



**WEST VIRGINIA SECRETARY OF STATE**

**MAC WARNER**

**ADMINISTRATIVE LAW DIVISION**

**eFILED**

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Office of West Virginia  
Secretary Of State

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-  
MAKING REVIEW COMMITTEE**

AGENCY: Motor Vehicles TITLE-SERIES: 91-25  
RULE TYPE: Legislative Amendment to Existing Rule: No Repeal of existing rule: No  
RULE NAME: 91-25 Special Purpose Vehicles

**PRIMARY CONTACT**

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CITE STATUTORY AUTHORITY: W. Va. Code §17A-13-1, W. Va. Code §17A-2-9, W. Va. Code § 17D-2-1 and  
W. Va. Code § 11-15-3c

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

This Rule Provides Guidance For The Regulation Of Street-Legal Special Purpose Vehicles For Road Use. This Is A New Rule Required By The Passage Of Senate Bill 690 In The 2020 General Legislative Session.

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? No

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? No

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 7/1/2020

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/31/2020

COMMENTS RECEIVED: Yes

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

None.

SUMMARY OF THE CONTENT OF THE LEGISLATIVE RULE, AND A DETAILED DESCRIPTION OF THE RULE'S PURPOSE AND ALL PROPOSED CHANGES TO THE RULE:

This Rule Provides Guidance For The Regulation Of Street-Legal Special Purpose Vehicles For Road Use. This Is A New Rule Required By The Passage Of Senate Bill 690 In The 2020 General Legislative Session.

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE RULE:

This Rule Provides Guidance For The Regulation Of Street-Legal Special Purpose Vehicles For Road Use. This Is A New Rule Required By The Passage Of Senate Bill 690 In The 2020 General Legislative Session.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED LEGISLATIVE RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

DMV Will Generate An Estimated \$4.2 Million Per Year For Out Of State Permits. The Total Cost Will Be \$54 Thousand Annually.

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

The Motor Vehicle Fees Fund Will Receive An Estimated \$4.2 Million Dollars.

C. ECONOMIC IMPACT OF THE LEGISLATIVE RULE ON THE STATE OR ITS RESIDENTS:

The Rule Could Generate Both Revenue And Costs Associated With Tourism.

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2020 Increase/Decrease (use "-")	2021 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
<b>1. Estimated Total Cost</b>	0	0	\$54,182.00
<b>Personal Services</b>	0	0	0
<b>Current Expenses</b>	0	0	\$54,182.00
<b>Repairs and Alterations</b>	0		
<b>Assets</b>			
<b>Other</b>			
<b>2. Estimated Total Revenues</b>			

E. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

This Is A New Rule With Only Future Costs And Revenues. The Costs Are For Materials And Out State Permits. The Revenue Is From The Anticipated Number Of Out Of State Permits.

**BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.**

Yes  
**Ronald David Johnson Jr Mba -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



**TITLE 91**  
**LEGISLATIVE RULE**  
**DEPARTMENT OF MOTOR VEHICLES**

**SERIES 25**  
**SPECIAL PURPOSE VEHICLES**

**§91-25-1. General.**

1.1. Scope. - This legislative rule establishes the procedural rules relating to the registration and operation of special purpose vehicles on highways to be titled and registered with the Division of Motor Vehicles pursuant to the requirements of the Code of West Virginia 1931, pursuant to §17A-13-1, known as Senate Bill 690.

1.2. Authority. – W. Va. Code §17A-13-1, W. Va. Code §17A-2-9, W. Va. Code § 17D-2-1 and W. Va. Code § 11-15-3e.

1.3. Filing Date. \_\_\_\_\_.

1.4. Effective Date. \_\_\_\_\_.

1.5. Sunset Provision. – This rule shall terminate and have no further force or effect five years from the effective date.

**§91- 25 -2. Application and Enforcement.**

2.1. Application. This legislative rule applies to the operation of special purpose vehicles; permitting the operation of street-legal special purpose vehicles on highways; providing for registration of street-legal special purpose vehicles; establishing licensing and equipment requirements for street-legal special purpose vehicles; defining terms; establishing a process for out of state permitting for street-legal special purpose vehicles; providing reciprocity for out of state street-legal special purpose vehicles and clarifying insurance requirements for road use of special purpose vehicles.

2.2 Enforcement. – Enforcement of this legislative rule is vested with the Commissioner of Motor Vehicles.

**§91- 25 -3. Definitions.**

The following definitions apply in the interpretation and enforcement of this legislative rule

3.1. “Commissioner” – means the executive officer of the Division of Motor Vehicles as appointed by the Governor.

3.2. “Division” – means the Division of Motor Vehicles.

3.3. “Special purpose vehicle” – means all-terrain vehicles, utility terrain vehicles, mini-trucks, pneumatic-tired vehicles, and full-size special purpose built vehicles, including those self-constructed or built by the original equipment manufacturer and those that have been modified.

3.4. “Street-legal special purpose vehicle” – means a special purpose vehicle that is registered, titled, and equipped as specified in W. Va. Code § 17A-13-1 et seq.

3.5. “Motorcycle trailer sticker” – means an inspection sticker as defined by W. Va. Code § 17C-16-1 et seq.

3.6. “Title label” – means evidence of title in a manner prescribed by the Commissioner that can be displayed on a special purpose vehicle.

