

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Committee Substitute

for

Senate Bill 970

BY SENATORS MORRIS AND HAMILTON

[Reported February 26, 2026, from the Committee on
Government Organization]

1 A BILL to amend and reenact §17A-6-1 and §17A-6-1a of the Code of West Virginia, 1931, as
2 amended, relating to exempting volunteer fire departments and part-time volunteer fire
3 departments from certain regulations relating to the in-person and online raffle of vehicles;
4 and providing that volunteer fire departments and part-volunteer fire departments with
5 valid raffle license that raffle fewer than certain number of vehicles per month are not
6 considered unlicensed dealers or automobile brokers.

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-6-1. Definitions.

1 (a) Unless the context in which used clearly requires a different meaning, as used in this
2 article:

3 (1) "New motor vehicle dealer" means every person (other than agents and employees, if
4 any, while acting within the scope of their authority or employment), engaged in, or held out to the
5 public to be engaged in, the business in this state of selling five or more new motor vehicles or
6 new and used motor vehicles in any fiscal year of a type required to be registered under the
7 provisions of this chapter, except, for the purposes of this article only, motorcycles.

8 (2) "Used motor vehicle dealer" means every person (other than agents and employees,
9 if any, while acting within the scope of their authority or employment), engaged in, or held out to
10 the public to be engaged in, the business in this state of selling 10 or more used motor vehicles,
11 and projecting to sell 10 or more used motor vehicles, in any fiscal year of a type required to be
12 registered under the provisions of this chapter, except, for the purposes of this article only,
13 motorcycles.

14 (3) "House trailer dealer" means every person (other than agents and employees, if any,
15 while acting within the scope of their authority or employment), engaged in, or held out to the

16 public to be engaged in, the business in this state of selling new or used house trailers, or both,
17 or new or used, or both, house trailers and trailers or new or used, or both, manufactured homes,
18 and mobile homes.

19 (4) "Trailer dealer" means every person (other than agents and employees, if any, while
20 acting within the scope of their authority or employment), engaged in, or held out to the public to
21 be engaged in, the business in this state of selling new or used trailers.

22 (5) "Motorcycle dealer" means every person (other than agents and employees, if any,
23 while acting within the scope of their authority or employment), engaged in, or held out to the
24 public to be engaged in, the business in this state of selling new or used motorcycles.

25 (6) "Used parts dealer" means every person (other than agents and employees, if any,
26 while acting within the scope of their authority or employment), engaged in, or held out to the
27 public to be engaged in, the business in this state of selling any used appliance, accessory,
28 member, portion, or other part of any vehicle.

29 (7) "Wrecker/dismantler/rebuilder" means every person (other than agents and
30 employees, if any, while acting within the scope of their authority or employment), engaged in, or
31 held out to the public to be engaged in, the business in this state of dealing in wrecked or damaged
32 motor vehicles or motor vehicle parts for the purpose of selling the parts thereof or scrap therefrom
33 or who is in the business of rebuilding salvage motor vehicles for the purpose of resale to the
34 public.

35 (8) "New motor vehicles" means all motor vehicles, except motorcycles and used motor
36 vehicles, of a type required to be registered under the provisions of this chapter.

37 (9) "Used motor vehicles" means all motor vehicles, except motorcycles, of a type required
38 to be registered under the provisions of this chapter which have been sold and operated, or which
39 have been registered or titled, in this or any other state or jurisdiction.

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

43 (11) "Trailers" means all types of trailers other than house trailers, and shall include, but
44 not be limited to, pole trailers and semitrailers but excluding recreational vehicles.

45 (12) "Sales instrument" means any document resulting from the sale of a vehicle, which
46 shall include, but not be limited to, a bill of sale, invoice, conditional sales contract, chattel
47 mortgage, chattel trust deed, security agreement, or similar document.

