CHAPTER VIII

TITLE AND REGISTRATION LAWS

Issuance of Title and Registration

17A-3-2. Every motor vehicle, etc., subject to registration and certificate of title provisions; exceptions.

(a) Every motor vehicle, trailer, semitrailer, pole trailer and recreational vehicle when driven or moved upon a highway is subject to the registration and certificate of title provisions of this chapter except:

(1) Any vehicle driven or moved upon a highway in conformance with the provisions of this chapter relating to manufacturers, transporters, dealers, lienholders or nonresidents or under a temporary registration permit issued by the division as authorized under this chapter;

(2) Any implement of husbandry upon which is securely attached a machine for spraying fruit trees and plants of the owner or lessee or for any other implement of husbandry which is used exclusively for agricultural or horticultural purposes on lands owned or leased by the owner of the implement and which is not operated on or over any public highway of this state for any other purpose other than for the purpose of operating it across a highway or along a highway other than an expressway as designated by the commissioner of the division of highways from one point of the owner's land to another part of the owner's land, irrespective of whether or not the tracts adjoin: Provided, That the distance between the points may not exceed twenty-five miles, or for the purpose of taking it or other fixtures attached to the implement, to and from a repair shop for repairs. The exemption in this subdivision from registration and license requirements also applies to any vehicle described in this subsection or to any farm trailer owned by the owner or lessee of the farm on which the trailer is used, when the trailer is used by the owner of the trailer for the purpose of moving farm produce and livestock from the farm along a public highway for a distance not to exceed twenty-five miles to a storage house or packing plant, when the use is a seasonal operation:

(A) The exemptions contained in this section also apply to farm machinery and tractors: Provided, That the machinery and tractors may use the highways in going from one tract of land to another tract of land regardless of whether the land is owned by the same or different persons;

(B) Any vehicle exempted under this subsection from the requirements of annual registration certificate and license plates and fees for the registration certificate and license plate may not use the highways between sunset and sunrise;

(C) Any vehicle exempted under this section from the requirements of annual registration certificate and license plates may use the highways as provided in this section whether the exempt vehicle is self-propelled, towed by another exempt vehicle or towed by another vehicle required to be registered;

(D) Any vehicle used as an implement of husbandry exempt under this section shall have the words "farm use" affixed to both sides of the implement in ten inch letters. Any vehicle which would be subject to registration as a Class A or B

vehicle if not exempted by this section shall display a farm-use exemption certificate on the lower driver's side of the windshield:

(i) The farm-use exemption certificate shall be provided by the commissioner and shall be issued annually by the assessor of the applicant's county of residence. The assessor shall issue a farm-use exemption certificate to the applicant upon his or her determination pursuant to an examination of the property books or documentation provided by the applicant that the vehicle has been properly assessed as Class I personal property. The assessor shall charge a fee of two dollars for each certificate, which shall be retained by the assessor;

(ii) A farm-use exemption certificate shall not exempt the applicant from maintaining the security required by chapter seventeen-d [§§ 17D-1-1 et seq.] of this code on any vehicle being operated on the roads or highways of this state;

(iii) No person charged with the offense of operating a vehicle without a farm-use exemption certificate, if required under this section, may be convicted of the offense if he or she produces in court, or in the office of the arresting officer, a valid farm-use exemption certificate for the vehicle in question within five days;

(3) Any vehicle which is propelled exclusively by electric power obtained from overhead trolley wires though not operated upon rails;

(4) Any vehicle of a type subject to registration which is owned by the government of the United States;

(5) Any wrecked or disabled vehicle towed by a licensed wrecker or dealer on the public highways of this state;

(6) The following recreational vehicles are exempt from the requirements of annual registration, license plates and fees, unless otherwise specified

by law, but are subject to the certificate of title provisions of this chapter regardless of highway use: Motorboats, all-terrain vehicles and snowmobiles; and

(7) Any special mobile equipment as defined in subsection (r), section one [§ 17A-1-1(r)], article one of this chapter.

(b) Notwithstanding the provisions of subsection (a) of this section:

(1) Mobile homes or manufactured homes are exempt from the requirements of annual registration, license plates and fees;

(2) House trailers may be registered and licensed; and

(3) Factory-built homes are subject to the certificate of title provisions of this chapter.

17A-3-3. Application for registration; statement of insurance or other proof of security to accompany application; criminal penalties; fees; special revolving fund.

Every owner of a vehicle subject to registration under this article shall make application to the division for the registration of the vehicle upon the appropriate form or forms furnished by the division and every such application shall bear the signature of the owner or his or her authorized agent, written with pen and ink, and the application shall contain:

(a) The name, bona fide residence and mailing address of the owner, the county in which he or she resides, or business address of the owner if a firm, association or corporation.

(b) A description of the vehicle including, insofar as the data specified in this section may exist with respect to a given vehicle, the make, model, type of body, the manufacturer's serial or identification number or other number as determined by the commissioner.

(c) In the event a motor vehicle is designed, constructed, converted or rebuilt for the transportation of property, the application shall include a statement of its declared gross weight if the motor vehicle is to be used alone, or if the motor vehicle is to be used in combination with other vehicles, the application for registration of the motor vehicle shall include a statement of the combined declared gross weight of the motor vehicle and the vehicles to be drawn by the motor vehicle; declared gross weight being the weight declared by the owner to be the actual combined weight of the vehicle or combination of vehicles and load when carrying the maximum load which the owner intends to place on the vehicle; and the application for registration of each vehicle shall also include a statement of the distance between the first and last axles of that vehicle or combination of vehicles. The declared gross weight stated in the application shall not exceed the permissible gross weight for the axle spacing listed in the application as determined by the table of permissible gross weights contained in chapter seventeen-c [§§ 17C-1-1 et seq.] of this code; and any vehicle registered for a declared gross weight as stated in the application is subject to the single-axle load limit set forth in chapter seventeen-c of this code.

(d) Each applicant shall state whether the vehicle is or is not to be used in the public transportation of passengers or property, or both, for compensation, and if used for compensation, or to be used, the applicants shall certify that the vehicle is used for compensation, and shall, as a condition precedent to the registration of such vehicle, obtain a certificate of convenience, or permit from the public service commission.

(e) A statement under penalty of false swearing that liability insurance is in effect and will continue to be in effect through the entire term of the vehicle registration period within limits which shall be no less than the requirement of section two [§ 17D-4-2], article four, chapter seventeen-d of this code, which shall contain the name of the applicant's insurer, the name of the agent or agency which issued the policy and the effective date of the policy, and such other information as may be required by the commissioner of motor vehicles, or that the applicant has qualified as a self-insurer meeting the requirements of section two [§ 17D-6-2], article six, chapter seventeen-d of the code and that as a self-insurer he or she has complied with the minimum security requirements as established in section two, article four, chapter seventeen-d, or that the applicant has submitted bond or other security approved by the commissioner of motor vehicles which shall provide the equivalent of the policy of insurance specified in this section, or that the applicant has submitted the required cash or other securities with the state treasurer as set forth in the provisions of section sixteen [§ 17D-4-16], article four, chapter seventeen-d of this code.

(1) Intentional lapses of insurance coverage.

(A) In the case of a periodic use or seasonal vehicle, as defined in section three [§ 17D-2A-3], article two-a, chapter seventeen-d of this code, the owner may provide, in lieu of other statements required by this section, a statement, under penalty of false swearing, that liability insurance is in effect during the portion of the year the vehicle is in actual use, within limits which shall be no less than the requirements of section two [§ 17D-4-2], article four, chapter seventeen-d of this code, and other information relating to the seasonal use, on a form designed and provided by the division.

(B) Any registrant who prior to expiration of his or her vehicle registration drops or cancels insurance coverage for any reason other than periodic or seasonal use shall either surrender the registration plate or shall, by certified mail, notify the division of the cancellation. The notice shall contain a statement under penalty of false swearing that the vehicle will not be operated on the roads or highways of this state.

(C) The registration of any vehicle upon which insurance coverage has been dropped or canceled under paragraph (B) shall be reinstated upon submission of current proof of insurance and payment of the duplicate plate fee prescribed by this chapter.

(2) Verification process.
(NOTE: This section was recently struck down by Court action)

The division shall select no fewer than one percent of the total number of motor vehicles registered annually for a random sample verification of current insurance coverage. The division may also select an owners statement of insurance submitted at the time of registration or registration renewal for verification.

Random sample verification of current insurance coverage shall be conducted on a monthly basis. The basis for each sample shall be the entire registered motor vehicle base. The selection of a registration for random sample verification shall not preclude the registration from being selected again in any subsequent month.

The division shall notify the registrant by regular mail that he or she has twenty days to provide the division with proof of insurance indicating current insurance coverage on the indicated vehicle as of the date of the notice. The information shall be verified with the indicated insurance company as provided in this section or in the case of a verification of the original owner's statement of insurance, proof of insurance as of the date of submission of the owner's statement.

When a statement or registration is selected for verification, the division shall forward the information provided by the registrant to the listed insurer. The insurer shall notify the division, on a form required by the commissioner, within twenty calendar days if the liability insurance is or is not in effect, as required by this section.

The division may select for verification any statement of liability insurance submitted by a person who has previously been convicted or whose registration or driver's license has been suspended for violating the provisions of section three, article two-a, chapter seventeen-d of this code, or whose statements of liability insurance have previously been found to be

incorrect. The division may also determine the correctness of information relating to proof of other security satisfying the requirements of this section.

Following the twenty-day period, if the registrant has not responded, or the division determines through the verification process with the insurance company that there is or was no liability insurance in effect, and the registrant has not complied with the provisions of intentional lapse of insurance, then the commissioner shall send a notice of pending suspension of the motor vehicle registration and the suspension of the owner or owner's driver's license to the registrant by certified mail. The notice of pending suspension shall grant the registrant an additional twenty days from the date of the mailing to provide current proof of insurance as of the original notice date or other requested information to the commissioner. Following this additional twenty-day period, if the registrant fails to provide proof of current insurance coverage as of the date of the original notice, an order of suspension shall be directed to the superintendent by the commissioner as provided in section seven [§ 17A-9-7], article nine of this chapter.

The commissioner shall suspend the motor vehicle registration until current proof of insurance is received and shall suspend the driver's license of the owner or owners of the motor vehicle for a period of ninety days: Provided, That whenever the commissioner determines that the vehicle was actually insured despite the receipt of a notice from the insurer, or the license plate was surrendered to the division upon cancellation of coverage or that the registrant complied with the intentional lapse of coverage notice provisions, the suspension shall be withdrawn and any fees collected by the state shall be returned.

Upon the timely written request of a person whose vehicle registration or driver's license is suspended under the provisions of this section, the commissioner shall stay the suspension, and afford the person an opportunity to be heard. The written request must be filed with the commissioner in person or by registered or certified mail, return receipt requested, within ten days after receipt of a copy of the order of suspension.

If the commissioner finds that the person whose vehicle registration or driver's license was suspended was not in violation of the provisions of this section, the commissioner shall rescind his or her earlier order of suspension.

A copy of the commissioner's order made and entered following the hearing shall be served on the person by registered or certified mail, return receipt requested. During the pendency of any hearing, the revocation of the person's license to operate a motor vehicle in this state shall be stayed. If the commissioner shall, after hearing, make and enter an order affirming the commissioner's earlier order of revocation, the person shall be entitled to judicial review as set forth in chapter twenty-nine-a [§§ 29A-1-1 et seq.] of this code. The commissioner shall not stay enforcement of the order during the appeal. Pending the appeal, the court may grant a stay or supersedeas of the order only upon motion and hearing, and a finding by the court upon the evidence presented, that there is a substantial probability that the appellant shall prevail upon the merits, and the appellant will suffer irreparable harm if the order is not stayed: Provided, That in no event shall the stay or supersedeas of the order exceed thirty days.

(3) If any person making an application required under the provisions of this section, in the application knowingly provides false information, false proof of security or a false statement of insurance, or if any person, including an applicant's insurance agent, knowingly counsels, advises, aids or abets another in providing false information, false proof of security, or a false statement of insurance in the application, he or she is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than five hundred dollars, or be imprisoned in the county or regional jail for a period not to exceed fifteen days, or both fined and imprisoned, and in addition to the fine or imprisonment shall have his or her operator's or chauffeur's license and vehicle registration suspended for a period of six months.

(f) Any further information as may reasonably be required by the division to enable it to determine whether the vehicle is lawfully entitled to registration.

(g) Each such application for registration shall be accompanied by the fees provided in this article, and an additional fee of fifty cents for each motor vehicle for which the applicant seeks registration, the fee to be deposited in a special revolving fund for the operation by the division of its functions established by the provisions of article two-a [§§ 17D-2A-1 et seq.], chapter seventeen-d of this code.

17A-3-3a. Payment of personal property taxes and emergency ambulance fees prerequisite to registration or renewal; duties of assessors; schedule of automobile values.

(a) Certificates of registration and renewal of registration of any vehicle or registration plates for any vehicle may not be issued or furnished by the division of motor vehicles, or any other officer charged with the duty, unless the applicant for the certificate or registration plate, except an applicant exempt from payment of registration fees under section eight, article ten of this chapter, has furnished the receipt provided for in this section to show full payment of:

(1)(A) The personal property taxes for the calendar year which immediately precedes the calendar year in which application is made on all vehicles which were registered with the division of motor vehicles in the applicant's name on the tax day for the former calendar year; and

(B) All emergency ambulance fees owed pursuant to section seventeen, article fifteen, chapter seven of this code, at the time the receipt is prepared, except for any of the fees that are not yet past due: *Provided,* That any county which does not impose emergency ambulance fees or which chooses not to show emergency ambulance fees on the personal property tax receipt may issue a receipt without complying with paragraph (B), subdivision (1) of this subsection and the commissioner of motor vehicles may issue or renew registration without regard to such fees;

(2)(A) When an applicant has chosen the optional two-year registration system provided for in section sixteen of this article, the personal property taxes for the two calendar years immediately preceding the calendar year in which application is made on all vehicles which were registered with the division of motor vehicles in the applicant's name on the tax day for the former calendar year; and

(B) All emergency ambulance fees owed pursuant to section seventeen, article

fifteen, chapter seven of this code, at the time the receipt is prepared, except for any of the fees that are not yet past due: *Provided,* That any county which does not impose emergency ambulance fees or which chooses not to show emergency ambulance fees on the personal property tax receipt may issue a receipt without complying with paragraph (B), subdivision (1) of this subsection and the commissioner of motor vehicles may issue or renew registration without regard to such fees.

