

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1978



ENROLLED

SENATE BILL NO. 207

(By Mr. Steppe & Mr. Hinkle)



PASSED March 9 1978

In Effect from Passage



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Senate Bill No. 207

(By MR. STEPTOE and MR. HINKLE)

[Passed March 9, 1978; in effect 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-c, relating to nonresident motorist violations of state traffic and motor vehicle laws, and authorizing the governor to execute the nonresident violator compact on behalf of West Virginia with all other jurisdictions legally joining therein.

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-c, to read as follows:

ARTICLE 1C. NONRESIDENT VIOLATOR COMPACT.

§17B-1C-1. Authorization for entry into nonresident violator compact.

1 The governor of this state is hereby authorized and
2 directed to execute a compact on behalf of the state of
3 West Virginia with any state of the United States legally
4 joining therein in form substantially as follows:

5 ARTICLE I. FINDINGS, DECLARATION OF POLICY AND PURPOSE.

6 A. The party jurisdictions find that:

7 (1) In most instances, a motorist who is cited for a
8 traffic violation in a jurisdiction other than his home
9 jurisdiction:

10 (a) Must post collateral or bond to secure appearance
11 for trial at a later date; or

12 (b) If unable to post collateral or bond, is taken into
13 custody until the collateral or bond is posted; or

14 (c) Is taken directly to court for his trial to be held.

15 (2) In some instances, the motorist's driver's license
16 is deposited as collateral to be returned after he has
17 complied with the terms of the citation.

18 (3) The purpose of the practices described in para-
19 graphs (1) and (2) above is to ensure compliance with
20 the terms of a traffic citation by the motorist who, if per-
21 mitted to continue on his way after receiving the traffic
22 citation, could return to his home jurisdiction and dis-
23 regard his duty under the terms of the traffic citation.

24 (4) A motorist receiving a traffic citation in his home
25 jurisdiction is permitted, except for certain violations, to
26 accept the citation from the officer at the scene of the
27 violation and to immediately continue on his way after
28 promising or being instructed to comply with the terms
29 of the citation.

30 (5) The practice described in paragraph (1) above
31 causes unnecessary inconvenience and, at times, a hard-
32 ship for the motorist who is unable at the time to post
33 collateral, furnish a bond, stand trial or pay the fine and
34 thus is compelled to remain in custody until some ar-
35 rangement can be made.

36 (6) The deposit of a driver's license as a bail bond, as
37 described in paragraph (2) above, is viewed with dis-
38 favor.

39 (7) The practices described herein consume an undue
40 amount of law-enforcement time.

41 B. It is the policy of the party jurisdictions to:

42 (1) Seek compliance with the laws, ordinances and
43 administrative rules and regulations relating to the oper-
44 ation of motor vehicles in each of the jurisdictions.

45 (2) Allow motorists to accept a traffic citation for cer-
46 tain violations and proceed on their way without delay
47 whether or not the motorist is a resident of the jurisdiction
48 in which the citation was issued.

49 (3) Extend cooperation to its fullest extent among the
50 jurisdictions, each as to the other, for obtaining compli-
51 ance with the terms of a traffic citation issued in one
52 jurisdiction to a resident of another jurisdiction.

53 (4) Maximize effective utilization of law-enforcement
54 personnel and assist court systems in the efficient dis-
55 position of traffic violations.

56 C. The purpose of this compact is to:

57 (1) Provide a means through which jurisdictions may
58 participate in a reciprocal program to effectuate the
59 policies enumerated in paragraph B above, in a uniform
60 and orderly manner.

61 (2) Provide for the fair and impartial treatment of
62 traffic violators operating within party jurisdiction in
63 recognition of the motorist's right of due process and the
64 sovereign status of a party jurisdiction.

65 ARTICLE II. DEFINITIONS.

66 In the nonresident violator compact, the following
67 words have the meaning indicated, unless the context
68 requires otherwise.

