

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1939



ENROLLED

Committee Sub. for

HOUSE BILL No. 24

*(Originating in the Committee
on Roads)*

(By Mr.)



PASSED March 4, 1939

In Effect ninety days from Passage

ENROLLED

COMMITTEE SUBSTITUTE FOR

House Bill No. 241

(Originating in the Committee on Roads)

[Passed March 10, 1939; in effect ninety days from passage.]

AN ACT to amend chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, by adding thereto a new article to be designated article twenty-one, providing for the licensing of chauffeurs and other motor vehicle operators, for the suspension and revocation of such licenses for certain causes, and prescribing penalties for violations of certain provisions of this act; and repealing sections twenty-six, twenty-seven and thirty, article six, section twenty-six, article eight of said chapter, and chapter fifty-one, acts of the Legislature, regular session, one thousand nine hundred thirty-three.

Be it enacted by the Legislature of West Virginia:

That chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, be amended by repealing sections

twenty-six, twenty-seven, and thirty, article six, section twenty-six, article eight of said chapter, and chapter fifty-one, acts of the Legislature, regular session, one thousand nine hundred thirty-three, and by the addition thereto of a new article to be designated article twenty-one, to read as follows :

Article 21. Licensing of Chauffeurs and Other Motor Vehicle Operators.

Section 1. *Operators and Chauffeurs Must Be Licensed.*

- 2 (a) No person, except those hereinafter expressly exempted,
3 shall operate any motor vehicle or tractor, except tractors
4 used by bona fide farmers upon their farms and traveling
5 upon a public highway or street for a distance not to exceed
6 one mile from their respective farms, upon any street or
7 highway in this state unless such person has been licensed as
8 an operator or a chauffeur under the provisions of this article.
9 No person shall operate any motor vehicle or tractor, except
10 as hereinbefore provided, as a chauffeur unless he has been
11 licensed as a chauffeur.
- 12 (b) Any person licensed as a chauffeur under the pro-
13 visions of this article shall not be required to procure an
14 operator's license.

Sec. 2. *Persons Exempt From License.* Any person in the
2 service of the government of the United States when furnished
3 with an operator's permit by any department of the govern-
4 ment of the United States and while operating an official
5 motor vehicle in such service shall not be required to obtain
6 an operator's or chauffeur's license.

Sec. 3. *Non-Residents; When Exempt.* (a) A non-resident of
2 this state over the age of sixteen years who has been duly
3 licensed as an operator or chauffeur under a law requiring
4 the licensing of operators or chauffeurs in his home state or
5 country and who has in his immediate possession either a
6 valid operator's or chauffeur's license issued to him by his
7 home state or country shall be permitted, without examination
8 or license under this article, to operate a motor vehicle upon
9 the highways of this state for a period not to exceed ninety-
10 days in any one calendar year, except that any such person
11 must be licensed as a chauffeur hereunder before accepting
12 employment as a chauffeur from a resident of this state or
13 from a person or persons having a place of business in this
14 state.

15 (b) It shall be unlawful for any non-resident of this

16 state whose home state or country does not require the licensing
17 of operators or chauffeurs, and who has not been licensed
18 as an operator or chauffeur in his home state or country, to
19 operate any motor vehicle upon any street or highway of
20 this state without first making application for and obtaining
21 a license as an operator or chauffeur under this article; but
22 any such unlicensed non-resident, who is over the age of
23 sixteen years, may operate a motor vehicle which has been
24 duly registered for the current calendar year in the state
25 or country of which the owner is a resident upon the streets
26 and highways of this state for a period not to exceed ninety
27 days in any one calendar year without making application
28 for or obtaining an operator's or chauffeur's license under
29 this article except that any such person must be licensed
30 as a chauffeur hereunder before accepting employment as a
31 chauffeur from a resident of this state or from a person or
32 persons having a place of business in this state.

