

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1949



ENROLLED

HOUSE BILL No. 372

(By Mr. Kidd )



PASSED March 11 1949

In Effect From Passage



372

**ENROLLED**  
**House Bill No. 372**  
**(By Mr. KIDD)**

---

[Passed March 11, 1949; in effect from passage.]

---

AN ACT to amend and reenact section twenty-five, article eight, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the operation of a vehicle while under the influence of intoxicants, drugs or narcotics, and providing penalties for the violation thereof.

*Be it enacted by the Legislature of West Virginia:*

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

Section 25. *Operating Vehicle While Intoxicated or*  
2 *Under the Influence of Intoxicants, Drugs or Narcotics;*  
3 *Penalties.*—No person shall drive or operate any vehicle,  
4 motor driven or otherwise, upon any public road or street  
5 in this state, while intoxicated or under the influence

6 of intoxicating liquor, drugs or narcotics; nor shall the  
7 owner of such vehicle, knowingly permit the same to  
8 be so operated by one intoxicated, or under the influence  
9 of intoxicating liquor, drugs or narcotics.

10 A person violating any provision of this section shall,  
11 for the first offense, be guilty of a misdemeanor, and upon  
12 conviction thereof shall be punished by a fine or not less  
13 than fifty nor more than one hundred dollars or by im-  
14 prisonment in the county jail for a period of not less  
15 than five days nor more than six months, or by both  
16 such fine and imprisonment, and his operator's or chauf-  
17 feur's license shall be revoked for a period of six months.

18 A person violating any provision of this section shall,  
19 for the second offense, be guilty of a misdemeanor, and  
20 upon conviction thereof shall be punished by imprison-  
21 ment in the county jail for a period of not less than six  
22 months nor more than one year, which sentence shall not  
23 be subject to probation, and his operator's or chauffeur's  
24 license shall be revoked for a period of ten years, unless  
25 reissued by the department of motor vehicles, as herein-  
26 after provided. Whenever the commissioner of motor

27 vehicles, after full investigation, shall find that the char-  
28 acter of any person who was convicted of a second offense  
29 under this section and the circumstances at the time  
30 indicate that he is not likely again to repeat his offense,  
31 and that the public good does not require that his license  
32 be longer revoked, the commissioner may if it is deemed  
33 advisable reissue such license at any time more than five  
34 years after the date on which it was revoked.

35 A person violating any provision of this section shall,  
36 for the third or any subsequent offense, be guilty of a  
37 felony, and upon conviction thereof shall be punished  
38 by imprisonment in the penitentiary for not less than  
39 one nor more than three years, and his operator's or  
40 chauffeur's license shall be revoked for a period of ten  
41 years and indefinitely thereafter unless reissued as here-  
42 inafter provided. Whenever the commissioner of motor  
43 vehicles, after full investigation, shall find that the char-  
44 acter of any person who was convicted of a third or sub-  
45 sequent offense under this section and the circumstances  
46 at the time indicate that he is not likely again to repeat  
47 his offense, and the public good does not require that

48 his license be longer revoked, the commissioner may if  
49 it is deemed advisable reissue such license at any time  
50 more than ten years after the date on which it was re-  
51 voked.

52 The discretionary power herein conferred may be exer-  
53 cised by the commissioner and the department of motor  
54 vehicles with respect to the reissuing of licenses revoked  
55 because of convictions prior to the passage of this act.

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

*Joseph L. McGuer*

Chairman Senate Committee

*R. Matthews*

Chairman House Committee

Originated in the House of Delegates

Takes effect *From* passage.

*Howard Myers*  
Clerk of the Senate

*J. Ashp*  
Clerk of the House of Delegates

*Wm. H. Hunter*  
President of the Senate

*W. E. Hammon*  
Speaker House of Delegates

The within *APPROVED* this the *18TH*

day of *MARCH*, 1949.

*Okay 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