ENROLLED

Committee sub. for

HOUSE BILL No. 24

(Originating in the Committee on Roads)

(By Mr. ________________________________)

PASSED March 14, 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:


Section 1. Operators and Chauffeurs Must Be Licensed.

2 (a) No person, except those hereinafter expressly exempted, shall operate any motor vehicle or tractor, except tractors used by bona fide farmers upon their farms and traveling upon a public highway or street for a distance not to exceed one mile from their respective farms, upon any street or highway in this state unless such person has been licensed as an operator or a chauffeur under the provisions of this article.

9 No person shall operate any motor vehicle or tractor, except as hereinbefore provided, as a chauffeur unless he has been licensed as a chauffeur.

12 (b) Any person licensed as a chauffeur under the provisions of this article shall not be required to procure an operator’s license.
Sec. 2. Persons Exempt From License. Any person in the service of the government of the United States when furnished with an operator’s permit by any department of the government of the United States and while operating an official motor vehicle in such service shall not be required to obtain an operator’s or chauffeur’s license.

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

(b) It shall be unlawful for any non-resident of this
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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,
except that the commissioner may, in his discretion and subject to the provisions of this section, issue a license hereunder to any person under the age of sixteen years who was licensed as an operator or chauffeur under any prior act of the Legislature;

(2) To any person who is addicted to the use of intoxicating liquor, drugs, or narcotics;

(3) To any person who has been previously adjudged insane, an imbecile, idiot, or epileptic, or feebleminded, and who has not at the time of application been restored to competency by judicial decree or released from a hospital for the insane, feebleminded, or epileptic, upon a certificate of the superintendent or medical director of such institution that such person is competent, and not then unless the commissioner is satisfied that such person is competent to operate a motor vehicle or tractor with safety to persons or property;

(4) To any person who is afflicted with or suffering from such mental or physical disability or disease as would serve to prevent such person from exercising reasonable and ordinary control over a motor vehicle or tractor while operating such motor vehicle or tractor upon the streets or highways.
of this state. The words "physical disability or disease" shall not be construed to mean persons who are unable to hear and who have good vision and can demonstrate satisfactorily their ability to operate a motor vehicle or tractor with safety;

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

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

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

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

Sec. 5. Special Restrictions as to Operators of School Buses and Vehicles Used to Transport Passengers for Compensation.
(a) No person who is under the age of twenty-one years shall operate any motor vehicle in use as a school bus for the transportation of pupils and teachers to and from school, nor any motor vehicles used in the transportation of passengers for compensation, nor in either event until he has been licensed as a chauffeur and received a special chauffeur’s license issued for such transportation.

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

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

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

Sec. 6. Learner’s Permits. The commissioner upon receiving from any person over the age of sixteen years an application for a learner’s permit, which said application shall be accompanied by a fee of one dollar, may, in his discretion,
issue to such person a permit authorizing such applicant,
while having said permit in his immediate possession, to
operate a motor vehicle or tractor upon the streets or highways for a period of sixty days from the date of issue, but,
except when operating a motorcycle or tractor, such person
must be accompanied by a licensed operator or chauffeur who
is actually occupying a seat beside the permittee.

Sec. 7. Application for Learner’s Permit, Operator’s or Chauffeur’s License. Every application for a learner’s permit,
operator’s or chauffeur’s license shall be made upon a form
provided by the commissioner and shall be verified by the applicant before a person authorized to administer oaths.
Every said application shall be accompanied by the required fee and shall state the full name, including middle name or names, date of birth, sex, and resident address of the applicant, and briefly describe the applicant, and shall state whether the applicant has theretofore been licensed as an operator or a chauffeur, and, if so, when and by what state or country, and whether any such license has ever been suspended or revoked, or whether an application for any such license has been refused, and, if so, the date of and the reason for such
Sec. 8. Examination of Applicant for License. (a) Before issuing any operator’s or chauffeur’s license the commissioner shall, except as otherwise provided in section twelve, require every applicant for any such license to appear for examination before the superintendent of the department of public safety, or his representative. Said examination shall include a test of the applicant’s eyesight, his ability to read and understand highway warning and direction signs in the English language, his knowledge of the motor vehicle laws of this state, and shall include an actual demonstration of his ability to exercise reasonable and ordinary control in the operation of a motor vehicle, and such further physical and mental examination as the commissioner finds necessary to determine the applicant’s fitness to operate a motor vehicle or tractor. No such license shall be issued or renewed by the commissioner if the said superintendent, or his representative, shall make a report that the applicant failed to pass such examination. In the event an applicant fails to pass the examination required by this section, he shall be afforded an
opportunity for re-examination, except that no applicant shall be examined twice within a period of one week.

