

**ARTICLE 351**  
**Licensing**

<b>351.01</b>	<b>Registration, certificate of title required .</b>	<b>351.07</b>	<b>Persons exempt from license.</b>
<b>351.02</b>	<b>Registration card.</b>	<b>351.08</b>	<b>Display of license</b>
<b>351.03</b>	<b>Display of registration plates.</b>	<b>351.09</b>	<b>Certain acts prohibited.</b>
<b>351.04</b>	<b>Operation of vehicle without evidence of registration; use of temporary facsimile.</b>	<b>351.10</b>	<b>Driving under suspension or revocation.</b>
<b>351.05</b>	<b>Improper use of registration card, plate or permit.</b>	<b>351.11</b>	<b>Owner or operator allowing another to drive.</b>
<b>351.06</b>	<b>Operator or chauffeur license required.</b>	<b>351.99</b>	<b>Penalty.</b>

**CROSS REFERENCES**

Impounding unlicensed vehicle – see TRAF. 303.07

Illumination of license plate - see TRAF. 345.05(c)

**351.01 REGISTRATION, CERTIFICATE OF TITLE REQUIRED.**

No person shall drive or move and no owner shall knowingly permit to be driven or moved 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.

(WVaC 17A-3-1)

**351.02 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.

(WVaC 17A-3-13)

**351.03 DISPLAY OF REGISTRATION PLATES.**

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.

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. (WVaC 17A-3-15)

**351.04 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 therefore 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 Municipality until the owner has notified in writing the Department of Public Safety of the loss of such registration plate or plates. (WVaC 17A-9-2)

**351.05 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. (WVaC 17A-9-3)

**351.06 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 Municipality 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.

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.

(b) No person, except those hereinafter expressly exempted, shall drive any motorcycle upon a street or highway in this Municipality 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.

(WVaC 17B-2-1)

### **351.07 PERSONS EXEMPT FROM LICENSE.**

The following persons are exempt from the license required under Section 351.06:

(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 immediate possession a valid driver's license issued to him in his home state or country may operate a motor vehicle in this Municipality only as an operator 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 his immediate possession a valid driver's license issued to him in his 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, may operate a motor vehicle in this Municipality only as an operator in traveling to and from his place or places of employment, place or places of business or place or places at which he engages in such trade, profession or occupation and in the discharge of the duties of his employment, business, trade, profession or occupation if such duties are such that if performed by a resident of the State of West Virginia over the age of eighteen years such resident would not be required to obtain a Class A, B, C or D driver's license;

(d) A nonresident who is at least eighteen years of age and who has in his immediate possession a valid commercial driver's license issued to him in his home state or country may operate a motor vehicle in this Municipality either as a commercial operator subject to the age limits applicable to commercial operators in this State, or as an operator subject to the limitations imposed on nonresident operators in subsections (b) and (c) hereof;

(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 immediate possession a valid driver's license issued to him in his home state, notwithstanding the limitations of subsection (b) and (c) hereof may operate a motor vehicle in this Municipality only as an operator, provided, that the state of which he is a resident extends the same privileges to residents of this State. This exemption shall be cancelled immediately when such student is graduated from school, college or university or is expelled or ceases to be a student.

(WVaC 17B-2-2)

**351.08 DISPLAY OF LICENSE.**

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 or an employee of the Division of Motor Vehicles. However, no person charged with violating this section shall be convicted if such person produces in court or the office of the arresting officer a driver's license theretofore issued to such person and valid at the time of such person's arrest.

(WVaC 17B-2-9)

**351.09 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 canceled, revoked, suspended, 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) Fail or refuse to surrender to the Division of Motor Vehicles upon its lawful demand any driver's or commercial driver's license or non-operator's identification which has been suspended, revoked or canceled;
- (e) 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;
- (f) Permit any unlawful use of a driver's or commercial driver's license or non-operator's identification issued to him; or (g) Do any act forbidden or fail to perform any act required by this Traffic Code or West Virginia Code Chapter 17.

(WVaC 17B-4-1)

**351.10 DRIVING UNDER SUSPENSION OR REVOCATION.**

No person shall drive a motor vehicle on any public street or highway of this Municipality at a time when his privilege so to do has been lawfully suspended or revoked.

(WVaC 17B-4-3)

**351.11 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.

(WVaC 17B-4-4)

**351.99 PENALTY.**

(EDITOR'S NOTE: See Section 303.99 for general Traffic Code penalty.)