
PART THREE — TRAFFIC CODE

ARTICLE 314 Vehicle Registration; Driver's License

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CROSS REFERENCES

Impounding unlicensed vehicle—see Ord. Art. 303.07
Illumination of license plate—see Ord. Art. 345.05(c)

314.01 Registration, certificate of title required.

No person shall drive or move or park and no owner shall knowingly permit to be driven, moved or parked upon any street or highway any vehicle of a type required to be registered under West Virginia Code Chapter 17-A which is not registered or for which a certificate of title has not been issued or applied for or for which the appropriate fee has not been paid when and as required, except as otherwise permitted by the provisions therein; provided, that in the event of the sale of a vehicle by a person other than a registered dealer, the person purchasing the same may, for a period of not more than ten days, operate such vehicle under the registration of its previous owner and display the registration thereof; provided further that he shall have and display on the demand of any proper officer the consent in writing of such previous owner so to use such registration. (WV Code 17A-3-1. Ord. 2013-01, passed 02-11-2013.) ^[314.01]

314.02 Registration card.

Every owner upon receipt of a registration card shall write his signature thereon with pen and ink in the space provided. Every such registration card shall at all times be carried in the vehicle to which it refers or shall be carried by the person driving or in control of such vehicle who shall display the same upon demand of a police officer or any officer or employee of the Department of Motor Vehicles. (WV Code 17A-3-13. Ord. 2013-01, passed 02-11-2013.) ^[314.02]

314.03 Display of registration plates.

- (a) Registration plates issued for vehicles required to be registered shall be attached to the rear thereof except that on truck tractors and road tractors designed and constructed to pull trailers or semi-trailers, the registration plate shall be mounted to the front.

FOOTNOTES:

- 314.01 This section was previously codified as 351.01.
- 314.02 This section was previously codified as 351.02.

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- (b) Every registration plate shall at all times be securely fastened in a horizontal position to the vehicle for which it is issued so as to prevent the plate from swinging and at a height of not less than twelve inches from the ground, measuring from the bottom of such plate, in a place and position to be clearly visible and shall be maintained free from foreign materials and in a condition to be clearly legible.
- (c) Notwithstanding the provisions of subsection (b) of this section, an owner of a motor vehicle with a Class G registration as defined in West Virginia Code 17A-101 may choose to:
 - (1) Display a standard, Class G registration plate in a horizontal position; or
 - (2) Display a specially designed Class G registration plate in a vertical position.(WV Code 17A-3-15. Ord. 2013-01, passed 02-11-2013.) ^[314.03]

314.04 Operation of vehicle without evidence of registration; use of temporary facsimile.

No person shall operate or park, nor shall an owner knowingly permit to be operated or parked upon any street or highway any vehicle required to be registered unless there is attached thereto and displayed thereon or is in the possession of the operator when and as required by this Traffic Code, a valid registration card and registration plate or plates issued therefor by the Department of Motor Vehicles for the current registration year except as otherwise expressly permitted in West Virginia Code Chapter 17-A.

In the event that the registration plate or plates originally issued are lost, destroyed or stolen, a temporary facsimile of the plate or plates, showing the number of the same, may be attached to the vehicle by the owner for a period of not more than fifteen days, or until a new plate or plates are issued by the Department whichever is earlier; provided, that no such facsimile shall be used and no such vehicle shall be driven upon the streets or highways of this Corporation until the owner has notified in writing the State Police of the loss of such registration plate or plates. (WV Code 17A-9-2. Ord. 2013-01, passed 02-11-2013.) ^[314.04]

314.05 Improper use of registration card, plate or permit.

No person shall lend to another any certificate of title, registration card, registration plate, special plate or permit issued to him if the person desiring to borrow the same would not be entitled to the use thereof, nor shall any person knowingly permit the use of any of the same by one not entitled thereto, nor shall any person display upon a vehicle any registration card, registration plates or permit not issued for such vehicle or not otherwise lawfully used thereon under this Traffic Code. (WV Code 17A-9-3. Ord. 2013-01, passed 02-11-2013.) ^[314.05]

314.06 Driver or motorcycle license required.

- (a) No person, except those hereinafter expressly exempted, shall drive any motor vehicle upon a street or highway in this Corporation or upon any subdivision street, as used in West Virginia Code Article 8-24, when the use of such subdivision street is generally used by the public unless the person has a valid driver's license under the provisions of the West Virginia Code for the type or class of vehicle being driven.
- (b) Any person licensed to operate a motor vehicle as provided in the West Virginia Code may exercise the privilege thereby granted as provided in the West Virginia Code and, except as otherwise provided by law, shall not be required to obtain any other license to exercise such privilege by any county, municipality or local board or body having authority to adopt local police regulations.

