provide temporary living quarters, built into an integral part of or permanently attached to a self-propelled motor vehicle, chassis or van including: (1) Type A motor home built on an incomplete truck chassis with the truck cab constructed by the second stage manufacturer; (2) Type B motor home consisting of a van-type vehicle which has been altered to provide temporary living quarters; and (3) Type C motor home built on an incomplete van or truck chassis with a cab constructed by the chassis manufacturer.~~

~~(mm) "Snowmobile" means a self-propelled vehicle intended for travel primarily on snow and driven by a track or tracks in contact with the snow and steered by a ski or skis in contact with the snow.~~

~~(nn) "Recreational vehicle" means a motorboat, motorboat trailer, all-terrain vehicle, travel trailer, fold-down camping trailer, motor home, or snowmobile.~~

~~(oo) "Mobile equipment" means every self-propelled vehicle not designed or used primarily for the transportation of persons or property over the highway but which may infrequently or incidentally travel over the highways among job sites, equipment storage sites, or repair sites, including farm equipment, implements of husbandry, well drillers, cranes, and wood-sawing equipment.~~

~~(pp) "Factory-built home" includes mobile homes, house trailers, and manufactured homes.~~

~~(qq) "Manufactured home" has the same meaning as the term is defined in §21-9-2 of this code which meets the federal Manufactured Housing Construction and Safety Standards Act of 1974 (42 U. S. C. §5401, *et seq.*), effective on June 15, 1976, and the federal manufactured home construction and safety standards and regulations promulgated by the Secretary of the United States Department of Housing and Urban Development.~~

~~(rr) "Mobile home" means a transportable structure that is wholly, or in substantial part, made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation on a building site and designed for long-term residential use and built prior to~~



~~enactment of the federal Manufactured Housing Construction and Safety Standards Act of 1974 (42 U. S. C. §5401, et seq.), effective on June 15, 1976, and usually built to the voluntary industry standard of the American National Standards Institute (ANSI) -- A119.1 standards for mobile homes.~~

~~(ss) "House trailers" means all trailers designed and used for human occupancy on a continual nonrecreational basis but may not include fold-down camping and travel trailers, mobile homes, or manufactured homes.~~

~~(tt) "Parking enforcement vehicle" means a motor vehicle which does not fit into any other classification of vehicle in this chapter, has three or four wheels, and is designed for use in an incorporated municipality by a city, county, state, or other governmental entity primarily for parking enforcement or other governmental purposes with an operator area with sides permanently enclosed with rigid construction and a top which may be convertible, sealed beam headlights, turn signals, brake lights, horn, at least one rearview mirror on each side, and such other equipment that will enable it to pass a standard motorcycle vehicle inspection.~~

~~(uu) "Low-speed vehicle" means a four-wheeled motor vehicle whose attainable speed in one mile on a paved level surface is more than 20 miles per hour but not more than 25 miles per 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.~~

"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 code, or tractors.

"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.

"Commissioner" means the Commissioner of the Division of Motor Vehicles of this state.

"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-6-1 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.

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

"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.

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

"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.

"House trailers" means all trailers designed and used for human occupancy on a continual nonrecreational basis but may not include fold-down camping and travel trailers, mobile homes, or manufactured homes.

"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.*

"Factory-built home" includes mobile homes, house trailers, and manufactured homes.

"Fold-down camping trailer" means every vehicle consisting of a portable unit mounted on wheels and constructed with collapsible partial sidewalls which fold for towing by another vehicle and unfold at the camp site to provide temporary living quarters for recreational, camping, or travel use.

"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.

"Low-speed vehicle" means a four-wheeled motor vehicle whose attainable speed in one mile on a paved level surface is more than 20 miles per hour but not more than 25 miles per hour.

"Manufactured home" has the same meaning as the term is defined in §21-9-2 of this code which meets the federal Manufactured Housing Construction and Safety Standards Act of 1974 (42 U. S. C. §5401, et seq.), effective on June 15, 1976, and the federal manufactured home construction and safety standards and regulations promulgated by the Secretary of the United States Department of Housing and Urban Development.

