

**FILING OF ADMINISTRATIVE REGULATIONS**

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WEST VIRGINIA ADMINISTRATIVE REGULATIONS  
Department of Motor Vehicles

Chapter 17A-2  
Series III  
(1964)

Subject: Title and Registration Division  
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Section 3. Rules and Regulations Pertaining to this Division.

3:01. Bad Checks

No personal checks for any fees and/or taxes shall be accepted by the Department when drawn by any person, firm or corporation who or which, on and after April 1, 1961, has given or shall give to the Department a check which was not or shall not be honored by the drawee bank by reason of "Insufficient Funds" or "No Account". Moreover, except for automobile clubs and others operating a regular daily registration or license plate service, bonded in accordance with Section 3:12 hereof, the Department may not accept the personal check of any other person, firm or corporation (including the check of any person, firm or corporation operating a registration or license plate service only during the registration or license plate renewal period) tendered in payment of fees and/or taxes of the person, firm or corporation whose check was or shall be dishonored as outlined above. Furthermore, except for automobile clubs and others operating a regular daily registration or license plate service, bonded in accordance with Section 3:12 hereof, no personal check shall be accepted by the Department in payment of the fees and/or taxes of any person, firm or corporation, when a check for a transaction in the name of such person, firm or corporation was or shall be dishonored by the drawee bank by reason of "Insufficient Funds" or "No Account". All of the prohibitions herein contained against the acceptance of personal

checks shall apply in each individual case for all future transactions the individual may have with this Department. All applications of any person, firm or corporation concerning whom or which these prohibitions are applicable, such as applications for dealer and vehicle registration or license plates, shall be refused and returned unless accompanied by cash, cashier's check, certified check, or bank or postal money order in payment of the required fees and/or taxes.

3:02. Disabled Veterans

In accordance with the provisions of Chapter 17A, Article 10, Section 8 of the Code of West Virginia, 1931, as amended, a disabled veteran is exempt from the payment of registration fees for one passenger-type vehicle owned and titled in such veteran's name, provided such veteran furnishes to the Department a certificate from the Veterans Administration certifying that such veteran at sometime obtained a passenger-type vehicle under the provisions of Public Law 633 of the 79th Congress of the United States, or Public Law 187 of the 82d Congress of the United States. This exemption shall apply during the lifetime of any such veteran, but shall at any one time apply to only one passenger-type vehicle irrespective of the number of such vehicles owned by such disabled veteran. Only one such certificate shall be required during the lifetime of such veteran. This exemption shall not apply to vehicles used for hire.

3:03. Titling and Registering Heavy Self-Propelled Equipment

Heavy self-propelled equipment called a "Euclid" and other heavy self-propelled equipment of the same type and character may be titled and registered as special mobile equipment, when such equipment is of such size and/or weight as to require a special permit from the State Road Commissioner in accordance with the provisions of Chapter 17C, Article 17, Section 11 of the Code of West Virginia, 1931, as amended, but such equipment so registered is to be operated upon the highways only for the purpose of transporting same under its own power, without load, from one job to another.

3:04. Formula for Establishing Registration Fees For Class H  
Vehicles Engaged in the Interstate Transportation of Persons.

In accordance with the provisions of that portion of Chapter 17A, Article 10, Section 3 of the Code of West Virginia, 1931, as amended, dealing with the establishment of registration fees for Class H vehicles engaged in the interstate transportation of persons, a formula is herein prescribed.

The factors of the formula are:

(1) The entire or full fee for Class H vehicles engaged in the interstate transportation of persons, viz., the fees prescribed for Class B, Class E and Class K vehicles;

(2) The number of miles the vehicle shall be operated in

(a) All states;

(b) States other than West Virginia;

(c) West Virginia.

Each carrier shall keep a detailed record or log of the mileage each vehicle shall be operated in all states, the number of miles it shall be operated in states other than West Virginia, and the number of miles it shall be operated in West Virginia. It is obvious that the exact registration fee for a particular vehicle cannot be determined until each mileage category shall have been ascertained, recorded and available to the carrier. Therefore, the registration fee for operation of a particular vehicle may be calculated and remitted with the application for registration by estimating severally the three categories of mileage it shall be operated in said year based upon the actual mileage such vehicle was operated in the first nine months of the preceding fiscal year. In

making application for registration in accordance with the forms prescribed for such purpose, a carrier may make individual application for each Class H vehicle, or such carrier may make application for a fleet of Class H vehicles.