Sec. 4. *What Persons Shall Not Be Licensed.* The com-
2 missioner shall not issue any learner's permit, operator's or
3 chauffeur's license:

4 (1) To any person who is under the age of sixteen years,

5 except that the commissioner may, in his discretion and sub-
6 ject to the provisions of this section, issue a license hereunder
7 to any person under the age of sixteen years who was licensed
8 as an operator or chauffeur under any prior act of the Legis-
9 lature;

10 (2) To any person who is addicted to the use of intoxi-
11 cating liquor, drugs, or narcotics;

12 (3) To any person who has been previously adjudged
13 insane, an imbecile, idiot, or epileptic, or feebleminded, and
14 who has not at the time of application been restored to com-
15 petency by judicial decree or released from a hospital for the
16 insane, feebleminded, or epileptic, upon a certificate of the
17 superintendent or medical director of such institution that
18 such person is competent, and not then unless the commis-
19 sioner is satisfied that such person is competent to operate
20 a motor vehicle or tractor with safety to persons or property;

21 (4) To any person who is afflicted with or suffering from
22 such mental or physical disability or disease as would serve
23 to prevent such person from exercising reasonable and ordi-
24 nary control over a motor vehicle or tractor while operating
25 such motor vehicle or tractor upon the streets or highways

26 of this state. The words "physical disability or disease" shall
27 not be construed to mean persons who are unable to hear
28 and who have good vision and can demonstrate satisfactorily
29 their ability to operate a motor vehicle or tractor with safety ;

30 (5) To any person who is unable to read and understand
31 highway warning or direction signs in the English language ;

32 (6) To any person who is required to establish proof of
33 his ability to respond in damages under the provisions of
34 article twenty of this chapter and who has not established
35 such proof ;

36 (7) To any person whose operator's or chauffeur's license
37 or other privilege to operate motor vehicles on the streets
38 or highways of this state has been revoked or suspended and
39 whose operator's or chauffeur's license or other privilege to
40 operate motor vehicles has not been restored as provided by
41 law ;

42 (8) To any person who is required to take the examination
43 provided for in section eight of this article and who has not
44 passed such examination.

Sec. 5. *Special Restrictions as to Operators of School Buses
2 and Vehicles Used to Transport Passengers for Compensation.*

3 (a) No person who is under the age of twenty-one years shall
4 operate any motor vehicle in use as a school bus for the
5 transportation of pupils and teachers to and from school,
6 nor any motor vehicles used in the transportation of passengers
7 for compensation, nor in either event until he has been
8 licensed as a chauffeur and received a special chauffeur's
9 license issued for such transportation.

10 (b) No such person shall be granted a special chauffeur's
11 license unless he has had one year of experience as an operator
12 or chauffeur prior to the application therefor.

13 (c) No such license shall be granted to any person when
14 the commissioner has reasonable cause to believe that such
15 person is not competent or fit to be so employed.

16 (d) The commissioner may impose such reasonable rules
17 and regulations governing the issuance and the exercise of
18 such special chauffeur's license as are necessary for the safety
19 and welfare of the traveling public.

Sec. 6. *Learner's Permits.* The commissioner upon receiv-
2 ing from any person over the age of sixteen years an applica-
3 tion for a learner's permit, which said application shall be
4 accompanied by a fee of one dollar, may, in his discretion,

5 issue to such person a permit authorizing such applicant,
6 while having said permit in his immediate possession, to
7 operate a motor vehicle or tractor upon the streets or high-
8 ways for a period of sixty days from the date of issue, but,
9 except when operating a motorcycle or tractor, such person
10 must be accompanied by a licensed operator or chauffeur who
11 is actually occupying a seat beside the permittee.

