WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1965

ENROLLED

HOUSE BILL No. 519

(By Mr. Originating in the Committee on the Judiciary)

PASSED March 2, 1965

In Effect 30 days from Passage

Filed in the Office of
JOE F. BURNETT
SECRETARY OF STATE
This Date 3-5-65
AN ACT to amend and reenact sections two and three, article two, chapter seventeen-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to persons who are exempt from being licensed by the department of motor vehicles as operators or chauffeurs; to persons who may not be licensed by the department of motor vehicles as operators or chauffeurs; raising the age for a regular operator's license from sixteen to eighteen years; providing for junior or probationary operator's licenses for persons between the ages of sixteen and
eighteen years; specifying that such junior or probationary operator's licenses may be reasonably conditioned or restricted; requiring parental or guardian consent for the issuance of a junior or probationary operator's license; and providing for the revocation of junior or probationary operator's licenses for operating a motor vehicle in violation of the conditions or restrictions imposed upon such licenses or for convictions of moving violations against traffic regulations and laws of the road.

Be it enacted by the Legislature of West Virginia:

That sections two and three, article two, chapter seventeen-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Article 2. Issuance of License, Expiration and Renewal.

Section 2. What Persons Are Exempt from License.—

2 The following persons are exempt from license hereunder:

3 (1) Any person while operating a motor vehicle in the armed services of the United States while in the performance of his official duties;
(2) A nonresident who is at least sixteen years of age and who has in his immediate possession a valid operator's license issued to him in his home state or country may operate a motor vehicle in this state only as an operator for a period not to exceed ninety days in any one calendar year;

(3) A nonresident who is at least sixteen years of age, who has in his immediate possession a valid operator's license issued to him in his home state or country and who is employed in this state, or owns, maintains or operates a place or places of business in this state, or engages in any trade, profession or occupation in this state, in addition to the driving privileges extended under subparagraph (2) of this section, may operate a motor vehicle in this state only as an operator in traveling to and from his place or places of employment, place or places of business or place or places at which he engages in such trade, profession or occupation and in the discharge of the duties of his employment, business, trade, profession or occupation if such duties are such that if performed by a resident of the state of West Virginia over the age
of eighteen years such resident would not be required under the provisions of this chapter to be licensed as a chauffeur;

(4) A nonresident who is at least eighteen years of age and who has in his immediate possession a valid chauffeur's license issued to him in his home state or country may operate a motor vehicle in this state either as a chauffeur subject to the age limits applicable to chauffeurs in this state, or as an operator subject to the limitations imposed on nonresident operators in subparagraphs (2) and (3) of this section;

(5) Any person who is a student, properly enrolled and registered in an accredited school, college or university in this state, who is at least sixteen years of age and who has in his immediate possession a valid operator's license issued to him in his home state, notwithstanding the limitations of subparagraphs (2) and (3) of this section may operate a motor vehicle in this state only as an operator: Provided, That the state of which he is a resident shall extend the same privileges to residents of this state. This exemption shall be cancelled immediately
when such student is graduated from school, college or university or is expelled or ceases to be a student.

Sec. 3. What Persons Shall Not Be Licensed; Exceptions.—The department shall not issue any license hereunder:

(1) To any person, as an operator, who is under the age of eighteen years: Provided, That under rules and regulations to be established by the commissioner and in accordance with the provisions hereinafter set forth in this subparagraph (1), a junior or probationary operator's license may be issued to any person between the ages of sixteen and eighteen years, who is not otherwise disqualified by law, upon application therefor on a form prescribed by the commissioner and successful completion of all examinations and driving tests required by law for the issuance of an operator's license to a person eighteen years of age or older. The commissioner may impose reasonable conditions or restrictions on the operation of a motor vehicle by a person holding such junior or probationary operator's license, which conditions or restrictions shall be printed on each such license. In
addition to all other provisions of this chapter for which a regular operator's or chauffeur's license may be revoked, suspended or cancelled, whenever a person holding such a junior or probationary operator's license operates a motor vehicle in violation of the conditions or restrictions set forth on such license, or has a record of two convictions for moving violations of the traffic regulations and laws of the road, which convictions have become final, the junior or probationary license of such person shall be permanently revoked, with like effect as if such person had never held a junior or probationary operator's license: Provided, That such junior or probationary operator's license shall be revoked upon one final conviction for any offense specified in section five, article three of this chapter. Under no circumstances shall such a license be revoked for convictions of offenses in violation of any regulation or law governing the standing or parking of motor vehicles. A person whose junior or probationary operator's license has been revoked shall not thereafter receive a junior or probationary operator's license, but such person, upon at-
taining the age of eighteen, shall be eligible, unless otherwise disqualified by law, for examination and driver testing for a regular operator's license or chauffeur's license. No person shall receive a junior or probationary operator's license unless the application therefor is accompanied by a writing, duly acknowledged, consenting to the issuance of such junior or probationary operator's license and executed (a) by the parents of the applicant, or (b) if only one parent is living, then by such parent, or (c) if the parents be living separate and apart, by the one to whom was awarded the custody of the applicant, or (d) if there is a guardian entitled to the custody of the applicant, then by such guardian. Upon attaining the age of eighteen years, a person holding an unrevoked junior or probationary operator's license shall, upon payment of the prescribed fee, be entitled to receive a regular operator's license or chauffeur's license without further examination or driver testing;

(2) To any person, as a chauffeur, who is under the age of eighteen years;
(3) To any person, as an operator or chauffeur, whose license has been suspended, during such suspension, nor to any person whose license (other than a junior or probationary operator's license) has been revoked, except as provided in section eight, article three of this chapter;

(4) To any person, as an operator or chauffeur, who is an habitual drunkard, or is addicted to the use of narcotic drugs;

(5) To any person, as an operator or chauffeur, who has previously been adjudged to be afflicted with or suffering from any mental disability or disease and who has not at the time of application been restored to competency by judicial decree or released from a hospital for the mentally incompetent, upon the certificate of the superintendent of such institution that such person is competent and not then unless the commissioner is satisfied that such person is competent to operate a motor vehicle with safety to persons or property;

(6) To any person, as an operator or chauffeur, who is required by this chapter to take an examination, un-
less such person shall have successfully passed such ex-
amination;

(7) To any person who is required under the pro-
visions of the motor vehicle safety responsibility laws of
this state to deposit proof of financial responsibility and
who has not deposited such proof;

(8) To any person when the commissioner has good
cause to believe that the operation of a motor vehicle
on the highways by such person would be inimical to
public safety or welfare.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the House.

Takes effect ninety 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 5
day of March, 1965.

Governor
Presented to Governor's Office
Mar. 4, 1965
11:10 a.m.