



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

JOHN D. ROCKEFELLER IV
Governor

THOMAS J. STEVENS
Commissioner

Emergency

October 9, 1984

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

FILED
OCT 9 1984
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Dear Mr. Manchin:

Please find attached two copies of emergency legislative rules being filed pursuant to §29A-3-15. These rules amend Series III, Section 3.00 rules entitled "Titling A Vehicle".

Immediate promulgation of these rules is necessary to prevent substantial harm to the public interest.

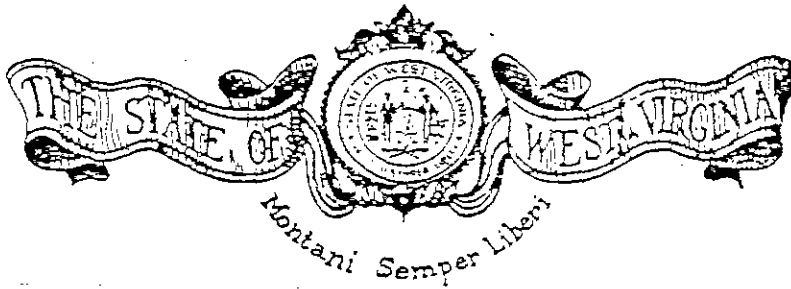
These rules revise the Department's policy of determining the amount of the tax required by §17A-3-4 for titling a motor vehicle.

I certify that the attached constitutes the emergency rules promulgated and filed on October 9, 1984.

Very truly yours,

Thomas J. Stevens
Thomas J. Stevens
Commissioner

TJS:SOD/nls



OFFICE OF THE SECRETARY OF STATE
A. JAMES MANCHIN
CHARLESTON 25305

ROBERT W JACKSON
DEPUTY SECRETARY OF STATE
CORPORATE AFFAIRS

THE STATE CAPITOL

STATE REGISTER FILING

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;
- () proposed rules and regulations superseding rules and regulations already on file;
- () notice of hearing;
- () findings and determinations;
- (X) Emergency rules and regulations
- () Legislative () Procedural () Interpretive regulations
- () other - specify _____

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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 of the
Administrative Code.

October 9, 1984
Date Submitted

Signature of Person Authorizing
this Filing

EMERGENCY LEGISLATIVE RULES

Department of Motor Vehicles
Legislative Rule 17A-2
Series III

FILED

Sec. 3.00.

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Section 3. Titling A Vehicle

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

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

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

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.