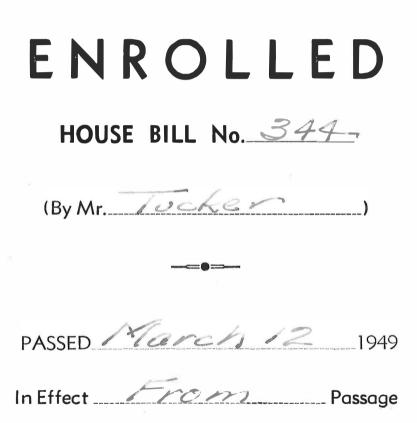
WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1949



ENROLLED House Bill No. 344

(By MR. TUCKER)

[Passed March 12, 1949; in effect from passage.]

AN ACT to amend and reenact section ten, article twenty, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, relating to the cancellation of bond or return of insurance certificate filed as proof of ability to respond in damages, and requiring the commissioner of motor vehicles to give credit for the period of time for which a citizen of this state was under bond under the laws of other states.

Be it enacted by the Legislature of West Virginia:

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

Section 10. Cancellation of Bond or Return of Insur-2 ance Certificate.—(a) The commissioner shall, upon the 3 request in writing of the person on whose behalf such Enr. H. B. No.344]

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4 proof of ability to respond in damages was furnished,
5 cancel any bond or return any certificate of insurance
6 filed pursuant to this article as proof of ability to re7 spond in damages, or waive the requirement of filing
8 proof of ability to respond in damages in any of the fol9 lowing events:

10 (1) At any time after three years shall have elapsed 11 since the filing of such bond or certificate, if the person 12 has not, during the three year period immediately pre-13 ceding the request, been convicted of any offense re-14 ferred to in section two of this article; or

15 (2) In the event of the death of the person on whose16 behalf such proof was filed, or the permanent incapac-17 ity of such person to operate a motor vehicle; or

(3) In the event the person who has given proof of
ability to respond in damages surrenders his operator's
or chauffeur's license, every certificate of registration
and all registration plates to the commissioner: *Provided*, *however*, That in each of the foregoing instances such
cancellation or return shall be upon the condition that
no action for damages, upon a liability referred to in this

[Enr. H. B. No. 344

25article, is pending against such person on whose behalf such proof of ability to respond in damages was fur-2627nished, that no judgment upon any such liability against 28 such person is outstanding and unsatisfied, and that no 29 notice has been filed with the commissioner of an accident involving such person, occurring within the three 30 month period immediately preceding such request and 31 32resulting from the ownership, maintenance, use or operation of a motor vehicle, 33

The affidavit of such person, showing fulfillment of the necessary requirements under this section, shall be sufficient proof thereof in the absence of evidence to the contrary in the records of the commissioner.

38 Whenever any person, as to whom such proof has 39 been so canceled or to whom such proof has been so returned, applies for an operator's or chauffeur's license 40 41 or the registration of a motor vehicle within a period 42 of three years from the date proof of ability to respond in damages was originally required, any such applica-43 tion shall be refused unless the applicant shall reestab-44 lish such proof for the remainder of such period: Pro-45

Enr. H. B. No. 344]

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46 vided, however, That where any person has given bond 47 as required by the laws of another state on a conviction 48 which resulted in the loss of his driver's and/or chauf-49 feur's license, he shall be given credit for such period 50 of time covered by the aforesaid bond on the period 51 of three years as required by the laws of this state.

52 (b) The commissioner shall cancel any bond or return 53 any certificate of insurance to the person entitled there-54 to, upon the substitution and acceptance of other ade-55 quate proof of ability to respond in damages pursuant 56 to the provisions of this article

SECRETARY OF STATE

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

all Chairman Senate Committee

Chairman House Committee

Originated in the House of Delegates Takes effect passage. Clerk of the Senate Clerk of the House of Delegates President of the Senate Speaker House of Delegates APPROVES The within. this the March day of Oky Governo Filed in the Office of the Secretary of State 101 of West Virginia. D. PITT O'BRIEN,