Sec. 7. *Application for Learner's Permit, Operator's or*
2 *Chauffeur's License.* Every application for a learner's permit,
3 operator's or chauffeur's license shall be made upon a form
4 provided by the commissioner and shall be verified by the
5 applicant before a person authorized to administer oaths.
6 Every said application shall be accompanied by the required
7 fee and shall state the full name, including middle name or
8 names, date of birth, sex, and resident address of the applicant,
9 and briefly describe the applicant, and shall state whether
10 the applicant has theretofore been licensed as an operator
11 or a chauffeur, and, if so, when and by what state or country,
12 and whether any such license has ever been suspended or
13 revoked, or whether an application for any such license has
14 been refused, and, if so, the date of and the reason for such

15 revocation, suspension, or refusal, and such other pertinent
16 information as the commissioner may require.

Sec. 8. *Examination of Applicant for License.* (a) Before
2 issuing any operator's or chauffeur's license the commissioner
3 shall, except as otherwise provided in section twelve, require
4 every applicant for any such license to appear for examina-
5 tion before the superintendent of the department of public
6 safety, or his representative. Said examination shall include
7 a test of the applicant's eyesight, his ability to read and
8 understand highway warning and direction signs in the
9 English language, his knowledge of the motor vehicle laws
10 of this state, and shall include an actual demonstration of
11 his ability to exercise reasonable and ordinary control in
12 the operation of a motor vehicle, and such further physical
13 and mental examination as the commissioner finds necessary
14 to determine the applicant's fitness to operate a motor vehicle
15 or tractor. No such license shall be issued or renewed by the
16 commissioner if the said superintendent, or his representative,
17 shall make a report that the applicant failed to pass such
18 examination. In the event an applicant fails to pass the
19 examination required by this section, he shall be afforded an

20 opportunity for re-examination, except that no applicant shall
21 be examined twice within a period of one week.

22 (b) The commissioner shall adopt and promulgate regu-
23 lations concerning the examination of applicants for operator's
24 and chauffeur's licenses and the qualifications required of
25 such applicants.

Sec. 9. Licenses Issued to Operators and Chauffeurs; Fees.

2 The commissioner shall, upon payment of the fees hereinafter
3 prescribed, issue to every applicant qualifying therefor an
4 operator's or chauffeur's license as applied for, which license
5 shall bear thereon a distinguishing number assigned to the
6 license, the full name, age, residence address, and a brief
7 description of the licensee, and a space upon which the
8 licensee shall write his usual signature with pen and ink
9 immediately upon receipt of the license. No such license shall
10 be valid until it has been so signed by the applicant.

11 The fee for the issuance of an operator's license shall be
12 seventy-five cents. The fee for the issuance of a chauffeur's
13 license shall be three dollars, except that a chauffeur's license
14 may be issued on or after the first day of July in any year
15 upon payment of a fee of one dollar and fifty cents.

2 Sec. 10. *Restricted Licenses.* (a) The commissioner upon
3 issuing any operator's or chauffeur's license shall have the
4 authority, whenever good cause appears, to impose restric-
5 tions suitable to the licensee's driving ability with respect to
6 the type of or special mechanical devices required on a motor
7 vehicle which the licensee may operate, or such other restric-
8 tions applicable to the licensee as the commissioner may de-
9 termine to be appropriate to assure the safe operation of a
10 motor vehicle by the licensee.

11 (b) The commissioner may issue a special restricted license
12 or may set forth such restrictions upon the usual license form.

13 (c) The commissioner may, upon receiving satisfactory
14 evidence of any violation of the restrictions imposed by virtue
15 of any provision of this chapter, without preliminary hearing
16 revoke or suspend such license, but the licensee thereof shall
17 be entitled to a hearing as hereinafter provided in section
18 sixteen (a) of this article.

19 (d) It shall be a misdemeanor for any person to operate
20 a motor vehicle in any manner in violation of any restrictions
21 imposed by virtue of any provision of this chapter.

 Sec. 11. *Duplicate Licenses.* In the event that an operator's

2 or chauffeur's license issued under the provisions of this
3 article is lost or destroyed, the person to whom such license
4 was issued may upon making proper application and upon
5 payment of a fee of one dollar, obtain a duplicate thereof
6 upon furnishing proof satisfactory to the commissioner that
7 such license has been lost or destroyed.

