

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1957

ENROLLED

SENATE BILL NO. 165

(By Mr. Bean, Mr. President)

PASSED Feb. 12,..... 1957

In Effect 90 days from..... Passage



ENROLLED
Senate Bill No. 165

(By MR. BEAN, MR. PRESIDENT)

[Passed February 12, 1957; in effect ninety days from passage.]

AN ACT to amend article five, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section two-a, relating to proof of being under the influence of intoxicating liquor.

Be it enacted by the Legislature of West Virginia:

That article five, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section two-a, to read as follows:

Section 2a. *Under the Influence of Intoxicating Liquor;*

2 *Proof.*—In any criminal prosecution for a violation of sub-

3 section (a) of section two of this article relating to driving
4 any vehicle on any highway of this state while under the
5 influence of intoxicating liquor or the owner's knowingly
6 permitting the same to be so operated by one under the
7 influence of intoxicating liquor, the court may admit evi-
8 dence of the amount of alcohol in the operator's blood
9 taken within two hours of the time of the alleged of-
10 fense, as shown by a chemical analysis of his blood or
11 urine. For the purposes of such prosecutions, evidence
12 that there was, at the time of the alleged offense, five-
13 hundredths of one per cent, or less, by weight of alcohol
14 in his blood, is prima facie evidence that he was not under
15 the influence of intoxicating liquor; evidence that there
16 was at that time more than five-hundredths of one per
17 cent and less than fifteen-hundredths of one per cent by
18 weight of alcohol in his blood is relevant evidence, but it
19 is not to be given prima facie effect in indicating whether
20 he was under the influence of intoxicating liquor; and evi-
21 dence that there was at that time fifteen-hundredths of
22 one per cent, or more, by weight of alcohol in his blood, is

23 prima facie evidence that he was under the influence of
24 intoxicating liquor.

25 Any person arrested for and/or charged with the of-
26 fense of driving any vehicle on any highway of this state
27 while under the influence of intoxicating liquor shall
28 have the right to demand that his blood or urine be taken
29 within the time aforesaid and such chemical analysis be
30 made thereof.

31 In any case in which such a chemical analysis has been
32 made, the results of same shall be disclosed and made
33 available to a defendant forthwith upon demand.

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

Shorrock
Chairman Senate Committee

R. F. Teem
Chairman House Committee

Originated in the Senate.

Takes effect 90 days from passage.

Howard Myers
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Ralph J. Bean
President of the Senate

W. G. Starnes
Speaker House of Delegates

The within approved this the 19th
day of February, 1957.

Paul Henderson
Governor



Filed in the Office of the Secretary of State
of West Virginia
FEB 19 1957
R. PITT O'BRIEN
CLERK OF STATE