WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1995

ENROLLED
Com. Sub. for
HOUSE BILL No. 2085

Passed ................ March 11 ....................... 1995
In Effect .......... 90 days from .......... Passage
ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 2085
(BY DELEGATES SMIRL, JOHNSON, JENKINS AND HUBBARD)

[Passed March 11, 1995; in effect ninety days from passage.]

AN ACT to amend and reenact section eleven, article eight, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to requiring school attendance as condition for licensing for privilege of operation of motor vehicle; and providing that enrollment in an institution of higher education qualifies a person under the age of eighteen to be issued a license or instruction permit.

Be it enacted by the Legislature of West Virginia:

That section eleven, article eight, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 8. COMPULSORY SCHOOL ATTENDANCE.

§18-8-11. School attendance as condition of licensing for privilege of operation of motor vehicle.

1 (a) In accordance with the provisions of sections three and five, article two, chapter seventeen-b of this code, the division of motor vehicles shall deny a license or
instruction permit for the operation of a motor vehicle to
any person under the age of eighteen who does not at the
time of application present a diploma or other certificate
of graduation issued to the person from a secondary high
school of this state or any other state or documentation
that the person: (1) Is enrolled and making satisfactory
progress in a course leading to a general educational
development certificate (GED) from a state approved
institution or organization, or has obtained such certifi-
cate; (2) is enrolled in a secondary school of this state or
any other state; (3) is excused from such requirement due
to circumstances beyond his or her control; or (4) is
enrolled in an institution of higher education as a full-time
student in this state or any other state.

(b) The attendance director or chief administrator
shall provide documentation of enrollment status on a
form approved by the department of education to any
student sixteen years of age or older upon request who is
properly enrolled in a school under the jurisdiction of said
official for presentation to the division of motor vehicles
on application for or reinstatement of an instruction
permit or license to operate a motor vehicle. Whenever a
student sixteen years of age or older withdraws from
school, except as provided in subsection (d) of this section,
the attendance director or chief administrator shall notify
the division of motor vehicles of such withdrawal not later
than five days from the withdrawal date. Within five days
of receipt of such notice, the division of motor vehicles
shall send notice to the licensee that the license will be
suspended under the provisions of section three, article
two, chapter seventeen-b of this code on the thirtieth day
following the date the notice was sent unless docu-
mentation of compliance with the provisions of this
section is received by the division of motor vehicles before
such time.

(c) For the purposes of this section, withdrawal shall be
defined as more than ten consecutive or fifteen days total
unexcused absences during a single semester. For the
purposes of this section, suspension or expulsion from school or imprisonment in a jail or a penitentiary is not a circumstance beyond the control of such person.

(d) Whenever the withdrawal from school of such student, or such student's failure to enroll in a course leading to or to obtain a GED or high school diploma, is beyond the control of such student, or is for the purpose of transfer to another school as confirmed in writing by the student's parent or guardian, no such notice shall be sent to the division of motor vehicles to suspend the student's motor vehicle operator's license, and if the student is applying for a license, the attendance director or chief administrator shall provide the student with documentation to present to the division of motor vehicles to excuse such student from the provisions of this section. The school district superintendent (or the appropriate school official of any private secondary school) with the assistance of the county attendance director and any other staff or school personnel shall be the sole judge of whether such withdrawal is due to circumstances beyond the control of such person.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within ____________ this the ________ day of ____________, 1995.

Governor
PRESENTED TO THE
GOVERNOR
Date 3/5/85
Time 2:30 P.M.