

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1967

ENROLLED

SENATE BILL NO. 31

(By Mr. Moulton)

PASSED March 11, 1967

In Effect thirty days from Passage

FILED IN THE OFFICE  
ROBERT D. BAILEY  
SECRETARY OF STATE  
THIS DATE 3-21-67

# 31

**ENROLLED**

**Senate Bill No. 31**

(By MR. MORELAND)

---

[Passed March 11, 1967; in effect ninety days from passage.]

---

AN ACT to amend article six, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section eight, making it unlawful for any person to engage in, or aid or abet by serving as lookout or timer or in any other capacity whatever, any speed race on any public street or highway in this state; defining "speed race"; providing criminal offenses and penalties; providing for the mandatory revocation of an operator's or chauffeur's license or non-resident's privilege to drive upon conviction for engaging in or aiding or abetting any speed race; and pertaining to the circumstances under which a new operator's

or chauffeur's license or non-resident's privilege to drive may be obtained following such revocation.

*Be it enacted by the Legislature of West Virginia:*

That article six, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section eight, to read as follows:

**§17C-6-8. Legislative findings and declaration of policy; speed racing on streets and highways; penalties; mandatory revocation of operator's or chauffeur's license or non-resident privilege to drive.**

The Legislature hereby determines and finds that the  
2 racing of motor vehicles on the public streets and high-  
3 ways of this state, whether within or in excess of the  
4 lawful speed limit (much of which racing is commonly  
5 referred to as "drag racing"), is extremely dangerous  
6 to life, limb and property, and that such racing is an  
7 ever increasing problem. It is, therefore, hereby declared  
8 to be the public policy of this state to prohibit all forms  
9 of such racing on the public streets and highways, and  
10 to provide criminal penalties for, and require the revo-

11 cation of the operator's or chauffeur's license or nonresi-  
12 dent privilege to drive, of those persons who are convicted  
13 of engaging in or aiding or abetting such racing.

14 (a) It shall be unlawful for any person to engage in,  
15 or aid or abet by serving as lookout or timer or in any  
16 other capacity whatever, any speed race, as defined herein,  
17 on any public street or highway in this state. For the  
18 purposes of this subsection, "speed race" means:

19 (1) The operation of a motor vehicle in speed ac-  
20 celeration competition with another motor vehicle or  
21 motor vehicles; or

22 (2) The operation of a motor vehicle in speed accel-  
23 eration competition against time; or

24 (3) The operation of a motor vehicle in speed com-  
25 petition with another motor vehicle or motor vehicles  
26 where the speed exceeds the lawful speed limit.

27 (b) Any person who violates the provisions of subsec-  
28 tion-a of this section shall be guilty of a misdemeanor,  
29 and, upon conviction thereof, shall be punished for a  
30 first offense by a fine of not less than fifty dollars nor  
31 more than one hundred dollars, and for a second offense

32 by a fine of not less than fifty dollars nor more than five  
33 hundred dollars, or by imprisonment for not less than  
34 six days nor more than sixty days, or by both such fine  
35 and imprisonment, and for a third and each subsequent  
36 offense by a fine of not less than one hundred dollars  
37 nor more than one thousand dollars, or by imprisonment  
38 for not less than sixty days nor more than four months,  
39 or by both such fine and imprisonment. For the purposes  
40 of this section, a forfeiture of bail or collateral deposited  
41 to secure such person's appearance in court, which for-  
42 feiture has not been vacated, shall be equivalent to a final  
43 conviction. If at the time of any violation of the provi-  
44 sions of subsection-a of this section by any person as an  
45 operator of a motor vehicle, such person was not entitled  
46 to operate a motor vehicle in this state because his oper-  
47 ator's or chauffeur's license, or privilege to drive in this  
48 state if such person be a nonresident, had earlier been  
49 suspended or revoked, then in addition to the offense,  
50 penalties and mandatory revocation provided for in this  
51 section, the provisions of section three, article four, chap-  
52 ter seventeen-b of this code shall be applicable.

53 (c) Whenever a person is convicted for a violation of  
54 the provisions of subsection-a of this section, which con-  
55 viction has become final, the commissioner of motor ve-  
56 hicles shall in addition to the penalties hereinbefore pro-  
57 vided, forthwith:

58 (1) For a first offense, revoke the operator's or chauf-  
59 feur's license of such person, or such person's privilege  
60 to drive in this state if he be a nonresident, for a period  
61 of six months;

62 (2) For a second offense occurring within a two-year  
63 period, revoke the operator's or chauffeur's license of  
64 such person, or such person's privilege to drive in this  
65 state if he be a nonresident, for a period of two years;  
66 or

67 (3) For a third or any subsequent offense occurring  
68 within a five-year period, revoke the operator's or chauf-  
69 feur's license of such person, or such person's privilege  
70 to drive in this state if he be a nonresident, for a period  
71 of five years.

72 Whenever a person is convicted as aforesaid for a second,  
73 third or subsequent offense which occurred while such

74 person's operator's or chauffeur's license, or privilege  
75 to drive in this state if he be a nonresident, was revoked  
76 pursuant to the provisions of this subsection, the period  
77 or periods of mandatory revocation for such second, third  
78 or subsequent offense shall be cumulative and shall run  
79 consecutively. If a person's junior or probationary oper-  
80 ator's license is revoked in accordance with the provisions  
81 of this subsection, such person may not apply for a regu-  
82 lar operator's or chauffeur's license until he reaches  
83 eighteen years of age or until the period of revocation  
84 has elapsed, whichever event shall last occur. Notwith-  
85 standing the provisions of section eight, article three,  
86 chapter seventeen-b of this code, any person whose oper-  
87 ator's or chauffeur's license, or privilege to drive in this  
88 state if he be a nonresident, is revoked, under the pro-  
89 visions of this subsection, may, following the period or  
90 periods of revocation, immediately apply for and obtain  
91 a new operator's or chauffeur's license or nonresident  
92 privilege to drive, as the case may be, if and only if the  
93 commissioner of motor vehicles is satisfied, after investi-  
94 gation of the character, habits and driving ability of such

95 person, that it will be safe to permit such person to drive  
96 a motor vehicle on the public streets and highways. Any  
97 period of revocation imposed under the provisions of this  
98 subsection shall be computed from the date of such revo-  
99 cation.



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

Shelleam Tompkins  
Chairman Senate Committee

Clayton C. Davidson  
Chairman House Committee

Originated in the Senate.

To take effect 90 days from passage.

Howard Myers  
Clerk of the Senate

C. Blankenship  
Clerk of the House of Delegates

Howard E. Carson  
President of the Senate

H. Laban White  
Speaker House of Delegates

The within approved this the 17  
day of March, 1967.

Hubert C. Smith  
Governor



**PRESENTED TO THE  
GOVERNOR**

Date 3/17/67

Time 3:25 p.m.