To facilitate accounting practices of the Department, in no case shall registration fees for Class H vehicles, some of which are used in interstate transportation and some of which are used in intrastate transportation, be remitted by the same check or checks. Fees must be remitted separately.

For the purpose of making a final adjustment of registration fees, within 90 days after the end of each fiscal year each carrier shall furnish the Department a report in writing which shall set forth:

- (1) Date of report;
- (2) Name and address of carrier;
- (3) The number assigned to each vehicle by the carrier;
- (4) The registration (license plate) number of each vehicle;
- (5) The date of registration of any vehicle put into service after the beginning of the fiscal year just ended;
- (6) The date of retirement of any vehicle removed from service during the fiscal year just ended;
- (7) The total actual mileage in each of the three mileage categories each vehicle shall have been operated in the whole of the fiscal year just ended;
- (8) The amount of the entire final registration fee properly chargeable on account of each vehicle;
- (9) The amount of registration fee paid on account of each

vehicle upon the estimate made at the commencement of the fiscal year just ended; and

(10) The amount of registration fee on account of each vehicle owing either to the State or the carrier upon final adjustment.

Where upon final adjustment a balance is owed by the carrier to the Department, the carrier will submit with its report one check for the net amount of registration fees owed by the carrier to the Department. Where upon final adjustment a refund appears to be owing by the Department to the carrier, the carrier should submit with its final report a statement in writing setting forth the amount of the net refund claimed by the carrier as shown in the report. After investigation and audit, a refund will, where proper, be made by the Department.

Inasmuch as the mileage data upon which both the estimated and final fees are to be calculated are reflected only in the records of the carrier, such records shall be retained by the carrier and shall be made available to representatives of the Department at any and all reasonable times for examination and audit.

3:05. Liens

In the administration of the new Motor Vehicle Lien Recordation Act, Chapter 17A, Article 4A, of the Code of West Virginia, 1931, as amended, certain questions have arisen. Two questions occur with sufficient frequency to require rules and regulations for the effective administration of the act, and they are hereinafter set forth, viz.:

a. Joint Lienholders - When an application for a certificate of title shows a joint lien in favor of two or more persons, firms or corporations, the certificate of title will be issued showing a joint lien and it will contain the same information as if the lien were in favor of only one person, firm or corporation. In the absence of any designation on the application as to the lienor to whom the certificate of title is to be delivered, the certificate of title shall, assuming the joint lien is the first lien, be delivered to any one of the joint lienors. When the joint lien is not the first lien, the holder of the immediately prior lien shall, upon satisfaction of his lien, deliver the certificate of title to any one of the joint lienors.

b. Liens shown on certificates of title issued prior to July 1, 1961 - When application is made for a new certificate of title to a vehicle and the Department finds that the certificate of title to such vehicle which was issued prior to July 1, 1961, the effective date of the Motor Vehicle Lien Recordation Act, shows a lien, the Title and Registration Division shall require evidence showing whether the lien was satisfied and released.

If found to be a valid and subsisting lien, the same shall be shown on the new certificate of title.

3.06. 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 made on the form prescribed for such purpose by the Department. Such application must be properly completed in every detail. When the vehicle for which application is being made was purchased in West Virginia from a registered West Virginia dealer, the dealer's certificate of source of title on the reverse side of such application must be properly completed by such dealer. When the vehicle for which application is being made was purchased from a registered dealer in Maryland, North Carolina, Pennsylvania, Virginia or the District of Columbia, such West Virginia application must be accompanied by: (1) A Maryland, North Carolina, Pennsylvania, Virginia or District of Columbia application for a certificate of title completed in every respect as though such vehicle were going to be titled in the state or district of purchase; and (2) such dealer's certificate of source of title to such vehicle properly completed in every detail. When the vehicle for which application is being made was purchased from a franchised dealer in any jurisdiction other than West Virginia, Maryland, North Carolina, Pennsylvania, Virginia or District of Columbia, such West Virginia application must be accompanied by a Manufacturer's Certificate of Origin in the applicant's name or properly assigned to the applicant by a franchised dealer.

