WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1957

ENROLLED

SENATE BILL NO. 167

(By Mr. Bean)

PASSED March 4, 1957

In Effect 90 Days From Passage
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 any vehicle 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 per-
son 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 the influence of intoxicating
liquor.

(b) It is unlawful and punishable as provided in para-
graph (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 per-
son charged with a violation of this paragraph is or has
been entitled to use such drug under the law of this state
shall not constitute a defense against any charges of vio-
lating this paragraph.

(c) 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
imprisonment in the county jail for a period of not
less than twenty-four hours nor more than six months,
and, in addition to such mandatory jail sentence, such
person may be fined not less than fifty nor more than one hundred dollars, and, in every case of conviction under this section, such convicted person's operator's or chauffeur's license shall be revoked for a period of six months. A person violating 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 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, occurring within a five-year 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 violation 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 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 revoked. The discretionary power herein conferred may be exercised 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.
Enr. S. B. No. 167

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 __________ this the ___ day of __________________________, 1957.

Governor

Filed in the Office of the Secretary of State of West Virginia ______________, MAR 12 1957

Secretary of State

D. Pitt O'Brien