(b) If the applicant contends that any registered vehicle was not subject to personal property taxation for that year or that he or she does not owe any emergency ambulance fees if a receipt for fees are required by the county, he or she shall furnish the information and evidence as the commissioner of motor vehicles may require to substantiate his or her contention.

(c) The assessor shall require any person having a duty to make a return of property for taxation to him or her to furnish information identifying each vehicle subject to the registration provisions of this chapter. When the property taxes on any vehicle have been paid, the officer to whom the payment was made shall deliver to the person paying the taxes a written or printed receipt for the payment and shall retain for his or her records a duplicate of the receipt. It is the duty of the assessor and sheriff, respectively, to see that the assessment records and the receipts contain information adequately identifying the vehicle as registered under the provisions of this chapter. The officer receiving payment shall sign each receipt in his or her own handwriting.

(d) Each receipt given to a taxpayer for payment of personal property taxes on a vehicle may indicate on the receipt whether the taxpayer has paid all emergency ambulance fees owed pursuant to section seventeen, article fifteen, chapter seven of this code at the time the receipt is prepared, except for any of the fees that are not yet past due: *Provided,* That the county shall include on the same notice of personal property taxes due the additional amount due for all emergency ambulance fees.

(e) The state tax commissioner shall annually compile a schedule of automobile values, based on the lowest values shown in a nationally accepted used car guide. The state tax commissioner shall furnish the schedule to each assessor and it shall be used by him or her as a guide in placing the assessed values on all automobiles in his or her county.

17A-3-4. Application for certificate of title; tax for privilege of certification of title; exceptions; fee on payments for leased vehicles; penalty for false swearing.

(a) Certificates of registration of any vehicle or registration plates for the vehicle, whether original issues or duplicates, may not be issued or furnished by the division of motor vehicles or any other officer or agent charged with the duty, unless the applicant already has received, or at the same time makes application for and is granted, an official certificate of title of the vehicle in either an electronic or paper format. The application shall be upon a blank form to be furnished by the division of motor vehicles and shall contain a full description of the vehicle, which description shall contain a manufacturer's serial or identification number or other number as determined by the commissioner and any distinguishing marks, together with a statement of the applicant's title and of any liens or encumbrances upon the vehicle, the names and addresses of the holders of the liens and any other information as the division of motor vehicles may require. The application shall be signed and sworn to by the applicant. A duly certified copy of the division's electronic record of a certificate of title is admissible in any civil, criminal or administrative proceeding in this state as evidence of ownership.

(b) A tax is imposed upon the privilege of effecting the certification of title of each vehicle

in the amount equal to five percent of the value of the motor vehicle at the time of the certification, to be assessed as follows:

(1) If the vehicle is new, the actual purchase price or consideration to the purchaser of the vehicle is the value of the vehicle. If the vehicle is a used or secondhand vehicle, the present market value at time of transfer or purchase is the value of the vehicle for the purposes of this section: *Provided,* That so much of the purchase price or consideration as is represented by the exchange of other vehicles on which the tax imposed by this section has been paid by the purchaser shall be deducted from the total actual price or consideration paid for the vehicle, whether the vehicle be new or secondhand. If the vehicle is acquired through gift or by any manner whatsoever, unless specifically exempted in this section, the present market value of the vehicle at the time of the gift or transfer is the value of the vehicle for the purposes of this section.

(2) No certificate of title for any vehicle may be issued to any applicant unless the applicant has paid to the division of motor vehicles the tax imposed by this section which is five percent of the true and actual value of the vehicle whether the vehicle is acquired through purchase, by gift or by any other manner whatsoever, except gifts between husband and wife or between parents and children: *Provided,* That the husband or wife, or the parents or children, previously have paid the tax on the vehicles transferred to the state of West Virginia.

(3) The division of motor vehicles may issue a certificate of registration and title to an applicant if the applicant provides sufficient proof to the division of motor vehicles that the applicant has paid the taxes and fees required by this section to a motor vehicle dealership that has gone out of business or has filed bankruptcy proceedings in the United States bankruptcy court and the taxes and fees so required to be paid by the applicant have not been sent to the division by the motor vehicle dealership or have been impounded due to the bankruptcy proceedings: *Provided,* That the applicant makes an affidavit of the same and assigns all rights to claims for money the applicant may have against the motor vehicle dealership to the division of motor vehicles.

(4) The division of motor vehicles shall issue a certificate of registration and title to an applicant without payment of the tax imposed by this section if the applicant is a corporation, partnership or limited liability company transferring the vehicle to another corporation, partnership or limited liability company when the entities involved in the transfer are members of the same controlled group and the transferring entity has previously paid the tax on the vehicle transferred. For the purposes of this section, control means ownership, directly or indirectly, of stock or equity interests possessing fifty percent or more of the total combined voting power of all classes of the stock of a corporation or equity interests of a partnership or limited liability company entitled to vote or ownership, directly or indirectly, of stock or equity interests possessing fifty percent or more of the value of the corporation, partnership or limited liability company.

(5) The tax imposed by this section does not apply to vehicles to be registered as Class H vehicles or Class M vehicles, as defined in section one, article ten of this chapter, which are used or to be used in interstate commerce. Nor does the tax imposed by this section apply to the titling of Class B vehicles registered at a gross weight of fifty-five thousand pounds or more, or to the titling of Class C semitrailers, full trailers, pole trailers and converter gear: *Provided,* That if an owner of a vehicle has previously titled the vehicle at a declared gross weight of fifty-five thousand pounds or more and the title was issued without the payment of the tax imposed by this section, then before the owner may obtain registration for the vehicle at a gross

weight less than fifty-five thousand pounds, the owner shall surrender to the commissioner the exempted registration, the exempted certificate of title and pay the tax imposed by this section based upon the current market value of the vehicle: *Provided, however,* That notwithstanding the provisions of section nine, article fifteen, chapter eleven of this code, the exemption from tax under this section for Class B vehicles in excess of fifty-five thousand pounds and Class C semitrailers, full trailers, pole trailers and converter gear does not subject the sale or purchase of the vehicles to the consumers sales tax.

(6) The tax imposed by this section does not apply to titling of vehicles leased by residents of West Virginia. A tax is imposed upon the monthly payments for the lease of any motor vehicle leased by a resident of West Virginia, which tax is equal to five percent of the amount of the monthly payment, applied to each payment, and continuing for the entire term of the initial lease period. The tax shall be remitted to the division of motor vehicles on a monthly basis by the lessor of the vehicle.

(7) The tax imposed by this section does not apply to titling of vehicles by a registered dealer of this state for resale only, nor does the tax imposed by this section apply to titling of vehicles by this state or any political subdivision thereof, or by any volunteer fire department or duly chartered rescue or ambulance squad organized and incorporated under the laws of the state of West Virginia as a nonprofit corporation for protection of life or property. The total amount of revenue collected by reason of this tax shall be paid into the state road fund and expended by the commissioner of highways for matching federal funds allocated for West Virginia. In addition to the tax, there is a charge of five dollars for each original certificate of title or duplicate certificate of title so issued: *Provided,* That this state or any political subdivision of this state or any volunteer fire department or duly chartered rescue squad is exempt from payment of the charge.

(8) The certificate is good for the life of the vehicle, so long as the vehicle is owned or held by the original holder of the certificate, and need not be renewed annually, or any other time, except as provided in this section.

(9) If, by will or direct inheritance, a person becomes the owner of a motor vehicle and the tax imposed by this section previously has been paid to the division of motor vehicles on that vehicle, he or she is not required to pay the tax.

(10) A person who has paid the tax imposed by this section is not required to pay the tax a second time for the same motor vehicle, but is required to pay a charge of five dollars for the certificate of retitle of that motor vehicle, except that the tax shall be paid by the person when the title to the vehicle has been transferred either in this or another state from the person to another person and transferred back to the person.

(11) The tax imposed by this section does not apply to any passenger vehicle offered for rent in the normal course of business by a daily passenger rental car business as licensed under the provisions of article six-d of this chapter. For purposes of this section, a daily passenger car means a Class A motor vehicle having a gross weight of eight thousand pounds or less and is registered in this state or any other state. In lieu of the tax imposed by this section, there is hereby imposed a tax of not less than one dollar nor more than one dollar and fifty cents for each day or part of the rental period. The commissioner shall propose an emergency rule in accordance with the provisions of article three, chapter twenty-nine-a of this code to establish this tax.

(12) The tax imposed by this article does not apply to the titling of any vehicle purchased by a senior citizen service organization which is exempt from the payment of income taxes under the United States Internal Revenue Code, Title 26 U.S.C.

§501(c)(3) and which is recognized to be a bonafide senior citizen service organization by the senior services bureau existing under the provisions of article five, chapter sixteen of this code.

(c) Notwithstanding any provisions of this code to the contrary, the owners of trailers, semitrailers, recreational vehicles and other vehicles not subject to the certificate of title tax prior to the enactment of this chapter are subject to the privilege tax imposed by this section: *Provided,* That the certification of title of any recreational vehicle owned by the applicant on the thirtieth day of June, one thousand nine hundred eighty-nine, is not subject to the tax imposed by this section: *Provided, however,* That mobile homes, manufactured homes, modular homes and similar nonmotive propelled vehicles, except recreational vehicles and house trailers, susceptible of being moved upon the highways but primarily designed for habitation and occupancy, rather than for transporting persons or property, or any vehicle operated on a nonprofit basis and used exclusively for the transportation of mentally retarded or physically handicapped children when the application for certificate of registration for the vehicle is accompanied by an affidavit stating that the vehicle will be operated on a nonprofit basis and used exclusively for the transportation of mentally retarded and physically handicapped children, are not subject to the tax imposed by this section, but are taxable under the provisions of articles fifteen and fifteen-a, chapter eleven of this code.

(d) Any person making any affidavit required under any provision of this section who knowingly swears falsely, or any person who counsels, advises, aids or abets another in the commission of false swearing, or any person, while acting as an agent of the division of motor vehicles, issues a vehicle registration without first collecting the fees and taxes or fails to perform any other duty required by this chapter to be performed before a vehicle registration is issued is, on the first offense, guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than five hundred dollars or be confined in jail for a period not to exceed six months or, in the discretion of the court, both fined and confined. For a second or any subsequent conviction within five years, that person is guilty of a felony and, upon conviction thereof, shall be fined not more than five thousand dollars or be imprisoned in a state correctional facility for not less than one year nor more than five years or, in the discretion of the court, both fined and imprisoned.

(e) Notwithstanding any other provisions of this section, any person in the military stationed outside West Virginia or his or her dependents who possess a motor vehicle with valid registration are exempt from the provisions of this article for a period of nine months from the date the person returns to this state or the date his or her dependent returns to this state, whichever is later.

(f) No person may transfer, purchase or sell a factory-built home without a certificate of title issued by the commissioner in accordance with the provisions of this article:

(1) Any person who fails to provide a certificate of title upon the transfer, purchase or sale of a factory-built home is guilty of a misdemeanor and, upon conviction thereof, shall for the first offense be fined not less than one hundred dollars nor more than one thousand dollars, or be confined in jail for not more than one year or, both fined and confined. For each subsequent offense, the fine may be increased to not more than two thousand dollars, with confinement in jail not more than one year or, both fined and confined.

(2) Failure of the seller to transfer a certificate of title upon sale or transfer of the factory-built home gives rise to a cause of action, upon prosecution thereof, and allows for the recovery of damages, costs and reasonable attorney fees.

(3) This subsection does not apply to a mobile or manufactured home for which a certificate of title has been canceled pursuant to section twelve-b of this article.

(g) Notwithstanding any other provision to the contrary, whenever reference is made to the application for or issuance of any title or the recordation or release of any lien, it includes the application, transmission, recordation, transfer of ownership and storage of information in an electronic format.

(h) Notwithstanding any other provision contained in this section, nothing herein shall be considered to include modular homes as defined in subsection (i), section two, article fifteen, chapter thirty-seven of this code and built to the state building code as established by legislative rules promulgated by the state fire commission pursuant to section five-b, article three, chapter twenty-nine of this code.

17A-3-5. Application for specially constructed, reconstructed or foreign vehicles or new vehicles purchased outside this State.

(a) In the event the vehicle to be registered is specially constructed, reconstructed, or a foreign vehicle, such fact shall be stated in the application and with reference to every foreign vehicle which has been registered heretofore outside of this State the owner shall surrender to the department all registration plates, registration cards, and certificates of title or other evidence of such foreign registration as may be in his possession or under his control except as provided in subsection (b) hereof.

(b) Where in the course of interstate operation of a vehicle registered in another state it is desirable to retain registration of said vehicle in such other state, such applicant need not surrender but shall submit for inspection said evidences of such foreign registration and the department upon a proper showing shall register said vehicle in this State but shall not issue a certificate of title for such vehicle.

(c) In the event application for registration and certificate of title is made for a new vehicle purchased from a dealer outside this State, a certificate of title shall not be issued for such vehicle nor shall such vehicle be registered by the department unless and until such application shall be accompanied by a certificate of title or a manufacturer's certificate of origin, or if the state of purchase does not require a certificate of title such application shall be accompanied by a manufacturer's certificate of origin, accompanied by evidence that such seller is a bona fide dealer of the state in which such vehicle was purchased.

17A-3-7. Grounds for refusing registration or certificate of title.

The department shall refuse registration or issuance of a certificate of title or any transfer of registration upon any of the following grounds:

(1) That the application contains any false or fraudulent statement or that the applicant has failed to furnish required information or reasonable additional information requested by the department or that the applicant is not entitled to the issuance of a certificate of title or registration of the vehicle under this chapter;

(2) That the applicant fails to present a statement of insurance or proof of other security as required pursuant to the provisions of section three [§ 17A-3-3] of this article;

(3) That the vehicle is mechanically unfit or unsafe to be operated or moved upon the highways;

(4) That the department has reasonable grounds to believe that the vehicle is a stolen or embezzled vehicle or that the granting of registration or the issuance of certificate of title would constitute a fraud against the rightful owner or other person having a valid lien upon such vehicle;

(5) That the registration of the vehicle stands suspended or revoked for any reason as provided in the motor vehicle laws of this State;

(6) That the required fee has not been paid.

17A-3-11. Registration of vehicles according to permissible gross weight.

The commissioner, upon registering any truck, truck tractor, or road tractor, under the laws of this State, may require such information and may make such investigation or test as necessary to determine whether such motor vehicle may safely be operated upon the highways in compliance with all the provisions of law relating to such vehicles. Every such vehicle shall be registered with a permissible gross weight under which the vehicle can safely be operated upon the highways, which weight may not exceed the limitations set forth in chapter seventeen-C [§§ 17C-1-1 et seq.] of this Code.