69 (1) "Citation" means any summons, ticket or other
70 official document issued by a police officer for a traffic
71 violation containing an order which requires the motorist
72 to respond.

73 (2) "Collateral" means any cash or other security
74 deposited to secure an appearance for trial, following the
75 issuance by a police officer of a citation for a traffic
76 violation.

77 (3) "Court" means a court of law or traffic tribunal.

78 (4) "Driver's license" means any license or privilege
79 to operate a motor vehicle issued under the laws of the
80 home jurisdiction.

81 (5) "Home jurisdiction" means the jurisdiction that
82 issued the driver's license of the traffic violator.

83 (6) "Issuing jurisdiction" means the jurisdiction in
84 which the traffic citation was issued to the motorist.

85 (7) "Jurisdiction" means a state, territory or possession
86 of the United States, the District of Columbia or the
87 Commonwealth of Puerto Rico.

88 (8) "Motorist" means a driver of a motor vehicle operat-
89 ing in a party jurisdiction other than the home jurisdic-
90 tion.

91 (9) "Personal recognizance" means an agreement by a
92 motorist made at the time of issuance of the traffic
93 citation that he will comply with the terms of that traffic
94 citation.

95 (10) "Police officer" means any individual authorized
96 by the party jurisdiction to issue a citation for a traffic
97 violation.

98 (11) "Terms of the citation" means those options
99 expressly stated upon the citation.

100 ARTICLE III. PROCEDURE FOR ISSUING JURISDICTION.

101 A. When issuing a citation for a traffic violation, a
102 police officer shall issue the citation to a motorist who
103 possesses a driver's license issued by a party jurisdiction
104 and shall not, subject to the exceptions noted in paragraph
105 B of this article, require the motorist to post collateral
106 to secure appearance, if the officer receives the motorist's
107 signed personal recognizance that he will comply with the
108 terms of the citation.

109 B. Personal recognizance is acceptable only if not
110 prohibited by law. If mandatory appearance is required,
111 it must take place immediately following issuance of the
112 citation.

113 C. Upon failure of a motorist to comply with the terms
114 of a traffic citation, the appropriate official shall report
115 the failure to comply to the licensing authority of the
116 jurisdiction in which the traffic citation was issued. The
117 report shall be made in accordance with procedures
118 specified by the issuing jurisdiction and shall contain
119 information as specified in the compact manual as mini-
120 mum requirements for effective processing by the recipient
121 jurisdiction.

122 D. Upon receipt of the report, the licensing authority
123 of the issuing jurisdiction shall transmit to the licensing
124 authority in the home jurisdiction of the motorist the
125 information in a form and content as contained in the
126 compact manual.

127 E. The licensing authority of the issuing jurisdiction
128 may not suspend the privilege of a motorist for whom a
129 report has been transmitted.

130 F. The licensing authority of the issuing jurisdiction
131 shall not transmit a report on any violation if the date of
132 transmission is more than six months after the date on
133 which the traffic citation was issued.

134 G. The licensing authority of the issuing jurisdiction
135 shall not transmit a report on any violation where the
136 date of issuance of the citation predates the most recent
137 of the effective dates of entry for the two jurisdictions
138 affected.

139 ARTICLE IV. PROCEDURE FOR HOME JURISDICTION.

140 A. Upon receipt of a report of a failure to comply
141 from the licensing authority of the issuing jurisdiction,
142 the licensing authority of the home jurisdiction shall
143 notify the motorist and initiate a suspension action, in
144 accordance with the home jurisdiction's procedures, to
145 suspend the motorist's driver's license until satisfactory
146 evidence of compliance with the terms of the traffic
147 citation has been furnished to the home jurisdiction
148 licensing authority. Due process safeguards will be af-
149 forded.

150 B. The licensing authority of the home jurisdiction
151 shall maintain a record of actions taken and make reports
152 to issuing jurisdictions as provided in the compact manual.