**§91-25-4. Titling, Registration and Road Use for Special Purpose Vehicles and Street-legal Special Purpose Vehicles.**

4.1. All owners of a special purpose vehicle must obtain a certificate of title in accordance with the provisions of W.Va. Code § 17A-3-2. The Division shall issue a title label in a manner prescribed by the Commissioner for the owner to affix as close as possible to the right rear portion of the special purpose vehicle as evidence of titling.

4.2. All owners of a street-legal special purpose vehicle must register the vehicle and obtain a motorcycle trailer inspection sticker if the owner wishes to drive such vehicle as provided in W. Va. Code § 17A-13-1 et seq. Any owner of a street-legal special purpose vehicle who properly displays a registration plate and motorcycle trailer inspection sticker is not required to display the title label.

4.3. An owner of a street-legal special purpose vehicle may also operate the vehicle in accordance with the provisions of W. Va. Code § 17F-1-1 et seq. An owner of a special purpose vehicle of a type that qualifies as a vehicle for road use under W. Va. Code § 17F-1-1 et seq. but chooses not to register for road use in accordance with W. Va. Code § 17A-13-1 et seq. is limited to road use authorized by W. Va. Code § 17F-1-1 et seq and must display the title label on the vehicle during such road use.

4.4. A special purpose vehicle must be titled in the same manner as any other vehicle, however, the commissioner may accept an affidavit and a vehicle identification number verification form in lieu of other forms of proof of ownership for any special purpose vehicle whose model year is 2015 or earlier and was not titled by any owner within the past 5 years. An owner that uses an affidavit to title shall be assessed 6 percent of the purchase price as sales tax in accordance

with W. Va. Code § 11-15-3c upon titling the special purpose vehicle but no less than \$100 if no proof of the purchase price is available.

4.5. Any person operating an all-terrain vehicle as defined in W. Va. Code § 17F-1-9 as a street-legal special purpose vehicle under the provisions of W. Va. Code § 17A-13-1 in any municipality or county that has enacted a lawful ordinance pursuant to W. Va. Code § 17F-1-3 must operate in compliance with the requirements of the municipal or county ordinance.

4.6. I. Any person operating an all-terrain vehicle as defined in W. Va. Code § 17F-1-9 as a street-legal special purpose vehicle under the provisions of W. Va. Code § 17A-13-1 in any municipality or county without an ordinance enacted pursuant to W. Va. Code § 17F-1-3 must comply with the provisions of W. Va. Code § 17F-1-1 et seq except in instances where W. Va. Code § 17A-13-1 specifically provides a different requirement.

4.7. No person may operate a special purpose vehicle as a street-legal special purpose vehicle on a highway where the Division of Natural Resources prohibits special purpose vehicles.

#### **§91-25-5. Insurance.**

5.1. All special purpose vehicles or street-legal special purpose vehicles must be insured when operated upon the roads regardless of whether the operation is in accordance with W. Va. Code § 17A-13-1. or W. Va. Code § 17F-1-1 et seq. The security must be in an amount and manner provided by Chapter 17D of the West Virginia Code.

#### **§91-25-6. Out of State Permits.**

6.1. An out of state resident who owns a vehicle that qualifies as a street-legal special purpose vehicle and wishes to operate it in West Virginia may submit an application for a temporary special permit from the Division accompanied by a fee of \$100 to be deposited in the Motor Vehicle Fees Fund pursuant to W. Va. Code § 17A-2-21.

6.2. The permit must be displayed in the same manner as a registration plate issued under W. Va. Code § 17A-13-1 and is valid for a period of two weeks.

6.3. Any out of state resident from a state that issues a registration plate for street-legal special purpose vehicles in a manner similar to West Virginia may operate the out of state street-legal special purpose vehicle in West Virginia in accordance with W. Va. Code § 17A-13-1 without obtaining a temporary special permit provided that the state of residence of the out of state resident provides reciprocal privileges to West Virginia residents.

#### **§91-25-7. Hatfield-McCoy Recreation Area.**

7.1. This rule is not intended to add or remove any requirement for the lawful use of a vehicle on the trail system of the Hatfield-McCoy Recreation Area as described in W.Va. Code §20-14-1 et seq.

7.2. Any person operating a type of special purpose vehicle or street-legal special purpose vehicle that qualifies for road use under W. Va. Code §17F-1-1 on any access road to the Hatfield-McCoy Recreation Area or upon a road within the corporate limits of any municipality or county within the Hatfield-McCoy Recreation Area working in cooperation with the Hatfield-McCoy Regional Recreation Authority may operate the vehicle without registering it under W. Va. Code §17A-13-1 as long as the person displays a valid Hatfield-McCoy Recreation Area user permit in accordance with W. Va. Code §20-14-8, wears a helmet that meets the standards of W. Va. Code §17C-15-44 and maintains liability insurance in an amount equal to the minimums provided in W. Va. Code §17D-4-2.

7.3. A municipality or county containing roads within an area described in rule 7.2 above must display appropriate signage describing the rules and regulations herein and any rules and regulations required by the Hatfield-McCoy Regional Recreation Authority.

**§91-25-8. Violation of this rule and W. Va. Code § 17A-13-1.**

8.1. Any operation of a special purpose vehicle or street-legal special purpose vehicle in violation of the rule and W. Va. Code § 17A-13-1 et seq is a misdemeanor in accordance with the provisions of W. Va. Code § 17A-11-1.