The commissioner shall include on the registration card issued for every such motor vehicle the gross weight for which it is registered, and if it is a motor vehicle to be used for propelling other vehicles, a separate listing of the total permissible gross weight of such motor vehicle and other vehicles to be propelled by it shall be included. The commissioner shall also cause to be printed or stamped upon the registration card a statement that the vehicle although registered for the gross weight appearing on the registration card is subject to the axle load limit set forth in chapter seventeen-C of this Code.

17A-3-12. Commissioner to issue certificate of title; signatures on certificate; certificate of title to be delivered to owner or lienor.

(a) The commissioner, if satisfied that the applicant for a certificate of title is the owner of such vehicle, or otherwise entitled to have the same registered in the applicant's name, shall issue an appropriate certificate of title in either an electronic or paper format. The certificate of title in an electronic format shall contain all of the information required by this section.

(b) The certificate of title shall contain upon the face thereof the date issued, the name and address of the owner, the description of the vehicle as determined by the commissioner, and a statement of the owner's title and of all liens and encumbrances upon the vehicle therein described and whether possession is held by the owner under a lease, contract of conditional sale or other like agreement, and shall bear thereon the seal of the division.

(c) The certificate of title shall contain upon the reverse side a space for the signature of the owner and the owner shall write his or her name with pen and ink in the space upon receipt of the certificate. The certificate shall also contain upon the reverse side forms for assignment of title or interest and warranty thereof by the owner with space for notation of liens and encumbrances upon the vehicle at the time of a transfer.

(d) The commissioner, upon issuing a certificate of title, shall deliver same in either an electronic or paper format to the person who holds legal title to the vehicle described on the face of said certificate: Provided, That when a certificate of title is issued

showing upon the face thereof a lien or encumbrance of liens or encumbrances, the certificate of title shall be delivered to the lienholder in either an electronic or paper format in order of priority. It shall be unlawful and constitute a misdemeanor for a lienor who holds a certificate of title, as hereinabove in this section provided, to refuse or fail to surrender the certificate of title to the person legally entitled thereto within ten days after the lien or encumbrance or liens or encumbrances shown on the face thereof shall have been paid and satisfied.

17A-3-12a. Disclosure of odometer information; exceptions; penalties.

(a) In accordance with the provisions of sections four hundred eight-a and four hundred eight-e of the Motor Vehicle Information and Cost Savings Act, Public Law 92-513, the transferor of a motor vehicle must complete the odometer disclosure form on the certificate of title or a separate written odometer disclosure statement, before executing any transfer of ownership document and before a new certificate of title may be issued for a transfer of ownership of a vehicle. The odometer disclosure form on the certificate of title and the separate written odometer disclosure statement shall contain the following information:

(1) The odometer reading at the time of transfer (not to include tenths of miles);
(2) The date of transfer;
(3) The transferor's name and current address;
(4) The transferee's name and current address;
(5) The transferor's printed name and signature acknowledging the disclosure;
(6) The identity of the vehicle, including its make, model, year, body type and identification number;
(7) Certification by the transferor that to the best of his or her knowledge the odometer reading reflects:

(A) The actual mileage the vehicle has been driven;
(B) The amount of mileage in excess of the designated mechanical odometer limit; or
(C) A difference from the number of miles the vehicle has actually been driven and that the difference is greater than that caused by odometer calibration error, and that the odometer reading is not the actual mileage. This certification shall state that the odometer reading does not reflect the actual mileage and should not be relied upon, and shall also include a warning notice to alert the transferee that a discrepancy exists between the odometer reading and the actual mileage; and

(8) A warning statement referring to state and federal law and the statement: "That failure to complete or providing false information may result in fines and/or imprisonment." Upon issuance of a new title, the division shall mark the new title with an appropriate brand which reflects certification of the prior owner.

(b) Before executing any transfer of ownership document, the lessor of a leased motor vehicle must notify a lessee in writing that the lessee is required to provide a written odometer disclosure statement to the lessor. The odometer disclosure statement shall contain the following information:

(1) The odometer reading at the time of transfer (not to include tenths of miles);
(2) The date of statement;
(3) The lessee's name and current address;

(4) The lessor's name and current address;
(5) The lessee's printed name and signature acknowledging the disclosure;
(6) The identity of the vehicle, including its make, model, year, body type and identification number;
(7) The date that the lessor notified the lessee of the disclosure requirements;
(8) The date that the completed disclosure statement was received by the lessor;
(9) The signature of the lessor;
(10) Certification by the lessee that to the best of his or her knowledge the odometer reading reflects:

(A) The actual mileage the vehicle has been driven;

(B) The amount of mileage in excess of the designated mechanical odometer limit; or

(C) A difference from the number of miles the vehicle has actually been driven and that the difference is greater than that caused by odometer calibration error, and that the odometer reading is not the actual mileage. This certification shall state that the odometer reading does not reflect the actual mileage and should not be relied upon; and

(11) A warning statement referring to state and federal law and the statement: "That failure to complete or providing false information may result in fines and/or imprisonment."

If a lessor transfers the leased vehicle without obtaining possession of it, the lessor may indicate on the title the mileage disclosed by the lessee, unless the lessor has reason to believe the disclosure does not state the actual mileage.

(c) Notwithstanding the provisions of this section, the form for odometer disclosure on the certificate of title or a separate written odometer disclosure statement need not be completed for any of the following motor vehicles:

(1) A vehicle having a gross weight of more than sixteen thousand pounds;
(2) A vehicle that is not self-propelled;
(3) A vehicle that is ten years old or older;
(4) A vehicle sold directly by the manufacturer to any agency of the United States in conformity with contracted specifications; or
(5) A new motor vehicle prior to its first transfer for purposes other than resale.

(d) Dealers and distributors of motor vehicles who are required by law to execute an odometer disclosure statement shall retain for five years a photostat, carbon or other facsimile copy of each odometer mileage statement which they issue and receive, at their primary place of business in an order that is appropriate to business requirements and that permits systematic retrieval.

(e) Lessors shall retain for five years following the date they transfer ownership of the leased vehicle each odometer disclosure statement which they receive from a lessee, at their primary place of business in an order that is appropriate to business requirements and that permits systematic retrieval.

(f) Auction companies shall retain for five years following the date of sale of each motor vehicle, at their primary place of business in an order that is appropriate to business requirements and that permits systematic retrieval, the following records:

(1) The name of the most recent owner (other than the auction company);
(2) The name of the buyer;
(3) The vehicle identification number; and
(4) The odometer reading on the date the auction company took possession of the motor vehicle.

(g) A transfer of a motor vehicle which has not been previously titled in this state or which has a certificate of title issued prior to the first day of January, one thousand nine hundred ninety-one, must include the execution of the transfer by the owner and the purchaser on a form prescribed by the commissioner signed by each of the two parties, which form contains substantially the same information as is required in this section and with the provisions of the odometer mileage statement form pursuant to the Motor Vehicle Information and Cost Savings Act.

(h) The commissioner shall promulgate rules for the administration of this section in accordance with chapter twenty-nine-a [§§ 29A-1-1 et seq.] of this code.

(i) Any person who violates any of the provisions of this section with intent to defraud shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than two hundred dollars nor more than one thousand dollars, or imprisoned in the county jail for not more than six months, or both fined and imprisoned.

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.

(a) The division upon registering a vehicle shall issue to the owner one registration plate for a motorcycle, trailer, semitrailer or other motor vehicle.

(b) Registration plates issued by the division shall meet the following requirements:

(1) Every registration plate shall be of reflectorized material and have displayed upon it the registration number assigned to the vehicle for which it is issued; the name of this state, which may be abbreviated; and the year number for which it is issued or the date of expiration of the plate.

(2) Every registration plate and the required letters and numerals on the plate shall be of sufficient size to be plainly readable from a distance of one hundred feet during daylight: Provided, That the requirements of this subdivision shall not apply to the year number for which the plate is issued or the date of expiration.

(3) Registration numbering for registration plates shall begin with number two.

(c) The division may not issue, permit to be issued or distribute any special registration plates except as follows:

(1) The governor shall be issued two registration plates, on one of which shall be imprinted the numeral one and on the other the word one.

(2) State officials and judges may be issued special registration plates as follows:

(A) Upon appropriate application, the division shall issue to the secretary of state, state superintendent of schools, auditor, treasurer, commissioner of agriculture and the attorney general, the members of both houses of the Legislature,

including the elected officials of both houses of the Legislature, the justices of the supreme court of appeals of West Virginia, the representatives and senators of the state in the Congress of the United States, the judges of the United States district courts for the state of West Virginia and the judges of the United States court of appeals for the fourth circuit, if any of the judges are residents of West Virginia, a special registration plate for a Class A motor vehicle and a special registration plate for a Class G motorcycle owned by the official or his or her spouse: Provided, That the division may not issue more than two Class A special registration plates and two Class G special registration plates for each official.

(B) Each plate issued pursuant to this subdivision shall bear any combination of letters and numbers not to exceed an amount determined by the commissioner and a designation of the office. Each plate shall supersede the regular numbered plate assigned to the official or his or her spouse during the official's term of office and while the motor vehicle is owned by the official or his or her spouse.

(C) The division shall charge an annual fee of fifteen dollars for every registration plate issued pursuant to this subdivision, which is in addition to all other fees required by this chapter.

(3) The division may issue members of the national guard forces special registration plates as follows:

(A) Upon receipt of an application on a form prescribed by the division and receipt of written evidence from the chief executive officer of the army national guard or air national guard, as appropriate, or the commanding officer of any United States armed forces reserve unit that the applicant is a member thereof, the division shall issue to any member of the national guard of this state or a member of any reserve unit of the United States armed forces a special registration plate designed by the commissioner for any number of Class A motor vehicles owned by the member. Upon presentation of written evidence of retirement status, retired members of this state's army or air national guard, or retired members of any reserve unit of the United States armed forces, are eligible to purchase the special registration plate issued pursuant to this subdivision.

(B) The division shall charge an initial application fee of ten dollars for each special registration plate issued pursuant to this subdivision, which is in addition to all other fees required by this chapter. All initial application fees collected by the division shall be deposited into a special revolving fund to be used in the administration of this section.

(C) A surviving spouse may continue to use his or her deceased spouse's national guard forces license plate until the surviving spouse dies, remarries or does not renew the license plate.

(4) Specially arranged registration plates may be issued as follows:

(A) Upon appropriate application, any owner of a motor vehicle subject to Class A registration, or a motorcycle subject to Class G registration, as defined by this article, may request that the division issue a registration plate bearing specially arranged letters or numbers with the maximum number of letters or numbers to be determined by the commissioner. The division shall attempt to comply with the request wherever possible.

(B) The commissioner shall propose rules for legislative approval in accordance with the provisions of chapter twenty-nine-a of this code regarding the orderly

distribution of the plates: Provided, That for purposes of this subdivision, the registration plates requested and issued shall include all plates bearing the numbers two through two thousand.

(C) An annual fee of fifteen dollars shall be charged for each special registration plate issued pursuant to this subdivision, which is in addition to all other fees required by this chapter.

(5) The division may issue honorably discharged veterans special registration plates as follows:

(A) Upon appropriate application, the division shall issue to any honorably discharged veteran of any branch of the armed services of the United States a special registration plate for any number of vehicles titled in the name of the qualified applicant with an insignia designed by the commissioner of the division of motor vehicles.

(B) The division shall charge a special initial application fee of ten dollars in addition to all other fees required by law. This special fee is to compensate the division of motor vehicles for additional costs and services required in the issuing of the special registration and shall be collected by the division and deposited in a special revolving fund to be used for the administration of this section: Provided, That nothing in this section may be construed to exempt any veteran from any other provision of this chapter.

(C) A surviving spouse may continue to use his or her deceased spouse's honorably discharged veterans license plate until the surviving spouse dies, remarries or does not renew the license plate.

(6) The division may issue disabled veterans special registration plates as follows:

(A) Upon appropriate application, the division shall issue to any disabled veteran who is exempt from the payment of registration fees under the provisions of this chapter a registration plate for a vehicle titled in the name of the qualified applicant which bears the letters "DV" in red and also the regular identification numerals in red.

(B) A surviving spouse may continue to use his or her deceased spouse's disabled veterans license plate until the surviving spouse dies, remarries or does not renew the license plate.

(C) A qualified disabled veteran may obtain a second disabled veteran license plate as described in this section for use on a passenger vehicle titled in the name of the qualified applicant. The division shall charge an annual fee of fifteen dollars, in addition to all other fees required by this chapter, for the second plate.

(7) The division may issue recipients of the distinguished purple heart medal special registration plates as follows:

(A) Upon appropriate application, there shall be issued to any armed service person holding the distinguished purple heart medal for persons wounded in combat a registration plate for a vehicle titled in the name of the qualified applicant bearing letters or numbers. The registration plate shall be designed by the commissioner of motor vehicles and shall denote that those individuals who are granted this special registration plate are recipients of the purple heart. All letterings shall be in purple where practical.

(B) Registration plates issued pursuant to this subdivision are exempt from all registration fees otherwise required by the provisions of this chapter.

(C) A surviving spouse may continue to use his or her deceased spouse's purple heart medal license plate until the surviving spouse dies, remarries or does not renew the license plate.

(D) A recipient of the purple heart medal may obtain a second purple heart medal license plate as described in this section for use on a passenger vehicle titled in the name of the qualified applicant. The division shall charge an annual fee of fifteen dollars, in addition to all other fees required by this chapter, for the second plate.

(8) The division may issue survivors of the attack on Pearl Harbor special registration plates as follows:

(A) Upon appropriate application, the owner of a motor vehicle who was enlisted in any branch of the armed services that participated in and survived the attack on Pearl Harbor on the seventh day of December, one thousand nine hundred forty-one, the division shall issue a special registration plate for a vehicle titled in the name of the qualified applicant. The registration plate shall be designed by the commissioner of motor vehicles.

(B) Registration plates issued pursuant to this subdivision are exempt from the payment of all registration fees otherwise required by the provisions of this chapter.

(C) A surviving spouse may continue to use his or her deceased spouse's survivors of the attack on Pearl Harbor license plate until the surviving spouse dies, remarries or does not renew the license plate.