153 ARTICLE V. APPLICABILITY OF OTHER LAWS.

154 Except as expressly required by provisions of this
155 compact, nothing contained herein shall be construed to
156 affect the right of any party jurisdiction to apply any of
157 its other laws relating to licenses to drive to any person
158 or circumstance, or to invalidate or prevent any driver
159 license agreement or other cooperative arrangement
160 between a party jurisdiction and a nonparty jurisdiction.

161 ARTICLE VI. COMPACT ADMINISTRATOR PROCEDURES.

162 A. For the purpose of administering the provisions of
163 this compact and to serve as a governing body for the
164 resolution of all matters relating to the operation of this
165 compact, a board of compact administrators is created.
166 The board shall be composed of one representative from
167 each party jurisdiction to be known as the compact ad-
168 ministrator. The compact administrator shall be appointed
169 by the jurisdiction executive and will serve and be
170 subject to removal in accordance with the laws of the
171 jurisdiction he represents. A compact administrator may
172 provide for the discharge of his duties and the perform-
173 ance of his functions as a board member by an alternate.
174 An alternate may not be entitled to serve unless
175 written notification of his identity has been given to the
176 board.

177 B. Compact administrators shall be entitled to one
178 vote each on the board of directors. No action of the

179 board shall be binding unless taken at a meeting at which
180 a majority of the total number of votes on the board are
181 cast in favor. Action by the board shall be only at a
182 meeting at which a majority of the party jurisdictions
183 are represented.

184 C. The board shall elect annually, from its member-
185 ship, a chairman and a vice-chairman.

186 D. The board shall adopt bylaws, not inconsistent with
187 the provisions of this compact or the laws of a party juris-
188 diction, for the conduct of its business and shall have
189 the power to amend and rescind its bylaws.

190 E. The board may accept for any of its purposes and
191 functions under this compact any and all donations, and
192 grants of money, equipment, supplies, materials and
193 services, conditional or otherwise, from any jurisdiction,
194 the United States, or any other governmental agency
195 and may receive, utilize and dispose of the same.

196 F. The board may contract with, or accept services or
197 personnel from, any government or intergovernmental
198 agency, person, firm or corporation, or any private non-
199 profit organization or institution.

200 G. The board shall formulate all necessary procedures
201 and develop uniform forms and documents for administer-
202 ing the provisions of this compact. All procedures and
203 forms adopted pursuant to board action shall be contained
204 in the compact manual.

205 ARTICLE VII. ENTRY INTO COMPACT AND WITHDRAWAL.

206 A. This compact shall become effective when it has
207 been adopted by at least two jurisdictions.

208 B. (1) Entry into the compact shall be made by a
209 resolution of ratification executed by the authorized
210 officials of the applying jurisdiction and submitted to the
211 chairman of the board.

212 (2) The resolution shall be in a form and content as
213 provided in the compact manual and shall include state-
214 ments that in substance are as follows:

215 (a) A citation of the authority by which the jurisdic-
216 tion is empowered to become a party to this compact.

217 (b) Agreement to comply with the terms and provisions
218 of the compact.

219 (c) That compact entry is with all jurisdictions then
220 party to the compact and with any jurisdiction that
221 legally becomes a party to the compact.

222 (3) The effective date of entry shall be specified by
223 the applying jurisdiction, but it shall not be less than
224 sixty days after notice has been given by the chairman of
225 the board of compact administrators or by the secretariat
226 of the board to each party jurisdiction that the resolution
227 from the applying jurisdiction has been received.

228 C. A party jurisdiction may withdraw from this com-
229 pact by official written notice to the other party juris-
230 dictions, but a withdrawal shall not take effect until ninety
231 days after notice of withdrawal is given. The notice shall
232 be directed to the compact administrator of each member
233 jurisdiction. No withdrawal shall affect the validity of
234 this compact as to the remaining party jurisdictions.