(b) The commissioner shall adopt and promulgate regulations concerning the examination of applicants for operator's and chauffeur's licenses and the qualifications required of such applicants.

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

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

The fee for the issuance of an operator's license shall be seventy-five cents. The fee for the issuance of a chauffeur's license shall be three dollars, except that a chauffeur's license may be issued on or after the first day of July in any year upon payment of a fee of one dollar and fifty cents.
Sec. 10. Restricted Licenses. (a) The commissioner upon issuing any operator's or chauffeur's license shall have the authority, whenever good cause appears, to impose restrictions suitable to the licensee's driving ability with respect to the type of or special mechanical devices required on a motor vehicle which the licensee may operate, or such other restrictions applicable to the licensee as the commissioner may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee.

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

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

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

Sec. 11. Duplicate Licenses. In the event that an operator's
or chauffeur's license issued under the provisions of this article is lost or destroyed, the person to whom such license was issued may upon making proper application and upon payment of a fee of one dollar, obtain a duplicate thereof upon furnishing proof satisfactory to the commissioner that such license has been lost or destroyed.

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

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

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

Operator's licenses issued since the twentieth day of March, 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
February, one thousand nine hundred forty, and shall there-
after be void;

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

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

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

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

(b) Any operator's license issued under the provisions of this article shall expire by its own limitation four years from the date of its issuance. Any license so expiring may be thereafter renewable for successive periods of four years on or before its expiration date upon application and upon payment of a fee of seventy-five cents for each such renewal. The commissioner may, in his discretion, renew any license without examination.
(c) The commissioner shall, upon proper application and upon payment of a fee of three dollars, issue a chauffeur’s license to any person holding a valid chauffeur’s license issued pursuant to the provisions of any prior act of the Legislature. The commissioner may, in his discretion, issue such chauffeur’s license to any such applicant without examination. Any such chauffeur’s license so issued shall expire by its own limitation on the thirty-first day of December in the year following the issuance thereof, and shall be thereafter renewable for successive periods of one year upon application and upon payment of the required fee as hereinafter provided in this section.

(d) Every chauffeur’s license issued pursuant to the provisions of this article shall expire on the thirty-first day of December of each year and shall be renewable for successive periods of one year on or before its expiration date upon application and upon payment of a fee of three dollars for each such renewal, except that a chauffeur’s license renewed on or after the first day of July may be renewed upon payment of a fee of one dollar and fifty cents. The commissioner may, in his discretion, renew any chauffeur’s license without examination.
Sec. 13. Notice of Change of Address or Name. Whenever any person after applying for or receiving an operator's or chauffeur's license shall move from the address named in such application or in the license issued to him, or when the name of the licensee is changed by marriage or otherwise such person shall within twenty days thereafter notify the commissioner in writing of his old and new address, or of such new and former names and of the number of any license then held by him.

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

The commissioner shall also file all accident reports and abstracts of court records of convictions received by him under the laws of this state and in connection therewith maintain convenience records in order that an individual record of each licensee showing the convictions of such licensee for violation of any motor vehicle law and the motor vehicle
accidents in which he has been involved shall be readily
ascertainable and available for the consideration of the com-
missioner upon any application for the issuance of or the
renewal of any license and at other suitable times.

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

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

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

(3) Involuntary manslaughter, or any crime of greater
degree involving homicide, resulting from the use or operation of a motor vehicle;

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

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

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

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

Sec. 16. Authority of Commissioner to Revoke or Suspend Licenses. (a) The commissioner is hereby authorized to suspend the licenses of any operator or chauffeur or any
4 learner's permit without preliminary hearing upon a showing by his records or other sufficient evidence that the licensee or permittee thereof:

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

9 (2) Failed to give the required or the correct information in his application or committed any fraud or misrepresented any fact in such application;

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

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

Upon such suspension the commissioner shall immediately notify the licensee in writing, sent by registered mail to the address given by the licensee in applying for his said license, and, upon such licensee's request in writing made within thirty days after such notice is mailed, shall afford him an opportunity for hearing. Upon such hearing the commissioner shall either rescind his order of suspension or, good
cause appearing therefor, extend such suspension or revoke such license.