48 (13) "Sell", "sale", or "selling", in addition to the ordinary definitions of the terms, includes
49 offering for sale, soliciting sales of, negotiating for the sale of, displaying for sale or advertising
50 for sale, any vehicle, whether at retail, wholesale or at auction. "Selling", in addition to the ordinary
51 definition of that term, also includes buying and exchanging.

52 (14) "Applicant" means any person making application for an original or renewal license
53 certificate under the provisions of this article.

54 (15) "Licensee" means any person holding any license certificate issued under the
55 provisions of this article.

56 (16) "Predecessor" means the former owner or owners or operator or operators of any
57 new motor vehicle dealer business or used motor vehicle dealer business.

58 (17) "Established place of business" means, in the case of a new motor vehicle dealer, a
59 permanent location, not a temporary stand or other temporary quarters, owned or leased by the
60 licensee or applicant and actually occupied or to be occupied by him or her, as the case may be,
61 which is or is to be used exclusively for the purpose of selling new motor vehicles or new and
62 used motor vehicles, which shall have space under roof for the display of at least one new motor
63 vehicle and facilities and space therewith for the servicing and repair of at least one motor vehicle,
64 which servicing and repair facilities and space is adequate and suitable to carry out servicing and
65 to make repairs necessary to keep and carry out all representations, warranties, and agreements

66 made or to be made by the dealer with respect to motor vehicles sold by him or her, which is
67 easily accessible to the public, which conforms to all applicable laws of this state and the
68 ordinances of the municipality in which it is located, if any, which displays thereon at least one
69 permanent sign, clearly visible from the principal public street or highway nearest the location and
70 clearly stating the business which is or shall be conducted thereat, and which has adequate
71 facilities to keep, maintain and preserve records, papers and documents necessary to carry on
72 the business and to make the business available to inspection by the commissioner at all
73 reasonable times: *Provided*, That each established place of business shall have a display area
74 which may be outside or inside or a combination thereof of at least 1,200 square feet which is to
75 be used exclusively for the display of vehicles which are offered for sale by the dealer, office
76 space of at least 144 square feet and a telephone listed in the name of the dealership. Each
77 established place of business shall be open to the public a minimum of 20 hours per week at least
78 40 weeks per calendar year with at least 10 of those hours being between the hours of 9:30 a.m.
79 and 8:30 p.m., Monday through Saturday: *Provided, however*, That the requirement of exclusive
80 use is met even though: (A) Some new and any used motor vehicles sold or to be sold by the
81 dealer or sold or are to be sold at a different location or locations not meeting the definition of an
82 established place of business of a new motor vehicle dealer, if each location is or is to be served
83 by other facilities and space of the dealer for the servicing and repair of at least one motor vehicle,
84 adequate and suitable as aforesaid, and each location used for the sale of some new and any
85 used motor vehicles otherwise meets the definition of an established place of business of a used
86 motor vehicle dealer; (B) house trailers, trailers, or motorcycles are sold or are to be sold thereat,
87 if, subject to the provisions of §17A-6-5 of this code, a separate license certificate is obtained for
88 each type of vehicle business, which license certificate remains unexpired, unsuspended, and
89 unrevoked; (C) farm machinery is sold thereat; (D) accessory, gasoline and oil, or storage
90 departments are maintained thereat, if the departments are operated for the purpose of furthering
91 and assisting in the licensed business or businesses; and (E) the established place of business

92 has an attached single residential rental unit with an outside separate entrance and occupied by
93 a person or persons with no financial or operational interest in the dealership where the
94 established place of business has space under roof for the display of at least three new motor
95 vehicles and facilities and space therewith for the concurrent servicing and repair of at least two
96 motor vehicles and otherwise meets the requirements set forth in this subdivision.

97 (18) "Farm machinery" means all machines and tools used in the production, harvesting
98 or care of farm products.