(D) A survivor of the attack on Pearl Harbor may obtain a second survivors of the attack on Pearl Harbor license plate as described in this section for use on a passenger vehicle titled in the name of the qualified applicant. The division shall charge an annual fee of fifteen dollars, in addition to all other fees required by this chapter, for the second plate.

(9) The division may issue special registration plates to nonprofit charitable and educational organizations as follows:

(A) Approved nonprofit charitable and educational organizations may accept and collect applications for special registration plates from owners of Class A motor vehicles together with a special annual fee of fifteen dollars, which is in addition to all other fees required by this chapter. The applications and fees shall be submitted to the division of motor vehicles with the request that the division issue a registration plate bearing a combination of letters or numbers with the organizations' logo or emblem, with the maximum number of letters or numbers to be determined by the commissioner.

(B) The commissioner shall propose rules for legislative approval in accordance with the provisions of article three [§§ 29A-3-1 et seq.], chapter twenty-nine-a of this code regarding the procedures for and approval of special registration plates issued pursuant to this subdivision.

(C) The commissioner shall set an appropriate fee to defray the administrative costs associated with designing and manufacturing special registration plates for a nonprofit charitable or educational organization. The nonprofit charitable or educational organization shall collect this fee and forward it to the division for deposit in a special revolving fund to pay the administrative costs. The nonprofit charitable or educational organization may also collect a fee for marketing the special registration plates.

(10) The division may issue specified emergency or volunteer registration plates as follows:

(A) Any owner of a motor vehicle who is a resident of the state of West Virginia and who is a certified paramedic or emergency medical technician, a member of a volunteer fire company or a paid fire department, a member of the state fire commission, the state fire marshal, the state fire marshal's assistants, the state fire administrator and voluntary rescue squad members may apply for a special license plate for any number of Class A vehicles titled in the name of the qualified applicant which bears the insignia of the profession, group or commission. Any insignia shall be designed by the commissioner. License plates issued pursuant to this subdivision shall bear the requested insignia in addition to the registration number issued to the applicant pursuant to the provisions of this article.

(B) Each application submitted pursuant to this subdivision shall be accompanied by an affidavit signed by the fire chief or department head of the applicant stating that the applicant is justified in having a registration with the requested insignia; proof of compliance with all laws of this state regarding registration and licensure of motor vehicles; and payment of all required fees.

(C) Each application submitted pursuant to this subdivision shall be accompanied by payment of a special initial application fee of ten dollars, which is in addition to any other registration or license fee required by this chapter. All special fees shall be collected by the division and deposited into a special revolving fund to be used for the purpose of compensating the division of motor vehicles for additional costs and services required in the issuing of the special registration and for the administration of this section.

(11) The division may issue special scenic registration plates as follows:

(A) Upon appropriate application, the commissioner shall issue a special registration plate displaying a scenic design of West Virginia which displays the words "Wild Wonderful" as a slogan.

(B) The division shall charge a special one-time initial application fee of ten dollars in addition to all other fees required by this chapter. All initial application fees collected by the division shall be deposited into a special revolving fund to be used in the administration of this chapter.

(12) The division may issue honorably discharged marine corps league members special registration plates as follows:

(A) Upon appropriate application, the division shall issue to any honorably discharged marine corps league member a special registration plate for any number of vehicles titled in the name of the qualified applicant with an insignia designed by the commissioner of the division of motor vehicles.

(B) The division may charge a special one-time initial application fee of ten dollars in addition to all other fees required by this chapter. This special fee is to compensate the division of motor vehicles for additional costs and services required in the issuing of the special registration and shall be collected by the division and deposited in a special revolving fund to be used for the administration of this section: Provided, That nothing in this section may be construed to exempt any veteran from any other provision of this chapter.

(C) A surviving spouse may continue to use his or her deceased spouse's honorably discharged marine corps league license plate until the surviving spouse dies, remarries or does not renew the license plate.

(13) The division may issue military organization registration plates as follows:

(A) The division may issue a special registration plate for the members of any military organization chartered by the United States Congress upon receipt of a guarantee from organization of a minimum of one hundred applicants. The insignia on the plate shall be designed by the commissioner.

(B) Upon appropriate application, the division may issue members of the chartered organization in good standing, as determined by the governing body of the chartered organization, a special registration plate for any number of vehicles titled in the name of the qualified applicant.

(C) The division shall charge a special one-time initial application fee of ten dollars for each special license plate in addition to all other fees required by this chapter. All initial application fees collected by the division shall be deposited into a special revolving fund to be used in the administration of this chapter: Provided, That nothing in this section may be construed to exempt any veteran from any other provision of this chapter.

(D) A surviving spouse may continue to use his or her deceased spouse's military organization registration plate until the surviving spouse dies, remarries or does not renew the special military organization registration plate.

(14) The division may issue special nongame wildlife registration plates and special wildlife registration plates as follows:

(A) Upon appropriate application, the division shall issue a special registration plate displaying a species of West Virginia wildlife which shall display a species of wildlife native to West Virginia as prescribed and designated by the commissioner and the director of the division of natural resources.

(B) The division shall charge an annual fee of fifteen dollars for each special nongame wildlife registration plate in addition to all other fees required by this chapter. All annual fees collected for nongame wildlife registration plates shall be deposited in a special revenue account designated the nongame wildlife fund and credited to the division of natural resources.

(C) The division shall charge a special one-time initial application fee of ten dollars in addition to all other fees required by this chapter. All initial application fees collected by the division shall be deposited in a special revolving fund to be used in the administration of this chapter.

(15) The division may issue members of the silver haired legislature special registration plates as follows:

(A) Upon appropriate application, the division shall issue to any person who is a duly qualified member of the silver haired legislature a specialized registration plate which bears recognition of the applicant as a member of the silver haired legislature.

(B) A qualified member of the silver haired legislature may obtain one registration plate described in this subdivision for use on a passenger vehicle titled in the name of the qualified applicant. The division shall charge an annual fee of fifteen dollars, in addition to all other fees required by this chapter, for the plate. All annual fees collected by the division shall be deposited in a special revolving fund to be used in the administration of this chapter.

(16) Upon appropriate application, the commissioner shall issue to a classic motor vehicle or classic motorcycle as defined in section three-a [§ 17A-10-3a], article ten of this chapter, a special registration plate designed by the commissioner. An annual fee of fifteen dollars, in addition to all other fees required by this chapter, shall be charged for each classic registration plate.

(17) Honorably discharged veterans may be issued special registration plates for motorcycles subject to Class G registration as follows:

(A) Upon appropriate application, there shall be issued to any honorably discharged veteran, of any branch of the armed services of the United States, a special registration plate for any number of motorcycles subject to Class G registration titled in the name of the qualified applicant with an insignia designed by the commissioner of the division of motor vehicles.

(B) A special initial application fee of ten dollars shall be charged in addition to all other fees required by law. This special fee is to compensate the division of motor vehicles for additional costs and services required in the issuing of the special registration and shall be collected by the division and deposited in a special revolving fund to be used for the administration of this section: Provided, That nothing in this section may be construed to exempt any veteran from any other provision of this chapter.

(C) A surviving spouse may continue to use his or her deceased spouse's honorably discharged veterans license plate until the surviving spouse dies, remarries or does not renew the license plate.

(18) Racing theme special registration plates:

(A) The division may issue a series of special registration plates displaying national association for stock car auto racing themes;

(B) An annual fee of twenty-five dollars shall be charged for each special racing theme registration plate in addition to all other fees required by this chapter. All annual fees collected for each special racing theme registration plate shall be deposited into a special revolving fund to be used in the administration of this chapter;

(C) A special application fee of ten dollars shall be charged at the time of initial application as well as upon application for any duplicate or replacement registration plate, in addition to all other fees required by this chapter. All application fees shall be deposited into a special revolving fund to be used in the administration of this chapter.

(19) The division may issue recipients of the navy cross, distinguished service cross, distinguished flying cross, air force cross or silver star special registration plates as follows:

(A) Upon appropriate application, the division shall issue to any recipient of the navy cross, distinguished service cross, distinguished flying cross, air force cross or silver star a registration plate for a vehicle titled in the name of the qualified applicant bearing letters or numbers. A separate registration plate shall be designed by the commissioner of motor vehicles for each award that denotes that those individuals who are granted this special registration plate are recipients of the navy cross, distinguished service cross, distinguished flying cross, air force cross or silver star, as applicable.

(B) The division shall charge a special initial application fee of ten dollars in addition to all other fees required by law. This special fee is to compensate the division of motor vehicles for additional costs and services required in the issuing of the special registration and shall be collected by the division and deposited in a special revolving fund to be used for the administration of this section: Provided, That nothing in this section exempts the applicant for a special registration plate under this subdivision from any other provision of this chapter.

(C) A surviving spouse may continue to use his or her deceased spouse's navy cross, distinguished service cross, distinguished flying cross, air force cross or silver star special registration plate until the surviving spouse dies, remarries or does not renew the special registration plate.

(D) A recipient of a navy cross, distinguished flying cross, distinguished service cross, air force cross or silver star may obtain a second navy cross, distinguished service cross, air force cross or silver star license plate as described in this subdivision for use on a passenger vehicle titled in the name of the qualified applicant. The division shall charge an annual fee of fifteen dollars, in addition to all other fees required by this chapter, for the second plate.

(d) The commissioner shall propose rules for legislative approval in accordance with the provisions of article three [§§ 29A-3-1 et seq.], chapter twenty-nine-a of this code regarding the proper forms to be used in making application for the special license plates authorized by this section.

(e) (1) Nothing in this section may be construed to require a charge for a free prisoner of war license plate or a free recipient of the congressional medal of honor license plate for a vehicle titled in the name of the qualified applicant as authorized by other provisions of this code.

(2) A surviving spouse may continue to use his or her deceased spouse's prisoner of war or congressional medal of honor license plate until the surviving spouse dies, remarries or does not renew the license plate.

(3) Qualified former prisoners of war and recipients of the congressional medal of honor may obtain a second special registration plate for use on a passenger vehicle titled in the name of the qualified applicant. The division shall charge an annual fee of fifteen dollars, in addition to all other fees required by this chapter, for the second special plate.

(f) The division may issue special ten-year registration plates as follows:

(1) The commissioner may issue or renew for a period of no more than ten years any registration plate exempted from registration fees pursuant to any provision of this code or any restricted use antique motor vehicle license plate authorized by section three-a [§ 17A-10-3a], article ten of this chapter: Provided, That the provisions of this subsection do not apply to any person who has had a special registration suspended for failure to maintain motor vehicle liability insurance as required by section three [§ 17D-2A-3], article two-a, chapter seventeen-d of this code or failure to pay personal property taxes as required by section three-a of this article.

(2) An initial nonrefundable fee shall be charged for each special registration plate issued pursuant to this subsection, which is the total amount of fees required by section fifteen [§ 17A-10-15], article ten of this chapter, section three [§ 17A-3-3], article three of this chapter or section three-a [§ 17A-10-3a], article ten of this chapter for the period requested.

(g) The provisions of this section may not be construed to exempt any registrant from maintaining motor vehicle liability insurance as required by section three [§ 17D-2A-3], article two-a, chapter seventeen-d of this code or from paying personal property taxes on any motor vehicle as required by section three-a [§ 17A-3-3a] of this article.

(h) The commissioner may, in his or her discretion, issue a registration plate of reflectorized material suitable for permanent use on motor vehicles, trailers and semitrailers, together with appropriate devices to be attached to the registration to indicate the year for which the vehicles have been properly registered or the date of expiration of the registration. The design and expiration of the plates shall be determined by the commissioner.

(i) 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.

17A-3-17. Application for and renewal of registration; sheriffs authorized to issue renewals of registration for certain vehicles.

(a) Application for renewal of a vehicle registration shall be made by the vehicle owner by proper application and payment of taxes and registration fees provided by law.

(b) The division may receive applications for renewal of any vehicle registration and each sheriff shall receive applications from residents in his or her county for renewal of any Class A or G vehicle registration. The division and each sheriff shall issue the renewals of registration each receives, respectively, in accordance with all of the provisions in this article pertaining to renewal of vehicle registration including, but not limited to, the payment of the taxes and fees required thereunder.

(c) Each sheriff shall charge a service fee of one dollar for each renewal of a Class A or G vehicle registration he or she issues. Effective the first day of July, one thousand nine hundred ninety-eight, the sheriff shall pay one half of this fee into the county general fund. The sheriff shall pay the remaining one half of this fee into the deputy sheriff retirement fund created in section six, article fourteen-d, chapter seven of this code.

(d) On the first day of each month, each sheriff shall pay over to the commissioner all fees he or she collected during the preceding month for renewal of Class A and G vehicle registrations, except his or her service fees. The payment shall be accompanied by a report showing the name of the county, the name and address of the person who obtained the registration and paid the registration fee therefor, the vehicle registered, the registration number, the date the registration was issued, the signature of the sheriff and any other information the commissioner may reasonably require in order to maintain the functions and records of the department. The commissioner shall deposit all fees he or she receives from the sheriffs for renewal of Class A and G vehicle registrations in the state treasury to the credit of the state road fund as provided in section twenty-one [§ 17A-2-21], article two of this chapter.

(e) The commissioner shall provide each sheriff with the necessary forms, supplies, registration plates, registration decals and instructions necessary to enable him or her to perform the duties and functions specified in this section.

(f) No person may display upon a vehicle a new registration plate or registration decal prior to the first day of the month preceding the new registration period.

17A-3-18. Notice of change of address or name.

(a) Whenever any person after making application for or obtaining the registration of a vehicle or a certificate of title shall move from the address named in the application or shown upon a registration card or certificate of title the person shall within ten days thereafter notify the division in writing of the old and new addresses.

(b) Whenever any person, after making application for or obtaining the registration of a vehicle or a certificate of title, is assigned a new address by the United States postal service or other legally constituted authority, the person shall notify the division in writing of the old and new address and of the registration or title number of the vehicle held by the person. The notification of change of address shall be made at least ten days prior to the last date on which mail with the old address is deliverable by the United States postal service.

(c) Whenever the name of any person who has made application for or obtained the registration of a vehicle or a certificate of title is thereafter changed by marriage or otherwise the person shall within ten days notify the division of the former name and new name upon a form prescribed by the commissioner. The notification shall be accompanied by application for retitle under the new name.

(d) The provisions of section one [§ 17A-11-1], article eleven of this chapter relating to imprisonment do not apply to persons who violate the provisions of this section.

17A-3-19. Lost or damaged certificates, cards and plates.