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, then 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 were 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, then a certificate of registration in the applicant's name, or the registered owner's certificate of registration assigned to the applicant, 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 N.A.D.A. Official Used Car Guide book. This tax is required irrespective of whether the applicant has paid a sales tax or any other tax in any other jurisdiction.

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, and last name of the applicant, and in no case the first and 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 W. Doe.

3:07. Transferring a Motor Vehicle Titled in the Name of a Deceased Person

There are three methods to effectuate the transfer of a title to a motor vehicle from a deceased person to an heir, legatee or other distributee, viz.:

a. If the deceased left a will, the duly appointed and qualified executor or executrix must, on the reverse side of the certificate of title, execute an assignment to the legatee or other person entitled to such motor vehicle. The certificate of title should then be forwarded to the Department together with a certified copy of the order appointing the executor or executrix and the required fee for the issuance of a new certificate of title.

b. If the deceased left no will and an administrator or administratrix of the decedent's estate has been appointed, such administrator or administratrix must, on the reverse side of the certificate of title, execute an assignment to the heir or other person entitled to such motor vehicle. The title should then be forwarded to the Department with a certified copy of the order appointing the administrator or administratrix and the required fee for the issuance of a new certificate of title.

c. If the deceased left no will and there has been no administrator or administratrix appointed, the heir entitled to such motor vehicle may execute an assignment of the vehicle to himself or herself by signing the deceased's name on the reverse side of the certificate of title by himself or herself as such heir. The certificate of title should then be forwarded to the Department together with a properly executed form affidavit prescribed by the Department and the fee required for the

issuance of a new certificate of title.

Registration or license plates may also be transferred upon presentation of the deceased's registration card and payment of the required fee.

3:08. Titling a Vehicle Repossessed Under a Conditional Sales Contract

If a public auction is not required under Chapter 40, Article 3, Sections 19 and 20 of the Code of West Virginia, 1931, as amended, then the repossessing party must procure a certificate of title in such party's name, and in order to procure such certificate of title to such vehicle, the repossessing party must properly complete the form prescribed by the Department for such purpose and submit same to the Department together with the original or certified copy of the conditional sales contract under which the vehicle was repossessed.

If a public auction is required under Chapter 40, Article 3, Sections 19 and 20 of the Code of West Virginia, 1931, as amended, then in order to procure a new certificate of title to a vehicle sold at such public auction, the repossessing party must properly complete the form prescribed by the Department for such purpose and submit same to the Department together with the original or certified copy of the conditional sales contract, a certified copy of the notice of sale and a certified report of sale. The party that repossessed or sold the vehicle at public auction must apply for a certificate of title in the name of such repossessing party. The report of sale must show the date of sale, and must contain a full description of the vehicle (including manufacturer's name, year model and serial number) and the terms of sale and the same must be signed before a notary public by the person conducting the sale. The title will be issued in the name of the repossessing party who will thereafter make proper assignment of title to the purchaser who purchased the vehicle at the public auction.

If the repossessing party is a registered West Virginia dealer, only the prescribed fee for issuance of a new certificate of title is required. If the repossessing party is not a registered West Virginia dealer, then the privilege tax prescribed by Chapter 17A, Article 3, Section 4 of the Code of West Virginia, 1931, as amended, on the present value of the vehicle as indicated by the unpaid balance at the time of repossession must be submitted in addition to the fee prescribed for the issuance of a new certificate of title. If a registered West Virginia dealer made the original sale and originated the conditional sales contract, then such dealer may apply for the title (rather than the lender to whom or to which the contract was assigned) providing the conditional sales contract was reassigned by the lender to the dealer prior to the date of repossession and the dealer made the repossession and conducted the public sale, if any.

3:09. Titling a Vehicle Sold Under a Chattel Mortgage or Chattel Deed of Trust

To obtain a certificate of title to a vehicle sold under the terms of a chattel mortgage or chattel deed of trust, it is necessary for the purchaser at such sale to complete in full the form prescribed by the Department for such purpose and submit same to the Department together with the original or certified copy of the chattel mortgage or chattel deed of trust and a certified report of sale. Such report of sale must show the date of sale, and it must contain a full description of the vehicle (including manufacturer's name, year model and serial number) and the terms of sale, and such report must be signed before a notary public by the person conducting the sale.

