AN ACT to amend and reenact section two, article five, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the offense of driving while under the influence of intoxicating liquor or drugs and to the penalties therefor.

Be it enacted by the Legislature of West Virginia:

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

Section 2. Persons under the Influence of Intoxicating Liquor or of Drugs.—(a) It is unlawful and punishable
as provided in paragraph (c) of this section for any person who is under the influence of intoxicating liquor to drive any vehicle on any highway of this state or for any owner of such vehicle to knowingly permit the same to be so operated by one under influence of intoxicating liquor.

(b) It is unlawful and punishable as provided in paragraph (c) of this section for any person who is an habitual user of or under the influence of any narcotic drug or who is under the influence of any other drug to a degree which renders him incapable of safely driving a vehicle to drive a vehicle within this state. The fact that any person charged with a violation of this paragraph is or has been entitled to use such drug under the laws of this state shall not constitute a defense against any charges of violating this paragraph.

(c) A person violating any provision of this section shall for the first offense, occurring within a five-year period, be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty nor more than one hundred dollars or by imprisonment
in the county jail for a period of not less than five days
nor more than six months, or by both such fine and im-
prisonment, and his operator's or chauffeur's license shall
be revoked for a period of six months. A person violat-
ing any provision of this section shall, for the second
offense, occurring within a five-year period, be guilty of
a misdemeanor, and upon conviction thereof shall be
punished by imprisonment 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 whenever
the records of the department disclose that a conviction
is the second such conviction of such person, within a
period of five years, for a violation of this section his
operator's or chauffeur's license shall be revoked by the
commissioner for a period of ten years, unless reissued
by the department of motor vehicles as hereinafter pro-
vided. 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 violat-
ing any provision of this section shall, for the third or
any subsequent offense, occurring within a five-year pe-
period, 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
whenever the records of the department disclose that a
conviction is the third such or any subsequent conviction
of such person, within a period of five years, for a vio-
lation of this section his operator's or chauffeur's license
shall be revoked by the commissioner for a period of ten
years and indefinitely thereafter unless reissued as here-
inafter provided. Whenever the commissioner of motor
vehicles, after full investigation, shall find that the char-
acter of any person who was convicted of a third or sub-
sequent 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
déemed advisable reissue such license at any time more
than ten years after the date on which it was revoked.
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 hereof.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

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 __ day of March, 1955.

Governor.

Filed in the Office of the Secretary of State of West Virginia...

D. H. Anderson
SECRETARY OF STATE