In the event any registration card or registration plate is lost, mutilated, or becomes illegible the owner or legal representative or successor in interest of the owner of the vehicle for which the same was issued as shown by the records of the department shall immediately make application for and may obtain a duplicate or a substitute or a new registration under a new registration number, as determined to be most advisable by the department, upon the applicant furnishing information satisfactory to the department.

In the event any certificate of title is lost, mutilated, or becomes illegible, the owner or legal representative or successor in interest of the owner of the vehicle for which the same was issued, as shown by the records of the department, shall immediately make application for and may obtain a duplicate upon the applicant furnishing information satisfactory to the

department. Upon issuance of any duplicate certificate of title the previous certificate last issued shall be void.

17A-3-20. Department may assign new identifying numbers.

The department may assign a distinguishing number to a motor vehicle whenever the serial number thereon is destroyed or obliterated and issue to the owner a special plate bearing such distinguishing number which shall be affixed to the vehicle in a position to be determined by the commissioner. Such motor vehicle may then be registered under such distinguishing number in lieu of the former serial number.

17A-3-23. Registration plates to state, county, municipal and other governmental vehicles; use for undercover activities.

Any motor vehicle designed to carry passengers, owned or leased by the state of West Virginia, or any of its departments, bureaus, commissions or institutions, except vehicles used by the governor, treasurer, three plates per elected office of the board of public works, vehicles operated by the state police, vehicles operated by conservation officers of the division of natural resources, not to exceed ten vehicles operated by the arson investigators of the office of state fire marshal and not to exceed sixteen vehicles operated by inspectors of the office of the alcohol beverage control commissioner, may not be operated or driven by any person unless it has displayed and attached to the front thereof, in the same manner as regular motor vehicle registration plates are attached, a plate of the same size as the regular registration plate, with white lettering on a green background bearing the words "West Virginia" in one line and the words "State Car" in another line, and the lettering for the words "State Car" shall be of sufficient size to be plainly readable from a distance of one hundred feet during daylight.

The vehicle shall also have attached to the rear a plate bearing a number and any other words and figures as the commissioner of motor vehicles shall prescribe. The rear plate shall also be green with the number in white.

On registration plates issued to vehicles owned by counties, the color shall be white on red with the word "County" on top of the plate and the words "West Virginia" on the bottom. On any registration plates issued to a city or municipality, the color shall be white on blue with the word "City" on top, and the words "West Virginia" on the bottom. The colors may not be reversed and shall be of reflectorized material. The registration plates issued to counties, municipalities and other governmental agencies authorized to receive colored plates hereunder shall be affixed to both the front and rear of the vehicles.

The commissioner is authorized to designate the colors and design of any other registration plates that are issued without charge to any other agency in accordance with the motor vehicle laws.

Upon application and payment of fees, the commissioner is authorized to issue a maximum of five Class A license plates per applicant to be used by county sheriffs and municipalities on law-enforcement vehicles while engaged in undercover investigations.

The commissioner is authorized to issue an unlimited number of license plates per applicant to authorized drug and violent crime task forces in the state of West Virginia when the chairperson of the control group of a drug and violent crime task force signs a written affidavit stating that the vehicle or vehicles for which the plates are being requested will be used only for official undercover work conducted by a drug and violent crime task force.

The commissioner is authorized to issue twenty Class A license plates to the criminal investigation division of the department of tax and revenue for use by its investigators.

The commissioner may issue a maximum of ten Class A license plates to the division of natural resources for use by conservation officers. The commissioner shall designate the color and design of the registration plates to be displayed on the front and the rear of all other state-owned vehicles owned by the division of natural resources and operated by conservation officers.

The commissioner is authorized to issue an unlimited number of Class A license plates to the commission on special investigations for state-owned vehicles used for official undercover work conducted by the commission on special investigations.

No other registration plate may be issued for, or attached to, any state-owned vehicle.

The commissioner of motor vehicles shall have a sufficient number of both front and rear plates produced to attach to all state-owned cars.

The numbered registration plates for the vehicles shall start with the number "five hundred" and the commissioner shall issue consecutive numbers for all state-owned cars.

It is the duty of each office, department, bureau, commission or institution furnished any vehicle to have plates as described herein affixed thereto prior to the operation of the vehicle by any official or employee.
Any person who violates the provisions of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than fifty dollars nor more than one hundred dollars.

Magistrates shall have concurrent jurisdiction with circuit and criminal courts for the enforcement of this section.

17A-3A-3. Certificates of title.

(a) Before any imported vehicle which has not previously been titled or registered in the United States may be titled in this state, the applicant must submit: (1) A manufacturer's certificate of origin issued by the actual vehicle manufacturer together with a notarized translation thereof, or (2) the documents constituting valid proof of ownership in the country in which the vehicle was originally purchased, together with a notarized translation of any such document or (3) with regard to vehicles imported from countries which cancel the vehicle registration and title for export, the documents assigned to such vehicle after the registration and title have been canceled, together with a notarized translation thereof.

(b) In the event that the documents submitted as required by subsection do not name as owner the current applicant for a certificate of title, the applicant must also submit reliable proof of a chain of title.

The commissioner shall have the authority to issue a temporary title for vehicles subject to the provisions of this section. Application for a temporary title shall include an affidavit from a U.S. Department of Transportation approved modification facility, stating that the standards required by the U.S. Department of Transportation and the U.S. Environmental Protection Agency have been met; and further an affidavit from the vehicle owner stating that all necessary paperwork has been forwarded to the applicable federal agencies for consideration of a bond release letter. Temporary titles shall not be transferable and shall be valid for a period of time not to exceed ten months.

The fee for the temporary title shall be twenty-five dollars. Applicable privilege taxes, as provided for in this or other sections of the code, shall be collected from the owner upon application for the temporary title, and additional privilege taxes shall not be required upon application for permanent titles issued following the issuance of said temporary titles. Receipt of a federal bond release letter shall be required to be filed with the commissioner prior to issuance of a permanent title.

TRANSFERS OF TITLE OR INTEREST

17A-4-1. Registration expires on transfer by owner; transfer, surrender or retention of plates.

Whenever the owner of a registered vehicle transfers or assigns his title, or interest thereto, the registration of such vehicle shall expire: Provided, That such owner, if he has made application to the department within sixty days from the date of purchase to have said registration plates transferred to be used on another vehicle owned by said owner, may then operate the other vehicle for a period of sixty days, but in no event longer than sixty days from the date of original transfer. Upon such transfer, it shall be the duty of the original owner to retain the registration plates issued therefor and to immediately notify the commissioner of such transfer upon such form as may be provided therefor and to deliver to him the certificate of registration, whereupon the commissioner shall, upon the payment of a fee of five dollars, issue a new certificate showing the use to be made of such plates. Such plates may then be used by such owner on another vehicle of the same class as the vehicle for which they were originally issued if such other vehicle does not require a greater license fee than was required for such original vehicle. If such other vehicle requires a greater license fee than such original vehicle, then such plates may be used by paying such difference to the commissioner. When such transfer of ownership is made to a licensed dealer in motor vehicles it shall be the duty of such dealer to immediately execute notification of transfer, in triplicate, and to have this notification properly signed by the owner making the transfer. The dealer shall immediately forward to the department the original copy of the notification of transfer. One copy of the notification of transfer shall be given to the owner and one shall be retained by the dealer. The owner shall immediately send to the department the transfer fee of five dollars with any additional fee that may be required under the terms of this chapter. The owner's copy, properly signed by the dealer, will be the owner's identification until he receives a new registration card from the department.

The owner of a set of registration plates may surrender them to the commissioner together with the registration card and, upon the payment of five dollars as an exchange fee and upon the payment of such additional fees as are necessary to equalize the value of the plates surrendered with the value of registration plates desired, receive in exchange a set of plates and registration card for a vehicle of a different class.

17A-4-2. Endorsement of certificate of title upon transfer by owner.

Whenever the owner of a registered vehicle transfers or assigns his title, he shall endorse an assignment and warranty of title upon the certificate of title for such vehicle with a statement of all liens and encumbrances thereon, which statement shall be verified under oath by the owner, and he shall within sixty days from date of sale deliver the certificate of title to the purchaser or transferee, except in the case of a vehicle sold as scrap or to be dismantled.

17A-4-4. Transfers to dealers and others.

When the transferee of a vehicle is a dealer who holds the same for resale and lawfully operates the same under dealer's plates, such dealer shall not be required to obtain a new registration of said vehicle or be required to forward the certificate of title to the department, but such dealer upon transferring his title or interest to another person shall execute and acknowledge an assignment and warranty of title upon the certificate of title and deliver the same not later than sixty days from date of sale to the person to whom such transfer is made.

When the transferee of a vehicle does not drive such vehicle or permit it to be driven upon the highways, such transferee shall not be required to obtain a new registration of said vehicle, but such transferee shall be required within sixty days from the date of such transfer

to forward the certificate of title to the department accompanied by an application for a new certificate of title in his name.

17A-4-5. Transfer by operation of law.

Whenever the title or interest of an owner in or to a registered vehicle shall pass to another otherwise than by voluntary transfer, the registration thereof shall expire and the vehicle shall not be operated upon the highways unless and until the person entitled to possession of such vehicle shall apply for and obtain the registration thereof, except that such vehicle may operated by the person entitled to its possession or his legal representative upon the highways for a distance not exceeding seventy-five miles upon displaying upon such vehicle the registration plates issued to the former owner, or in the event title has become vested in the person holding a lien or encumbrance upon said vehicle, such person may apply to the department for and obtain special plates as may be issued under this chapter to dealers or others and may operate any said repossessed vehicle under such special plates only for purposes of transporting the same to a garage or warehouse or for purposes of demonstrating or selling the same: Provided, That the commissioner is authorized to transfer the plates and registration of a deceased person to his legal heir or legatee without payment of any fee and the legal heir or legatee may keep and use the same license plate until it regularly expires.

Upon any transfer the new owner may secure a new registration and certificate of title upon proper application and upon presentation of the last certificate of title, if available, and such instruments or documents of authority or certified copies thereof as may be sufficient or required by law to evidence or effect a transfer of title or interest in or to chattels in such case. In the event title has become vested in the person or financial institution holding a lien or encumbrance upon said vehicle, such person or institution need not obtain a new registration of said vehicle or forward the certificate of title to the department in order to sell the vehicle, but the person or institution upon transfer of title or interest to another shall execute and acknowledge an assignment and warranty of title upon the certificate of title and deliver the same not later than sixty days from the date of sale to the purchaser. The person or institution holding a lien or encumbrance upon the vehicle who acquires the vehicle as a result of the lien or encumbrance and subsequently, within sixty days, sells the vehicle in satisfaction of the debt creating the lien or encumbrance, shall not be subject to any privilege tax or personal property tax on the vehicle imposed by any other section.

17A-4-7. Release by lienholder to owner.

A person holding a lien or encumbrance as shown upon a certificate of title upon a vehicle may release the lien or encumbrance or assign his or her interest to the owner without affecting the registration of the vehicle. The division, upon receiving an electronic acknowledgment of a release of lien from the lienholder or a certificate of title upon which a lienholder has released or assigned his or her interest to the owner or upon receipt of a certificate of title not so endorsed but accompanied by a legal release from a lienholder of this interest in or to a vehicle, shall issue a new certificate of title as upon an original application. The division, upon receiving an electronic acknowledgment of a release of lien from the lienholder shall issue, without further application or fee a new certificate of title free of any lien or encumbrance to the vehicle owner to the address shown in the division's records.

17A-4-8. Failure to deliver certificate a misdemeanor.

It is a misdemeanor for any person to fail or neglect to properly endorse and deliver a certificate of title to a transferee or owner lawfully entitled thereto.

17A-4-9. Owner after transfer not liable for negligent operation.

The owner of a motor vehicle who has made a bona fide sale or transfer of his title or interest and who has delivered possession of such vehicle and the certificate of title thereto properly endorsed to the purchaser or transferee shall not be liable for any damages thereafter resulting from negligent operation of such vehicle by another.

17A-4-10. Salvage certificates for certain wrecked or damaged vehicles; fee; penalty.

(a) In the event a motor vehicle is determined to be a total loss or otherwise designated as "totaled" by any insurance company or insurer, and upon payment of an agreed price as a claim settlement to any insured or claimant owner for the purchase of the vehicle, the insurance company or the insurer shall receive the certificate of title and the vehicle except that an insured or claimant owner may choose to retain possession of a cosmetically damaged vehicle, as provided in subdivision (2) of this subsection. The term "total loss" means a motor vehicle which has sustained damages equivalent to seventy-five percent or more of the market value as determined by a nationally accepted used car value guide. The insurance company or insurer shall within ten days determine if the vehicle is repairable, cosmetically damaged or nonrepairable and surrender the certificate of title and a copy of the claim settlement to the division of motor vehicles. If the insurance company or insurer determines that the vehicle is repairable, the division shall issue a "salvage certificate", on a form prescribed by the commissioner, in the name of the insurance company or the insurer. The certificate shall contain on the reverse thereof spaces for one successive assignment before a new certificate at an additional fee is required.

(1) Upon the sale of the vehicle the insurance company or insurer shall endorse the assignment of ownership on the salvage certificate and deliver it to the purchaser. The vehicle shall not be titled or registered for operation on the streets or highways of this state unless there is compliance with subsection (c) of this section. The division shall charge a fee of fifteen dollars for each salvage title issued.

(2) If the insurance company or insurer determines the damage to a totaled vehicle is exclusively cosmetic and no repair is necessary in order to legally and safely operate the motor vehicle on the roads and highways of this state, the insurance company or insurer shall upon payment of the claim settlement submit the certificate of title to the division.

(A) The division shall, without further inspection, issue a title branded "cosmetic total loss" to the insured or claimant owner if the insured or claimant owner wishes to retain possession of the vehicle, in lieu of a "salvage certificate." A fee of five dollars shall be charged for each "cosmetic total loss" title issued. The terms "cosmetically damaged" and "cosmetic total loss" do not include any vehicle which has been damaged by flood or fire. The designation "cosmetic total loss" on a title cannot be changed.

(B) If the insured or claimant owner elects not to take possession of the vehicle and the insurance company or insurer retains possession, the division shall issue a cosmetic total loss salvage certificate to the insurance company or insurer. The division shall charge a fee of fifteen dollars for each cosmetic total loss salvage certificate issued. The division shall, upon surrender of the cosmetic total loss salvage certificate issued under the provisions of this paragraph, and payment of the five percent privilege tax on the fair market value of the vehicle as determined

by the commissioner, issue a title branded "cosmetic total loss" without further inspection.

