

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1957

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## ENROLLED

SENATE BILL NO. 167

(By Mr. Bean.....)

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PASSED March 4.....1957

In Effect 70 days from.....Passage



**ENROLLED**  
**Senate Bill No. 167**  
(By MR. BEAN, MR. PRESIDENT)

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[Passed March 4, 1957; in effect ninety days from passage.]

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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-

4 son who is under the influence of intoxicating liquor to  
5 drive any vehicle on any highway of this state or for any  
6 owner of such vehicle to knowingly permit the same to  
7 be so operated by one under the influence of intoxicating  
8 liquor.

9 (b) It is unlawful and punishable as provided in para-  
10 graph (c) of this section for any person who is an habitual  
11 user of or under the influence of any narcotic drug or  
12 who is under the influence of any other drug to a degree  
13 which renders him incapable of safely driving a vehicle  
14 to drive a vehicle within this state. The fact that any per-  
15 son charged with a violation of this paragraph is or has  
16 been entitled to use such drug under the law of this state  
17 shall not constitute a defense against any charges of vio-  
18 lating this paragraph.

19 (c) A person violating any provision of this section  
20 shall for the first offense be guilty of a misdemeanor  
21 and, upon conviction thereof, shall be punished by  
22 imprisonment in the county jail for a period of not  
23 less than twenty-four hours nor more than six months,  
24 and, in addition to such mandatory jail sentence, such

25 person may be fined not less than fifty nor more than one  
26 hundred dollars, and, in every case of conviction under  
27 this section, such convicted person's operator's or chauff-  
28 feur's license shall be revoked for a period of six months.  
29 A person violating any provision of this section shall,  
30 for the second offense, occurring within a five-year period,  
31 be guilty of a misdemeanor, and upon conviction thereof  
32 shall be punished by imprisonment in the county jail for a  
33 period of not less than six months nor more than one year,  
34 which sentence shall not be subject to probation, and  
35 whenever the records of the department disclose that a  
36 conviction is the second such conviction of such person,  
37 within a period of five years, for a violation of this section  
38 his operator's or chauffeur's license shall be revoked by the  
39 commissioner for a period of ten years, unless reissued by  
40 the department of motor vehicles as hereinafter provided.  
41 Whenever the commissioner of motor vehicles, after full  
42 investigation, shall find that the character of any person  
43 who was convicted of a second offense under this section  
44 and the circumstances at the time indicate that he is not  
45 likely again to repeat his offense, and that the public

46 good does not require that his license be longer revoked,  
47 the commissioner may if it is deemed advisable reissue  
48 such license at any time more than five years after the  
49 date on which it was revoked. A person violating any  
50 provision of this section shall, for the third or any subse-  
51 quent offense, occurring within a five-year period, be  
52 guilty of a felony, and upon conviction thereof shall be  
53 punished by imprisonment in the penitentiary for not  
54 less than one nor more than three years, and whenever  
55 the records of the department disclose that a conviction  
56 is the third such or any subsequent conviction of such  
57 person, within a period of five years, for a violation of  
58 this section his operator's or chauffeur's license shall be  
59 revoked by the commissioner for a period of ten years  
60 and indefinitely thereafter unless reissued as hereinafter  
61 provided. Whenever the commissioner of motor vehicles,  
62 after full investigation, shall find that the character of  
63 any person who was convicted of a third or subsequent  
64 offense under this section and the circumstances at the  
65 time indicate that he is not likely again to repeat his of-  
66 fense, and the public good does not require that his license

67 be longer revoked, the commissioner may if it is deemed  
68 advisable reissue such license at any time more than ten  
69 years after the date on which it was revoked. The dis-  
70 cretionary power herein conferred may be exercised by  
71 the commissioner and the department of motor vehicles  
72 with respect to the reissuing of licenses, revoked because  
73 of convictions prior to the passage hereof.

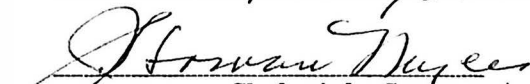
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

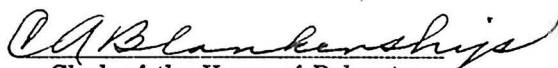
  
Chairman Senate Committee


  
Chairman House Committee

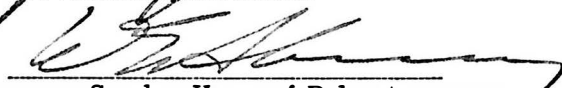
Originated in the Senate.

Takes effect 90 days from passage.

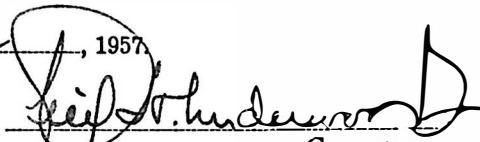
  
Clerk of the Senate

  
Clerk of the House of Delegates

  
President of the Senate

  
Speaker House of Delegates

The within approved this the 12th  
day of March, 1957

  
Governor



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

D. PITT O'BRIEN  
SECRETARY OF STATE