WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1949

ENROLLED

HOUSE BILL No. 372

(By Mr. Kidd)

PASSED March 11, 1949

In Effect From Passage
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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 Under the Influence of Intoxicants, Drugs or Narcotics;

Penalties.—No person shall drive or operate any vehicle, motor driven or otherwise, upon any public road or street in this state, while intoxicated or under the influence
of intoxicating liquor, drugs or narcotics; nor shall the
owner of such vehicle, knowingly permit the same to
be so operated by one intoxicated, or under the influence
of intoxicating liquor, drugs or narcotics.

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

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

after provided. Whenever the commissioner of motor
vehicles, after full investigation, shall find that the character of any person who was convicted of a second offense under this section and the circumstances at the time indicate that he is not likely again to repeat his offense, and that the public good does not require that his license be longer revoked, the commissioner may if it is deemed advisable reissue such license at any time more than five years after the date on which it was revoked.

A person violating any provision of this section shall, for the third or any subsequent offense, be guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the penitentiary for not less than one nor more than three years, and his operator's or chauffeur's license shall be revoked for a period of ten years and indefinitely thereafter unless reissued as hereinafter provided. Whenever the commissioner of motor vehicles, after full investigation, shall find that the character of any person who was convicted of a third or subsequent offense under this section and the circumstances at the time indicate that he is not likely again to repeat his offense, and the public good does not require that
his license be longer revoked, the commissioner may if
it is deemed advisable reissue such license at any time
more than ten years after the date on which it was re-
voked.

The discretionary power herein conferred may be exer-
cised by the commissioner and the department of motor
vehicles with respect to the reissuing of licenses revoked
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.

\[\text{Signature}\]
Chairman Senate Committee

\[\text{Signature}\]
Chairman House Committee

Originated in the House of Delegates

\[\text{Signature}\]
Clerk of the Senate

\[\text{Signature}\]
Clerk of the House of Delegates

\[\text{Signature}\]
President of the Senate

\[\text{Signature}\]
Speaker House of Delegates

The within \textit{Approved} \textit{this the 18th} day of \textit{March}, 1949.

\[\text{Signature}\]
Governor.

\[\text{Signature}\]
Filled in the Office of the Secretary of State of West Virginia \textbf{MAR 18 1949}

\[\text{Signature}\]
Secretary of State