"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.

"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.

"Mobile equipment" means every self-propelled vehicle not designed or used primarily for the transportation of persons or property over the highway but which may infrequently or incidentally travel over the highways among job sites, equipment storage sites, or repair sites, including farm equipment, implements of husbandry, well drillers, cranes, and wood-sawing

equipment.

"Mobile home" means a transportable structure that is wholly, or in substantial part, made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation on a building site and designed for long-term residential use and built prior to enactment of the federal Manufactured Housing Construction and Safety Standards Act of 1974 (42 U. S. C. §5401, *et seq.*), effective on June 15, 1976, and usually built to the voluntary industry standard of the American National Standards Institute (ANSI) -- A119.1 standards for mobile homes.

"Motor home" means every vehicle, designed to provide temporary living quarters, built into an integral part of or permanently attached to a self-propelled motor vehicle, chassis or van including: (1) Type A motor home built on an incomplete truck chassis with the truck cab constructed by the second stage manufacturer; (2) Type B motor home consisting of a van-type vehicle which has been altered to provide temporary living quarters; and (3) Type C motor home built on an incomplete van or truck chassis with a cab constructed by the chassis manufacturer.

"Motor vehicle" means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

"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.

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

"Motorcycle" means every motor vehicle, including motor-driven cycles and mopeds as defined in §17C-1-5 and §17C-1-5a of this code, having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor, and an electric bicycle as defined in §17C-1-70 of this code.

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

"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.

"Parking enforcement vehicle" means a motor vehicle which does not fit into any other classification of vehicle in this chapter, has three or four wheels, and is designed for use in an incorporated municipality by a city, county, state, or other governmental entity primarily for parking enforcement or other governmental purposes with an operator area with sides permanently enclosed with rigid construction and a top which may be convertible, sealed beam headlights, turn signals, brake lights, horn, at least one rearview mirror on each side, and such other equipment that will enable it to pass a standard motorcycle vehicle inspection.

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

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

"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.

"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.

"Recreational vehicle" means a motorboat, motorboat trailer, all-terrain vehicle, travel trailer, fold-down camping trailer, motor home, or snowmobile.

"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.

"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.

"Roadable aircraft" means any aircraft capable of taking off and landing, which is also a motor vehicle designed to be driven on a highway. For purposes of this article, a roadable aircraft is considered a motor vehicle when it is operated on a highway.

"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.

"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.

"Snowmobile" means a self-propelled vehicle intended for travel primarily on snow and driven by a track or tracks in contact with the snow and steered by a ski or skis in contact with the snow.

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

"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.

"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.

"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.

"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.

"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.

"Travel trailer" means every vehicle, mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use of such size or weight as not to require special highway movement permits when towed by a motor vehicle and of gross trailer area less than 400 square feet.

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

"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.

"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.

"Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

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

#### **§17A-3-14j. Special registration plates for roadable aircraft.**

(a) The division, upon registering a roadable aircraft and upon appropriate application and payment of fees, shall issue to the owner of a roadable aircraft one registration plate, designed by the commissioner, of a size fitting the roadable aircraft, with a registration number consisting of the federally-issued tail number or N-Number of the roadable aircraft.

(b) An annual fee of \$15 shall be charged for each special registration plate issued pursuant to this section, which is in addition to all other fees required by this chapter.

#### **§17A-3-15. Display of registration plates.**

(a) Registration plates issued for vehicles required to be registered under this article shall be attached to the rear of the vehicles except that on truck tractors and road tractors designed and constructed to pull trailers or semitrailers, the registration plate shall be mounted to the front.

(b) Every registration plate shall at all times be securely fastened in a horizontal position to the vehicle for which it is issued so as to prevent the plate from swinging and at a height of not less than twelve inches from the ground, measuring from the bottom of the plate, in a place and position to be clearly visible and shall be maintained free from foreign materials and in a condition to be clearly legible.