Sec. 12. *Expiration of Licenses; Renewals; Fees.* (a) All
2 operator's licenses issued under any prior act of the Legisla-
3 ture relating to the licensing of motor vehicle operators shall
4 expire as follows:

5 Operator's licenses issued prior to the twentieth day of
6 March, one thousand nine hundred twenty-seven, shall expire
7 on the first day of September, one thousand nine hundred
8 thirty-nine, and shall thereafter be void;

9 Operator's licenses issued since the twentieth day of March,
10 one thousand nine hundred twenty-seven, numbered from
11 one to 100,000, inclusive, shall expire on the first day of Sep-
12 tember, one thousand nine hundred thirty-nine, and shall
13 thereafter be void;

14 Operator's licenses issued since the twentieth day of March,
15 one thousand nine hundred twenty-seven, numbered from

16 100,001 to 175,000, inclusive, shall expire on the first day of
17 October, one thousand nine hundred thirty-nine, and shall
18 thereafter be void.

19 Operator's licenses issued since the twentieth day of March,
20 one thousand nine hundred twenty-seven, numbered from
21 175,001 to 250,000, inclusive, shall expire on the first day of
22 November, one thousand nine hundred thirty-nine, and shall
23 thereafter be void;

24 Operator's licenses issued since the twentieth day of March,
25 one thousand nine hundred twenty-seven, numbered from
26 250,001 to 300,000, inclusive, shall expire on the first day of
27 December, one thousand nine hundred thirty-nine, and shall
28 thereafter be void;

29 Operator's licenses issued since the twentieth day of March,
30 one thousand nine hundred twenty-seven, numbered from
31 300,001 to 350,000, inclusive, shall expire on the first day of
32 January, one thousand nine hundred forty, and shall there-
33 after be void;

34 Operator's licenses issued since the twentieth day of March,
35 one thousand nine hundred twenty-seven, numbered from
36 350,001 to 400,000, inclusive, shall expire on the first day of

37 February, one thousand nine hundred forty, and shall there-
38 after be void ;

39 Operator's licenses issued since the twentieth day of March,
40 one thousand nine hundred twenty-seven, numbered from
41 400,001 to 450,000, inclusive, shall expire on the first day of
42 March, one thousand nine hundred forty, and shall thereafter
43 be void ;

44 Operator's licenses issued since the twentieth day of March,
45 one thousand nine hundred twenty-seven, numbered from
46 450,001 to 500,000, inclusive, shall expire on the first day of
47 April, one thousand nine hundred forty, and shall thereafter
48 be void ;

49 Operator's licenses issued since the twentieth day of March,
50 one thousand nine hundred twenty-seven, numbered from
51 500,001 to 550,000, inclusive, shall expire on the first day of
52 May, one thousand nine hundred forty, and shall thereafter
53 be void ;

54 Operator's licenses issued since the twentieth day of March,
55 one thousand nine hundred twenty-seven, numbered from
56 550,001 to 650,000, inclusive, shall expire on the first day of

57 June, one thousand nine hundred forty, and shall thereafter
58 be void.

59 The commissioner may issue an operator's license here-
60 under to any person licensed to operate motor vehicles under
61 any prior act of the Legislature, whose license or other
62 privilege to operate motor vehicles has not been cancelled,
63 revoked, or suspended and who shall make proper application
64 for a license and pay the required fee of seventy-five cents on
65 or before the date on which any operator's license issued to
66 him under any prior act of the Legislature will expire as
67 hereinbefore provided. The commissioner may, in his discre-
68 tion, issue a license hereunder to any such applicant without
69 examination.

70 (b) Any operator's license issued under the provisions
71 of this article shall expire by its own limitation four years
72 from the date of its issuance. Any license so expiring may
73 be thereafter renewable for successive periods of four years
74 on or before its expiration date upon application and upon
75 payment of a fee of seventy-five cents for each such renewal.
76 The commissioner may, in his discretion, renew any license
77 without examination.