(3) If the insurance company or insurer determines that the damage to a totaled vehicle renders it nonrepairable, incapable of safe operation for use on roads and highways and which has no resale value except as a source of parts or scrap, the insurance company or vehicle owner shall request that the division issue a nonrepairable motor vehicle certificate in lieu of a salvage certificate. The division shall issue a nonrepairable motor vehicle certificate without charge.

(b) Any owner, who scraps, compresses, dismantles or destroys a vehicle for which a certificate of title, nonrepairable motor vehicle certificate or salvage certificate has been issued, shall, within twenty days, surrender the certificate of title, nonrepairable motor vehicle certificate or salvage certificate to the division for cancellation. Any person who purchases or acquires a vehicle as salvage or scrap, to be dismantled, compressed or destroyed, shall within twenty days surrender the certificate to the division.

(c) If the motor vehicle is a "reconstructed vehicle" as defined in section one [§ 17A-1-1], article one of this chapter, it may not be titled or registered for operation until it has been inspected by an official state inspection station and by a representative of the division of motor vehicles who has been designated by the commissioner as an investigator. Following an approved inspection, an application for a new certificate of title may be submitted to the division; however, the applicant shall be required to retain all receipts for component parts, equipment and materials used in the reconstruction. The salvage certificate must also be surrendered to the division before a certificate of title may be issued.

(d) The owner or title holder of any motor vehicle titled in this state which has previously been branded in this state or another state as "salvage," "reconstructed," "cosmetic total loss," "cosmetic total loss salvage," "flood" or "fire" or an equivalent term under another state's laws shall, upon becoming aware of the brand, apply for and receive a title from the division of motor vehicles on which the brand "reconstructed," "salvage," "cosmetic total loss" "cosmetic total loss salvage," "flood" or "fire" is shown. A fee of five dollars will be charged for each title so issued.

(e) If application is made for title to a motor vehicle, the title to which has previously been branded "reconstructed," "salvage," "cosmetic total loss," "cosmetic total loss salvage," "flood" or "fire" by the division of motor vehicles under this section and said application is accompanied by a title from another state which does not carry the brand, the division shall, before issuing the title, affix the brand "reconstructed," "cosmetic total loss," "cosmetic total loss salvage," "flood" or "fire" to the title. The privilege tax paid on a motor vehicle titled as "reconstructed" "cosmetic total loss," "flood" or "fire" under the provisions of this section shall be based on fifty percent of the fair market value of the vehicle as determined by a nationally accepted used car value guide to be used by the commissioner.

(f) The division shall charge a fee of fifteen dollars for the issuance of each salvage certificate or cosmetic total loss salvage certificate but shall not require the payment of the five percent privilege tax. However, upon application for a certificate of title for a reconstructed, cosmetic total loss, flood or fire damaged vehicle, the division shall collect the five percent privilege tax on the fair market value of the vehicle as determined by the commissioner unless the applicant is otherwise exempt from the payment of such privilege tax. A wrecker/dismantler/rebuilder is exempt from the five percent privilege tax upon titling a reconstructed vehicle. The division shall collect a fee of thirty-five dollars per vehicle for inspections of reconstructed vehicles. These fees shall be deposited in a special fund created in the state treasurer's office and may be expended by the division

to carry out the provisions of this article. Licensed wreckers/dismantlers/rebuilders may charge a fee not to exceed twenty-five dollars for all vehicles owned by private rebuilders which are inspected at the place of business of a wrecker/dismantler/rebuilder.

(a) A certificate of title issued by the division for a reconstructed vehicle shall contain markings in bold print on the face of the title that it is for a reconstructed, flood or fire damaged vehicle.

Any person who violates the provisions of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than five hundred dollars nor more than one thousand dollars, or imprisoned in the county jail for not more than one year, or both fined and imprisoned.

LIENS AND ENCUMBRANCES ON VEHICLES TO BE SHOWN ON CERTIFICATE OF TITLE; NOTICE TO CREDITORS AND PURCHASERS

17A-4A-1. Certificate to show liens or encumbrances.

The division upon receiving an application for a certificate of title to a vehicle, trailer, semitrailer, pole trailer, factory-built home or recreational vehicle for which a certificate of title is required under article three of this chapter, all of which are hereinafter in this article referred to as vehicles, showing liens or encumbrances upon the vehicle, shall, upon issuing to the owner thereof a certificate of title therefor, show upon the face of the certificate of title all liens or encumbrances disclosed by the application. All liens or encumbrances shall be shown in the order of their priority being according to the information contained in the application. When an application shows liens and encumbrances, the information as evidence of the lien in connection therewith as the division may consider necessary shall also be furnished. The information shall include the name and address of the lienholder, the nature and kind of the lien, the date thereof and the amount thereby secured. However, only the name and address of the lienholder will be endorsed on the title certificate. Upon issuing the certificate, the division shall thereupon send or deliver it by either paper or electronic means to the holder of the first lien.

17A-4A-2. Liens and encumbrances subsequently created.

(a) Liens or encumbrances placed on vehicles by the voluntary act of the owner after the original issue of title to be properly recorded must be shown on the certificate of title. In such cases, the owner or lienholder shall file application with the department on a blank furnished for that purpose, setting forth the lien or liens and such information and evidence of the lien in connection therewith as the department may deem necessary. Such information shall include the name and address of the lienholder, the kind of and nature of the lien, the date thereof, and the amount thereby secured. However, only the name and address of the lienholder shall be endorsed on the title certificate with the endorsement of the fact of such lien as hereinafter provided. The department, if satisfied that it is proper that the same be recorded, and upon surrender of the certificate of title covering the vehicle, shall thereupon issue a new certificate of title, showing the liens or encumbrances in the order of their filing being according to the date, hour and minute of receipt by the department of the application for same. For the purpose of recording a subsequent lien on a certificate of title, the subsequent lienholder shall make a written request upon the lienholder in possession of the certificate of title, accompanied by proof of the existence of the subsequent lien, stating his or her need to have possession of the certificate of title for the purpose of having his or her lien recorded thereon by the division of motor vehicles. Thereupon, the lienholder in possession of the certificate shall within a reasonable time, not to exceed ten days from the receipt of said written request, deliver the certificate of title to the requesting subsequent lienholder.

Upon delivery of the certificate of title, the subsequent lienholder shall immediately forward it and the lienholder's own application to the division of motor vehicles for the filing of the lien and for the recording of the same on the certificate of title. Upon issuing the new certificate, the department shall thereupon send or deliver it to the holder of the first lien.

(b) The provisions of subsection (a) of this section shall not apply to: (1) Vehicles held as inventory for sale by a registered dealer holding title by assignment entered upon a certificate of title; or (2) vehicles for which certificates of title have been issued and are held as inventory for lease by a vehicle rental agency or similar person engaged solely in the business of leasing vehicles. Any lien or encumbrance placed on such vehicles by the voluntary act of the owner shall be created and perfected in accordance with the provisions of article nine [§§ 46-9-1 et seq.], chapter forty-six of this code.

17A-4A-2a. Electronic transfer of liens.

(a) Notwithstanding any requirement in this chapter that a lien on a motor vehicle shall be noted on the face of the certificate of title, if there are one or more liens or encumbrance on a vehicle, trailer, semitrailer, pole trailer, factory-built home or recreational vehicle, the division may electronically transmit the lien to the first lienholder and notify the first lienholder of any additional liens. Subsequent lien satisfactions may be electronically transmitted to the division and shall include the name and address of the person satisfying the lien and any other information required by the division as a condition of participating in the electronic lien information exchange program.

(b) The division may enter into agreements with a service provider or providers to administer the electronic exchange of lien information between dealers, financial institutions and the division. For the purposes of this section the term financial institutions shall have the same meaning as defined in section ten-b [§ 17A-6-10b], article six of this chapter.

(c) When electronic transmission of liens and lien satisfaction is used, a hard copy certificate of title need not be issued until the last lien is satisfied and a clear hard copy certificate of title is issued to the owner of the vehicle. When a vehicle is subject to an electronic lien, the certificate of title for the vehicle shall be considered to be physically held by the lienholder for the purpose of compliance with state and federal odometer disclosure requirements and for any other requirement of this code. A duly certified copy of the division's electronic record of the lien shall be admissible in any civil, criminal or administrative proceeding in this state as evidence of the existence of the lien.

(d) For the purposes of this chapter, whenever reference is made by this code to the physical production of a certificate of title as a paper document, or reference to the completion of information related to recording a lien as a paper document, the reference shall be understood to also include the transmission and recordation of the information in an electronic format.

17A-4A-3. Notice of lien; noninventory lien created by voluntary act of the owner not shown on certificate of title void as to subsequent purchasers and lien creditors; exceptions.

(a) A certificate of title, when issued by the department showing a lien or encumbrance, shall be deemed from and after the filing with the department of the application therefor adequate notice to the state and its agencies, boards and commissions, to the United States government and its agencies, boards and commissions, to creditors and to purchasers that a lien against the vehicle exists and the recording of such reservation of title, lien or encumbrance in the county wherein the purchaser or debtor resides or elsewhere is not necessary and shall not be required or have any effect. Notwithstanding any other provision of this code to the contrary, and subject to the provisions of subsection (b) of this section and of section four of this article, any lien or encumbrance placed upon a vehicle by the voluntary act of the owner but not shown on such certificate of title shall be void as to any purchaser for value or lien creditor, who, in either case, without notice of such lien or encumbrance, purchases such vehicle or acquires by attachment, levy or otherwise a lien thereupon.

(b) The creation and perfection of a lien against: (1) A vehicle held as inventory for sale by a registered dealer holding title by assignment; or (2) a vehicle for which a certificate of title has been issued and is held as inventory for lease by a vehicle rental agency or similar person engaged solely in the business of leasing vehicles in accordance with the provisions of article nine [§§ 46-9-1 et seq.], chapter forty-six of this code shall be deemed adequate notice to the state and its agencies, boards and commissions, to the

United States government and its agencies, boards and commissions, to creditors and to purchasers that a lien against the vehicle exists, subject to the provisions of section three hundred seven [§ 46-9-307], article nine, chapter forty-six of this code, except that any lien or encumbrance on such a vehicle shall not be effective against the rights of any purchaser for value who purchases such vehicle primarily for personal, family, household or agricultural purposes unless such lien or encumbrance is recorded on the certificate of title or specified on the bill of sale.

17A-4A-4. Deferred purchase money lien or encumbrance may be filed within sixty days after purchase; effective date of lien; dealer to record lien; fees.

(a) A deferred purchase money lien or encumbrance upon any motor vehicle may be perfected by recording in either electronic or paper format the name and address of the lienholder upon the face of the certificate of title for the motor vehicle. If an application for a certificate of title is filed with the division of motor vehicles within sixty days after the date of purchase of the motor vehicle, the effective date of the lien or encumbrance shall be the date the lien or encumbrance was created. If an application for a certificate of title is not filed within the sixty-day period, the lien shall be perfected from the date it was filed with the division of motor vehicles.

(b) In all transactions involving a deferred purchase money lien or encumbrance upon a motor vehicle, the motor vehicle dealer shall collect and remit to the division of motor vehicles the title, tax and registration fees required under section four [§ 17A-3-4], article three of this chapter and file and record with the division of motor vehicles any lien created as a result of the transaction: Provided, That a motor vehicle dealer may remit the title, tax and registration fees through any license service that is licensed by the division of motor vehicles.

(c) No fee may be charged by a motor vehicle dealer for its services required under this section except that fee authorized by section one-b [§ 17A-6-1b], article six of this chapter, or subdivision (6), subsection (a), section one hundred nine [§ 46A-3-109(a)(6)], article three, chapter forty-six-a of this code.

17A-4A-5. Priority of liens shown on certificate.

The liens shown upon a certificate of title issued by the department pursuant to applications for same shall have priority over any other liens against such vehicle, however created and recorded, except as otherwise provided in this article.

17A-4A-6. Who to hold certificate of title subject to lien; transfer of possession upon satisfaction of lien; assignment of obligation by lienholder.

The certificate of title of such vehicle shall be delivered to the person, firm or corporation holding the first lien or encumbrance upon the vehicle and retained by him or them until the entire amount of his or their lien is fully paid. Thereupon the certificate of title shall be delivered to the next lienholder, and so on, or if none, then to the owner of the vehicle. It shall be the responsibility of each lienor upon the satisfaction of his lien to deliver said certificate of title to the lienor next entitled to the possession thereof and, if none to the owner, which acts of delivery may be accomplished through registered or certified mail addressed to the lienor or the owner entitled to such possession at his address as shown upon said certificate. In the event of assignment of the obligation by a lienholder who lawfully has possession of the certificate of title at the time of assignment, the lienholder shall deliver the certificate of title to his assignee who shall be entitled to hold the same until the obligation is satisfied, at which time the assignee shall deliver the certificate of title to the next lienholder, or if none, then to the owner of the vehicle. In the event of assignment of the obligation by a lienholder not entitled to possession of the certificate of title at the time of assignment, the lienholder shall

immediately upon becoming lawfully entitled to, and obtaining lawful possession of, the certificate of title, deliver the same to his assignee who shall be entitled to hold the same until the obligation is satisfied, at which time the assignee shall deliver the certificate of title to the next lienholder, or if none, then to the owner of the vehicle.

17A-4A-7. Release of lien or encumbrance shown on certificate of title.

An owner upon securing the release of any lien or encumbrance upon a vehicle shown upon the certificate of title issued therefor may exhibit the document evidencing such release, signed by the person or persons making the release and acknowledged before a notary public or someone authorized by the laws of this state to take acknowledgments of deeds, and this document together with the certificate of title shall be returned to the division; or the lienholder may release the lien by endorsing across the lien in his or her favor on the face of the title or closely adjacent thereto the following words or words of similar effect or purport: "This lien, this day fully paid, satisfied and released, this . . . . . day of . . . . . ." and duly signing and executing said endorsement and acknowledging the same before a notary public and having the notary public execute a certificate of the acknowledgment in the form required for releasing deeds of trust in this state; or when it is impossible to secure either such release from the beneficiary or holder of the lien, the owner may exhibit to the division whatever evidence may be available showing that the debt secured has been satisfied, together with a statement by the owner under oath that the debt has been paid and the certificate of title to such vehicle. The division when satisfied as to the genuineness and regularity thereof shall issue to the owner either a new certificate of title in proper form or an endorsement or rider showing the release of the lien or encumbrance which the division shall attach to the outstanding certificate of title. For the purposes of this article, the term release shall mean either an electronic or paper transaction format.

