

1984 OCT 15 PM 1:29

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

OFFICE OF THE SECRETARY OF STATE

A. JAMES MANCHIN  
CHARLESTON 25305

THE STATE CAPITOL

STATE REGISTER FILING

ROBERT W. JACKSON  
DEPUTY SECRETARY OF STATE  
CORPORATE AFFAIRS

I, Thomas J. Stevens, Commissioner  
Title or Position

Department of Motor Vehicles, hereby submit to records in  
the State Register on 8 1/2 x 11" two (2) copies of

- ( ) proposed rules and regulations concerning topics of material not covered by existing rules and regulations;
- ( x ) proposed rules and regulations superseding rules and regulations already on file;
- ( x ) notice of hearing;
- ( ) findings and determinations;
- ( ) Emergency rules and regulations
- ( x ) Legislative ( ) Procedural ( ) Interpretive regulations
- ( ) other - specify \_\_\_\_\_

This filing pertains to

CHAPTER 17A ARTICLE 2 SECTION 9 of the  
West Virginia Code, 1931, as amended.

SERIES III, SECTION 3.00 PAGE NO. 3, 4, 4A of the  
Administrative Code.

October 15, 1984  
Date Submitted

Signature of Person Authorizing  
this Filing



DEPARTMENT OF MOTOR VEHICLES  
STATE OFFICE BUILDING  
CHARLESTON, W. VA.  
25317

JOHN D. ROCKEFELLER IV  
Governor

THOMAS J. STEVENS  
Commissioner

October 15, 1984

The Honorable A. James Manchin  
Secretary of State  
State Capitol Building  
Charleston, West Virginia

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SECRETARY OF STATE  
FILED

Dear Mr. Manchin:

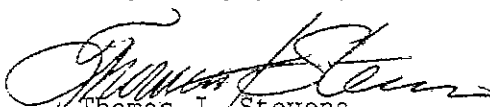
Attached are two copies of proposed legislative rules which are being filed pursuant to §29A-3-5. The proposed rules are designated; Series III, Section 3.00, Titling A Vehicle.

Be advised that this letter, pursuant to §29A-3-5 constitutes notice that the Department of Motor Vehicles is proposing to promulgate the above mentioned rules.

Please find attached the notice of public hearing pursuant to §29A-3-7 as well as the fiscal note pursuant to §29A-3-4.

I certify that the attached constitutes the legislative rules being proposed for promulgation by the Department of Motor Vehicles.

Very truly yours,

  
Thomas J. Stevens  
Commissioner

TJS:SOD/nls



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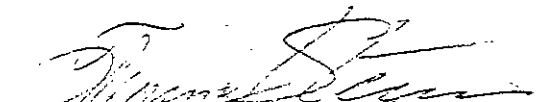
THOMAS J. STEVENS  
Commissioner

NOTICE OF PUBLIC HEARING

The Department of Motor Vehicles will be affording the opportunity for public comment on the merits of proposed amendments to legislative rules designated; Series III, Section 3.00, Titling A Vehicle.

Persons wishing to comment on the merits of these proposed rules are asked to prepare written statements to be received by this department no later than November 16, 1984. A public hearing where written statements may also be received will be held at 9:00 a.m., November 16, 1984 in Room 118, Building 3, State Capitol Complex, Charleston, West Virginia.

Requests for copies of the proposed rules as well as written comments for inclusion in the record should be directed to Steven O. Dale, Department of Motor Vehicles, Room 124, 1800 Washington Street East, Charleston, West Virginia, 25317.

  
Thomas J. Stevens, Commissioner  
Department of Motor Vehicles

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SECRETARY OF STATE

FISCAL NOTE FOR PROPOSED RULES

Rule Title:   Titling a Vehicle  

Type of Rule:  Legislative       Interpretive       Procedural

Agency   Department of Motor Vehicles   Address   1800 Washington St., East    
  Charleston, WV 25317  

1. Effect of Proposed Rule	ANNUAL		FISCAL YEAR		
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	\$	\$	\$	\$	\$
Personal Services	N/A				
Current Expense					
Repairs and Alterations					
Equipment					
Other					

2. Explanation of above estimates.

Implementation of these rules would not require additional expenditure in terms of personnel, equipment or supplies. These rules change the Department's interpretation of "market value."