78 (c) The commissioner shall, upon proper application and
79 upon payment of a fee of three dollars, issue a chauffeur's
80 license to any person holding a valid chauffeur's license issued
81 pursuant to the provisions of any prior act of the Legislature.
82 The commissioner may, in his discretion, issue such chauffeur's
83 license to any such applicant without examination. Any such
84 chauffeur's license so issued shall expire by its own limitation
85 on the thirty-first day of December in the year following the
86 issuance thereof, and shall be thereafter renewable for suc-
87 cessive periods of one year upon application and upon pay-
88 ment of the required fee as hereinafter provided in this section.

89 (d) Every chauffeur's license issued pursuant to the pro-
90 visions of this article shall expire on the thirty-first day of
91 December of each year and shall be renewable for successive
92 periods of one year on or before its expiration date upon
93 application and upon payment of a fee of three dollars for
94 each such renewal, except that a chauffeur's license renewed
95 on or after the first day of July may be renewed upon pay-
96 ment of a fee of one dollar and fifty cents. The commissioner
97 may, in his discretion, renew any chauffeur's license without
98 examination.

Sec. 13. *Notice of Change of Address or Name.* Whenever
2 any person after applying for or receiving an operator's or
3 chauffeur's license shall move from the address named in such
4 application or in the license issued to him, or when the name
5 of the licensee is changed by marriage or otherwise such per-
6 son shall within twenty days thereafter notify the commis-
7 sioner in writing of his old and new address, or of such new
8 and former names and of the number of any license then
9 held by him.

Sec. 14. *Records to Be Kept by the Commissioner.* The
2 commissioner shall file every application for a learner's per-
3 mit, operator's or chauffeur's license and shall properly index
4 the same and maintain suitable records of all licenses issued
5 and all applications for licenses denied, also a record of all
6 licenses which have been revoked or suspended.

7 The commissioner shall also file all accident reports and
8 abstracts of court records of convictions received by him
9 under the laws of this state and in connection therewith
10 maintain convenience records in order that an individual
11 record of each licensee showing the convictions of such licensee
12 for violation of any motor vehicle law and the motor vehicle

13 accidents in which he has been involved shall be readily
14 ascertainable and available for the consideration of the com-
15 missioner upon any application for the issuance of or the
16 renewal of any license and at other suitable times.

Sec. 15. *Mandatory Revocation of Licenses.* The commis-
2 sioner shall forthwith revoke the license of any operator or
3 the privilege of any person to operate a motor vehicle upon
4 the streets or highways of this state upon receiving an official
5 record of such operator's or chauffeur's or other person's
6 conviction for any of the following offenses:

7 (1) Operating a motor vehicle while intoxicated or under
8 the influence of intoxicating liquor, drugs, or narcotics in
9 violation of any provision of a charter, or by-law, or ordi-
10 nance of any incorporated municipality of this state;

11 (2) Knowingly permitting the operation of a motor vehicle
12 by an intoxicated person or a person under the influence of
13 intoxicating liquor, drugs, or narcotics in violation of any
14 provision of a charter, or by-law, or ordinance of any in-
15 corporated municipality of this state;

16 (3) Involuntary manslaughter, or any crime of greater

17 degree involving homicide, resulting from the use or opera-
18 tion of a motor vehicle;

19 (4) Any crime punishable as a felony under the provisions
20 of this chapter or any other felony in the commission of which
21 a motor vehicle is used;

22 (5) Three charges of reckless driving within a period of
23 twelve months;

24 (6) Failure of operators of motor vehicles involved in a
25 motor vehicle accident resulting in the death or injury to
26 another person to stop and render assistance as required
27 under the laws of this state.

28 Any license which has been so revoked shall not be reissued
29 or renewed nor shall any new license be issued to any person
30 whose privilege to operate motor vehicles has been so revoked
31 before the expiration of six months from the date of such
32 revocation nor thereafter until the licensee shall establish
33 proof of his financial responsibility as provided in article
34 twenty of this chapter.

