WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1963

ENROLLED

SENATE BILL NO. 16

(By Mr. )

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
ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 16

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

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article one, chapter seventeen-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed, and a new article one be enacted in lieu thereof to read as follows:

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

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

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

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

(d) School Bus. Every motor vehicle owned by a public governmental agency and operated for the transportation of children to or from school or privately owned and operated for compensation for the transportation of children to or from school;

(e) Person. Every natural person, firm, copartnership, association, or corporation;
(f) Operator. Every person, other than a chauffeur, who drives or is in actual physical control of a motor vehicle upon a highway or who is exercising control over or steering a vehicle being towed by a motor vehicle;

(g) Chauffeur. Every person who is employed by another for the principal purpose of driving a motor vehicle and every person who drives a school bus transporting school children or any motor vehicle when in use for the transportation of persons or property for compensation;

(h) Owner. A person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this chapter;
(i) Nonresident. Every person who is not a resident of this state;

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

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

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

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

(n) Revocation. Revocation means that the driver's license and privilege to drive a motor vehicle on the public highways are terminated and shall not be renewed or restored, except that an application for a new license may be presented and acted upon by the department after the expiration of at least one year after the date of revocation,
except as otherwise provided in section two, article five, chapter seventeen-c of this code;

(o) Cancellation. Cancellation means that a driver’s license is annulled and terminated because of some error or defect or because the licensee is no longer entitled to such license, but the cancellation of a license is without prejudice and application for a new license may be made at any time after such cancellation.
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The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

O. Ray Parker
Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

Takes effect FROM passage.

J. Howard McLean
Clerk of the Senate

Clerk of the House of Delegates

Howard R. Carson
President of the Senate

Jules W. Blankenship
Speaker House of Delegates

The within approve this the 14th
day of March, 1963.

Governor