FOOTNOTES:

- 314.03 This section was previously codified as 351.03.
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- (c) No person, except those hereinafter expressly exempted, shall drive any motorcycle upon a street or highway in this Corporation or upon any subdivision street, as used in West Virginia Code Article 8-24 when the use of such subdivision street is generally used by the public unless the person has a valid motorcycle license or a valid license which has been endorsed under West Virginia Code 17B-2-7b for motorcycle operation or has a valid motorcycle instruction permit. (WV Code 17B-2-1. Ord. 2013-01, passed 02-11-2013.) ^[314.06]

314.07 Persons exempt from license.

The following persons are exempt from the license required under Section 314.06:

- (a) Any person while operating a motor vehicle in the armed services of the United States while in the performance of his official duties;
- (b) A nonresident who is at least sixteen years of age and who has in his or her immediate possession a valid driver's license issued to the person in the person's home state or country unless the Commissioner determines the person's home state or country does not extend the same privileges to a resident of this State, may operate a motor vehicle in this State only as a noncommercial driver for a period not to exceed ninety days in any one calendar year;
- (c) A nonresident who is at least sixteen years of age, who has in the person's immediate possession a valid driver's license issued to the person in the person's home state or country and who is employed in this State, or owns, maintains or operates a place or places of business in this State, or engages in any trade, profession or occupation in this State, in addition to the driving privileges extended under subsection (b) hereof, unless the Commissioner determines the person's home state or country does not extend the same privileges to a resident of this State, may operate a motor vehicle in this State only as a noncommercial driver in traveling to and from the person's place or places of employment, place or places of business or place or places at which the person engages in the trade, profession or occupation and in the discharge of the duties of the person's employment, business, trade, profession or occupation if the duties are such that, if performed by a resident of the State of West Virginia over the age of eighteen years of age, the resident would not be required under the provisions of West Virginia Code Chapter 17 to obtain a Class A, B, C or D driver's license. However, this subsection shall not exempt any person who is required to obtain a West Virginia driver's license in accordance with the provisions of West Virginia Code 17B2-1a;
- (d) A nonresident who is at least eighteen years of age and who has in his or her immediate possession a valid commercial driver's license issued to the person in his or her home state or country and which meets the requirements of the federal commercial motor vehicle act of 1986, Title XI of public law 99-570, and unless the Commissioner determines the person's home state or country does not extend the same privilege to a resident of this State may operate a motor vehicle in this State either as a commercial driver subject to the age limits applicable to commercial driver in this State, or as a noncommercial driver subject to the limitations imposed on nonresident drivers in subsections (b) and (c) hereof; or
- (e) Any person who is a student, properly enrolled and registered in an accredited school, college or university in this State, who is at least sixteen years of age and who has in his or her immediate possession a valid driver's license issued to the person in the person's home state, notwithstanding the limitations of subsections (b) and (c) hereof may operate motor vehicle in this State only as noncommercial driver; provided, that

FOOTNOTES:

314.06 This section was previously codified as 351.06.

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the state of which the person is a resident shall extend the same privileges to residents of this State. This exemption shall be canceled immediately when the student is graduated from school, college or university or is expelled or ceases to be a student. (WV Code 17B-2-2. Ord. 2013-01, passed 02-11-2013.) ^[314.07]

314.08 License to be carried and exhibited on demand.

Every licensee shall have his or her driver's license in such person's immediate possession at all times when operating a motor vehicle and shall display the same, upon demand of a magistrate, municipal judge, circuit court judge, peace officer, police officer, or an employee of the Division of Motor Vehicles; provided, that no person charged with violating this section shall be convicted if such person produces in court or at the office of the arresting officer a driver's license issued to such person and valid at the time of such person's arrest.