235 ARTICLE VIII. EXCEPTIONS.

236 The provisions of this compact shall not apply to
237 parking or standing violations, highway weight limit
238 violations and violations of law governing the transporta-
239 tion of hazardous materials.

240 ARTICLE IX. AMENDMENTS TO THE COMPACT.

241 A. This compact may be amended from time to time.
242 Amendments shall be presented in resolution form to the
243 chairman of the board of compact administrators and
244 may be initiated by one or more party jurisdictions.

245 B. Adoption of an amendment shall require endorse-
246 ment of all party jurisdictions and shall become effective
247 thirty days after the date of the last endorsement.

248 C. Failure of a party jurisdiction to respond to the
249 compact chairman within one hundred and twenty days
250 after receipt of the proposed amendment shall constitute
251 endorsement.

252 ARTICLE X. CONSTRUCTION AND SEVERABILITY.

253 This compact shall be liberally construed so as to
254 effectuate the purposes stated herein. The provisions of
255 this compact shall be severable and if any phrase, clause,
256 sentence or provision of this compact is declared to be
257 contrary to the constitution of any party jurisdiction or of
258 the United States or the applicability thereof to any gov-
259 ernment, agency, person or circumstance, the compact

260 shall not be affected thereby. If this compact shall be
261 held contrary to the constitution of any jurisdiction party
262 thereto, the compact shall remain in full force and effect
263 as to the remaining jurisdictions and in full force and
264 effect as to the jurisdiction affected as to all severable
265 matters.

266 **ARTICLE XI.**

267 This compact shall be known as the "Nonresident
268 Violator Compact."

§17B-1C-2. Definitions.

1 (1) As used in this article, the term "licensing author-
2 ity," with reference to this state, means the department
3 of motor vehicles. The department shall furnish to the
4 licensing authorities of any other party state any informa-
5 tion or documents reasonably necessary to facilitate the
6 administration of Articles III and IV and shall maintain
7 and periodically distribute to every court of record and
8 magistrate, every sheriff and municipal chief of police
9 and the department of public safety a current list of all
10 states that have executed the compacts as provided in
11 this article.

12 (2) As used in this article, the term "jurisdiction ex-
13 ecutive," with reference to this state, means the gover-
14 nor of this state.

15 (3) As used in Section C, Article III of section one of
16 this article, the term "appropriate official," with reference
17 to this state, refers to a magistrate, his clerk, or a judge
18 or clerk of a court of record.

§17B-1C-3. Compact administrator.

1 The compact administrator, as provided for in Article
2 VI, section one of this article, is the commissioner of the
3 department of motor vehicles. The commissioner shall
4 not be entitled to any additional compensation for service
5 as administrator, but shall be entitled to reimbursement
6 for all reasonable and necessary expenses actually in-
7 curred in discharging the duties and responsibilities as
8 administrator in the same manner as for other such ex-
9 penses incurred in discharging any other duties or re-
10 sponsibilities of the department of motor vehicles.

§17B-1C-4. Entry into other nonresident violator compacts.

1 Inasmuch as other states and the District of Columbia
2 have entered into nonresident violator compacts which
3 are similar in purpose to the compact set forth in section
4 one of this article, the governor is authorized to execute
5 a nonresident violator compact on behalf of this state
6 with each of these jurisdictions.

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

James L. Davis
Chairman Senate Committee

Rowena C. Trushan
Chairman House Committee

Originated in the Senate.

To take effect from passage.

J. P. Willoughby
Clerk of the Senate

W. Blankenship
Clerk of the House of Delegates

W. T. Gullotta
President of the Senate

Donald L. Topp
Speaker House of Delegates

The within is approved this the 24
day of March, 1978.

John D. Rhyall
Governor



APPROVED AND SIGNED BY THE GOVERNOR

RECEIVED
MAR 13 2 15 PM '78
OFFICE OF THE GOVERNOR

Date March 24, 1978
Time 10:15 A.M.

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OFFICE
SECY. OF STATE