(c) Notwithstanding the provisions of subsection (b) of this section, an owner of a motor vehicle with a Class G registration as defined in §17A-10-1 of this code may choose to:

(1) Display a standard, Class G registration plate in a horizontal position; or



(2) Display a specially designed Class G registration plate in a vertical position issued by the Division of Motor Vehicles if the owner:

(A) Pays a one-time fee of \$25 to cover the additional cost and services necessary to issue the special registration plate to be deposited into a special revolving fund to be used for the administration of this chapter; and

(B) Pays all other required fees and complies with all other applicable provisions of this code regarding the titling, registration, and operation of the vehicle.

(d) Notwithstanding the provisions of subsection (b) of this section, the owner of a roadable aircraft may keep the registration plate inside of the roadable aircraft, subject to presentation upon request by law enforcement, if the registration number of the roadable aircraft, consisting of the federally-issued tail number or N-Number, is clearly legible from the rear of the roadable aircraft while it is being operated on any public street.

## **ARTICLE 10. FEES FOR REGISTRATION, LICENSING, ETC.**

### **§17A-10-1. Classification of vehicles for purpose of registration.**

Vehicles subject to registration under the provisions of this chapter shall be placed in the following classes for the purpose of registration:

Class A. Motor vehicles of passenger type and trucks with a gross weight of 10,000 pounds or less;

Class B. Motor vehicles designated as trucks with a gross weight of more than 10,000 pounds; truck tractors or road tractors;

Class C. All trailers and semitrailers, except house trailers and trailers or semitrailers designed to be drawn by Class A motor vehicles and having a gross weight of less than 2,000 pounds;

Class E. Roadable aircraft;

Class G. Motorcycles and parking enforcement vehicles;

Class H. Motor vehicles operated regularly for the transportation of persons for

compensation under a certificate of convenience and necessity or contract carrier permit issued by the Public Service Commission;

Class J. Motor vehicles operated for transportation of persons for compensation by common carriers, not running over a regular route or between fixed termini;

Class M. Mobile equipment as defined in ~~subdivision (cc)~~, §17A-1-1 of this code;

Class R. House trailers;

Class T. Trailers or semitrailers of a type designed to be drawn by Class A vehicles and having a gross weight of less than 2,000 pounds; and

Class X. Motor vehicles designated as trucks having a minimum gross weight of more than 8,000 pounds and a maximum gross weight of 80,000 pounds, used exclusively in the conduct of a farming business, engaged in the production of agricultural products by means of: (a) The planting, cultivation, and harvesting of agricultural, horticultural, vegetable, or other products of the soil; or (b) the raising, feeding, and care of livestock, poultry, bees, and dairy cattle. A farm truck may be used only for the transportation of agricultural products produced by the owner of the truck, for the transportation of agricultural supplies used in the production or for private passenger use.

**§17A-10-3. Registration fees for vehicles equipped with pneumatic tires.**

The following registration fees for the classes indicated shall be paid to the division for the registration of vehicles subject to registration under this chapter when equipped with pneumatic tires:

(a) Registration fees for the following classes shall be paid to the division annually:

(1) *Class A.* — The registration fee for motor vehicles of this class is \$50. The Division of Motor Vehicles may adjust this fee every five years on September 1, based on the U. S. Department of Labor, Bureau of Labor Statistics most current Consumer Price Index: *Provided*, That an increase in such fee may not exceed ten percent of the total fee amount in a single year: *Provided, however*, That the registration fees and any other fees required by this chapter for Class A vehicles under the optional biennial staggered registration system shall be multiplied by two and

paid biennially to the division.

No license fee may be charged for vehicles owned by churches, or by trustees for churches, which are regularly used for transporting parishioners to and from church services. Notwithstanding the exemption, the certificate of registration and license plates shall be obtained the same as other cards and plates under this article.