Sec. 16. *Authority of Commissioner to Revoke or Suspend*

2 *Licenses.* (a) The commissioner is hereby authorized to
3 suspend the licenses of any operator or chauffeur or any

4 learner's permit without preliminary hearing upon a show-
5 ing by his records or other sufficient evidence that the
6 licensee or permittee thereof:

7 (1) Was not entitled to the issuance of such license or
8 permit;

9 (2) Failed to give the required or the correct informa-
10 tion in his application or committed any fraud or misrepre-
11 sented any fact in such application;

12 (3) Is incompetent to operate a motor vehicle or tractor
13 with safety;

14 (4) Has operated a motor vehicle or tractor in violation
15 of any restriction imposed on such license or permit by vir-
16 tue of any of the provisions of this chapter.

17 Upon such suspension the commissioner shall immediately
18 notify the licensee in writing, sent by registered mail to the
19 address given by the licensee in applying for his said license,
20 and, upon such licensee's request in writing made within
21 thirty days after such notice is mailed, shall afford him an
22 opportunity for hearing. Upon such hearing the commis-
23 sioner shall either rescind his order of suspension or, good

24 cause appearing therefor, extend such suspension or revoke
25 such license.

26 (b) The commissioner may also, after due hearing, upon
27 not less than five days' notice in writing, said notice to be
28 sent by registered mail to the address given by the licensee in
29 applying for his license, which shall constitute a sufficient
30 form of notice, suspend or revoke any license or permit issued
31 under the provisions of this article to any person for any of
32 the following causes :

33 (1) That such person has committed an offense for which
34 mandatory revocation of an operator's or chauffeur's license
35 is required upon conviction ;

36 (2) That the licensee has been convicted of or pleaded
37 guilty to violating any of the provisions of this chapter ;

38 (3) That such person has, by reckless or unlawful oper-
39 ation of a motor vehicle, caused or contributed to an acci-
40 dent resulting in death of or injury to any person or property
41 damage ;

42 (4) That such person is an habitual reckless or negligent
43 operator of a motor vehicle ;

44 (5) That such person is an habitual violator of the motor
45 vehicle laws;

46 (6) For any of the causes set forth in subsection (a) of this
47 section.

Sec. 17. *Re-Examination of Operators and Chauffeurs.* The
2 commissioner may, whenever he has reason to believe that any
3 operator or chauffeur is incompetent or otherwise not quali-
4 fied to operate a motor vehicle or tractor with safety, require
5 such operator or chauffeur to appear before the superin-
6 tendent of the department of public safety, or his representa-
7 tive and submit to a re-examination. A notice to appear for
8 such re-examination shall be sent to the licensee by registered
9 mail to the address given by such licensee in applying for his
10 license, which said notice shall state the time and place at
11 which such re-examination is to be conducted. If the licensee
12 fail, except for good and sufficient reason, to appear for such
13 re-examination at the time and place designated in the no-
14 tice, or, if the said superintendent, or his representative, shall,
15 after re-examination of the licensee, report that he is incom-
16 petent or otherwise not qualified to operate a motor vehicle
17 or tractor with safety, the commissioner shall suspend the

18 license of such person. Upon such suspension the licensee
19 shall be notified and afforded an opportunity for hearing as
20 provided in section 16 (a) of this article.

Sec. 18. *Period of Suspension or Revocation.* The commis-
2 sioner shall not suspend a license for a period to exceed six
3 months, except that in any case where a license is suspended
4 because of a mental or physical disability of the licensee, the
5 commissioner shall not reissue or renew such license or issue
6 any new license hereunder until such mental or physical dis-
7 ability has been remedied or removed. In any case where
8 a license is revoked, such license shall not in any event be re-
9 issued or renewed or a new license issued hereunder before
10 the expiration of six months from the date of such revoca-
11 tion nor thereafter except at the discretion of the commis-
12 sioner.