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

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

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

(3) That such person has, by reckless or unlawful operation of a motor vehicle, caused or contributed to an accident resulting in death of or injury to any person or property damage;

(4) That such person is an habitual reckless or negligent operator of a motor vehicle;
(5) That such person is an habitual violator of the motor vehicle laws;

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

Sec. 17. Re-Examination of Operators and Chauffeurs. The commissioner may, whenever he has reason to believe that any operator or chauffeur is incompetent or otherwise not qualified to operate a motor vehicle or tractor with safety, require such operator or chauffeur to appear before the superintendent of the department of public safety, or his representative and submit to a re-examination. A notice to appear for such re-examination shall be sent to the licensee by registered mail to the address given by such licensee in applying for his license, which said notice shall state the time and place at which such re-examination is to be conducted. If the licensee fail, except for good and sufficient reason, to appear for such re-examination at the time and place designated in the notice, or, if the said superintendent, or his representative, shall, after re-examination of the licensee, report that he is incompetent or otherwise not qualified to operate a motor vehicle or tractor with safety, the commissioner shall suspend the
license of such person. Upon such suspension the licensee
shall be notified and afforded an opportunity for hearing as
provided in section 16 (a) of this article.

Sec. 18. Period of Suspension or Revocation. The commis-

sioner shall not suspend a license for a period to exceed six
months, except that in any case where a license is suspended
because of a mental or physical disability of the licensee, the
commissioner shall not reissue or renew such license or issue
any new license hereunder until such mental or physical dis-
ability has been remedied or removed. In any case where
a license is revoked, such license shall not in any event be re-
issued or renewed or a new license issued hereunder before
the expiration of six months from the date of such revoca-
tion nor thereafter except at the discretion of the commis-
sioner.

Sec. 19. Suspending License Upon Conviction in Another
State. The commissioner is authorized to suspend or revoke
the license of any resident of this state who has been convicted
in any other jurisdiction of an offense therein which if com-
mitted in this state would be the grounds for the suspension
or revocation of the license of an operator or chauffeur.
Sec. 20. Suspension of Non-Resident Privileges; Report of Convictions. (a) The privilege of operating a motor vehicle on the streets or highways of this state given to any non-resident operator of a motor vehicle shall be subject to suspension or revocation by the commissioner in like manner and for like cause as an operator’s or chauffeur’s license issued under this article may be revoked or suspended.

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

Sec. 21. Surrender and Return of License. Any person whose operator’s or chauffeur’s license or learner’s permit has been suspended or revoked shall immediately surrender such license to the commissioner. Any person wilfully failing or refusing to surrender his license or permit when requested by the commissioner shall be guilty of a misdemeanor.

Sec. 22. No Operation Under Foreign Licenses During Suspension or Revocation. Any resident or non-resident
3 whose operator’s or chauffeur’s license or privilege to operate a motor vehicle in this state has been suspended or revoked as provided in this article shall not operate a motor vehicle in this state under a license, permit, or registration certificate issued by another jurisdiction or otherwise during such suspension or after such revocation until authorized by the commissioner when and as permitted under this article.

Sec. 23. Abstract of Judgment of Conviction for Violation of Motor Vehicle Laws to be Sent to Commission. Whenever a conviction is had in any court of record, or in a justice’s court, or in the police court or mayor’s court of any incorporated municipality, for the violation of any law governing or regulating the licensing or operation of any motor vehicle under any of the provisions of this chapter, or for the violation of any provision of a charter, or by-law, or ordinance of such incorporated municipality governing or regulating the operation of motor vehicles, except local parking regulations, the clerk of every such court, or the justice, or the clerk or recorder of such municipality, as the case may be, shall in each case transmit to the state road commissioner within
seventy-two hours after such conviction is had a certified ab-
stract of the judgment on such conviction.

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

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

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

Every operator or chauffeur shall have his operator's or
chauffeur's license in his immediate possession at all times
when operating a motor vehicle or tractor and shall display
the same upon demand of any law enforcement officer, or the
Sec. 25. Unlawful Use of License. It shall be a misdemeanor for any person:

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

(2) To lend his operator’s or chauffeur’s license to another person or permit the use thereof by another person;

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

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

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

(6) To use a false or fictitious name in any application for an operator’s or chauffeur’s license or learner’s permit or to knowingly make a false statement or to knowingly conceal any material fact or commit any fraud in such application;
(7) To do any act forbidden or fail to perform any act required by this article.

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

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

Sec. 28. Penalties. (a) It shall be a misdemeanor for any person to violate any of the provisions of this article unless
such violation is by this article or other law of this state declared to be a felony.

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

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

Sec. 30. Constitutionality. If any part or parts of this act shall be held to be unconstitutional such unconstitutionality shall not affect the validity of the remaining parts of this act. The Legislature hereby declares that it would have passed the remaining parts of this act if it had known that such part or parts thereof would be declared unconstitutional.

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

J. W. WALKER
Chairman House Committee

Originated in the House of Delegates

Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within day of , 1939.

Governor.

Filed in the office of the Secretary of State of West Virginia.