(2) *Class B.* — The registration fee for all motor vehicles of this class is as follows:

(A) For declared gross weights of 10,001 pounds to 16,000 pounds — \$28 plus \$5 for each 1,000 pounds or fraction of 1,000 pounds that the gross weight of the vehicle or combination of vehicles exceeds 10,000 pounds.

(B) For declared gross weights greater than 16,000 pounds, but less than 55,000 pounds — \$78.50 plus \$10 for each 1,000 or fraction of 1,000 pounds that the gross weight of the vehicle or combination of vehicles exceeds 16,000 pounds.

(C) For declared gross weights of 55,000 pounds or more — \$737.50 plus \$15.75 for each 1,000 pounds or fraction of 1,000 pounds that the gross weight of the vehicle or combination of vehicles exceeds 55,000 pounds.

(3) *Class G.* — The registration fee for each motorcycle or parking enforcement vehicle is \$8: *Provided*, That the registration fee and any other fees required by this chapter for Class G vehicles shall be for at least one year from the date of registration and under an optional biennial registration system the annual fee shall be multiplied by two and paid biennially to the division.

(4) *Class H.* — The registration fee for all vehicles for this class operating entirely within the state is \$5; and for vehicles engaged in interstate transportation of persons, the registration fee is the amount of the fees provided by this section for Class B, reduced by the amount that the mileage of the vehicles operated in states other than West Virginia bears to the total mileage operated by the vehicles in all states under a formula to be established by the Division of Motor Vehicles.

(5) *Class J.* — The registration fee for all motor vehicles of this class is \$85. Ambulances

and hearses used exclusively as ambulances and hearses are exempt from the special fees set forth in this section.

(6) *Class M.* — The registration fee for all vehicles of this class is \$17.50.

(7) *Class X.* — The registration fee for all motor vehicles of this class is as follows:

(A) For farm trucks of declared gross weights of 8,001 pounds to 16,000 pounds — \$30.

(B) For farm trucks of declared gross weights of 16,001 to 22,000 pounds — \$60.

(C) For farm trucks of declared gross weights of 22,001 pounds to 28,000 pounds — \$90.

(D) For farm trucks of declared gross weights of 28,001 pounds to 34,000 pounds — \$115.

(E) For farm trucks of declared gross weights of 34,001 pounds to 44,000 pounds — \$160.

(F) For farm trucks of declared gross weights of 44,001 pounds to 54,000 pounds — \$205.

(G) For farm trucks of declared gross weights of 54,001 pounds to 80,000 pounds — \$250:

*Provided*, That the provisions of §17E-1-8(a) of this code do not apply if the vehicle exceeds 64,000 pounds and is a truck tractor or road tractor.

(b) Registration fees for the following classes shall be paid to the division for a maximum period of three years, or portion of a year based on the number of years remaining in the three-year period designated by the commissioner:

(1) *Class R.* — The annual registration fee for all vehicles of this class is \$12.

(2) *Class T.* — The annual registration fee for all vehicles of this class is \$8.

(c) The fees paid to the division for a multiyear registration provided by this chapter shall be the same as the annual registration fee established by this section and any other fee required by this chapter multiplied by the number of years for which the registration is issued.

(d) *Class C.* — The registration fee for all Class C vehicles is \$50. All Class C trailers shall be registered for the duration of the owner's interest in the trailer and do not expire until either sold or otherwise permanently removed from the service of the owner: *Provided*, That a registrant may transfer a Class C registration plate from a trailer owned less than 30 days to another Class C trailer titled in the name of the registrant upon payment of the transfer fee prescribed in section ten

of this article.

(e) Class E. — The registration fee for all Class E roadable aircraft is \$60. The registration fee shall be paid to the division annually. The Division of Motor Vehicles may adjust this fee every five years on September 1, based on the U. S. Department of Labor, Bureau of Labor Statistics most current Consumer Price Index: *Provided*, That an increase in such fee may not exceed ten percent of the total fee amount in a single year.

