

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1969



ENROLLED

HOUSE BILL No. 524

(By Mr. Mc Manus)



PASSED March 8, 1969

In Effect from Passage



FILED IN THE OFFICE
JOHN D. ROCKEFELLER, IV
SECRETARY OF STATE
THIS DATE 3-17-69

524

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House Bill No. 524

(By MR. McMANUS)

[Passed March 8, 1969; in effect from passage.]

AN ACT to amend and reenact section three, article two, chapter seventeen-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to revocation of a junior license.

Be it enacted by the Legislature of West Virginia:

That section 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.

§17B-2-3. What persons shall not be licensed; exceptions.

1 The department shall not issue any license hereunder:

2 (1) To any person, as an operator, who is under the

3 age of eighteen years: *Provided*, That under rules and
4 regulations to be established by the commissioner and
5 in accordance with the provisions hereinafter set forth
6 in this subdivision (1), a junior or probationary oper-
7 ator's license may be issued to any person between the
8 ages of sixteen and eighteen years, who is not otherwise
9 disqualified by law, upon application therefor on a form
10 prescribed by the commissioner and successful comple-
11 tion of all examinations and driving tests required by
12 law for the issuance of an operator's license to a person
13 eighteen years of age or older. The commissioner may
14 impose reasonable conditions or restrictions on the oper-
15 ation of a motor vehicle by a person holding such junior
16 or probationary operator's license, which conditions or
17 restrictions shall be printed on each such license. In
18 addition to all other provisions of this chapter for which
19 a regular operator's or chauffeur's license may be re-
20 voked, suspended or cancelled, whenever a person hold-
21 ing such a junior or probationary operator's license oper-
22 ates a motor vehicle in violation of the conditions or
23 restrictions set forth on such license, or has a record

24 of two convictions for moving violations of the traffic
25 regulations and laws of the road, which convictions have
26 become final, the junior or probationary license of
27 such person shall be permanently revoked, with like
28 effect as if such person had never held a junior or pro-
29 bationary operator's license: *Provided*, That such junior
30 or probationary operator's license shall be revoked upon
31 one final conviction for any offense specified in section
32 five, article three of this chapter. Under no circum-
33 stances shall such a license be revoked for convictions
34 of offenses in violation of any regulation or law govern-
35 ing the standing or parking of motor vehicles. A person
36 whose junior or probationary operator's license has been
37 revoked shall not thereafter receive a junior or pro-
38 bationary operator's license, but such person, upon attain-
39 ing the age of eighteen, shall be eligible, unless other-
40 wise disqualified by law, for examination and driver
41 testing for a regular operator's license or chauffeur's
42 license. No person shall receive a junior or probationary
43 operator's license unless the application therefor is
44 accompanied by a writing, duly acknowledged, con-

45 sending to the issuance of such junior or probationary
46 operator's license and executed (a) by the parents of
47 the applicant, or (b) if only one parent is living, then
48 by such parent, or (c) if the parents be living separate
49 and apart, by the one to whom was awarded the custody
50 of the applicant, or (d) if there is a guardian entitled
51 to the custody of the applicant, then by such guardian.
52 Upon attaining the age of eighteen years, a person hold-
53 ing an unrevoked junior or probationary operator's
54 license shall, upon payment of the prescribed fee, be
55 entitled to receive a regular operator's license or chauff-
56 feur's license without further examination or driver
57 testing. When a junior license is revoked as a result of
58 two convictions for moving violations of the traffic reg-
59 ulations and laws of the road as hereinabove stated, the
60 provisions of section one, article four, chapter seventeen-d
61 shall not apply;

62 (2) To any person, as a chauffeur, who is under the
63 age of eighteen years;

64 (3) To any person, as an operator or chauffeur, whose
65 license has been suspended, during such suspension, nor

66 to any person whose license (other than a junior or
67 probationary operator's license) has been revoked, ex-
68 cept as provided in section eight, article three of this
69 chapter;

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

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

83 (6) To any person, as an operator or chauffeur, who
84 is required by this chapter to take an examination,
85 unless such person shall have successfully passed such
86 examination;

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

91 (8) To any person when the commissioner has good
92 cause to believe that the operation of a motor vehicle on
93 the highways by such person would be inimical to public
94 safety or welfare.

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

William Tompkins
Chairman Senate Committee

Clayton C. Davidson
Chairman House Committee

Originated in the House.

Takes effect from passage.

Howard Hughes
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Lynd G. Jackson
President of the Senate

Sam F. Bassick
Speaker House of Delegates

The within approved this the 17th
day of March, 1969.

Arch A. Shaefer Jr.
Governor



PRESENTED TO THE
GOVERNOR

Date 3/12/69

Time 2:45 p.m.