WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1967

ENROLLED

SENATE BILL NO. 31

(By Mr. [Signature])

PASSED: March 11, 1967

In Effect: Sixty Days from Passage

FILED IN THE OFFICE
ROBERT D. BAILEY
SECRETARY OF STATE
THIS DATE 3-21-67
AN ACT to amend article six, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section eight, making it unlawful for any person to engage in, or aid or abet by serving as lookout or timer or in any other capacity whatever, any speed race on any public street or highway in this state; defining "speed race"; providing criminal offenses and penalties; providing for the mandatory revocation of an operator's or chauffeur's license or non-resident's privilege to drive upon conviction for engaging in or aiding or abetting any speed race; and pertaining to the circumstances under which a new operator's
or chauffeur's license or non-resident's privilege to drive may be obtained following such revocation.

Be it enacted by the Legislature of West Virginia:

That article six, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section eight, to read as follows:

§17C-6-8. Legislative findings and declaration of policy; speed racing on streets and highways; penalties; mandatory revocation of operator's or chauffeur's license or non-resident privilege to drive.

The Legislature hereby determines and finds that the racing of motor vehicles on the public streets and highways of this state, whether within or in excess of the lawful speed limit (much of which racing is commonly referred to as “drag racing”), is extremely dangerous to life, limb and property, and that such racing is an ever increasing problem. It is, therefore, hereby declared to be the public policy of this state to prohibit all forms of such racing on the public streets and highways, and to provide criminal penalties for, and require the revo-
cation of the operator's or chauffeur's license or nonresi-
dent privilege to drive, of those persons who are convicted
of engaging in or aiding or abetting such racing.

(a) It shall be unlawful for any person to engage in,
or aid or abet by serving as lookout or timer or in any
other capacity whatever, any speed race, as defined herein,
on any public street or highway in this state. For the
purposes of this subsection, "speed race" means:

(1) The operation of a motor vehicle in speed ac-
celeration competition with another motor vehicle or
motor vehicles; or

(2) The operation of a motor vehicle in speed accel-
eration competition against time; or

(3) The operation of a motor vehicle in speed com-
petition with another motor vehicle or motor vehicles
where the speed exceeds the lawful speed limit.

(b) Any person who violates the provisions of subsec-
tion-a of this section shall be guilty of a misdemeanor,
and, upon conviction thereof, shall be punished for a
first offense by a fine of not less than fifty dollars nor
more than one hundred dollars, and for a second offense
by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment for not less than six days nor more than sixty days, or by both such fine and imprisonment, and for a third and each subsequent offense by a fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment for not less than sixty days nor more than four months, or by both such fine and imprisonment. For the purposes of this section, a forfeiture of bail or collateral deposited to secure such person's appearance in court, which forfeiture has not been vacated, shall be equivalent to a final conviction. If at the time of any violation of the provisions of subsection-a of this section by any person as an operator of a motor vehicle, such person was not entitled to operate a motor vehicle in this state because his operator's or chauffeur's license, or privilege to drive in this state if such person be a nonresident, had earlier been suspended or revoked, then in addition to the offense, penalties and mandatory revocation provided for in this section, the provisions of section three, article four, chapter seventeen-b of this code shall be applicable.
(c) Whenever a person is convicted for a violation of the provisions of subsection-a of this section, which conviction has become final, the commissioner of motor vehicles shall in addition to the penalties hereinbefore provided, forthwith:

(1) For a first offense, revoke the operator's or chauffeur's license of such person, or such person's privilege to drive in this state if he be a nonresident, for a period of six months;

(2) For a second offense occurring within a two-year period, revoke the operator's or chauffeur's license of such person, or such person's privilege to drive in this state if he be a nonresident, for a period of two years; or

(3) For a third or any subsequent offense occurring within a five-year period, revoke the operator's or chauffeur's license of such person, or such person's privilege to drive in this state if he be a nonresident, for a period of five years.

Whenever a person is convicted as aforesaid for a second, third or subsequent offense which occurred while such
person's operator's or chauffeur's license, or privilege
to drive in this state if he be a nonresident, was revoked
pursuant to the provisions of this subsection, the period
or periods of mandatory revocation for such second, third
or subsequent offense shall be cumulative and shall run
consecutively. If a person's junior or probationary oper-
ator's license is revoked in accordance with the provisions
of this subsection, such person may not apply for a regu-
lar operator's or chauffeur's license until he reaches
eighteen years of age or until the period of revocation
has elapsed, whichever event shall last occur. Notwith-
standing the provisions of section eight, article three,
chapter seventeen-b of this code, any person whose oper-
ator's or chauffeur's license, or privilege to drive in this
state if he be a nonresident, is revoked, under the pro-
visions of this subsection, may, following the period or
periods of revocation, immediately apply for and obtain
a new operator's or chauffeur's license or nonresident
privilege to drive, as the case may be, if and only if the
commissioner of motor vehicles is satisfied, after investi-
gation of the character, habits and driving ability of such
person, that it will be safe to permit such person to drive a motor vehicle on the public streets and highways. Any period of revocation imposed under the provisions of this subsection shall be computed from the date of such revocation.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Wheelsam Tonger
Chairman Senate Committee

Clayton C. Davidson
Chairman House Committee

Originated in the Senate.

To take effect 90 days from passage.

J. Howard Miller
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Howard J. Caras
President of the Senate

H. Lanon White
Speaker House of Delegates

The within approved this the 17

day of March, 1967.

Nellie L. Smith
Governor
PRESENTED TO THE GOVERNOR

Date 3/12/67
Time 3:25 p.m.