## **CHAPTER 17B. MOTOR VEHICLE DRIVER'S LICENSES.**

### **ARTICLE 1. WORDS AND PHRASES DEFINED.**

#### **§17B-1-1. Definitions.**

The following words and phrases when used in this chapter, for the purpose of this chapter, have the meanings respectively ascribed to them in this article:

*Autocycle.* — Every fully or partially enclosed motorcycle that is equipped with safety belts, rollover protection, a rearview mirror, automotive seating, a steering wheel, and equipment otherwise required on a motorcycle and which has no more than three wheels in contact with the roadway at any one time.

*Cancellation.* — Means that a driver's license is annulled and terminated because of some error or defect or because the licensee is no longer entitled to that license, but the cancelation of a license is without prejudice and application for a new license may be made at any time after the cancelation.

*Chauffeur.* — Every person who is employed by another for the principal purpose of driving a motor vehicle and every person who drives a school bus transporting school children or any motor vehicle when in use for the transportation of persons or property for compensation.

*Commissioner.* — The Commissioner of the Division of Motor Vehicles of this state.

*Division.* — The Division of Motor Vehicles of this state acting directly or through its duly authorized officers or agents.

17       *Driver.* — Means any person who drives, operates, or is in physical control of a motor  
18 vehicle, in any place open to the general public for purposes of vehicular traffic, or who is required  
19 to hold a driver's license.

20       *Driver's license.* — Means any permit or license issued by this state to a person which  
21 authorizes the person to drive a motor vehicle of a specific class or classes subject to any  
22 restriction or endorsement contained thereon.

23       *Farm tractor.* — Every motor vehicle designed and used primarily as a farm implement for  
24 drawing plows, mowing machines, and other implements of husbandry.

25       *Motorcycle.* — Every motor vehicle having a seat or saddle for the use of the rider and  
26 designed to travel on not more than three wheels in contact with the ground, but excluding a farm  
27 tractor as defined in this section, a moped as defined in §17C-1-5a of this code, a snowmobile as  
28 defined in §17A-1-1(mm) of this code, an all-terrain vehicle as defined in §17A-1-1(ii) of this code,  
29 and an electric bicycle as defined in §17C-1-70 of this code.

30       *Motor vehicle.* — Every vehicle which is self-propelled and every vehicle which is propelled  
31 by electric power obtained from overhead trolley wires, but not operated upon rails.

32       *9-1-1 system.* — Means an emergency telephone system or enhanced emergency  
33 telephone system as defined in §24-6-2 of this code.

34       *Nonresident.* — Every person who is not a resident of this state.

35       *Operator.* — Every person, other than a chauffeur, who drives or is in actual physical  
36 control of a motor vehicle upon a highway or who is exercising control over or steering a vehicle  
37 being towed by a motor vehicle.

38       *Owner.* — A person who holds the legal title of a vehicle or in the event a vehicle is the  
39 subject of an agreement for the conditional sale or lease thereof with the right of purchase upon  
40 performance of the conditions stated in the agreement and with an immediate right of possession  
41 vested in the conditional vendee or lessee, or if a mortgagor of a vehicle is entitled to possession,  
42 then the conditional vendee or lessee or mortgagor is the owner for the purpose of this chapter.

*Person.* — Every natural person, firm, copartnership, association, or corporation.

*Revocation.* — Means that the driver's license and privilege to drive a motor vehicle on the public highways are terminated and shall not be renewed or restored, except that an application for a new license may be presented and acted upon by the division after the expiration of at least one year after the date of revocation, except as otherwise provided in §17C-5A-2 of this code.

*Roadable aircraft.* — Roadable aircraft means any aircraft capable of taking off and landing, which is also a motor vehicle designed to be driven on a highway. For purposes of this article, a roadable aircraft is considered a motor vehicle when it is operated on a highway.

*School bus.* — 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.

*Street or highway.* — The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

*Suspension.* — Suspension means that the driver's license and privilege to drive a motor vehicle on the public highways are temporarily withdrawn but only during the period of the suspension.

