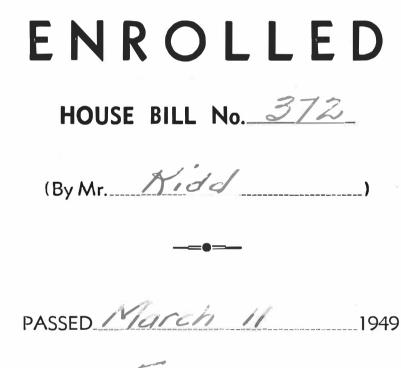
## WEST VIRGINIA LEGISLATURE

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**REGULAR SESSION, 1949** 



In Effect Fram Passage





## ENROLLED House Bill No. 372

(By MR. KIDD)

[Passed March 11, 1949; in effect from passage.]

AN ACT to amend and reenact section twenty-five, article eight, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the operation of a vehicle while under the influence of intoxicants, drugs or narcotics, and providing penalties for the violation thereof.

Be it enacted by the Legislature of West Virginia:

That section twenty-five, article eight, chapter seventeen of the code of West Virginia, one thousand nine hundred thirtyone, as amended, be amended and reenacted to read as follows:

Section 25. Operating Vehicle While Intoxicated or
2 Under the Influence of Intoxicants, Drugs or Narcotics;
3 Penalties.—No person shall drive or operate any vehicle,
4 motor driven or otherwise, upon any public road or street
5 in this state, while intoxicated or under the influence

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6 of intoxicating liquor, drugs or narcotics; nor shall the
7 owner of such vehicle, knowingly permit the same to
8 be so operated by one intoxicated, or under the influence
9 of intoxicating liquor, drugs or narcotics.

10 A person violating any provision of this section shall, 11 for the first offense, be guilty of a misdemeanor, and upon 12 conviction thereof shall be punished by a fine or not less 13 than fifty nor more than one hundred dollars or by im-14 prisonment in the county jail for a period of not less than five days nor more than six months, or by both 15 16 such fine and imprisonment, and his operator's or chauffeur's license shall be revoked for a period of six months. 17 18 A person violating any provision of this section shall, for the second offense, be guilty of a misdemeanor, and 19 20 upon conviction thereof shall be punished by imprisonment in the county jail for a period of not less than six 21 months nor more than one year, which sentence shall not 2223be subject to probation, and his operator's or chauffeur's 24 license shall be revoked for a period of ten years, unless reissued by the department of motor vehicles, as herein-25 26 after provided. Whenever the commissioner of motor

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vehicles, after full investigation, shall find that the char-27 acter of any person who was convicted of a second offense 28 29 under this section and the circumstances at the time 30 indicate that he is not likely again to repeat his offense, 31 and that the public good does not require that his license be longer revoked, the commissioner may if it is deemed 32 advisable reissue such license at any time more than five 33 years after the date on which it was revoked. 34

35 A person violating any provision of this section shall, for the third or any subsequent offense, be guilty of a 36 37 felony, and upon conviction thereof shall be punished by imprisonment in the penitentiary for not less than 38 one nor more than three years, and his operator's or 39 chauffeur's license shall be revoked for a period of ten 40 years and indefinitely thereafter unless reissued as here-41 inafter provided. Whenever the commissioner of motor 42 vehicles, after full investigation, shall find that the char-43 acter of any person who was convicted of a third or sub-44 sequent offense under this section and the circumstances 45 46 at the time indicate that he is not likely again to repeat his offense, and the public good does not require that 47

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48 his license be longer revoked, the commissioner may if 49 it is deemed advisable reissue such license at any time 50 more than ten years after the date on which it was re-51 voked.

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52 The discretionary power herein conferred may be exer-53 cised by the commissioner and the department of motor 54 vehicles with respect to the reissuing of licenses revoked 55 because of convictions prior to the passage of this act.

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The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Tere

Chairman Senate Committee

Chairman House

Originated in the House of Delegates Takes effect. .....passage. Clerk of the Senate Clerk of the House of Delegates President of the Senate Speaker House of Delegates The within APPROVED this the 18TH day of MARCH 1949. Governor. Filed in the Office of the Secretary of State of West Virginia \_ )'BRIEN. D. PITT SECRETARY OF STATE

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