If the purchaser is a registered West Virginia dealer, only the fee prescribed for obtaining a new certificate of title must accompany the application therefor and the above described documents. However, if the purchaser is not a registered West Virginia dealer, then in addition to the fee prescribed for obtaining the certificate of title, the purchaser must pay the privilege tax prescribed by Chapter 17A, Article 3, Section 4 of the Code of West Virginia, 1931, as amended, on the purchase price paid for the vehicle at the sale. The new certificate of title can only be issued in the name of the purchaser at the sale.

3:10. Titling a Vehicle Sold by Order of a Court or Justice of the Peace

To obtain a certificate of title to a vehicle sold by order of a court or justice of the peace and purchased at a sale held by a sheriff, constable or other officer, the purchaser must complete in full the form prescribed by the Department for such purpose and submit same to the Department, together with a certified copy of the court order or transcript of docket and a certified report of sale. Such report of sale must show the date of sale, and it must contain a full description of the vehicle (including manufacturer's name, year model and serial number) and the terms of sale, and it must be signed before a notary public by the person conducting the sale.

If the purchaser is a registered West Virginia dealer, only the fee prescribed for obtaining a new certificate of title must accompany the application therefor and the above described documents. However, if the purchaser is not a registered West Virginia dealer, then in addition to the fee prescribed for obtaining a new certificate of title, the purchaser must also pay the privilege tax prescribed by Chapter 17A, Article 3, Section 4 of the Code of West Virginia, 1931, as amended, on the purchase price paid for the vehicle at the sale.

The title can only be issued in the name of the purchaser at the sale.

3:11. Titling a Vehicle Sold to Satisfy a Mechanic's Lien or Other Miscellaneous Lien

To obtain a certificate of title to a vehicle sold to satisfy a mechanic's lien or other miscellaneous lien in accordance with the provisions of Chapter 38, Article 11 of the Code of West Virginia, 1931, as amended, the purchaser must complete in full an application for a certificate of title and submit same to the Department, together with a certified copy of the notice required by Chapter 38, Article 11, Section 14 of the Code of West Virginia, 1931, as amended, and a certified report of sale. Such report of sale must show the date of sale, and it must contain a full description of the vehicle (including manufacturer's make, year model and serial number) and the terms of sale and it must be signed before a notary public by the lienor or pledgee.

If the purchaser is a registered West Virginia dealer, only the fee prescribed for obtaining a new certificate of title must accompany the application therefore and the above described documents. However, if the purchaser is not a registered West Virginia dealer, then in addition to the fee prescribed for obtaining a new certificate of title, the purchaser must also pay the privilege tax prescribed by Chapter 17A, Article 3, Section 4 of the Code of West Virginia, 1931, as amended, on the purchase price paid for the vehicle at the sale.

The title can only be issued in the name of the purchaser at the sale.

3:12. License Services, Etc.

It is recognized that many persons, firms, associations, clubs and corporations are engaged in the regular daily business of registering and titling motor vehicles and obtaining Operator's and Chauffeur's Licenses and motor vehicle registration license plates for the general public. Checks tendered to the Department by any such person, firm, association, club or corporation in payment of registration, title, license and other fees and/or taxes will not be accepted unless prior thereto such person, firm, association, club or corporation has entered into a bond with the State of West Virginia with a corporate surety licensed to do business in the State of West Virginia by the Insurance Commissioner, conditioned upon the payment of all such checks upon presentation to the bank upon which the same are drawn and conditioned upon saving the State of West Virginia harmless from any and all liability and loss by reason of the acceptance of such checks and the issuance of license or registration plates, etc., in return therefor.

