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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1972

ENROLLED

SENATE BILL NO. 163

(By Mr. FALUMBO)

PASSED MARCH 9, 1972

In Effect 90 DAYS FROM Passage



163

FILED IN THE OFFICE
JOHN D. ROCKEFELLER, IV
SECRETARY OF STATE
THIS DATE 3-29-72

ENROLLED
Senate Bill No. 163

(By MR. PALUMBO)

[Passed March 9, 1972; in effect ninety days from passage.]

AN ACT to amend chapter seventeen-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article one-a, relating to adopting the driver license compact.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 1A. DRIVER LICENSE COMPACT.

§17B-1A-1. Authorization.

1 Pursuant to authority granted by an act of the eighty-
2 fifth Congress of the United States, being public law six
3 hundred eighty-four, approved the twentieth day of
4 August, one thousand nine hundred fifty-eight, the gov-
5 ernor of this state is hereby authorized and directed to
6 execute a compact on behalf of the state of West Vir-
7 ginia with all other jurisdictions legally joining therein
8 in the form substantially as follows:

ARTICLE I. FINDINGS AND DECLARATION OF POLICY.

1 (a) The party states find that:
2 (1) The safety of their streets and highways is ma-
3 terially affected by the degree of compliance with state
4 laws and local ordinances relating to the operation of
5 motor vehicles.
6 (2) Violation of such a law or ordinance is evidence
7 that the violator engages in conduct which is likely to en-
8 danger the safety of persons and property.

9 (3) The continuance in force of a license to drive is
10 predicated upon compliance with laws and ordinances re-
11 lating to the operation of motor vehicles, in whichever
12 jurisdiction the vehicle is operated.

13 (b) It is the policy of each of the party states to:

14 (1) Promote compliance with the laws, ordinances and
15 administrative rules and regulations relating to the opera-
16 tion of motor vehicles by their operators in each of the
17 jurisdictions where such operators drive motor vehicles.

18 (2) Make the reciprocal recognition of licenses to drive
19 and eligibility therefor more just and equitable by con-
20 sidering the overall compliance with motor vehicle laws,
21 ordinances and administrative rules and regulations as a
22 condition precedent to the continuance or issuance of any
23 license by reason of which the licensee is authorized or
24 permitted to operate a motor vehicle in any of the party
25 states.

ARTICLE II. DEFINITIONS.

1 As used in this compact:

2 (a) "State" means a state, territory or possession of the
3 United States, the District of Columbia or the Common-
4 wealth of Puerto Rico.

5 (b) "Home state" means the state which has issued
6 and has the power to suspend or revoke the use of the
7 license or permit to operate a motor vehicle.

8 (c) "Conviction" means a conviction of any offense re-
9 lated to the use or operation of a motor vehicle which is
10 prohibited by state law, municipal ordinance or adminis-
11 trative rule or regulation, or a forfeiture of bail, bond or
12 other security deposited to secure appearance by a person
13 charged with having committed any such offense, and
14 which conviction or forfeiture is required to be reported
15 to the licensing authority.

ARTICLE III. REPORTS OF CONVICTION.

1 The licensing authority of a party state shall report
2 each conviction of a person from another party state
3 occurring within its jurisdiction to the licensing authority
4 of the home state of the licensee. Such report shall clear-
5 ly identify the person convicted; describe the violation

6 specifying the section of the statute, code or ordinance
7 violated; identify the court in which action was taken;
8 indicate whether a plea of guilty or not guilty was en-
9 tered, or the conviction was a result of the forfeiture of
10 bail, bond or other security; and shall include any special
11 findings made in connection therewith.

ARTICLE IV. EFFECT OF CONVICTION.

1 (a) The licensing authority in the home state, for the
2 purposes of suspension, revocation or limitation of the
3 license to operate a motor vehicle, shall give the same
4 effect to the conduct reported, pursuant to Article III of
5 this compact, as it would if such conduct had occurred in
6 the home state, in the case of convictions for:

7 (1) Manslaughter or negligent homicide resulting from
8 the operation of a motor vehicle;

9 (2) Driving a motor vehicle while under the influence
10 of intoxicating liquor or a narcotic drug, or under the
11 influence of any other drug to a degree which renders the
12 driver incapable of safely driving a motor vehicle;

13 (3) Any felony in the commission of which a motor
14 vehicle is used;

15 (4) Failure to stop and render aid in the event of a
16 motor vehicle accident resulting in the death or personal
17 injury to another.

18 (b) As to other convictions, reported pursuant to
19 Article III, the licensing authority in the home state shall
20 give such effect to the conduct as is provided by the laws
21 of the home state.

22 (c) If the laws of a party state do not provide for
23 offenses or violations denominated or described in pre-
24 cisely the words employed in subsection (a) of this
25 article, such party state shall construe the denominations
26 and descriptions appearing in subsection (a) hereof as
27 being applicable to and identifying those offenses or viola-
28 tions of a substantially similar nature and the laws of
29 such party state shall contain such provisions as may be
30 necessary to ensure that full force and effect is given to
31 this article.

ARTICLE V. APPLICATIONS FOR NEW LICENSES.

