

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 4668

By Delegates Crouse and T. Howell

[Introduced January 21, 2026; referred to the

Committee on the Judiciary]

1 A BILL to amend and reenact §17B-4-3 of the Code of West Virginia, 1931, as amended, relating
2 to violation of license provisions; and providing people driving illegally be found at fault
3 when involved in an accident.

Be it enacted by the Legislature of West Virginia:

ARTICLE 4. VIOLATION OF LICENSE PROVISIONS.

**§17B-4-3. Driving while license suspended or revoked or unlicensed; driving while license
revoked for driving under the influence of alcohol, controlled substances or drugs,
or while having alcoholic concentration in the blood of eight 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 this section, any person who
2 drives a motor vehicle on any public highway of this state at a time when his or her privilege to do
3 so has been lawfully suspended or revoked by this state or any other jurisdiction is, for the first
4 offense, guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$100
5 nor more than \$500; for the second offense, the person is guilty of a misdemeanor and, upon
6 conviction thereof, shall be fined not less than \$100 nor more than \$500; for the third or any
7 subsequent offense, the person is guilty of a misdemeanor and, upon conviction thereof, shall be
8 confined in jail for a period of not less than thirty 30 days nor more than ninety 90 days and shall be
9 fined not less than \$150 nor more than \$500.

10 (b) Any person who drives a motor vehicle on any public highway of this state at a time
11 when his or her privilege to do so has been lawfully revoked for driving under the influence of
12 alcohol, controlled substances or other drugs, or any combination thereof, or for driving while
13 having an alcoholic concentration in his or her blood of eight hundredths of one percent or more,
14 by weight, or for refusing to take a secondary chemical test of blood alcohol content, is, for the first
15 offense, guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for a period
16 of not less than thirty 30 days nor more than six months and shall be fined not less than \$100 nor

17 more than \$500; for the second offense, the person is guilty of a misdemeanor and, upon
18 conviction thereof, shall be confined in jail for a period of not less than six months nor more than
19 one year and shall be fined not less than \$1,000 nor more than \$3,000; for the third or any
20 subsequent offense, the person is guilty of a felony and, upon conviction thereof, shall be
21 imprisoned in a state correctional facility for not less than one year nor more than three years and,
22 in addition to the mandatory prison sentence, shall be fined not less than \$3,000 nor more than
23 \$5,000.

24 (c) Upon receiving a record of the first or subsequent conviction of any person under
25 subsection (b) of this section upon a charge of driving a vehicle while the license of that person
26 was lawfully suspended or revoked, the division shall extend the period of the suspension or
27 revocation for an additional period of six months which may be served concurrently with any other
28 suspension or revocation. Upon receiving a record of the second or subsequent conviction of any
29 person under subsection (a) of this section upon a charge of driving a vehicle while the license of
30 that person was lawfully suspended or revoked, the division shall extend the period of the
31 suspension or revocation for an additional period of ninety days which may be served concurrently
32 with any other suspension or revocation.

33 (d) Any person who drives a motor vehicle on any public highway of this state at a time
34 when his or her privilege to do so has been lawfully suspended for driving while under the age of
35 twenty-one 21 years with an alcohol concentration in his or her blood of two hundredths of one
36 percent or more, by weight, but less than eight hundredths of one percent, by weight, is guilty of a
37 misdemeanor and, upon conviction thereof, shall be confined in jail for twenty-four 24 hours or
38 shall be fined not less than \$50 nor more than \$500, or both; for the second offense, the person is
39 guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for a period of not
40 less than thirty days nor more than six months and shall be fined not less than \$100 nor more than
41 \$500; for the third or any subsequent offense, the person is guilty of a felony and, upon conviction
42 thereof, shall be imprisoned in a state correctional facility for not less than one year nor more than

43 three years and fined not less than \$1,000 nor more than \$5,000.

44 Upon receiving a record of a first or subsequent conviction under this subsection for a
45 charge of driving a vehicle while the license of that person was lawfully suspended or revoked, the
46 division shall extend the period of the suspension or revocation for an additional period of six
47 months which may be served concurrently with any other suspension or revocation.

48 (e) An order for home detention by the court pursuant to the provisions of ~~article eleven-b~~,
49 ~~chapter sixty-two~~ §62-11B-1 et seq. of this code may be used as an alternative sentence to any
50 period of incarceration required by this section.

51 (f) Any unlicensed person who has lost the privilege to drive a motor vehicle on any public
52 highway of this state due to lawfully having his or her license suspended or revoked by this state or
53 any other jurisdiction shall automatically be found at fault when involved in an accident.

NOTE: The purpose of this bill is to hold people who drive illegally at fault when involved in an accident.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.