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-
section (a) of section two of this article relating to driving any vehicle on any highway of this state while under the influence of intoxicating liquor or the owner's knowingly permitting the same to be so operated by one under the influence of intoxicating liquor, the court may admit evidence of the amount of alcohol in the operator's blood taken within two hours of the time of the alleged offense, as shown by a chemical analysis of his blood or urine. For the purposes of such prosecutions, evidence that there was, at the time of the alleged offense, five-hundredths of one per cent, or less, by weight of alcohol in his blood, is prima facie evidence that he was not under the influence of intoxicating liquor; evidence that there was at that time more than five-hundredths of one per cent and less than fifteen-hundredths of one per cent by weight of alcohol in his blood is relevant evidence, but it is not to be given prima facie effect in indicating whether he was under the influence of intoxicating liquor; and evidence that there was at that time fifteen-hundredths of one per cent, or more, by weight of alcohol in his blood, is
prima facie evidence that he was under the influence of intoxicating liquor.

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

In any case in which such a chemical analysis has been made, the results of same shall be disclosed and made available to a defendant forthwith upon demand.
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 90 days 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 19th day of February, 1957.

Governor

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