3:13. Dealers. - Licensing Requirements

No dealer in motor vehicles, motorcycles, trailers or semi-trailers, of a type subject to registration in the State of West Virginia, all hereinafter referred to in this section as "vehicles", shall be licensed, initially or on a renewal basis, to do business under the provisions of Chapter 17-A, Article 7 of the Code of West Virginia, 1931, as amended, unless, in addition to the requirements of said Article 7, such dealer:

Has a full-time, permanent, established place of business with sufficient space to display vehicles offered for sale;

Has a place of business identified by appropriate signs with a minimum of 4-inch lettering;

Maintains and owns sufficient service facilities to service adequately all vehicles offered for sale; (Service contracts with outside garages will not be acceptable.);

Maintains adequate and up-to-date records and files which will be available at all reasonable hours for inspection by authorized representatives of the Department;

Submits with the application for such license a photograph of such dealer's place of business;

Has knowledge of and is familiar with the title and registration laws of this State; and

Contemplates such interest in the dealership that full time will be devoted to the business of buying,

selling and exchanging such vehicles.

With respect to (1), a vacant lot or front or back yard of a place of residence will not be considered to be an "established place of business." No location in an area properly zoned against the business of a dealer in such vehicles shall be considered an "established place of business".

No application for renewal of a license to do business as a dealer will be considered by the Department where the applicant has not filed West Virginia gross sales tax returns for the preceding year and has sold less than twelve vehicles.

A complete financial statement is required as a condition precedent to the issuance of such dealership license except where the application is for a renewal, in which event a financial statement will not be required.

All such applications become permanent records of the Department and are referred to constantly throughout the years. Therefore, it is essential that all questions be answered correctly and that no part of the application which requires an answer be omitted or left blank. Improper completion of the application form prescribed by the Department will result in rejection of the application.

Persons, firms and corporations in the following categories will not be entitled to a dealer's license or dealer registration plates unless they comply with the above dealer requirements: Insurance companies, finance companies or other lending or financing agencies, including banking institutions, and persons, firms and corporations engaged exclusively in the wrecking or dismantling of vehicles for junk or for resale of the

parts of such vehicles. Of course, upon proper application and approval by the Department, a special sticker may be issued to persons, firms and corporations in any of these categories in accordance with the provisions of Chapter 17A, Article 6, Section 1(a) of the Code of West Virginia, 1931, as amended.

3:14. Receipt Showing Payment of Personal Property Taxes on All  
Motor Vehicles

The receipt required by Chapter 17A, Article 3, Section 3a of the Code of West Virginia, 1931, as amended, to be furnished to each taxpayer (the applicant for a certificate of registration, renewal of registration, or registration or license plates) by the officer to whom payment of all personal property taxes was made shall contain the name and complete address, including county of the taxpayer, and the make, year model and serial number of all vehicles owned by such taxpayer on the pertinent date of assessment, and such receipt shall show payment of all personal property taxes on all such vehicles.

3:15. Annual Registrations of Motor Vehicles.

Extension of Period Past June 30, 1965, During which Registration Plates Issued for the Fiscal Year Commenced July 1, 1964, for Vehicles, Other Than Vehicles in Class A, May Be Used To and Through July 31, 1965.

Upon review of procedures in annual registrations of vehicles, and the extraordinary, temporary demands upon resources of the Department, including personnel, space and security, and convenience and necessity of the public, it appears:

(A) Forms of application, numbering approximately 775,000, for registration of vehicles of all classes will be mailed about May 25, 1965, of which about 600,000 are vehicles in Class A and 175,000 are to vehicles other than those embraced in Class A;

(B) Completed applications in workable volume may, from experience, be anticipated about May 25th and must, unless the time be lawfully extended, be filled before July 1st;

(C) The annual registration of vehicles is accompanied by a corresponding increase in certifications of titles to vehicles to the effect that in each of the months of May and June there might be anticipated an increase of 31% more than the average number for the other months, and 1500% more per month than the average number of registrations for each of the other ten months;

(D) In each of the months of May and June there might be anticipated revenues aggregating almost 1200% more than the average accrued in the other months of the year;

(E) Regular personnel is insufficient to complete all the

anticipated work before July 1st;

(F) Employment of untrained, temporary personnel numbering almost double the regular roster would be required to complete the work were registrations of all vehicles in all classes to be completed before July 1, due largely to inexperience with procedures and necessity for mathematical verification of fees calculable on Gross Weight formulas;

(G) Space available scarcely meets demands of normal operation and is wholly insufficient to (1) accommodate personnel and equipment required were all vehicles to be registered during May and June; (2) assure competent service in collecting and accounting for revenues; and, (3) provide adequate security for unusually large daily accumulations of liquid revenues.

