

**WEST VIRGINIA LEGISLATURE**

**REGULAR SESSION, 1963**

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**ENROLLED**

*COM. SUB. FOR.*  
**SENATE BILL NO. 16**

(By Mr. ....)

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PASSED *March 9* ..... 1963

In Effect *From* ..... Passage

Filed in Office of the Secretary of State  
of West Virginia *3-15-63*  
**JOE F. BURDETT**  
**SECRETARY OF STATE**

#16

**ENROLLED**  
COMMITTEE SUBSTITUTE  
FOR  
**Senate Bill No. 16**

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[Passed March 9, 1963; in effect from passage.]

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AN ACT to repeal article one, chapter seventeen-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended, and to enact in lieu thereof a new article one, relating to motor vehicle operators' and chauffeurs' licenses and the definitions of certain words and phrases used in said chapter seventeen-b.

*Be it enacted by the Legislature of West Virginia:*

That article one, chapter seventeen-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed, and a new article one be enacted in lieu thereof to read as follows:

**Article 1. Words and Phrases Defined.**

**Section 1. Definitions.**—The following words and  
2 phrases when used in this chapter shall, for the purpose  
3 of this chapter, have the meanings respectively ascribed  
4 to them in this article:

5 (a) Vehicle. Every device in, upon, or by which any  
6 person or property is or may be transported or drawn upon  
7 a public highway, excepting devices moved by human  
8 power or used exclusively upon stationary rails or tracks;

9 (b) Motor Vehicle. Every vehicle which is self-pro-  
10 pelled and every vehicle which is propelled by electric  
11 power obtained from overhead trolley wires, but not  
12 operated upon rails;

13 (c) Farm Tractor. Every motor vehicle designed and  
14 used primarily as a farm implement for drawing plows,  
15 mowing machines, and other implements of husbandry;

16 (d) School Bus. Every motor vehicle owned by a public  
17 governmental agency and operated for the transportation  
18 of children to or from school or privately owned and  
19 operated for compensation for the transportation of chil-  
20 dren to or from school;

21 (e) Person. Every natural person, firm, copartnership,  
22 association, or corporation;

23 (f) Operator. Every person, other than a chauffeur,  
24 who drives or is in actual physical control of a motor  
25 vehicle upon a highway or who is exercising control over  
26 or steering a vehicle being towed by a motor vehicle;

27 (g) Chauffeur. Every person who is employed by  
28 another for the the principal purpose of driving a motor  
29 vehicle and every person who drives a school bus trans-  
30 porting school children or any motor vehicle when in use  
31 for the transportation of persons or property for com-  
32 pensation;

33 (h) Owner. A person who holds the legal title of a  
34 vehicle or in the event a vehicle is the subject of an agree-  
35 ment for the conditional sale or lease thereof with the  
36 right of purchase upon performance of the conditions  
37 stated in the agreement and with an immediate right of  
38 possession vested in the conditional vendee or lessee, or  
39 in the event a mortgagor of a vehicle is entitled to pos-  
40 session, then such conditional vendee or lessee or mort-  
41 gator shall be deemed the owner for the purpose of this  
42 chapter;

43 (i) Nonresident. Every person who is not a resident of  
44 this state;

45 (j) Street or Highway. The entire width between the  
46 boundary lines of every way publicly maintained when  
47 any part thereof is open to the use of the public for pur-  
48 poses of vehicular travel;

49 (k) Commissioner. The commissioner of motor vehicles  
50 of this state;

51 (l) Department. The department of motor vehicles of  
52 this state acting directly or through its duly authorized  
53 officers or agents;

54 (m) Suspension. Suspension means that the driver's  
55 license and privilege to drive a motor vehicle on the pub-  
56 lic highways are temporarily withdrawn but only during  
57 the period of such suspension;

58 (n) Revocation. Revocation means that the driver's li-  
59 cense and privilege to drive a motor vehicle on the public  
60 highways are terminated and shall not be renewed or  
61 restored, except that an application for a new license may  
62 be presented and acted upon by the department after the  
63 expiration of at least one year after the date of revocation,

64 except as otherwise provided in section two, article five,  
65 chapter seventeen-c of this code;

66 (o) Cancellation. Cancellation means that a driver's  
67 license is annulled and terminated because of some error  
68 or defect or because the licensee is no longer entitled to  
69 such license, but the cancellation of a license is without  
70 prejudice and application for a new license may be made  
71 at any time after such cancellation.

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

O. Ray Parker  
Chairman Senate Committee

Ethel L. Randall  
Chairman House Committee

Originated in the Senate.

Takes effect From passage.

Howard Meyer  
Clerk of the Senate

W. Blankenship  
Clerk of the House of Delegates

Howard W. Carson  
President of the Senate

Julius W. Bigelow Jr.  
Speaker House of Delegates

The within approved this the 14<sup>th</sup>  
day of March, 1963.

W. W. Bann  
Governor