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 Insurance Certificate.—(a) The commissioner shall, upon the request in writing of the person on whose behalf such
proof of ability to respond in damages was furnished, cancel any bond or return any certificate of insurance filed pursuant to this article as proof of ability to respond in damages, or waive the requirement of filing proof of ability to respond in damages in any of the following events:

(1) At any time after three years shall have elapsed since the filing of such bond or certificate, if the person has not, during the three year period immediately preceding the request, been convicted of any offense referred to in section two of this article; or

(2) In the event of the death of the person on whose behalf such proof was filed, or the permanent incapacity 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
article, is pending against such person on whose behalf
such proof of ability to respond in damages was fur-
nished, that no judgment upon any such liability against
such person is outstanding and unsatisfied, and that no
notice has been filed with the commissioner of an acci-
dent involving such person, occurring within the three
month period immediately preceding such request and
resulting from the ownership, maintenance, use or oper-
ation of a motor vehicle.

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.

Whenever any person, as to whom such proof has
been so canceled or to whom such proof has been so
returned, applies for an operator's or chauffeur's license
or the registration of a motor vehicle within a period
of three years from the date proof of ability to respond
in damages was originally required, any such applica-
tion shall be refused unless the applicant shall reestab-
lish such proof for the remainder of such period: Pro-
vided, however, That where any person has given bond as required by the laws of another state on a conviction which resulted in the loss of his driver's and/or chauffeur's license, he shall be given credit for such period of time covered by the aforesaid bond on the period of three years as required by the laws of this state.

(b) The commissioner shall cancel any bond or return any certificate of insurance to the person entitled there- to, upon the substitution and acceptance of other ade- quate proof of ability to respond in damages pursuant to the provisions of this article.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the House of Delegates

Takes effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

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

Governor

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

D. Pitt O'Brien,
Secretary of State