Upon consideration of all which, IT IS THE JUDGMENT OF THE COMMISSIONER that (1) the convenience of the public, the orderly dispatch by departmental employees of the functions of the Department, the economy and security in receiving, handling, accounting and daily depositing of seasonal revenues of magnitude unusual and disproportionate to the space, time and trained personnel available for the purpose, reasonably require a longer time to accomplish the annual registration of vehicles than the six weeks customarily employed; and, (2) registration plates issued in the fiscal year commenced July 1, 1964, for Class A vehicles, that is, vehicles of passenger type, other than those leased or operated for compensation, should be permitted to expire as usual at midnight of June 30, 1965, but, that registration plates issued in the fiscal year commenced July 1, 1964, for all classes of vehicles other than Class A vehicles, should be extended beyond June 30, 1965, for a period of time sufficient better to

assure (a) reasonable convenience of both the public and the Department;  
and, (b) economy and security in the handling of public revenues.

It is accordingly ORDERED:

FIRST: That there be, and there is hereby, extended to  
MIDNIGHT OF SATURDAY, the THIRTY-FIRST DAY of JULY, 1965, the period  
during which there may continue to be used registration plates issued by  
the Department in the fiscal year commenced July 1, 1964, for vehicles in  
the following classes, that is to say:

- CLASS B - Trucks, truck-tractors or road tractors not leased or operated  
for compensation;
- CLASS C - Trailer, or semitrailers, not leased or operated for compensa-  
tion, and having a gross weight in excess of two thousand pounds;
- CLASS D - Special plates issued to dealers in new and used vehicles;
- CLASS E - Motor vehicles designated as trucks, truck-tractors, or road  
tractors operated for transportation of property for compen-  
sation, but being exempt from the operating jurisdiction of  
the public service commission, and for which a statement of  
exemption has been received from the public service commission;
- CLASS F - Plates issued to dealers in motorcycles;
- CLASS G - Motorcycles;
- CLASS H - Motor vehicles operated under a certificate of public con-  
venience in the transportation of persons;
- CLASS J - Motor vehicles operated by common carriers other than on  
regular schedule and between fixed termini, for transportation  
of persons for compensation;

CLASS K - Commercial trucks, truck-tractors or road-tractors operated for transportation of property for compensation, not over regular route or between fixed termini;

CLASS L - Trailers or semitrailers used for transportation of property for compensation;

CLASS R - House trailers;

CLASS S - Special mobile equipment;

CLASS T - Trailers or semitrailers designed to be drawn by Class A vehicles, having a gross weight of less than two thousand pounds, and not leased or operated for compensation;

CLASS X - Farm trucks; and

CLASS V - Antique cars;

Provided, that application forms for registration of vehicles in the aforesaid classes shall be made available to owners of such vehicles, on and after, but not before, June 26, 1965, and that registration plates for such vehicles shall be issued on and after, but not before, July 1, 1965, except that applications for registrations for the fiscal year to commence July 1, 1965 by owners of vehicles in the aforesaid classes which were not registered in the fiscal year commenced July 1, 1964, may be received and 1965-66 plates issued for such vehicles at any time on and after May 25, 1965, and be used on and after, but not before, June 1, 1965.

SECOND: That the period during which registration plates issued by the Department during the current fiscal year for Class A vehicles, that is, motor vehicles of passenger type, other than those leased or operated for compensation, shall expire at midnight on June 30, 1965, provided, applications for registrations of Class A vehicles for the fiscal

year to commence July 1, 1965 may be made available to applicants and registration plates issued thereon on and after May 25, 1965 to owners of such vehicles; Provided, also, that such registration plates so to be issued for Class A vehicles for the fiscal year 1965-66 may be used on and after June 1, 1965.

THIRD: That notice of the purport of this Order be given by United States Mail to (1) the press, radio and other news media; (2) the law enforcement officers of all levels in WEST Virginia; and, (3) registered motor vehicle dealers, automobile clubs, WEST Virginia departments of government; and, (4) motor vehicle administrative departments of the several states of the United States and provinces of the Dominion of Canada.