Any person violating the provisions of this section is guilty of a violation of Section 314.08 and, upon conviction thereof, shall be fined not more than five hundred dollars (\$500.00). (WV Code 17B-2-9. Ord. 2013-01, passed 02-11-2013.) ^[314.08]

314.09 Certain acts prohibited.

No person shall commit any one of the following acts:

- (a) Display or cause or permit to be displayed or have in his possession any fictitious or fraudulently altered driver's or commercial driver's license or non-operator's identification;
- (b) Lend his driver's or commercial driver's license or non-operator's identification to any other person or knowingly permit the use thereof by another;
- (c) Display or represent as one's own any driver's or commercial driver's license or non-operator's identification not issued to him;
- (d) Use a false or fictitious name in any application for a driver's or commercial driver's license or non-operator's identification or knowingly make a false statement or knowingly conceal a material fact or otherwise commit a fraud in any such application;
- (e) Permit any unlawful use of a driver's or commercial driver's license or non-operator's identification issued to him; or
- (f) Do any act forbidden or fail to perform any act required by this Traffic Code or West Virginia Code Chapter 17. (WV Code 17B-4-1. Ord. 2013-01, passed 02-11-2013.) ^[314.09]

314.10 Driving under suspension or revocation.

No person shall drive a motor vehicle on any public street or highway of this Corporation at a time when his privilege so to do has been lawfully suspended or revoked. (WV Code 17B-4-3.)

- (a) Any person who drives a motor vehicle on any public street or highway of or in the Corporation of Harpers Ferry at a time when his or her privilege to do so has been lawfully suspended or revoked by the State of West Virginia or any other jurisdiction is, for the first offense, guilty of a violation of Section 314.10, and, upon conviction thereof, shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00); for the second offense, the person is guilty of a violation of Section 314.10, and, upon conviction thereof, shall be confined in a county or regional jail for a period of ten days and, in addition to the mandatory jail sentence, shall be

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fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00); for the third or any subsequent offense, the person is guilty of a violation of Section 314.10, and, upon conviction thereof, shall be confined in a county or regional jail for a term not to exceed thirty days, and, in addition to the mandatory jail sentence, shall be fined not less than one hundred fifty dollars (\$150.00) nor more than five hundred dollars (\$500.00).

- (b) Any person who drives a motor vehicle on any public street or highway of or in the Corporation of Harpers Ferry at a time when his or her privilege to do so has been lawfully revoked or driving under the influence of alcohol, controlled substances or other drugs, or for driving while having an alcoholic concentration in his or her blood of eight hundredths of one percent (0.08%) or more, by weight, or for refusing to take a secondary chemical test of blood alcohol content, is, for the first offense, guilty of a violation of Section 314.10, and, upon conviction thereof, shall be confined in a county or regional jail for a term not to exceed ten days and, in addition to the mandatory jail sentence, shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00; for the second offense, the person is guilty of a violation of Section 314.10, and, upon conviction thereof, shall be fined in a county or regional jail for a term not to exceed twenty days and' in addition to the mandatory jail sentence, shall be fined not less than five hundred dollars (\$500.00) nor more than seven hundred and fifty dollars (\$750.00); for the third or any subsequent offense, the person is guilty of a violation of Section 314.10, and, upon conviction thereof, shall be fined in a county or regional jail for a term not to exceed thirty days and, in addition to the mandatory jail sentence, shall be fined not less than seven hundred and fifty dollars (\$750.00) nor more than one thousand dollars (\$1,000).
- (c) Any person who drives a motor vehicle on any public street or highway of or in the Corporation of Harpers Ferry at a time when his or her privilege to do so has been lawfully suspended for driving while under the age of twenty-one years with an alcohol concentration in his or her blood of two hundredths of one percent (0.02%) or more, by weight, but less than eight hundredths of one percent (0.08%), by weight, is guilty of a violation of Section 314.10 and, upon conviction thereof, shall be confined in a county or regional jail for twenty-four hours or shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00), or both. (Ord. 2013-01, passed 02-11-2013.) ^[314.10]

314.11 Owner or operator allowing another to drive.

No person shall authorize or knowingly permit a motor vehicle owned by him or under his control to be driven upon any street or highway by any person who is not authorized hereunder or in violation of any of the provisions of this Traffic Code. (WV Code 17B-4-4. Ord. 2013-01, passed 02-11-2013.) ^[314.11]

314.99 Penalty.

- (a) General article penalty. Whoever violates any provision of this article for which no other penalty is provided shall be fined not more than five hundred dollars (\$500.00); for a second or subsequent violation of the same provision such person shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than thirty days, or both.
- (b) Driving under suspension or revocation.
- (1) Except as otherwise provided in West Virginia Code 17B-4-3(b) or (d), or

FOOTNOTES:

314.10 This section was previously codified as 351.10 (passed 02-10-1992).