

HB 2022

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WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 1999



ENROLLED

House Bill No. 2022

(By Delegates Coleman and Stemple)



Passed March 13, 1999

In Effect from Passage

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OFFICE OF THE CLERK
STATE OF WEST VIRGINIA

ENROLLED

H. B. 2022

(BY DELEGATES COLEMAN AND STEMPLER)

[Passed March 13, 1999; in effect from passage.]

AN ACT to amend and reenact section three, article four, chapter seventeen-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to altering the criminal and administrative penalties for driving a motor vehicle while the operator's license is suspended or revoked.

Be it enacted by the Legislature of West Virginia:

That section three, article four, chapter seventeen-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 4. VIOLATIONS OF LICENSE PROVISIONS.

§17B-4-3. Driving while license suspended or revoked; driving while license revoked for driving under the influence of alcohol, controlled substances or drugs, or while having alcoholic concentration in the blood of ten hundredths of one percent or more, by weight, or for refusing to take secondary chemical test of blood alcohol contents.

- 1 (a) Except as otherwise provided in subsection (b) or (d) of
- 2 this section, any person who drives a motor vehicle on any
- 3 public highway of this state at a time when his or her privilege

4 to do so has been lawfully suspended or revoked by this state or
5 any other jurisdiction is, for the first offense, guilty of a
6 misdemeanor and, upon conviction thereof, shall be fined not
7 less than one hundred dollars nor more than five hundred
8 dollars; for the second offense, the person is guilty of a misde-
9 meanor and, upon conviction thereof, shall be confined in jail
10 for a period of ten days and, in addition to the mandatory jail
11 sentence, shall be fined not less than one hundred dollars nor
12 more than five hundred dollars; for the third or any subsequent
13 offense, the person is guilty of a misdemeanor and, upon
14 conviction thereof, shall be confined in jail for six months and,
15 in addition to the mandatory jail sentence, shall be fined not
16 less than one hundred fifty dollars nor more than five hundred
17 dollars.

18 (b) Any person who drives a motor vehicle on any public
19 highway of this state at a time when his or her privilege to do
20 so has been lawfully revoked for driving under the influence of
21 alcohol, controlled substances or other drugs, or for driving
22 while having an alcoholic concentration in his or her blood of
23 ten hundredths of one percent or more, by weight, or for
24 refusing to take a secondary chemical test of blood alcohol
25 content, is, for the first offense, guilty of a misdemeanor and,
26 upon conviction thereof, shall be confined in jail for six months
27 and in addition to the mandatory jail sentence, shall be fined not
28 less than one hundred dollars nor more than five hundred
29 dollars; for the second offense, the person is guilty of a misde-
30 meanor and, upon conviction thereof, shall be confined in jail
31 for a period of one year and, in addition to the mandatory jail
32 sentence, shall be fined not less than one thousand dollars nor
33 more than three thousand dollars; for the third or any subse-
34 quent offense, the person is guilty of a felony and, upon
35 conviction thereof, shall be imprisoned in the penitentiary for
36 not less than one year nor more than three years and, in addition
37 to the mandatory prison sentence, shall be fined not less than
38 three thousand dollars nor more than five thousand dollars.

39 (c) Upon receiving a record of the first or subsequent
40 conviction of any person under subsection (b) of this section
41 upon a charge of driving a vehicle while the license of such

42 person was lawfully suspended or revoked, the division shall
43 extend the period of such suspension or revocation for an
44 additional period of one year from and after the date such
45 person would otherwise have been entitled to apply for a new
46 license. Upon receiving a record of the second or subsequent
47 conviction of any person under subsection (a) of this section
48 upon a charge of driving a vehicle while the license of such
49 person was lawfully suspended or revoked, the division shall
50 extend the period of such suspension or revocation for an
51 additional period of one year from and after the date such
52 person would otherwise have been entitled to apply for a new
53 license.

54 (d) Any person who drives a motor vehicle on any public
55 highway of this state at a time when his or her privilege to do
56 so has been lawfully suspended for driving while under the age
57 of twenty-one years with an alcohol concentration in his or her
58 blood of two hundredths of one percent or more, by weight, but
59 less than ten hundredths of one percent, by weight, is guilty of
60 a misdemeanor and, upon conviction thereof, shall be confined
61 in jail for twenty-four hours or shall be fined not less than fifty
62 dollars nor more than five hundred dollars, or both.

63 (e) An order for home detention by the court pursuant to the
64 provisions of article eleven-b, chapter sixty-two of this code
65 may be used as an alternative sentence to any period of incar-
66 ceration required by this section.

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

Paul DeLoach
Chairman Senate Committee

Joe F. Smith
Chairman House Committee

Originating in the House.

Takes effect from passage.

Carroll E. Johnson
Clerk of the Senate

Gregory W. Sims
Clerk of the House of Delegates

Carl Ray Tomblin
President of the Senate

Tom
Speaker of the House of Delegates

The within *approved* this the *7th*
day of *April*, 1999.

Paul Anderson
Governor

PRESENTED TO THE

GOVERNOR

Date 3/26/99

Time 2:25pm