3:16. Truck Cab or Truck Crew Compartment Designed for Occupancy of Four Persons, Including Driver

Upon a review of Chapter 90, Acts of the Legislature, regular session, 1961, limiting to not more than three persons, including the operator, the number of persons that may ride or be permitted by the operator to ride in the seat of a motor vehicle with the operator while such vehicle is being operated on the streets and highways, provided, that the limitation shall not apply to a truck cab or truck crew compartment properly designated for the occupancy of four persons, including the operator, and so designated on the registration card by the Department of Motor Vehicles, the following findings are made.

- (1) Action by the Department requires exercise of the administrative authority vested in the Commissioner to adopt regulations to carry out the provisions of said Act and to prescribe standards for such action;
- (2) The vehicles subject to the Proviso Clause of such Act are limited to those vehicles designed for such occupancy that fall properly into Classes B, E, K, S and X; and,
- (3) Information upon which such designation may be intelligently based needs be provided by the owners of the vehicles desiring such designation, subject, however, to inspection of such vehicles on behalf of the Department.

It is accordingly ordered:

- (1) Vehicles not falling in Classes B, E, K, S or X are not within the contemplation of the Proviso Clause of the Act and such designation shall not be made on the Registration Card for such excluded vehicles;
- (2) Such designation will not be made in any case unless upon application therefor by the owner of the vehicle and representation that such vehicle has been registered or application for registration is pending;
- (3) Application for such designation shall be in writing, signed by the owner of the vehicle and shall disclose the following data:
  - (a) Name and Address of Owner;
  - (b) Manufacturer, Trade Name, Model Name or Number, Serial Number and Title Certificate Number of Vehicle if previously registered and year vehicle was built;
  - (c) Whether vehicle were constructed by manufacturer to specifications for a standard model or design for manufacture of a class of similar vehicles; attaching, if available, manufacturer's descriptive matter pertaining to Cab or Crew Compartment;
  - (d) If vehicle Cab or Truck Crew Compartment were not constructed by manufacturer to standard specifications the Owner will furnish with his application:
    - (A) Photographs of vehicles showing (1) front of cab revealing four persons seated therein;

and (2) side view of cab;

(B) Sketch of Interior of Cab or Crew Compartment showing: (1) Inside width of cab; (2) lineal measurement of seat or seats in cab; (3) lineal measurement of front(s) of seat(s); (4) depth of seat(s); and, (5) lineal measurement from instrument panel to front of seat or seat(s).

(4) All such applications may at discretion of the Commissioner, be subjected to investigation by an employee of the Department named by the Commissioner for the purpose;

(5) Such designation will not be made in the case of any vehicle as to which the lineal measurement of the front of any single undivided seat, without offset, on which it is proposed to seat four persons, including the driver, in the Truck Cab or Truck Crew Compartment, shall be less than five (5) feet and nine (9) inches and the uniform depth of which seat(s) is less than one (1) foot and four (4) inches from front to forward surface of rear upright cushion; or, where the inside width of such Cab or Compartment is less than six (6) feet.

Where there are more than one seat in such Cab or Crew Compartment, (1) the Operator's Seat, where separated, shall be of the uniform width (front) of at least eighteen (18) inches; (2) a separate seat for two persons shall be of a uniform width (front) of at least thirty-one (31) inches; and, any seat for one person shall be of a uni-

form width (front) of at least seventeen (17) inches.

- (6) Form MVB 500, issued March 1, 1962, is hereby adopted as the official form for making such application.
- (7) Form MVB 500 (3-1-62) shall be printed and made available upon request and cost free to the owner of any vehicle falling in Classes B, E, K, S or X.
- (8) That the form of designation of a Truck Cab or Truck Crew Compartment when found by the Department to be properly designed for the occupancy of four persons, including the operator, shall be the words "Four Man Cab" or "Four Man Compartment" imprinted upon the face of the Registration Card by means of the Addressograph Plate or other distinctive device used by the Department in the inscription and issuance of the Registration Card pertinent to said Vehicle.

