

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1947



ENROLLED

SENATE BILL No. 309

(By Mr. Beane and Mr. Hamrick)



PASSED March 8 1947

In Effect July 1, 1947 Passage



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(By MR. BEAN and MR. HANNIG)

[Passed March 8, 1947; in effect July 1, 1947.]

AN ACT to amend chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, to be designated article five-a relating to the creation and establishment of a department of motor vehicles and prescribing its powers and duties.

Be it enacted by the Legislature of West Virginia:

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

Article 5-A. Department of Motor Vehicles.

Section 1. *Purposes.*—It is hereby declared to be the
2 purpose and policy of the Legislature in enacting this law
3 to confer upon the department of motor vehicles of West

4 Virginia the power, authority and duty to regulate li-
5 censes, certificates of title, protection against operation of
6 motor vehicles (financial responsibility of owners and
7 operators), and licensing of chauffeurs and other motor
8 vehicles of the state of West Virginia.

Sec. 2. *Department of Motor Vehicles Created; Powers
2 and Duties.* — A department of the government of this
3 state, to be known as the department of motor vehicles, is
4 hereby created. It is the intent and purpose of this article,
5 and it shall be liberally construed to accomplish that pur-
6 pose, to transfer and consolidate under one administrative
7 head in the department of motor vehicles of the state of
8 West Virginia the automobile bureau and the safety re-
9 sponsibility division now operated under the state road
10 commission of West Virginia and dealing with the sub-
11 jects of the regulation of licenses, certificates of title, pro-
12 tection against operation of motor vehicles (financial re-
13 sponsibility of owners and operators) and licensing of
14 chauffeurs and other motor vehicle operators as provided
15 by articles six, seven, twenty and twenty-one of this chap-
16 ter; and the department of motor vehicles of the state of

17 West Virginia shall succeed to and is hereby vested with
18 all the powers, duties and jurisdiction now vested by law
19 in the state road commission or commissioner of West Vir-
20 ginia to administer the motor vehicle laws: *Provided,*
21 *however,* Nothing in this article shall deprive the public
22 service commissioner of West Virginia of any of the duties
23 or powers now vested in it with regard to the regulation
24 of motor vehicle carriers.

Sec. 3. *Office of Commissioner Created; Appointment;*
2 *Term.*—The department of motor vehicles shall be di-
3 rected by an executive officer to be designated as the com-
4 missioner of motor vehicles, who shall be apointed by the
5 governor, with the advice and consent of the Senate. The
6 commissioner shall be appointed for a four year term, to
7 commence on the first day of July, one thousand nine hun-
8 dred forty-seven. He shall devote his entire time to the
9 duties of his office.

Sec. 4. *Qualifications.*—The commissioner at the time
2 of his appointment and qualification shall be a citizen of
3 the United States and a resident of the state of West Vir-
4 ginia, shall have been a qualified voter in the state for a

5 period of at least one year next preceding his appoint-
6 ment, and shall be not less than thirty years of age. No
7 commissioner during his period of service as such shall
8 hold any other office under the laws of this state or of the
9 United States.

Sec. 5. *Filling Vacancies.*—All vacancies in the office
2 of the commissioner that occur while the legislature is not
3 in session shall be filled by appointment by the governor,
4 which appointment shall expire at the end of thirty days
5 after the date on which the Legislature next convenes.
6 Prior to the expiration of the thirty days the governor
7 shall transmit to the Senate for its approval an appoint-
8 ment for the unexpired portion of the regular term. Va-
9 cancies occurring during a session of the Legislature shall
10 be filled as regular appointments before the end of the ses-
11 sion and for the unexpired portion of the regular term.

Sec. 6. *Oath and Bond.*—The commissioner before en-
2 tering upon the duties of his office shall take and subscribe
3 to the oath prescribed by the constitution. He shall also
4 execute a bond in the penalty of twenty-five thousand
5 dollars, conditioned according to law, and approved by

6 the governor. The cost of such bond shall be borne by
7 the department as a part of the operating cost of the
8 department. The bond and the oath shall be filed with
9 the secretary of state.

Sec. 7. *Offices.*—The offices of the commissioner and
2 the department shall be located in the state capitol build-
3 ing. The commissioner shall keep his offices open at all
4 reasonable times for the transaction of public business.

Sec. 8. *Salary and Expenses.*—The commissioner shall
2 receive a salary of five thousand dollars and the necessary
3 traveling expenses incident to the performance of his
4 duties. Requisition for traveling expenses shall be accom-
5 panied by a sworn and itemized statement which shall
6 be filed with the auditor and permanently preserved as
7 a public record.

Sec. 9. *Organization of Department; Assistants and*
2 *Employees.*—The commissioner shall organize the depart-
3 ment in such manner as he may deem necessary to prop-
4 erly segregate and conduct the work of the department.
5 The commissioner shall employ such assistants and em-
6 ployees as may be necessary for the efficient operation

7 of his department, who shall possess all of the qualifica-
8 tions which may from time to time be prescribed for
9 such positions by the commissioner. The duties and sal-
10 aries of such assistants and employees shall be fixed by
11 the commissioner, who shall have authority to remove
12 the same at his will and pleasure.

