

## **Definitions**

**Antique Motor Vehicle.** Any motor vehicle which is more than twenty-five years old and is owned solely as a collector's item.

**Classic Motor Vehicle.** A motor vehicle which is more than twenty-five years old and is registered pursuant to section three [§ 17A-10-3] of this article and is used for general transportation.

**Essential Parts.** All integral and body parts of a vehicle of a type required to be registered hereunder, the removal, alteration or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model, type or mode of operation.

**Foreign Vehicle.** Every vehicle of a type required to be registered hereunder brought into this state from another state, territory or country other than in the ordinary course of business by or through a manufacturer or dealer and not registered in this state.

**Reconstructed Vehicle.** Every vehicle of a type required to be registered hereunder materially altered from its original construction by the removal, addition or substitution of essential parts, new or used.

**Specially Constructed Vehicle.** Every vehicle of a type required to be registered hereunder not originally constructed under a distinctive name, make, model or type by a generally recognized manufacturer of vehicles and not materially altered from its original construction.

## **Titling & Registration**

### **From West Virginia Code:**

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Chapter 17A. Motor Vehicle Administration, Registration, Certificate of Title, and Antitheft Provisions.  
Article 3. Original and Renewal of Registration; Issuance of Certificates of Title.

W. Va. Code § 17A-3-5 (2016)

#### **§ 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.

W. Va. Code § 17A-3-14 (2016)

**§ 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:

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**(17)** 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 \$15, in addition to all other fees required by this chapter, shall be charged for each **classic** registration **plate**.

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**(60)** Upon approval by the commissioner of an appropriate application, and upon all requirements of this subdivision being satisfied, the division may issue special registration plates for class A and class G motor vehicles to members of an organization for which a special registration plate has not been issued pursuant to any other subdivision in this subsection prior to January 1, 2010, in accordance with the provisions of this subdivision.

**(A)** An organization desiring to create a special registration plate must comply with the following requirements to be eligible to apply for the creation and issuance of a special registration plate:

**(i)** The organization must be a nonprofit organization organized and existing under Section 501(c)(3) of Title [26 of the Internal Revenue Code](#) and based, headquartered or have a chapter in West Virginia;

**(ii)** The organization may be organized for, but may not be restricted to, social, civic, higher education or entertainment purposes;

**(iii)** The organization may not be a political party and may not have been created or exist primarily to promote a specific political or social belief, as determined by the commissioner in his or her sole discretion;

**(iv)** The organization may not have as its primary purpose the promotion of any specific faith, religion, religious belief or antireligion;

**(v)** The name of the organization may not be the name of a special product or brand name, and may not be construed, as determined by the commissioner, as promoting a product or brand name; and

**(vi)** The organization's lettering, logo, image or message to be placed on the registration plate, if created, may not be obscene, offensive or objectionable as determined by the commissioner in his or her sole discretion.

**(B)** Beginning July 1, 2010, an organization requesting the creation and issuance of a special registration plate may make application with the division. The application shall include sufficient information, as determined by the commissioner, to determine whether the special registration plate requested and the organization making the application meet all of the requirements set forth in this subdivision (60). The application shall also include a proposed design, including lettering, logo, image or message to be placed on the registration plate. The commissioner shall notify the organization of the commissioner's approval or disapproval of the application.

**(C) (i)** The commissioner may not begin the design or production of any license plates authorized and approved pursuant to this subdivision (60), subsection (c) of this section until the organization which applied for the special registration plate has collected and submitted collectively to the division applications completed by at least two hundred fifty persons and collectively deposited with the division all fees necessary to cover the first year's basic registration, one-time design and manufacturing costs and to cover the first year additional annual fee for all of the applications submitted.

**(ii)** If the organization fails to submit the required number of applications and fees within six months of the effective date of the approval of the application for the plate by the commissioner, the plate will not be produced until a new application is submitted and is approved by the commissioner: Provided, That an organization that is unsuccessful in obtaining the minimum number of applications may not make a new application for a special plate until at least two years have passed since the approval of the previous application of the organization.

**(D)** The division shall charge a special initial application fee of \$25 for each special license plate in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund.

**(E)** The division shall charge an annual fee of \$15 for each special registration plate in addition to all other fees required by this chapter.