3:17. Issuance of Temporary Registration Card

Upon review of the I.B.M. magnetic tape system installed in the Department of Motor Vehicles, it appears:

That the electronic processing of applications for the several classes of vehicle registrations necessitates the issuance of temporary registration cards to applicants who themselves or by agent personally present their applications at the windows and counters of the Department. The issuance of such temporary registration cards is designed to serve the convenience of both the applicants by sparing the waiting time at the windows or counters and of the Department in preserving the orderly operation of the processing equipment. Where the applicant or agent in person makes application at the windows or counters of the Department for any class of vehicle registration, including transfer, additional gross weight, change of classification, duplicate plate and the like, such temporary registration card will be issued to such applicant. There will at the same time be issued to such applicant a registration plate valid for the full period for which the application is made. A temporary registration card will issue only upon payment to and receipt by the Department of all taxes, fees and charges lawfully chargeable on account of such application. The temporary registration card will serve as evidence of valid registration of the vehicle described upon its face and as a receipt for all fees and charges lawfully chargeable on account of such application. Temporary registration cards will be valid for not more than fifteen days from the date of issuance printed or stamped on the face of the card. On or before the expiration of the period of fifteen days, an electronically produced

registration card will be furnished to the applicant, upon receipt of which the temporary registration card may be destroyed.

The temporary registration card shall contain the following information:

- (1) The class and number of license plate involved in the transaction.
- (2) The weight of the vehicle if a passenger vehicle, or the declared gross weight if a truck, truck tractor, or combination truck tractor and trailer or semi-trailer.
- (3) The date the temporary registration card was issued.
- (4) If the transaction is a transfer of license, the card will show the title number of the vehicle the license is being transferred from. If the transaction is a change of classification, the temporary registration card will show the title number, class and number of license plate that is to be exchanged.
- (5) If the transaction is for a lost license plate, the card will show the license number that was lost and the license plate number that is being issued in lieu of the lost plate.
- (6) The reverse side of the temporary registration card will be validated with a rubber stamp on which will be the words, "Department of Motor Vehicles. Issued by Teller No. \_\_\_\_\_". Each teller issuing temporary registration cards will be assigned an identification number.

- Class A - Vehicles operated by State, County, City, and Volunteer Fire Departments.
- Class B - Vehicles operated by Law Enforcement Officers.
- Class C - Vehicles designated as Ambulances.
- Class D - Vehicles operated by members of a State, County, or City Civil Defense organization.
- Class E - Emergency Road Service vehicles, including wreckers.
- Class F - Industrial Plant emergency vehicles.
- Class G - Safety Patrol vehicles.
- Class H - Miscellaneous, including approved safety vehicles.
- Class I - United States Mail Carriers.

A complete description of the vehicle for which the permit is issued shall be shown on the face of the card including the manufacturer's make, year model, serial number, title number, name and address of the registered owner and current license number assigned the vehicle.

Applications for an emergency vehicle permit can only be made in the name of the registered owner and the application must be signed by the registered owner. Such applications must be approved by an authorized representative of the state, county, city, volunteer fire department or other organization using the vehicle in case of emergency, including members of the Department of Public Safety.

All emergency vehicle permits expire with the expiration of the current license plate and should be renewed when the vehicle is registered for the next fiscal year. In the event that a duplicate plate is required on an emergency vehicle, or a current license plate is transferred to another vehicle, the owner should return the emergency permit card to the Department for correction of vehicle or license number, as the case may be, provided the new vehicle is to be operated as an emergency vehicle.

3:19. Use of a Dolly or Other Mechanical Device in Moving Wrecked Motor Vehicles or Motor Vehicles that for Any Reason Must Be Towed By a Wrecker

A Dolly or any other Mechanical Device would not be subject to the Title and Registration provisions of the WEST Virginia Motor Vehicle Code when used under the following conditions:

When the use of a Dolly or Mechanical Device is required to tow a wrecked or disabled motor vehicle from the highways of this State to a garage or storage area.

When used by a wrecker to tow any motor vehicle that is required to be towed due to a type of transmission that will not permit the motor vehicle to be towed without the use of a Dolly or a Mechanical Device.

When used under the conditions outlined above such Dolly or Mechanical Device would be considered an essential part of the wrecker's equipment necessary to expedite the removal of wrecked motor vehicles from the highway and protect the mechanism of motor vehicles that cannot be towed otherwise.

In all cases the towing vehicle must be a wrecker that is properly registered in this or any other State.