CHAPTER II

DEFINITIONS

Unless the context clearly indicates otherwise, the following words as used in §17A-6 of the West Virginia Code, the Division of Motor Vehicles rules & regulations, and in this manual will have the meanings described below:

A. "**New Motor Vehicle Dealer**" - Every person [other than his agents and employees, if any, while acting within the scope of their authority or employment], engaged in, or who holds himself out to the public to be engaged in, the business in this state of selling five or more new motor vehicles or new and used motor vehicles in any fiscal year of a type required to be registered, except motorcycles.

B. "**Used Motor Vehicle Dealer**" - Every person [other than his agents and employees, if any, while acting within the scope of their authority or employment], engaged in, or who holds himself out to the public to be engaged in, the business in this state of selling five or more used motor vehicles in any fiscal year of a type required to be registered, except motorcycles.

C. "**New Motor Vehicles**" - All motor vehicles, except motorcycles and used motor vehicles, of a type required to be registered.

D. "**Used Motor Vehicles**" - All motor vehicles, except motorcycles, of a type required to be registered which have been sold and operated, or which have been registered or titled, in this or any other state or jurisdiction.

E. "**Wrecker / Dismantler / Rebuilder**" - Every person [other than his agents or employees, if any, while acting within the scope of their authority or employment], engaged in, or who holds himself out to the public to be engaged in, the business in this state of dealing in wrecked or damaged motor vehicles or motor vehicle parts for the purpose of selling the parts thereof or scrap therefrom or who are in the business of rebuilding salvage motor vehicles for the purpose of resale to the public.

F. "**Recreational Vehicle Dealer**" - Every person [other than his agents and employees, if any, while acting within the scope of their authority or employment], engaged in, or who holds himself out to the public to be engaged in, the business in this state of selling new and/or used recreational vehicles.

G. "**Trailer Dealer**" - Every person [other than his agents and employees, if any, while acting within the scope of their authority or employment], engaged in, or who holds himself out to the public to be engaged in, the business in this state of selling new and/or used trailers.

H. "**Motorcycle Dealer**" - Every person [other than his agents and employees, if any, while acting within the scope of their authority or employment], engaged in, or who holds himself out to the public to be engaged in, the business in this state of selling new and/used motorcycles.

I. "**Sell**", "**Sale**" or "**Selling**" - Shall, in addition to the ordinary definitions of such terms, include offering for sale, soliciting sales of, negotiating for the sale of, displaying for sale, or advertising for sale, any vehicle, whether at retail, wholesale or at auction. "Selling" shall, in addition to the ordinary definition of that term, also include buying and exchanging.

J. "**Transporter**" - Every person engaged in the business of transporting vehicles to or from a manufacturing, assembling or distributing plant to dealers or sales agents of a manufacturer, or purchasers.

K. "**Manufacturer**" - Every person engaged in the business of reconstructing, assembling or reassembling vehicles with a special type body required by the purchaser if said vehicle is subject to the title and registration provisions of the code.

L. "**Sales Instrument**" - Any document resulting from the sale of a vehicle, which shall include, but not be limited to, a bill of sale, invoice, conditional sales contract, chattel mortgage, chattel trust deed, security agreement or similar document.

M. "**Applicant**" - Any person making application for an original or renewal license certificate.

N. "**Licensee**" - Any person holding any license certificate.

O. "**Predecessor**" - The former owner or owners or operators of any new motor vehicle dealer business or used motor vehicle dealer business.

P. "**Recreational Vehicle**" - A motorboat, motorboat trailer, all-terrain vehicle, travel trailer, fold down camping trailer, motor home or snowmobile.

Q. "**Motorboat**" - Any vessel propelled by an electrical, steam, gas, diesel or other fuel propelled or driven motor, whether or not such motor is the principal source of propulsion, but shall 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.

R. "**Motorboat Trailer**" - Every vehicle designed for or ordinarily used for the transportation of a motorboat.

S. "**All-terrain Vehicle**" - Any motor vehicle [ATV] designed for off-highway use and designed for operator use only with no passengers, having a seat or saddle designed to be straddled by the operator, and handlebars for steering control.

T. "**Travel Trailer**" - 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 four hundred square feet.

U. "**Fold Down Camping Trailer**" - 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.

V. "**Motor Home**" - 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 build on an incomplete van or truck chassis with a cab constructed by the chassis manufacturer.

W. "**Snowmobile**" - 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.

X. "**Major Component**" - Any one of the following subassemblies of a motor vehicle: [1] Front clip assembly consisting of fenders, grille, hood, bumper and related parts; [2] Engine; [3] Transmission; [4] Rear clip assembly consisting of quarter panels and floor panel assembly; or [5] Two or more doors.

Y. "**House Trailers**" - All trailers designed or intended for human occupancy and commonly referred to as mobile homes or house trailers, but shall not include fold down camping trailers or travel trailers.

Z. "**Trailers**" - All types of trailers other than house trailers, and shall include, but not be limited to, pole trailers and semitrailers but excluding recreational vehicles.

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

bb. **"Manufactured home"** has the same meaning as the term is defined in section two [§ 21-9-2], article nine, chapter twenty-one of this code which meets the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. § 5401 et seq.,), effective on the fifteenth day of June, one thousand nine hundred seventy-six, 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.

cc. **"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 designed for long-term residential use and built prior to enactment of the federal manufactured housing construction and safety standards institute (ANSI) – A119.1 standards for mobile homes.

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