*Vehicle.* — Every device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

*Wireless communication device.* — Means a handheld device used to access a wireless telephone service or a text messaging device.

## **ARTICLE 2. ISSUANCE OF LICENSE, EXPIRATION AND RENEWAL.**

### **§17B-2-7b. Separate examination and endorsement for a license valid for operation of motorcycle.**

(a) The State Police shall administer a separate motorcycle examination for applicants for a license valid for operation of a motorcycle. On and after July 1, 2000, the Division of Motor

3 Vehicles shall administer the examination provided for in this section. Any applicant for a license  
4 valid for operation of a motorcycle shall be required to successfully complete the motorcycle  
5 examination, which is in addition to the examination administered pursuant to §17B-2-7 of this  
6 code and, if under the age of 18, shall be required to complete the requirements for a level two  
7 intermediate driver's license set forth in §17B-2-3a(j)(1)(B) through §17B-2-3a(j)(1)(D) of this  
8 code: *Provided*, That the commissioner may exempt an applicant for a motorcycle driver's license  
9 or endorsement from all or part of the motorcycle license examination as provided in §17B-1D-6 of  
10 this code. The motorcycle examination shall test the applicant's knowledge of the operation of a  
11 motorcycle and of any traffic laws specifically relating to the operation of a motorcycle and shall  
12 include an actual demonstration of the ability to exercise ordinary and reasonable control in the  
13 operation of a motorcycle. An applicant for a license valid for the operation of only a motorcycle  
14 shall be tested as provided in this section and in §17B-2-7 of this code, but need not demonstrate  
15 actual driving ability in any vehicle other than a motorcycle. The examination provided in this  
16 section may not be made a condition upon the renewal of the license of any person under this  
17 section. For an applicant who successfully completes the motorcycle examination, upon payment  
18 of the required fee, the division shall issue a motorcycle endorsement on the driver's license of the  
19 applicant, or shall issue a special motorcycle-only license if the applicant does not possess a  
20 driver's license: *Provided, however*, That any holder of a motorcycle-only license under the age of  
21 18 is subject to the provisions of ~~paragraphs (A), (B), (E), (F), (G) and (H), subdivision (2),~~  
22 ~~subsection (j), section three-a of this article~~ §17B-2-3a(d)(2)(A), (B), (E), (F), (G), and (H) of this  
23 code.

24 Every person, including those holding a valid driver's license, is required to take the  
25 examination specified in this section to obtain a motorcycle license or endorsement, unless  
26 exempted under subsection (b) of this section.



(b) Notwithstanding any provision of this code to the contrary, a person with a valid driver's license who is operating an autocyce or roadable aircraft is exempt from the motorcycle examination, licensing, and endorsement requirements set forth in this article.

## **CHAPTER 17C. TRAFFIC REGULATIONS AND LAWS OF THE ROAD.**

### **ARTICLE 1. WORDS AND PHRASES DEFINED.**

#### **§17C-1-71. Roadable aircraft.**

"Roadable aircraft" means any aircraft capable of taking off and landing, which is also a motor vehicle designed to be driven on a highway. For purposes of this article, a roadable aircraft is considered a motor vehicle when it is operated on a highway.

### **ARTICLE 14. MISCELLANEOUS RULES.**

#### **§17C-14-16. Roadable aircraft.**

A roadable aircraft shall be considered a motor vehicle while on any street and comply with the provisions of this chapter. A roadable aircraft may not take off from or land on any highway: *Provided*, That a roadable aircraft may land on a highway if such landing is unavoidable due to an emergency or can be done safely in order to respond to an emergency.

### **ARTICLE 15. EQUIPMENT.**

#### **§17C-15-44. Safety equipment and requirements for motorcyclists, motorcycles, motor-driven cycles and mopeds; motorcycle safety standards and education committee.**

(a) No person may operate or be a passenger on any motorcycle or motor-driven cycle unless the person is wearing securely fastened on his or her head by either a neck or chin strap a protective helmet designed to deflect blows, resist penetration, and spread impact forces. Any helmet worn by an operator or passenger shall meet the current performance specifications established by the American National Standards Institute Standard, Z 90.1, the United States Department of Transportation Federal Motor Vehicle Safety Standard No. 218 or Snell Safety Standards for Protective Headgear for Vehicle Users.