Sec. 19. *Suspending License Upon Conviction in Another*
2 *State.* The commissioner is authorized to suspend or revoke
3 the license of any resident of this state who has been convicted
4 in any other jurisdiction of an offense therein which if com-
5 mitted in this state would be the grounds for the suspension
6 or revocation of the license of an operator or chauffeur.

Sec. 20. *Suspension of Non-Resident Privileges; Report of*

2 *Convictions.* (a) The privilege of operating a motor vehicle
3 on the streets or highways of this state given to any non-
4 resident operator of a motor vehicle shall be subject to sus-
5 pension or revocation by the commissioner in like manner and
6 for like cause as an operator's or chauffeur's license issued
7 under this article may be revoked or suspended.

8 (b) The commissioner shall, upon receiving a record of
9 the conviction in this state of a non-resident operator of a
10 motor vehicle of any violation of the motor vehicle laws of
11 this state, forward a report of such conviction to the motor
12 vehicle administrator in the state wherein the person so con-
13 victed is a resident.

Sec. 21. *Surrender and Return of License.* Any person

2 whose operator's or chauffeur's license or learner's permit
3 has been suspended or revoked shall immediately surrender
4 such license to the commissioner. Any person wilfully failing
5 or refusing to surrender his license or permit when requested
6 by the commissioner shall be guilty of a misdemeanor.

Sec. 22. *No Operation Under Foreign Licenses During*

2 *Suspension or Revocation.* Any resident or non-resident

3 whose operator's or chauffeur's license or privilege to oper-
4 ate a motor vehicle in this state has been suspended or re-
5 voked as provided in this article shall not operate a motor
6 vehicle in this state under a license, permit, or registration
7 certificate issued by another jurisdiction or otherwise during
8 such suspension or after such revocation until authorized by
9 the commissioner when and as permitted under this article.

Sec. 23. *Abstract of Judgment of Conviction for Violation*
2 *of Motor Vehicle Laws to be Sent to Commission.* Whenever
3 a conviction is had in any court of record, or in a justice's
4 court, or in the police court or mayor's court of any incor-
5 porated municipality, for the violation of any law governing
6 or regulating the licensing or operation of any motor vehicle
7 under any of the provisions of this chapter, or for the viola-
8 tion of any provision of a charter, or by-law, or ordinance of
9 such incorporated municipality governing or regulating the
10 operation of motor vehicles, except local parking regulations,
11 the clerk of every such court, or the justice, or the clerk or
12 recorder of such municipality, as the case may be, shall in
13 each case transmit to the state road commissioner within

14 seventy-two hours after such conviction is had a certified ab-
15 stract of the judgment on such conviction.

16 Whenever any person is convicted of any offense for which
17 a provision of this chapter makes mandatory the revocation or
18 suspension of the operator's or chauffeur's license of such
19 person by the commissioner, the court in which such convic-
20 tion is had shall require the surrender to it of all operator's
21 and chauffeur's licenses then held by the person so convicted
22 and the clerk of every said court, or the justice, or the clerk
23 or the recorder of a municipality, as the case may be, shall
24 thereupon forward the same to the commissioner with the
25 abstract of the judgment on such conviction.

26 Wilful failure, refusal or neglect to comply with the pro-
27 visions of this section shall subject the person who is guilty
28 thereof to a fine of not less than ten dollars nor more than
29 fifty dollars and may be the grounds for removal from office.

Sec. 24. *License to be Carried and Exhibited on Demand.*

2 Every operator or chauffeur shall have his operator's or
3 chauffeur's license in his immediate possession at all times
4 when operating a motor vehicle or tractor and shall display
5 the same upon demand of any law enforcement officer, or the

6 state road commissioner or his duly authorized representa-
7 tives.

