

HO 2085

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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1995



# ENROLLED

*Com. Sub. for*  
HOUSE BILL No. 2085

(By Delegates Smoot, Johnson, Jenkins & Hubbard)



Passed MARCH 11 1995

In Effect 90 days from Passage



**ENROLLED**  
**COMMITTEE SUBSTITUTE**  
**FOR**  
**H. B. 2085**

(BY DELEGATES SMIRL, JOHNSON, JENKINS AND HUBBARD)

[Passed March 11, 1995; in effect ninety days from passage.]

AN ACT to amend and reenact section eleven, article eight, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to requiring school attendance as condition for licensing for privilege of operation of motor vehicle; and providing that enrollment in an institution of higher education qualifies a person under the age of eighteen to be issued a license or instruction permit.

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

That section eleven, article eight, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

**ARTICLE 8. COMPULSORY SCHOOL ATTENDANCE.**

**§18-8-11. School attendance as condition of licensing for privilege of operation of motor vehicle.**

- 1 (a) In accordance with the provisions of sections three
- 2 and five, article two, chapter seventeen-b of this code, the
- 3 division of motor vehicles shall deny a license or

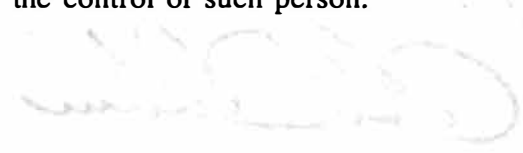
4 instruction permit for the operation of a motor vehicle to  
5 any person under the age of eighteen who does not at the  
6 time of application present a diploma or other certificate  
7 of graduation issued to the person from a secondary high  
8 school of this state or any other state or documentation  
9 that the person: (1) Is enrolled and making satisfactory  
10 progress in a course leading to a general educational  
11 development certificate (GED) from a state approved  
12 institution or organization, or has obtained such certifi-  
13 cate; (2) is enrolled in a secondary school of this state or  
14 any other state; (3) is excused from such requirement due  
15 to circumstances beyond his or her control; or (4) is  
16 enrolled in an institution of higher education as a full-time  
17 student in this state or any other state.

18 (b) The attendance director or chief administrator  
19 shall provide documentation of enrollment status on a  
20 form approved by the department of education to any  
21 student sixteen years of age or older upon request who is  
22 properly enrolled in a school under the jurisdiction of said  
23 official for presentation to the division of motor vehicles  
24 on application for or reinstatement of an instruction  
25 permit or license to operate a motor vehicle. Whenever a  
26 student sixteen years of age or older withdraws from  
27 school, except as provided in subsection (d) of this section,  
28 the attendance director or chief administrator shall notify  
29 the division of motor vehicles of such withdrawal not later  
30 than five days from the withdrawal date. Within five days  
31 of receipt of such notice, the division of motor vehicles  
32 shall send notice to the licensee that the license will be  
33 suspended under the provisions of section three, article  
34 two, chapter seventeen-b of this code on the thirtieth day  
35 following the date the notice was sent unless docu-  
36 mentation of compliance with the provisions of this  
37 section is received by the division of motor vehicles before  
38 such time.

39 (c) For the purposes of this section, withdrawal shall be  
40 defined as more than ten consecutive or fifteen days total  
41 unexcused absences during a single semester. For the

42 purposes of this section, suspension or expulsion from  
43 school or imprisonment in a jail or a penitentiary is not a  
44 circumstance beyond the control of such person.

45 (d) Whenever the withdrawal from school of such  
46 student, or such student's failure to enroll in a course  
47 leading to or to obtain a GED or high school diploma, is  
48 beyond the control of such student, or is for the purpose  
49 of transfer to another school as confirmed in writing by  
50 the student's parent or guardian, no such notice shall be  
51 sent to the division of motor vehicles to suspend the  
52 student's motor vehicle operator's license, and if the  
53 student is applying for a license, the attendance director or  
54 chief administrator shall provide the student with docu-  
55 mentation to present to the division of motor vehicles to  
56 excuse such student from the provisions of this section.  
57 The school district superintendent (or the appropriate  
58 school official of any private secondary school) with the  
59 assistance of the county attendance director and any other  
60 staff or school personnel shall be the sole judge of  
61 whether such withdrawal is due to circumstances beyond  
62 the control of such person.



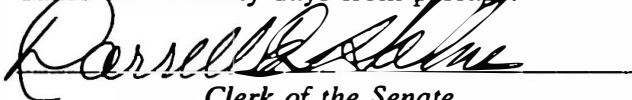
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

  
Chairman Senate Committee

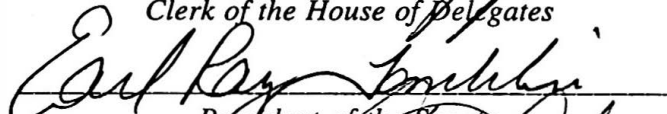
  
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

  
Clerk of the Senate

  
Clerk of the House of Delegates

  
President of the Senate

  
Speaker of the House of Delegates

The within \_\_\_\_\_ this the \_\_\_\_\_  
day of \_\_\_\_\_, 1995.

\_\_\_\_\_  
Governor



PRESENTED TO THE

GOVERNOR

Date 2/31/95

Time 2:50 pm