(b) No person may operate or be a passenger on any motorcycle or motor-driven cycle unless the person is wearing safety, shatter-resistant eyeglasses, excluding contact lenses, or eye goggles or face shield that complies with the performance specifications established by the American National Standards Institute for Head, Eye and Respiratory Protection, Z 2.1. In addition, if any motorcycle, motor-driven cycle or moped is equipped with a windshield or windscreen, the windshield or windscreen shall be constructed of safety, shatter-resistant material that complies with the performance specifications established by Department of Transportation Federal Motor Vehicle Safety Standard No. 205 and American National Standards Institute, Safety Glazing Materials for Glazing Motor Vehicles Operated on Land Highways, Standard Z 26.1.

(c) No person may operate a motorcycle, motor-driven cycle or moped on which the handlebars or grips are more than 15 inches higher than the uppermost part of the operator's seat when the seat is not depressed in any manner.

(d) A person operating a motorcycle, motor-driven cycle or moped shall ride in a seated position facing forward and only upon a permanent operator's seat attached to the vehicle. No operator may carry any other person nor may any other person ride on the vehicle unless the vehicle is designed to carry more than one person, in which event a passenger may ride behind the operator upon the permanent operator's seat if it is designed for two persons, or upon another seat firmly attached to the vehicle to the rear of the operator's seat and equipped with footrests designed and located for use by the passenger or in a sidecar firmly attached to the vehicle. No person may ride side saddle on a seat. An operator may carry as many passengers as there are seats and footrests to accommodate those passengers. Additional passengers may be carried in a factory-produced sidecar provided that there is one passenger per seat. Passengers riding in a sidecar shall be restrained by safety belts.

(e) Every motorcycle, motor-driven cycle and moped shall be equipped with a rearview mirror affixed to the handlebars or fairings and adjusted so that the operator has a clear view of the road and condition of traffic behind him or her for a distance of at least 200 feet.

(f) Notwithstanding any provision of this code to the contrary, a person with a valid driver's license who is operating or riding in a fully enclosed roadable aircraft or autocycle, as defined in 17C-1-69 of this code, is exempt from the provisions of this section.

**ARTICLE 16. INSPECTION OF VEHICLES.**

**§17C-16-10. Inspection exception for roadable aircraft; rulemaking authority by the**

**Division of Motor Vehicles.**

(a) A roadable aircraft is exempt from the inspection requirement imposed by this article if it meets aircraft maintenance and inspection requirements under Title 14 of the Code of Federal Regulations and presents proof of such compliance upon registration and at least every two years thereafter. Upon presentation of proof of compliance with federal maintenance and inspection requirements, the Division of Motor Vehicles may issue an official certificate of inspection and approval for the roadable aircraft to meet the inspection requirements under this article. The division shall charge the fee permitted by §17C-16-5 of this code per inspection sticker issued for the benefit of the State Police. The inspection sticker shall be serially numbered and identify the division as the issuing authority in lieu of an official inspection station. The division may charge a fee not exceeding the inspection fee set forth in §17C-16-6 of this code to cover the cost of verification and issuance of an inspection sticker.

(b) A roadable aircraft that does not meet maintenance and inspection requirements under federal regulations or that lacks proof of compliance shall meet the inspection requirements imposed by this article when operating on any highway.

(c) The Commissioner of the Division of Motor Vehicles may propose rules for legislative approval in accordance with the provisions of §29A-3-1 et seq. of this code to specify the documentation that is acceptable as proof of compliance with aircraft maintenance and inspection requirements under Title 14 of the Code of Federal Regulations and as otherwise practicable or necessary to implement the provisions in this chapter or in chapter 17A or chapter 17B of this code as they relate to roadable aircraft.