Sec. 25. *Unlawful Use of License.* It shall be a misde-
2 meanor for any person :

3 (1) To display or cause or permit to be displayed or have
4 in his possession any canceled, revoked, suspended, fictitious,
5 or fraudulently altered operator's or chauffeur's license ;

6 (2) To lend his operator's or chauffeur's license to an-
7 other person or permit the use thereof by another person ;

8 (3) To display as his own any operator's or chauffeur's
9 license not issued to him ;

10 (4) To fail or refuse to surrender to the commissioner
11 upon his lawful demand any operator's or chauffeur's license
12 which has been revoked, suspended or canceled ;

13 (5) To permit any unlawful use of any operator's or
14 chauffeur's license issued to him ;

15 (6) To use a false or fictitious name in any application
16 for an operator's or chauffeur's license or learner's permit
17 or to knowingly make a false statement or to knowingly con-
18 ceal any material fact or commit any fraud in such applica-
19 tion ;

20 (7) To do any act forbidden or fail to perform any act
21 required by this article.

Sec. 26. *Driving While License Suspended, Revoked or*
2 *Canceled.* Any person whose operator's or chauffeur's license
3 or other privilege to operate motor vehicles on the streets or
4 highways of this state has been canceled, revoked, or sus-
5 pended, and who operates any motor vehicle upon any street
6 or highway of this state while such license or privilege is
7 canceled, revoked, or suspended shall be guilty of a misde-
8 meanor and upon conviction thereof shall be punished by a
9 fine of not less than fifty nor more than two hundred dollars,
10 or by imprisonment for not less than five days nor more than
11 six months, or by both such fine and imprisonment.

Sec. 27. *Permitting Unlicensed Person to Drive.* No per-
2 son shall authorize or knowingly permit a motor vehicle
3 owned by him or under his control to be driven upon any
4 highway of this State by any person who is not licensed
5 hereunder or in violation of the provisions of this article.

Sec. 28. *Penalties.* (a) It shall be a misdemeanor for any
2 person to violate any of the provisions of this article unless

3 such violation is by this article or other law of this state
4 declared to be a felony.

5 (b) Unless another penalty is in this article or by the
6 laws of this state provided, every person convicted of a mis-
7 demeanor for the violation of any provisions of this article
8 shall be punished by a fine not to exceed five hundred dollars
9 or by imprisonment not to exceed six months, or by both such
10 fine and imprisonment.

Sec. 29. *Delegation of Powers and Duties.* All powers and
2 duties vested in the commissioner by the provisions of this
3 article may be exercised by the appointees or employees of
4 the commissioner, under his direction; but the commissioner
5 shall be responsible for their acts.

Sec. 30. *Constitutionality.* If any part or parts of this
2 act shall be held to be unconstitutional such unconstitution-
3 ality shall not affect the validity of the remaining parts of
4 this act. The Legislature hereby declares that it would have
5 passed the remaining parts of this act if it had known that
6 such part or parts thereof would be declared unconstitutional.

Sec. 31. *Repeal.* Sections twenty-six, twenty-seven, and
2 thirty, article six, and section twenty-six, article eight, chap-

3 ter seventeen of the Code of West Virginia, one thousand
4 nine hundred thirty-one, and chapter fifty-one, acts of the
5 Legislature, regular session, one thousand nine hundred
6 thirty-three, are hereby expressly repealed, and any other
7 act of the Legislature of West Virginia or any provision of
8 the code of West Virginia, one thousand nine hundred thirty-
9 one, as amended, which is inconsistent with the provisions
10 of this act is hereby expressly repealed.

Sec. 32. *Effective Date.* This act, except as herein other-
2 wise provided, shall become effective on the first day of July,
3 one thousand nine hundred thirty-nine.

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

E. O. Wiseman

Chairman Senate Committee

Hell W. Walker

Chairman House Committee

Originated in the

House of Delegates

Takes effect

ninety days from

passage.

Chas. Brown

Clerk of the Senate

Geo. Stace

Clerk of the House of Delegates

Wm. H. Harrison

President of the Senate

James T. Thomas

Speaker House of Delegates

The within

approved

this the

16th

day of

March

, 1939.

John A. Harman

Governor.



Filed in the office of the Secretary of State of West Virginia. **MAR 17 1939**

Wm. S. O'BRIEN, Secretary of State