99 (19) "Established place of business", in the case of a used motor vehicle dealer, means a
100 permanent location, not a temporary stand or other temporary quarters, owned or leased by the
101 licensee or applicant and actually occupied or to be occupied by him or her, as the case may be,
102 which is or is to be used for the purpose of selling used motor vehicles, which shall have facilities
103 and space therewith for the servicing and repair of at least one motor vehicle, which servicing and
104 repair facilities and space shall be adequate and suitable to carry out servicing and to make
105 repairs necessary to keep and carry out all representations, warranties and agreements made or
106 to be made by the dealer with respect to used motor vehicles sold by him or her, which is easily
107 accessible to the public, conforms to all applicable laws of this state, and the ordinances of the
108 municipality in which it is located, if any, which displays thereon at least one permanent sign,
109 clearly visible from the principal public street or highway nearest the location and clearly stating
110 the business which is or shall be conducted thereat, and which has adequate facilities to keep,
111 maintain and preserve records, papers and documents necessary to carry on the business and
112 to make the business available to inspection by the commissioner at all reasonable times:
113 *Provided*, That if a used motor vehicle dealer has entered into a written agreement or agreements
114 with a person or persons owning or operating a servicing and repair facility or facilities adequate
115 and suitable as aforesaid, the effect of which agreement or agreements is to provide the servicing
116 and repair services and space in like manner as if the servicing and repair facilities and space
117 were located in or on the dealer's place of business, then, so long as the agreement or

118 agreements are in effect, it is not necessary for the dealer to maintain the servicing and repair
119 facilities and space at the place of business in order for the place of business to be an established
120 place of business as herein defined.

121 (20) "Established place of business", in the case of a house trailer dealer, trailer dealer,
122 recreational vehicle dealer, motorcycle dealer, used parts dealer, and wrecker or dismantler,
123 means a permanent location, not a temporary stand or other temporary quarters, owned or leased
124 by the licensee or applicant and actually occupied or to be occupied by the licensee, as the case
125 may be, which is easily accessible to the public, which conforms to all applicable laws of this state
126 and the ordinances of the municipality in which it is located, if any, which displays thereon at least
127 one permanent sign, clearly visible from the principal public street or highway nearest the location
128 and clearly stating the business which is or shall be conducted thereat, and which has adequate
129 facilities to keep, maintain and preserve records, papers and documents necessary to carry on
130 the business and to make the business available to inspection by the commissioner at all
131 reasonable times.

132 (21) "Manufacturer" means every person engaged in the business of reconstructing,
133 assembling, or reassembling vehicles with a special type of body required by the purchaser if the
134 vehicle is subject to the title and registration provisions of this code.

135 (22) "Transporter" means every person engaged in the business of transporting vehicles
136 to or from a manufacturing, assembling, or distributing plant to dealers or sales agents of a
137 manufacturer, or purchasers.

138 (23) "Recreational vehicle dealer" means every person (other than agents and employees,
139 if any, while acting within the scope of their authority or employment), engaged in, or held out to
140 the public to be engaged in, the business in this state of selling new or used recreational vehicles,
141 or both.

142 (24) "Motorboat" means any vessel propelled by an electrical, steam, gas, diesel or other
143 fuel-propelled or -driven motor, whether or not the motor is the principal source of propulsion, but

144 does not include a vessel which has a valid marine document issued by the bureau of customs of
145 the United States government or any federal agency successor thereto.

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

148 (26) "All-terrain vehicle" (ATV) means any motor vehicle designed for off-highway use and
149 designed to travel on not less than three low-pressure or nonhighway tires, is 50 inches or less in
150 width and intended by the manufacturer to be used by a single operator or is specifically designed
151 by the manufacturer with seating for each passenger. "All-terrain vehicle" and ATV does not
152 include mini trucks, golf carts, riding lawnmowers, or tractors.

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

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

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

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

170 (31) "Recreational vehicle" means a motorboat, motorboat trailer, all-terrain vehicle, travel
171 trailer, fold-down camping trailer, motor home, snowmobile, or utility-terrain vehicle.