1 Upon application for a license to drive, the licensing
2 authority in a party state shall ascertain whether the ap-
3 plicant has ever held, or is the holder of a license to drive
4 issued by any other party state. The licensing authority
5 in the state where application is made shall not issue a
6 license to drive to the applicant if:

7 (1) The applicant has held such a license, but the same
8 has been suspended by reason, in whole or in part, of a
9 violation and if such suspension period has not termi-
10 nated.

11 (2) The applicant has held such a license, but the same
12 has been revoked by reason, in whole or in part, of a
13 violation and if such revocation has not terminated, ex-
14 cept that after the expiration of one year from the date
15 the license was revoked, such person may make applica-
16 tion for a new license if permitted by law. The licensing
17 authority may refuse to issue a license to any such ap-
18 plicant if, after investigation, the licensing authority
19 determines that it will not be safe to grant to such per-
20 son the privilege of driving a motor vehicle on the public
21 highways.

22 (3) The applicant is the holder of a license to drive
23 issued by another party state and currently in force un-
24 less the applicant surrender such license.

ARTICLE VI. APPLICABILITY OF OTHER LAWS.

1 Except as expressly required by provisions of this com-
2 pact, nothing contained herein shall be construed to
3 affect the right of any party state to apply any of its other
4 laws relating to licenses to drive to any person or cir-
5 cumstance, nor to invalidate or prevent any driver license
6 agreement or other cooperative arrangement between a
7 party state and a nonparty state.

**ARTICLE VII. COMPACT ADMINISTRATOR AND
INTERCHANGE OF INFORMATION.**

1 (a) The head of the licensing authority of each party
2 state shall be the administrator of this compact for his
3 state. The administrators, acting jointly, shall have the
4 power to formulate all necessary and proper procedures
5 for the exchange of information under this compact.

6 (b) The administrator of each party state shall furnish
7 to the administrator of each other party state any in-
8 formation or documents reasonably necessary to facilitate
9 the administration of this compact.

ARTICLE VIII. ENTRY INTO FORCE AND WITHDRAWAL.

1 (a) This compact shall enter into force and become
2 effective as to any state when it has enacted the same
3 into law.

4 (b) Any party state may withdraw from this compact
5 by enacting a statute repealing the same, but no such
6 withdrawal shall take effect until six months after the
7 executive head of the withdrawing state has given notice
8 of the withdrawal to the executive heads of all other
9 party states. No withdrawal shall affect the validity or
10 applicability by the licensing authorities of states re-
11 maining party to the compact of any report of convic-
12 tion occurring prior to the withdrawal.

ARTICLE IX. CONSTRUCTION AND SEVERABILITY.

1 This compact shall be liberally construed so as to
2 effectuate the purposes thereof. The provisions of this
3 compact shall be severable and if any phrase, clause,
4 sentence or provision of this compact is declared to be
5 contrary to the constitution of any party state or of the
6 United States or the applicability thereof to any govern-
7 ment, agency, person or circumstance is held invalid,
8 the validity of the remainder of this compact and the
9 applicability thereof to any government, agency, person
10 or circumstance shall not be affected thereby. If this
11 compact shall be held contrary to the constitution of
12 any state party thereto, the compact shall remain in full
13 force and effect as to the remaining states and in full
14 force and effect as to the state affected as to all severable
15 matters.

§17B-1A-2. Definitions; implementation of compact.

1 (1) As used in the compact, the term "licensing
2 authority", with reference to this state, shall mean the
3 department of motor vehicles. Said department shall
4 furnish to the appropriate authorities of any other party
5 state any information or documents reasonably necessary

6 to facilitate the administration of Articles III, IV and V
7 of the compact.

8 (2) The compact administrator provided for in Article
9 VII of the compact shall not be entitled to any additional
10 compensation on account of his service as such admini-
11 strator, but shall be entitled to be reimbursed for all
12 reasonable and necessary expenses actually incurred in
13 connection with his duties and responsibilities as such ad-
14 ministrator, in the same manner as for other such ex-
15 penses incurred in connection with any other duties or
16 responsibilities of his office or employment.

17 (3) As used in the compact, with reference to this
18 state, the term "executive head" shall mean the governor.

19 (4) To aid in the implementation of the compact,
20 records required to be forwarded to the department of
21 motor vehicles by the provisions of section four, article
22 three of this chapter shall be forwarded to such depart-
23 ment within the time and as otherwise specified in said
24 section four.

25 (5) The statutes which Article IV of the compact refers
26 to are sections one, five and six, article three, chapter
27 seventeen-b, section three, article three, chapter seven-
28 teen-d, and section five, article four, chapter seventeen-d
29 of the code of West Virginia.

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

Russell G. Beall
Chairman Senate Committee

Phyllis J. Rutledge
Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

Howard Wilson
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

G. S. P. P. P.
President of the Senate

Lewis J. McManis
Speaker House of Delegates

The within approved this the 27th
March
day of _____, 1972.

Anna A. Thayer Jr.
Governor

PRESENTED TO THE
GOVERNOR

Date 3/17/72

Time 1:00 p.m.

MAR 29 9 29 AM '72

OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA