WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1973

ENROLLED

HOUSE BILL No. 639

(By Mr. , in the House Committee on Judiciary)

PASSED April 13, 1973

In Effect Ninety Days from Passage

Veto - 639

FILED IN THE OFFICE
EDGAR F. HEISKELL III
SECRETARY OF STATE
THIS DATE 5/2/73
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. NEGLIGENT HOMICIDE, 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 section two, article five, chapter seventeen-c of this code
and who has no prior conviction thereunder and whose livelihood depends upon being licensed as an operator or chauffeur, may petition the court wherein he was convicted, if a court of record, for a limited operator's or chauffeur's license. In the event he is convicted in a court other than a court of record, he may petition a court of record having criminal jurisdiction in the county wherein he was convicted. Upon the judge's recommendation, the commissioner of motor vehicles shall issue a limited operator's or chauffeur's license to the driver. Such license shall be used for the sole purpose of driving to and from the place of employment and during the course of employment.

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

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

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

N. Darrel Darby
Chairman Senate Committee

Claude E. Sizemore Jr.
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Howard W. Carson
Clerk of the Senate

C A Blankenship
Clerk of the House of Delegates

W. B. Bandy
President of the Senate

J. G. L. Barnes
Speaker House of Delegates

The within bill is hereby disapproved this the 24th day of April, 1973.

Aubrey Chancellor, Jr.
Governor
PRESENTED TO THE
GOVERNOR

Date  4/24/73

Time  2:34 p.m.