3. Objectives of these rules:

This filing consists of proposed amendments to rules which provided for calculation of the privilege tax based on the N. A. D. A. Official Used Car Guide book. This presented a problem for an individual who purchased a vehicle at a price below the "market value". The proposed rules provide for calculation of the tax on the actual purchase price, if below the price established by the N. A. D. A. Official Used Car Guide book.

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

Implementation of these rules will result in decreased collections of privilege tax which is deposited in the State Road Fund for matching federal funds.

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of citizens.

None

C. Economic Impact on Citizens/Public at Large.

Individuals purchasing motor vehicles from another individual at a price less than the N. A. D. A. book value would pay tax on the actual purchase price rather than the N. A. D. A. book value.

Date October 15, 1984

Signature of Agency Head or Authorized Representative



Thomas J. Stevens, Commissioner

FILED

Section 3. Titling A Vehicle

1984 OCT 15 PM 1:30

A West Virginia certificate of title will not be issued for a vehicle unless there is compliance with the procedures herein set forth.

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If the vehicle to be titled is a new vehicle, application for a certificate of title must be completed in every detail on the form prescribed for such purpose by the Department. Any application submitted to the Department for a certificate of title for a new vehicle shall be accompanied by a manufacturer's statement of origin, and any application submitted to the Department for a certificate of title for a new or used vehicle purchased from any licensed dealer shall be accompanied by a duplicate copy of the actual sales instrument created at the time of purchase.

If the vehicle to be titled is a used vehicle which at the time of application for a West Virginia certificate of title is titled in a jurisdiction which has a certificate of title law, the certificate of title from such jurisdiction in the applicant's name or properly assigned to him by the seller must accompany the application for a West Virginia certificate of title. If the used vehicle was purchased from a dealer, an assignment of title by such dealer, whether a West Virginia dealer or a dealer in another jurisdiction, shall be sufficient. If the vehicle, at the time of application for a West Virginia certificate of title, is titled in a jurisdiction which does not have a certificate of title law, a certificate of registration in the applicant's name, or the registered owner's certificate of registration together with a certified bill of sale from such registered owner must accompany the application for a West Virginia certificate of title.

For the purposes of this section, any vehicle which has been titled in a jurisdiction which has a certificate of title law, or which has been registered

in a jurisdiction which does not have a certificate of title law, shall be considered to be a used vehicle irrespective of the age of such vehicle or the extent of the use thereof.

~~No certificate of title for any vehicle shall be issued to any applicant unless the applicant shall have paid to the Department the privilege tax imposed by Chapter 17A, Article 3, Section 4 of the Code of West Virginia, 1931, as amended, and all of the required fees. The present market value of any used vehicle shall be that shown in the National Automobile Dealers Association (NADA) Official Used Car Guide Book. The tax is required irrespective of whether the applicant has paid a sales tax in any other jurisdiction.~~

The privilege tax on each motor vehicle, as required by Section four, Article three, Chapter seventeen-a of the Code of West Virginia, shall be paid to the Department, together with other required fees, before a certificate of title may be issued to an applicant. The privilege tax is required irrespective of whether the applicant has paid a similar sales or privilege tax on the motor vehicle in any other jurisdiction.

The privilege tax on a new motor vehicle shall be determined at the rate of five percent of the actual purchase price or consideration provided to the seller by the purchaser.

The privilege tax on a used or second-hand vehicle shall be determined at the rate of five percent of the present market value of the vehicle as shown in the most recent edition of the National Automobile Dealers Association (NADA) Official Used Car Guide Book. However, if the applicant provides the Department with a sworn statement that the actual price of the used or second-hand vehicle is less than the lowest NADA Guide Book, the amount shown on the statement shall be deemed the present market value for tax purposes. The Commissioner shall design and provide forms for this statement and may require any further proof of purchase

price as he may deem desirable to protect the public interest.

On and after the date on which these Rules and Regulations become effective, applications for certificates of title and operator's and chauffeur's licenses made by a married woman shall bear the first name, middle name or initial, if any, of the spouse. For example, any such application must be in the name of Mary E. Doe and not Mrs. John E. Doe.