17A-4A-8. Failure to execute release or to surrender certificate when lien paid.

It shall be unlawful and constitute a misdemeanor for a lienor who holds a certificate of title either electronically or in a paper format as provided in this article to refuse or fail to execute a release as provided for in the next preceding section, or to refuse or fail to surrender the certificate of title to the person legally entitled thereto within fifteen days after the lien shall have been paid and satisfied.

17A-4A-9. Levy of execution, etc.

A levy made by virtue of an execution, fieri facias or other proper court order, upon a vehicle for which application for a certificate of title has been filed with the department, shall constitute a recorded lien, with the effect of constructive notice thereof to all persons, subsequent to holders of liens or encumbrances theretofore filed with the department, only from and after the time when the officer making such levy files a report to and with the department of motor vehicles, on forms provided therefor by the department, that such levy has been made and that the vehicle thus levied upon has been seized by and is in the actual custody of such officer; and the provisions of any other article, chapter or section of this Code to the contrary notwithstanding, the docketing or recording of any such execution, fieri facias or other court order in the office of the clerk of the county court [county commission] of any county in this State shall not constitute constructive notice thereof as to any such vehicle.

Such report by such officer shall show among other things the full names of the parties to the proceeding upon which the execution, fieri facias or court order is based; the identity of the court, judge or justice of the peace [magistrate] or other judicial officer from which said execution, fieri facias or other court order was issued; the amount required for the

satisfaction thereof; the date thereof; the date and hour when received by the officer; the date, hour and minute of the levy, attachment or other execution of said process and the taking into actual custody of said vehicle; the date returnable; the make, year, body style of the vehicle to which the lien of said execution, fieri facias or court order relates as well as the name of the person or persons whose interest or ownership therein is intended to be affected by the lien of such execution, fieri facias or court order. Such report shall also show, if known, the serial number of such vehicle, the current West Virginia registration card number and current West Virginia registered owner thereof and current West Virginia license plate number, and if any item in this sentence enumerated for listing on such report is unknown to the reporting officer the report shall state that such item is unknown to the officer. Such report shall be dated, signed and certified by the reporting officer and such certification shall constitute an official act on his part. The department shall by endorsement upon or attachment to its records note the officer's report and the day and hour and the minute received upon its record copy of the certificate of title thereby affected; should such lien be thereafter satisfied or should the vehicle thus levied upon and seized be thereafter released by such officer, he shall immediately report that fact to the department of motor vehicles and the department shall in a like manner note such fact. Any owner who after such levy and seizure by an officer and before the report thereof by the officer to the department shall fraudulently assign or transfer his title to or interest in such vehicle or cause the certificate of title thereto to be assigned or transferred or cause a lien or encumbrance to be shown upon such certificate of title shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than twenty-five nor more than five hundred dollars, or imprisoned in jail for not less than ten days nor more than twelve months.

The actual possession of the levying or attaching officer of the law or the actual possession of some person, other than the judgment or attachment debtor, holding such property for the officer, shall constitute notice of the lien, if any, of the execution, fieri facias, or other court order under which he levies and seizes or otherwise takes possession.

For any vehicle as to which an involuntary lien has been reported and noted by the department and for which there has been no report of release or satisfaction by the levying or seizing officer, if application be made for the transfer of title thereto or issuance of new certificate of title therefor to the current registered owner or to someone claiming by assignment of title certificate from such registered owner or if application be made pursuant to the provisions of this article for the endorsement upon the certificate of title to such vehicle of a lien or encumbrance created by the voluntary act of the owner and the issuance of a new certificate of title showing the same, such involuntary lien, for which the department's records show no report of satisfaction or release, and the information furnished in the officer's report thereof together with the date, hour and minute of receipt of such report shall be endorsed upon such new certificate of title issued pursuant to any of such applications.

17A-4A-10. Fee for recording and release of lien.

The division of motor vehicles is hereby authorized to charge a fee of five dollars for the recording of any lien either in an electronic or paper format created by the voluntary act of the owner and endorsing it upon the title certificate issued pursuant to this article, and the division of motor vehicles is hereby authorized to charge a fee of fifty cents for recordation of any release of a lien created by the voluntary act of the owner: Provided, That no charge shall be made for the endorsement and recordation of liens or releases thereof as provided under section nine of this article. No charge shall be made for the issuance of a title to the owner of a vehicle upon the receipt of an electronic release of the final lien.

17A-4A-13. Article not to apply to vehicle accessories.

The provisions of this article shall not apply to the recording of a lien or liens which are created only upon tires, radios, heaters, or other vehicle accessories.

17A-4A-14. Effect of article on liens and encumbrances created in transactions consummated before vehicle brought into State and subject to registration and titling in State.

As to bona fide purchasers for value or lien creditors without notice, the provisions of this article shall not be construed so as to invalidate or render void any lien or encumbrance placed upon a vehicle, by the voluntary act of the owner, in a transaction consummated before the vehicle is brought into this State, and before the same is subject to registration in the State of West Virginia, and before the application for a West Virginia certificate of title is required so long as such a lien or encumbrance has been properly recorded according to the laws of the jurisdiction in which it was created so as to be valid against bona fide purchasers for value or lien creditors without notice and so long as such lien or encumbrance is of such kind, nature and character as the law of this State would otherwise protect against such purchasers and lien creditors: Provided, however, That after such vehicle is brought into this State and after it is required to be registered and titled in this State, such lien or encumbrance as in this section described shall be void as to any purchaser for value or lien creditor, who, in either case, without notice of such lien or encumbrances, purchases such vehicle or acquires by attachment, levy or otherwise a lien thereupon, unless such lienholder, within three months after the removal of such vehicle into this State or within ten days after such lienholder received notice of such removal, whichever period of time is least, shall, in the manner set forth in section two [§ 17A-4A-2] of this article file application with the department in which case the department shall proceed as in section two of this article.

17A-4A-15. Expiration of lien or encumbrance; refiling.

The filing of any lien or encumbrance and its recordation upon the face of a certificate of title to any vehicle as provided in this article shall be valid for a period of ten years only from the date of filing, unless the lien or encumbrance is refiled in the manner provided in this article for filing and recordation in the first instance, in which event the lien or encumbrance shall be valid for successive additional periods of two years from the date of each refiling: Provided, That in the case of a mobile home or manufactured home, the filing of any lien or encumbrance and its recordation upon the face of a certificate of title to the mobile home or manufactured home shall be valid for a period of thirty-three years from the date of filing.

When the last lien or encumbrance shown on a certificate of title becomes invalid by the passage of time as provided in this section, the commissioner of motor vehicles shall not be required to maintain a lien index as to the certificate of title.

Supplemental Information for Chapter VIII

RECREATIONAL VEHICLES: TITLING OF BOATS, TRAILERS AND ATV'S

JULY 1, 2001

I. MOTORBOAT REQUIREMENTS

On July 1, 1989, the Division of Motor Vehicles began titling motor boats. Prior to that date, motor boats were only required to be registered in West Virginia. Any motorboat purchased in West Virginia after the above date should have a title.

Motorboats manufactured 1984 and after must contain 12 characters in the hull identification number.

Motorboats 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 does 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.

And Jet Skisteam, gas, diesel or other fuel or driven motor, whether or not such motor is the principal source of propulsion.

Boats without any are not required to be titled or **type of motor** registered, but once any type of motor is **(man powered)** attached, it becomes a motor boat and is subject to these requirements.

Registration fees None (Issued "No Fee" Decal) **Below 3 horsepower or below 25lb. thrust**

NEW MOTORBOAT FEES EFFECTIVE APRIL 1, 2002
(fees based on length of motorboat)

Class A - Motorboats less than sixteen (16) feet in length
Three year fee - $30.00 (prorated $10.00 per year)

Class 1 – Motorboats sixteen (16) feet or over and less than twenty –six (26) feet in length
Three year fee - $45.00 (prorated $15.00 per year)

Class 2 – Motorboats twenty-six (26) feet or over and less than forty (40) feet in length
Three year fee - $60.00 (prorated $20.00 per year)

Class 3 – Motorboats forty (40) feet in length or over
Three year fee - $75.00 (prorated $25.00 per year)

There is no fee for motorboats which have a motor below 3 horsepower or below 28 pounds thrust, regardless of length.

ALL BOAT REGISTRATIONS EXPIRE APRIL 1, 2002

*To change from a fee registration (3 hp & above) to a no fee registration (below 3 hp), the owner must submit his registration along with a letter of explanation. To go from a no fee registration to a fee registration, the owner must submit his registration along with the appropriate fee (see fees above) and letter of explanation. The letter of explanation must include the make and the horsepower of the motor and a completed FORM TR-14. **Boat registration cannot be transferred.** *Applications where no motor information is provided-write "TITLE ONLY" on MB-6. **Do Not Issue Decals.**

1. Motorboat previously titled in West Virginia (transfer of ownership).

a. West Virginia title properly assigned to new owner.

b. Notarized bill of sale for motorboat. If purchased as a package, then the bill of sale should include a description and breakdown of boat, motor and trailer.

c. 5% tax on purchase price of boat and motor, $10.00 title fee, $5.00 lien fee (if applicable) and registration fee (see chart on page 8 - 39).

d. See pages 9-12 for information on boat trailers.

2. Titling of a new motorboat (never been titled).

a. Manufacturer's statement of origin properly assigned by dealer. (All new motorboats will have a manufacturer's statement of origin).

b. MB-6 (application for a certificate of title for a motorboat) with dealer certification, completed on bottom of form.

c. Dealer invoice with breakdown of price and description of the boat and motor. If purchased as a package, then the invoice should include a breakdown of motor, boat and trailer and what was traded in (if applicable).

d. 5% tax based on the price of boat and motor, $10.00 title fee, registration fee if motor is 3 horsepower or more (see fee chart on page 8 - 39), $5.00 lien fee (if applicable). No registration fee is required if less than 3 horsepower.

e. See page 9-12 for information on boat trailers.

3. Titling of motorboat previously registered in West Virginia - no title (no transfer of ownership, owner now wants a title).

a. MB-6 (application for a certificate of title for a motorboat)

b. DMV 1-B (hull identification certification by any law enforcement officer).

c. Registration card in applicant's name (or the Division is able to verify ownership).

d. MB-13 (sole owner affidavit)

e. $10.00 title fee, $5.00 lien fee (if applicable).

f. Registration fee below 3 horsepower - none, 3 HP & above – see fee chart on Page 8 - 39.

g. See pages 9-12 for information on boat trailers.

4. Transfer of a motorboat previously registered in West Virginia (transfer of ownership - no previous title).

a. MB-6 (application for certificate of title to a motorboat)

b. DMV 1-B (hull identification certification by any law enforcement officer).

c. Registration properly assigned from seller. If there is no place to sign, the registration in the previous owner's name is required. If the seller cannot provide a registration, then a seller's affidavit (MB-12) must be completed. The name of the owner on the seller's affidavit must match the Division's records.

d. Notarized bill of sale with breakdown of price and description of boat and motor. If purchased as a package, then the bill of sale should include a breakdown and description of the boat, motor and trailer.

e. tax on price of boat and motor, $10.00 title fee, $5.00 lien fee (if applicable), registration fee if motor is 3 horsepower or more (see chart on page 8 - 39). No registration fee is required, if less than 3 horsepower. Minimum tax value the division will assess is $100.00 on boats less than 16ft., $500.00 on 16ft. or larger.

f. e pages 9-12 for information on boat trailers.

5. Purchase of a previously owned motorboat. (In state or out-of-state, never been titled or registered in any state).

(*If purchased from a state that titles or registers motor boats, then a letter of clearance from that state must accompany the application, stating the motorboat was never registered or titled in that state.)

a. MB-6 (application for motorboat title)

b. DMV-1-B (hull identification certificate)

c. Notarized bill of sale for the boat. If purchased as a package, then the bill of sale should include a breakdown and description of the boat, motor and trailer.

d. MB-12 (seller's affidavit)*** If you cannot provide a seller's affidavit (MB-12), no title will be issued.** A bill of sale will not be accepted as proof of ownership for the transfer of a motorboat.

e. privilege tax on purchase price of boat and motor- $10.00 title fee, $5.00 lien fee (if applicable), registration fee , if motor is 3 HP or more (see chart on page 8 - 39) Minimum tax value the division will assess is $100.00 on boats less than 16ft., $500.00 on 16ft. or larger.

f. See pages 9-12 for information on boat trailers.

6. Purchase of an out-of-state motorboat from a state that titles motorboats (transfer of ownership).

a. Properly assigned out-of-state title.

b. MB-6 (application for motorboat title).

c. Notarized bill of sale for boat. If purchased as a package, then the bill of sale should include a breakdown and description for the boat, motor and trailer. If purchased from a dealer, a dealer invoice is required.

d. 5% tax on purchase price of boat and motor - $10.00 title fee, $5.00 lien fee (if applicable), registration fee if motor is 3 horsepower or more (see chart on page 8 - 39). Minimum tax value the division will assess is $100.00 on boats less than 16ft., $500.00 on 16ft. or larger.

e. See pages 9-12 for information on boat trailers.

7. Purchase of an out-of-state motor boat from a registration only state (transfer of ownership).

a. Properly assigned registration, or if no place to assign, then the registration must be in the name of the seller on the bill of sale. If no registration is provided, then a letter of clearance from the state where the motorboat is purchased is required, reflecting the motorboat is registered in the seller's name. The seller's name must match the seller's name on the Seller's Affidavit.

b. MB-12 (seller's affidavit)

c. MB-6 (application for motorboat title)

d. DMV-1-B (hull identification certification by any law enforcement officer).

e. Notarized bill of sale for boat. If purchased as a package, then the bill of sale should include a breakdown and description for the boat, motor and trailer.

f. 5% tax on purchase price of boat and motor, $10.00 title fee, $5.00 lien fee (if applicable), registration fee if motor is 3 horsepower or more (see chart on page 8 - 39). No registration fee if less than 3 horsepower. Minimum tax value the division will assess is $100.00 on boats less than 16ft., $500.00 on 16ft. or larger.

g. See pages 9-12 for information on boat trailers.

8. Titling a motorboat in West Virginia from a titling state, no change of ownership, transferring into West Virginia.

a. Title in applicant's name.

b. MB-6 (application for motorboat title).

c. 5% of current NADA value, $10.00 title fee, $5.00 lien fee (if applicable), registration fee if 3 horsepower or more (see chart on page 8 - 39). No registration fee if less than 3 horsepower. Minimum tax value for assessment is $100.00 on boats less than 16ft., $500.00 on 16ft. or larger.

d. See pages 9-12 for information on boat trailers.

9. Titling a motorboat in West Virginia from a registration only state, no change of ownership, transferring into West Virginia.

a. Registration in applicant's name. If owner does not have a registration, then a letter of clearance from the previous state stating the last registered owner (names must be the same).

b. MB-6 (application for motorboat title).

c. DMV-1-B (hull identification certification by any law enforcement officer).

d. MB-13 (owner's affidavit).

e. 5% tax on current NADA value, $10.00 title fee, $5.00 lien fee (if applicable), registration fee if 3 horsepower or more (see chart on page 8 - 39). No registration fee if less than 3 horsepower. Minimum tax value for assessment is $100.00 on boats less than 16ft., $500.00 on 16ft. or larger.

10. Titling of a motorboat which has never been titled or registered in West Virginia (No transfer of ownership-owner now wants to title motorboat).

a. MB-6 (application for motorboat title).

b. DMV-1-B (hull identification certification by any law enforcement officer).

c. Fees required - $10.00 title fee, $5.00 lien fee, 5% privilege tax ($100.00 minimum tax value) on boats less than 16ft., $500.00 on 16ft. or larger.

d. MB-13 (sole owner affidavit), documents such as old property tax receipts, insurance papers, loan contracts, invoice, etc., can be used to support ownership. A bill of sale **will not** be accepted as proof of ownership.

11. Motorboats without 12 character hull numbers.

a. Title must be submitted, if boat is only registered DMV-14-TR must be submitted.

b. DMV-1-B (hull identification certification by any law enforcement office).

c. There is no charge for this service (with State, City, or DNR enforcement officers). Sheriffs may charge a fee.

****Note: The hull identification plates are issued through the main office in Charleston.**

12. Salvage motorboat (previous West Virginia title).

a. Properly assigned West Virginia motorboat title.

b. SV-1 (application for salvage title completed by insurance company)

c. Fee of $15.00

13. Titling a salvage motorboat, previously registered in West Virginia – no title.

a. Registration properly assigned over to the insurance company. Verification of owner's name on seller's affidavit is required if a registration does not exist (must match the division's records).

b. SV-1 (application for salvage title completed by insurance company)

c. MB-6 (application for motorboat title)

d. DMV-1-B (hull identification certification by any law enforcement officer)

e. Fee of $15.00.

14. Salvage motorboat, never been titled or registered, West Virginia resident.

a. MB-12 (seller's affidavit)

b. SV-1 (application for salvage title completed by insurance company)

c. MB-6 (application for motorboat title completed by insurance company)

d. DMV-1-B (hull identification certification, by any law enforcement officer
Fee of $15.00.

**** NOTE: ALL RECONSTRUCTED BOATS FOLLOW THE SAME PROCEDURES AS RECONSTRUCTED MOTOR VEHICLES***

15. Legal Heir- Transfer of Ownership

a. Title assigned to legal heir along with administrative or executor papers. If there is no will, then a completed legal heir affidavit (DMV-185-TR) must accompany the title. Registration is not transferable. There is no title fee but registration must be paid. See registration fee chart.

b. Depending on whether the motorboat has been titled or registered, refer to process 1 or 4 for additional information on how to apply. If not titled, titling and registration fees required. $10.00 titling fee, see chart for registration fee.

16. Prior to July 1, 1989, motorboats were only registered. To add or remove a name, you would need the following in order to title the motorboat:

a. MB–13 (Sole owner affidavit)

b. MB-6 (Application for motorboat title)

c. DMV-1-B (Hull identification certification by any law enforcement officer)

d. $10.00 title fee

e. Registration card, if available or verification by DMV.

f. Registration fee (see chart on page 8 - 39)

17. Assembled or homemade motor boats

a. MB-6 (Application for motorboat title)

b. MB-11 (Affidavit of builder)

c. DMV-1B (hull identification certification-completed by law enforcement officer)

d. Two photographs of the completed boat, one front view and one of the side view.

e. Fees required- $10.00 titling fee, $5.00 lien fee (if applicable), and registration fee. (see chart on page 8 - 39) 5 % privilege tax on cost of making the boat (includes materials, etc.)

18. Regulations for all recreation vehicle dealers.

a. Motorboats, trailers and ATV's accepted as trade-ins without a title or registration, must be titled in the dealer's name prior to retail sale or have a properly completed dealer reassignment (TM-5) from the dealer to their customer. If the vehicle is reassigned, show the invoice indicating the vehicle was traded to your dealership.

b. Dealer Requirements (Dealer Title): MB-6 for motorboats, DMV-1 for trailers and ATV's, a copy of the dealer invoice showing the trade-in. DMV-1B, serial number or hull identification certificate, registration and $10.00 title fee.

c. No Title: **Do not purchase a vehicle without a title.**

II. TITLING BOAT TRAILER REQUIREMENTS FOR IN-STATE AND OUT-OF-STATE DEALERS

DEFINITION –

CLASS C trailer with 2 or more axles with a gross weight of 2000 pounds or more. All class C plates are permanent plates. The fee is $51.00 and the plates are not transferable. Class C trailers must be inspected yearly.

CLASS T single axles trailer with a gross weight of under 2000 pounds. All class T plates expire on April 1, 2002. See Fee Chart on page 8 - 47).

1. NEW BOAT TRAILER- NEVER TITLED

a. Properly assigned manufacturer's statement of origin from a dealer.

b. DMV-1-TR – (application for certificate of title)

c. Dealer invoice with breakdown of price and description of motor, boat, and trailer, when purchased as a complete package. If not purchased as a complete package, then an invoice for the trailer should be included

.

d. Fees required – 5% privilege tax on purchase price of trailer, $5.00 lien fee (if applicable), $10.00 title fee and plate fee (see page 8 - 47).

2. Purchase of a used boat trailer previously titled in West Virginia from an individual or West Virginia dealer.

a. Properly assigned West Virginia title.

b. Notarized bill of sale with breakdown of price and description of motor, boat and trailer, when purchased as a complete package. If not purchased as a complete package, then an invoice for the trailer should be included. Seller's name must appear on the face of the West Virginia title.

c. Fees required - $10.00 title fee, $5.00 lien fee (if applicable), 5% privilege tax on purchase price of trailer, and plate fee (see page 11)

d. If purchased from a dealer, verification of price is required whether it is listed on the title or an invoice.

3. Purchase of a used boat trailer from an out-of-state dealer or individual that is a title state.

a. Properly assigned out of state title

b. DMV-1-TR –(application for certificate of title)

c. Dealer or seller's invoice with breakdown of price and description of motor, boat and trailer, when purchased as a complete package. If not purchased as a complete package, then an invoice for the trailer should be included.

d. Fees required - $10.00 title fee, $5.00 lien fee (if applicable), 5% privilege tax on purchase price of trailer and plate fee (see page 8 - 47)

e. If the title does not contain a serial number, a completed DMV-1-B is required.

4. Purchase of a used boat trailer from an out-of-state dealer or individual that only registers boat trailers.

a. Previous owner's registration properly assigned, if no registration is provided a letter of clearance from the previous state showing the last registered owner, or dealer's invoice showing the dealer took the trailer in on a trade from the previous owner.

b. DMV-1-TR –(application for certificate of title)

c. Dealer or seller's invoice with breakdown of price and description of motor, boat and trailer, when purchased as a complete package. If not purchased as a complete package, then an invoice for the trailer should be included.

d. Fees required - $10.00 title fee, $5.00 lien fee (if applicable), 5% privilege tax on purchase price of trailer and plate fee (see chart on page 8 - 47).

e. DMV-1B, (serial number certification by any law enforcement officer)

5. Purchase of a used boat trailer from an out-of-state dealer or individual that does not require boat trailers to be registered or titled.

a. Dealer invoice or notarized bill of sale from an individual with breakdown of price and description for motor, boat and trailer, when purchased as a complete package. If not purchased as a complete package, then an invoice for the trailer itself is required.

b. DMV-1-TR –(application for certificate of title)

c. DMV- 1-B (serial certification by any law enforcement officer)

d. MB-12 (seller's affidavit if purchased from an individual.) IF YOU CAN NOT PROVIDE A SELLER'S AFFIDAVIT, THEN NO TITLE WILL BE ISSUED .

e. Fees required $10.00 title fee, $5.00 lien fee (if applicable), 5% privilege tax on the purchase price of Class T trailer. Class C trailers required no tax when a license is purchased at the time of titling. **CLASS C PLATE FEE $51.00.**

BOAT TRAILER FEE CHART (CLASS T)

Three year fee $27.00 prorated $9.00 per year

1. Transfer of a boat trailer from a state that titles trailers and the title is in the applicant's name.

a. Out of state title (if title is being held by the lienholder, division must have a copy of the out of state title or a letter from the lienholder stating they are holding the applicant's title).

b. DMV-1-TR (application for certificate of title)

c. Fees required - $10.00 title fee, $5.00 lien fee (if applicable), 5% privilege tax on Blue Book value of the trailer and plate fee (see chart on page 8 - 47).

**If the title for the trailer does not contain a serial number, a completed DMV-1-B is required.

2. Transfer of a boat trailer from a state that only registers trailers and the trailer is currently registered in the applicant's name.

a. Out of state registration in applicant's name.

b. DMV-1-TR (application for certificate of title)

c. Fees required - $10.00 title fee, $5.00 lien fee (if applicable), 5% privilege tax on Blue Book value of a trailer and plate fee (see chart on page 8 – 47).

**If the registration for the trailer does not contain a serial number, a completed DMV-1-B is required.

III. TITLING AN ALL TERRAIN VEHICLE

1. Definition– Any motor vehicle 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.

The Division of Motor Vehicles requires ATV's to be titled, but does not register these vehicles. ATV's purchased after July 1, 1989, should have been titled by the Division. Check with the owner before buying.

2. Titling of new all terrain vehicles.

a. Manufacturer's Statement of Origin properly assigned to you by the dealer. (All new ATV's have a manufacturer's Statement of Origin).

b. DMV-1-TR (application for certificate of title) with dealer certification completed on the bottom of the form. If the application is not completed by the dealer, a dealer's invoice is required stating the purchase price.

c. Fees required - $10.00 title fee, 5% privilege tax (based on the purchase price), $5.00 lien fee (if applicable)

d. No registration will be issued.

3. Titling an ATV that has never been titled in West Virginia or any other state (transfer of ownership).

a. MB-12 –(seller's affidavit) **without a seller's affidavit no title will be issued**).

b. DMV-1 TR (application for certificate of title)

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c. Fees required - $10.00 title fee, 5% privilege tax (based on the purchase price) and $5.00 lien fee (if applicable).

d. DMV-1-B (Serial inspection certification by any law enforcement officer)

e. No registration will be issued.

NOTE: If purchased out-of-state, you must have a letter from that state stating that the ATV has never been titled or registered in that state.

A bill of sale is not acceptable as proof of ownership for transfer of ownership of an ATV.

Without a Seller's Affidavit, no title will be issued.

4. Titling of an ATV that has never been titled in West Virginia (no change of ownership)

a. DMV 1-TR (application for certificate of title)

b. MB-13 (sole owner affidavit), documents such as old property tax receipts, insurance papers, loan contracts, invoices, etc., can be used to support ownership. A bill of sale **will not** be accepted as proof of ownership.

c. DMV-1-B (serial inspection certification by any law enforcement officer)

d. Fees required - $10.00 title, 5% privilege tax ($100.00 minimum tax value) and $5.00 lien fee (if applicable).

e. No registration fee.

d. Documents such as old property tax receipts, insurance papers, loan contracts, invoices, etc., indicating you have owned the ATV, can be used to support a title being issued. A bill of sale will not be accepted as proof of ownership.

SECTION	DESCRIPTION
1	DEALER LICENSE APPLICATION
2	DEALER SURETY BOND (MV-126-DS-P)
3	LICENSE SERVICE SURETY BOND
4	AUTOMOBILE AUCTION SURETY BOND (MV-126-DS-M)
5	DEALERS LIABILITY INSURANCE CERTIFICATE (MV-126-DS-J)
6	NOTICE IN CHANGE IN DEALERSHIP
7	APPLICATION FOR ADDITIONAL DEALER PLATE
8	FORMULA FOR ISSUANCE OF DEALER PLATES (DMV-99-DS)
9	LICENSE CERTIFICATES FOR DEALERS, FINANCIAL INSTITUTIONS, LICENSE SERVICES AND AUTOMOBILE AUCTIONS
10	APPLICATION FOR TEMPORARY REGISTRATION PLATE (MC-126-F-DS)
11	TEMPORARY REGISTRATION PLATE LOG (DMV-DS-17)
12	TEMPORARY REGISTRATION CERTIFICATE (DMV-40-TR)
13	BUYERS GUIDE
14	APPLICATION FOR CERTIFICATE OF TITLE
15	WEST VIRGINIA TITLES
16	REASSIGNMENT SUPPLEMENT (TM-5)
17	REASSIGNMENT SUPPLEMENT LOG SHEET (DMV-TM-5A)
18	ODOMETER DISCLOSURE STATEMENT (DEALERS) (DMV-43)
19	ODOMETER DISCLOSURE STATEMENT (INDIVIDUALS) (TM-1)
20	ODOMETER DISCLOSURE STATEMENT (TM-1)
21	OWNER'S STATEMENT OF INSURANCE
22	APPLICATION TO RECORD VOLUNTARY LIEN AFTER ISSUANCE OF TITLE (DMV-84-A)
23	RELEASE OF LIEN
24	DUPLICATE TITLE APPLICATION
25	VERIFICATION OF VEHICLE IDENTIFICATION NUMBER (DMV-18)
26	SECURED POWER OF ATTORNEY

SECTION	DESCRIPTION
27	AFFIDAVIT OF REPOSSESSION OF A VEHICLE (DMV-129-TR)
28	CERTIFICATION OF ONE-AND-THE-SAME PERSON (DMV-38-TR)
29	SOLE OWNER AFFIDAVIT (MV-154-TR)
30	BILL OF SALE
31	LEGAL HEIR AFFIDAVIT (DMV-185-TR)
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54	**VEHICLE LEASE TITLE APPLICATION (DMV-1-L)**
55	**ODOMETER STATEMENT FOR USE AT LEASE TERMINATION (DMV-43(A))**
56	**APPLICATION FOR CERTIFICATE OF TITLE FOR RENTAL MOTOR VEHICLE (DMV1R-TR)**

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