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STATE OF WEST VIRGINIA

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1973

## ENROLLED

HOUSE BILL No. 639

(By Mr. Orig. in the House Com. on the Judiciary)

PASSED April 13, 1973

In Effect Ninety days from Passage



C 641

FILED IN THE OFFICE  
EDGAR F. HEISKELL III  
SECRETARY OF STATE  
THIS DATE 5/2/73

Veto - 639

**ENROLLED**  
**COMMITTEE SUBSTITUTE**  
**FOR**  
**House Bill No. 639**

(Originating in the House Committee on the Judiciary)

[Passed April 13, 1973; in effect ninety days from passage.]

AN ACT to amend article five, 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 two-a, relating to traffic regulations; driving while intoxicated; providing for a limited operator's or chauffeur's license; petition to court of record; notification to commissioner; and revocation of limited license.

*Be it enacted by the Legislature of West Virginia:*

That article five, 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 two-a, to read as follows:

**ARTICLE 5. NEGLIGENCE, DRIVING WHILE INTOXICATED AND RECKLESS DRIVING.**

**§17C-5-2a. Limited license to drive to and from place of employment, or during course of employment.**

1 A driver who has been convicted of a first offense under  
2 section two, article five, chapter seventeen-c of this code

3 and who has no prior conviction thereunder and whose liveli-  
4 hood depends upon being licensed as an operator or chauff-  
5 feur, may petition the court wherein he was convicted, if  
6 a court of record, for a limited operator's or chauffeur's  
7 license. In the event he is convicted in a court other than a  
8 court of record, he may petition a court of record having  
9 criminal jurisdiction in the county wherein he was convicted.

10 Upon the judge's recommendation, the commissioner of  
11 motor vehicles shall issue a limited operator's or chauffeur's  
12 license to the driver. Such license shall be used for the sole  
13 purpose of driving to and from the place of employment and  
14 during the course of employment.

15 The limited license issued by the commissioner shall clearly  
16 indicate the limitations imposed. Any violation of such limita-  
17 tions shall, after hearing, be grounds for revocation of such  
18 limited license by the commissioner, if so recommended by  
19 the court of record initially recommending such limited license.  
20 Any person holding any such limited operator's or chauffeur's  
21 license shall have such license in his possession at all times  
22 while operating any motor vehicle.

23 In determining whether to recommend the issuance of a  
24 limited license, the judge shall consider each petitioner's  
25 circumstances, including, but not limited to, the number and  
26 the seriousness of prior convictions, his entire driving record,  
27 the nature of his occupation, and the number of miles driven  
28 by such driver annually.

29 The filing of such petition shall stay the revocation of an  
30 operator's or chauffeur's license. Service of a certified copy  
31 of the petition by registered or certified mail shall constitute  
32 notice of such proceedings to the commissioner. It shall be the  
33 duty of the clerk of any court wherein such petition is heard  
34 to forward to the commissioner a certified copy of the order  
35 of the court reflecting the final disposition of such petition.

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

W. Darrel Darby  
Chairman Senate Committee

Lawrence C. Thurston Jr.  
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Harold W. Carson  
Clerk of the Senate

W. Blankenship  
Clerk of the House of Delegates

H. B. Thurston Jr.  
President of the Senate

Lewis F. H. Thomas  
Speaker House of Delegates

The within disapproved this the 24th  
April, 1973.  
day of \_\_\_\_\_

And A. Shasey Jr.  
Governor



PRESENTED TO THE  
GOVERNOR

Date 4/24/73

Time 2:34 p.m.