**(F)** Upon appropriate application, the division may issue a special registration plate designed by the commissioner in consultation with the organization for any number of vehicles titled in the name of a qualified registration plate applicant. Persons desiring the special registration plate shall offer sufficient proof of membership in the organization.

**(G)** The commissioner shall discontinue the issuance or renewal of the registration of any special plate issued pursuant to this subdivision (60) if:

**(i)** The number of valid registrations for the **specialty plate** falls below two hundred fifty plates for at least twelve consecutive months; or

**(ii)** The organization no longer exists or no longer meets the requirements of this subdivision.

**(d)** The minimum number of applications required prior to design and production of a special license plate shall be as follows:

**(1)** The commissioner may not begin the design or production of any license plates for which eligibility is based on membership or affiliation with a particular private organization until at least one hundred persons complete an application and deposit with the organization a check to cover the first year's basic registration, one-time design and manufacturing costs and to cover the first year additional annual fee. If the organization fails to submit the required number of applications with attached checks within six months of the effective date of the original authorizing legislation, the plate will not be produced and will require legislative reauthorization: Provided, That an organization or group that is unsuccessful in obtaining the minimum number of applications may not request reconsideration of a special plate until at least two years have passed since the effective date of the original authorization: Provided, however, That the provisions of this subdivision (1) are not applicable to the issuance of plates authorized pursuant to subdivision (60), subsection (c) of this section.

**(2)** The commissioner may not begin the design or production of any license plates authorized by this section for which membership or affiliation with a particular organization is not required until at least two hundred fifty registrants complete an application and deposit a fee with the division to cover the first year's basic registration fee, one-time design and manufacturing fee and additional annual fee if applicable. If the commissioner fails to receive the required number of applications within six months of the effective date of the original authorizing legislation, the plate will not be produced and will require legislative reauthorization: Provided, That if the minimum number of applications is not satisfied within the six months of the effective date of the original authorizing legislation, a person may not request reconsideration of a special plate until at least two years have passed since the effective date of the original authorization.

**(e) (1)** Nothing in this section requires 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 license plate 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 a one-time fee of \$10 to be deposited into the State Road Fund, 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 [[§ 17A-3-3a](#)] 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, 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, 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 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. The commissioner shall, whenever possible and cost effective, implement the latest technology in the design, production and issuance of registration plates, indices of registration renewal and vehicle ownership documents, including, but not limited to, offering Internet renewal of vehicle registration and the use of bar codes for instant identification of vehicles by scanning equipment to promote the efficient and effective coordination and communication of data for improving highway safety, aiding law enforcement and enhancing revenue collection.

**(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.

W. Va. Code § 17A-10-3a (2016)

**§ 17A-10-3a. Special registration of antique motor vehicles and motorcycles; definition, registration and use of classic motor vehicles and classic motorcycles.**

**(a)** The annual registration fee for any **antique motor vehicle** or motorcycle as defined in this section is two dollars. "**Antique motor vehicle**" means any motor vehicle which is more than twenty-five years old and is owned solely as a collector's item. "Antique motorcycle" means any motorcycle which is more than twenty-five years old and is owned solely as a collector's item.

"**Classic motor vehicle**" means a motor vehicle which is more than twenty-five years old and is registered pursuant to section three [§ 17A-10-3] of this article and is used for general transportation.

"Classic motorcycle" means a motorcycle which is more than twenty-five years old and is registered pursuant to section three [§ 17A-10-3] of this article and is used for general transportation.

**(b)** Except as otherwise provided in this section, **antique motor vehicles** or motorcycles may not be used for general transportation but may only be used for:

**(1)** Participation in club activities, exhibits, tours, parades and similar events;

**(2)** The purpose of testing their operation, obtaining repairs or maintenance and transportation to and from events as described in subdivision (1); and

**(3)** Recreational purposes over weekends, beginning on Friday at twelve o'clock noon, and ending on the following Monday at twelve o'clock noon, and on holidays: Provided, That a **classic motor vehicle** or a **classic** motorcycle as defined in this section may be registered under the applicable class at the applicable registration fee set forth in section three [§ 17A-10-3] of this article and may be used for general transportation.

**(c)** A West Virginia motor vehicle or motorcycle displaying license plates of the same year of issue as the model year of the **antique motor vehicle** or motorcycle, as authorized in this section, may be used for general transportation purposes if the following conditions are met:

**(1)** The license plate's physical condition has been inspected and approved by the Division of Motor Vehicles;

**(2)** The license plate is registered to the specific motor vehicle or motorcycle by the Division of Motor Vehicles;

**(3)** The owner of the motor vehicle or motorcycle annually registers the motor vehicle or motorcycle and pays an annual registration fee for the motor vehicle or motorcycle equal to that charged to obtain regular state license plates; and

**(4)** The motor vehicle or motorcycle passes an annual safety inspection; and

**(5)** The motor vehicle or motorcycle displays a sticker attached to the license plate, issued by the division, indicating that the motor vehicle or motorcycle may be used for general transportation.

**(d)** If more than one request is made for license plates having the same number, the division shall accept only the first application.

**(e)** The commissioner may promulgate rules in accordance with the provisions of chapter twenty-nine-a [§§ 29A-1-1 et seq.] of this code as may be necessary or convenient for the carrying out of the provisions of this section.

Chapter 17D. Motor Vehicle Safety Responsibility Law.  
Article 2A. Security Upon Motor Vehicles.

W. Va. Code § 17D-2A-3 (2016)

**§ 17D-2A-3. Required security; exceptions.**

**(a)** Every owner or registrant of a motor vehicle required to be registered and licensed in this state shall maintain security as hereinafter provided in effect continuously throughout the registration or licensing period except in case of a periodic use or seasonal vehicle, in which case the owner or registrant is required to maintain security upon the vehicle only for the portion of the year the vehicle is in actual use. As used in this section, a periodic use or seasonal vehicle means a recreational **vehicle**, **antique** motor **vehicle**, motorcycle or other motor vehicle which is stored part of the year and used seasonally.

**(b)** The owner or registrant shall immediately surrender the registration plate to the Division of Motor Vehicles when he or she drops the required security during the registration period. An owner of a periodic use or seasonal vehicle may retain a registration plate subject to legislative rules promulgated by the commissioner.

**(c)** Every nonresident owner or registrant of a motor vehicle, which is operated upon any road or highway of this state and which has been physically present within this state for more than thirty days during the preceding three hundred sixty-five days shall thereafter maintain security as hereinafter provided in effect continuously throughout the period the motor vehicle remains within this state.

**(d)** No person may knowingly drive or operate upon any road or highway any motor vehicle upon which security is required by the provisions of this article unless the required security is in effect.

**(e)** The security shall be provided by one of the following methods:

**(1)** By an insurance policy delivered or issued for the delivery in this state by an insurance company authorized to issue vehicle liability and property insurance policies in this state within limits which may not be less than the requirements of section two [[§ 17D-4-2](#)], article four of this chapter; or

**(2)** By qualification as a self-insurer under the provisions of section two [[§ 17D-6-2](#)], article six of this chapter.

**(f)** This article does not apply to any motor vehicle owned by the state or by a political subdivision of this state, nor to any motor vehicle owned by the federal government.

## **Equipment Exemptions**

### **From West Virginia Code:**

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Chapter 17C. Traffic Regulations and Laws of the Road.  
Article 15. Equipment.

W. Va. Code § 17C-15-22 (2016)

#### **§ 17C-15-22. Single-beam road-lighting equipment.**

Head lamps arranged to provide a single distribution of light shall be permitted on motor **vehicles manufactured** and sold **prior** to one year after the effective date of this chapter in lieu of multiple-beam road-lighting equipment herein specified if the single distribution of light complies with the following requirements and limitations:

**(1)** The head lamps shall be so aimed that when the vehicle is not loaded none of the high-intensity portion of the light shall at a distance of twenty-five feet ahead project higher than a level of five inches below the level of the center of the lamp from which it comes, and in no case higher than forty-two inches above the level on which the vehicle stands at a distance of seventy-five feet ahead.

**(2)** The intensity shall be sufficient to reveal persons and vehicles at a distance of at least two hundred feet.



W. Va. Code § 17A-3-12a (2016)

**§ 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.

## **Emissions Exemptions**

West Virginia does not operate a vehicle emissions testing program.