

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1949



# ENROLLED

HOUSE BILL No. 344

(By Mr. Tucker)



PASSED March 12 1949

In Effect From Passage



344

**ENROLLED**  
**House Bill No. 344**

(By MR. TUCKER)

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

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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 Insurance Certificate.*—(a) The commissioner shall, upon the request in writing of the person on whose behalf such

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 re-  
7 spond in damages, or waive the requirement of filing  
8 proof of ability to respond in damages in any of the fol-  
9 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 whose  
16 behalf such proof was filed, or the permanent incapac-  
17 ity of such person to operate a motor vehicle; or

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

25 article, is pending against such person on whose behalf  
26 such proof of ability to respond in damages was fur-  
27 nished, 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 acci-  
30 dent involving such person, occurring within the three  
31 month period immediately preceding such request and  
32 resulting from the ownership, maintenance, use or oper-  
33 ation of a motor vehicle.

34 The affidavit of such person, showing fulfillment of  
35 the necessary requirements under this section, shall be  
36 sufficient proof thereof in the absence of evidence to  
37 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  
40 returned, applies for an operator's or chauffeur's license  
41 or the registration of a motor vehicle within a period  
42 of three years from the date proof of ability to respond  
43 in damages was originally required, any such applica-  
44 tion shall be refused unless the applicant shall reestab-  
45 lish such proof for the remainder of such period: *Pro-*

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 chauff-  
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

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

*Garrett L. McGowan*  
Chairman Senate Committee

*R. L. Matthews*  
Chairman House Committee

Originated in the House of Delegates

Takes effect *From* passage.

*Howard Myers*  
Clerk of the Senate

*J. B. Huff*  
Clerk of the House of Delegates

*W. B. Hargrett-Anderson*  
President of the Senate

*W. B. Hargrett-Anderson*  
Speaker House of Delegates

The within *Approved* this the *18th*  
day of *March*, 1949.

*Clay L. Patton*  
Governor



Filed in the Office of the Secretary of State  
of West Virginia **MAR 18 1949**

**D. PITT O'BRIEN,**  
SECRETARY OF STATE