13 The commissioner shall require every employee who
14 collects fees or handles funds or who has custody of
15 equipment and supplies belonging to the state to take
16 the constitutional oath and give an official bond, with
17 corporate surety, properly conditioned and in a sum to
18 be fixed by the commissioner, which bond shall be ap-
19 proved by him and filed in the office of the secretary of
20 state. The cost of such bond shall be borne by the depart-
21 ment as a part of the operating cost of the department.

22 The commissioner shall fix their compensation, but
23 the total compensation paid to assistants and employees
24 shall not exceed in any one year the appropriation made
25 by the Legislature for that purpose.

Sec. 10. *Administration of Vehicle Laws; Issuance of*
2 *Licenses, Etc.*—The commissioner shall have charge of

3 the administration of the vehicle laws of this state, in-
4 cluding the collection of all license fees and charges, for-
5 feitures, costs and all other fees and charges arising there-
6 from or incident thereto. He shall issue all licenses, per-
7 mits, registration certificates, receipts and other official
8 documents provided for by this article; shall issue all
9 necessary notices, and keep all books; shall devise a sys-
10 tem of accounting which shall show accurately and con-
11 cisely the amounts of all moneys received and paid out
12 by him, the sources from which received, and the pur-
13 poses for which disbursed.

Sec. 11. *Reciprocal Agreements with Other States.*—

2 The motor vehicle commissioner in cooperation with the
3 state road commissioner, the public service commission
4 and the department of public safety may enter into such
5 reciprocal agreements as he may deem proper or expedi-
6 ent with the proper authorities of other states, regulating
7 the use, on the roads and highways of this state, of trucks,
8 automobiles and any other vehicles owned in such other
9 states and duly licensed under the laws thereof. The
10 commissioner may confer and advise with the proper

11 officers and legislative bodies of this and other states and
12 federal districts of the United States, to promote recip-
13 rocal agreements under which the registration of vehicles
14 owned in this state, and the licenses of operators and
15 chauffeurs residing in this state shall be recognized by
16 other states and federal districts.

Sec. 12. *Delegation of Powers and Duties.*—All pow-
2 ers and duties vested in the commissioner, except the
3 power to sign contracts, may be exercised by the ap-
4 pointees or employees of the commissioner, under his
5 direction; but the commissioner shall be responsible for
6 their acts.

Sec. 13. *Hearings and Proceedings before Commis-*
2 *sioner.*—In all hearings and proceedings before the com-
3 missioner, the evidence of witnesses and the production
4 of documentary evidence may be required at any desig-
5 nated place of hearing and summons may be issued by
6 him. In case of disobedience to a summons or other pro-
7 cess so issued, the commissioner or any party to the pro-
8 ceedings before the commissioner may invoke the aid
9 of any circuit court in requiring the evidence and testi-

10 mony of witnesses and the production of papers, books
11 and documents. Upon proper showing, such court shall
12 issue an order requiring such persons to appear before
13 the commissioner and produce all books and papers and
14 give evidence touching the matter in question. Any per-
15 son failing to obey such order may be punished by such
16 court as for contempt. A claim that any such testimony
17 or evidence may tend to incriminate the person giving
18 the same shall not excuse such witness from testifying,
19 but such witness shall not be prosecuted for any offense
20 concerning which he is compelled hereunder to testify.

Sec. 14. *Legal Service Rendered Commissioner.*—It
2 shall be the duty of the attorney general of this state
3 and of his assistants and of the prosecuting attorneys of
4 the several counties, to render to the commissioner, with-
5 out additional compensation, such legal services as it
6 shall require of them in the discharge of his duties under
7 the provisions of this article.

Sec. 15. *Revenue Collected Paid to State Treasurer.*—
2 Taxes and fees imposed and collected under the provi-
3 sions of this article shall be paid to the state treasurer

4 in the manner provided by law, and credited to the state
5 road fund.

Sec. 16. *Administrative Expense.*—The expenses of the
2 administration of the motor vehicle department shall be
3 appropriated for that purpose from the state road fund.

Sec. 17. *Separability; Repeal.*—The provisions of this
2 act shall be construed as separable and severable and
3 should any provision or part hereof be held unconstitu-
4 tional or for any reason invalid, the remaining provisions
5 or parts shall not be thereby affected. All acts or parts
6 of acts in conflict herewith are hereby repealed.

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

Forest L. McMer
Chairman Senate Committee

R. S. Matthews
Chairman House Committee

Originated in the Senate

Takes effect July, 1, 1947. ~~passage~~

Howard Meyer
Clerk of the Senate

J. Phillip
Clerk of the House of Delegates

Arnold M. Vickers
President of the Senate

John E. Amos
Speaker House of Delegates

The within approved this the 13
day of March, 1947.

Oliver Medsker
Governor.



Filed In the Office of the Secretary of State
of West Virginia. **MAR 13 1947**
WM. S. O'BRIEN,
SECRETARY OF STATE