172 (32) "Major component" means any one of the following subassemblies of a motor vehicle:
173 (A) Front clip assembly consisting of fenders, grille, hood, bumper, and related parts; (B) engine;
174 (C) transmission; (D) rear clip assembly consisting of quarter panels and floor panel assembly; or
175 (E) two or more doors.

176 (33) "Factory-built home" includes mobile homes, house trailers, and manufactured
177 homes.

178 (34) "Manufactured home" has the same meaning as the term is defined in §21-9-2 of this
179 code which meets the National Manufactured Housing Construction and Safety Standards Act of
180 1974 (42 U. S. C. § 5401 *et seq.*), effective on June 15, 1976, and the federal manufactured home
181 construction and safety standards and regulations promulgated by the Secretary of the United
182 States Department of Housing and Urban Development.

183 (35) "Mobile home" means a transportable structure that is wholly, or in substantial part,
184 made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and
185 installation on a building site and designed for long-term residential use and built prior to
186 enactment of the federal Manufactured Housing Construction and Safety Standards Institute
187 (ANSI) — A119.1 standards for mobile homes.

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

191 (b) Under no circumstances whatever may the terms "new motor vehicle dealer", "used
192 motor vehicle dealer", "house trailer dealer", "trailer dealer", "recreational vehicle dealer",
193 "motorcycle dealer", "used parts dealer", or "wrecker/dismantler/ rebuilder" be construed or
194 applied under this article in such a way as to include a banking institution, insurance company,
195 finance company, or other lending or financial institution, or other person, the state or any agency

196 or political subdivision thereof, or any municipality, who or which owns or comes in possession or
197 ownership of, or acquires contract rights, or security interests in or to, any vehicle or vehicles or
198 any part thereof and sells the vehicle or vehicles or any part thereof for purposes other than
199 engaging in and holding out to the public to be engaged in the business of selling vehicles or any
200 part thereof.

201 (c) It is recognized that throughout this code the term "trailer" or "trailers" is used to include,
202 among other types of trailers, house trailers. It is also recognized that throughout this code the
203 term "trailer" or "trailers" is seldom used to include semitrailers or pole trailers. However, for the
204 purposes of this article only, the term "trailers" has the meaning ascribed to it in subsection (a) of
205 this section.

206 (d) For purposes of this section, volunteer fire departments and part-volunteer fire
207 departments are hereby exempt from being considered "automobile brokers" or "unlicensed
208 dealers", so long as such organizations hold a valid charitable raffle license or valid online
209 charitable raffle license and raffle no more than four vehicles per month.

§17A-6-1a. Unlawful to be an automobile broker; definition; criminal penalties.

1 (a) No person, except as provided below, shall arrange or offer to arrange for a fee,
2 commission, or other valuable consideration, a transaction involving the sale of more than two
3 new or used motor vehicles per calendar year. Such person shall be deemed an automobile
4 broker: *Provided*, That a licensed new or used motor vehicle dealer in the State of West Virginia
5 or an agent or employee of such dealer; an authorized distributor or an agent or employee of such
6 distributor; an authorized automobile auction held by a licensed auctioneer; any person who sells
7 a motor vehicle pursuant to a pledge of security and lien as established in §17A-4a-1 *et seq.* of
8 this code; and an individual or corporation, including banks and financial institutions, who is the
9 owner of the new or used motor vehicle titled in the State of West Virginia which is the object of
10 a sale are not automobile brokers.

11 **(b)** Any person violating the provisions of this section is guilty of a misdemeanor and, upon
12 conviction thereof, shall be fined not more than \$1,000, or imprisoned in the county jail not more
13 than ~~sixty~~ 60 days, or both fined and imprisoned.

14 **(c)** For purposes of this section, volunteer fire departments and part-volunteer fire
15 departments are hereby exempt from being considered “automobile brokers” or “unlicensed
16 dealers”, so long as such organizations hold a valid charitable raffle license or valid online
17 charitable raffle license and raffle no more than four vehicles per month.