# WEST VIRGINIA CODE: §17C-5A-1a

**§17C-5A-1a. Revocation upon conviction for driving under the influence of alcohol, controlled substances, or drugs.**

(a) The Commissioner of the Division of Motor Vehicles shall revoke or suspend a person's license to operate a motor vehicle in any of the following circumstances:

(1) The person is convicted of an offense defined in §17C-5-2 of this code, which requires a minimum period of revocation or suspension of the person's license to operate a motor vehicle, and the person does not appeal the conviction;

(2) The person is convicted of an offense described in a municipal ordinance which has the same elements as an offense defined in §17C-5-2 of this code, which requires a minimum period of revocation or suspension of the person's license to operate a motor vehicle for the offense with the same elements as the municipal ordinance, and the person does not appeal the conviction;

(3) The person has a term of conditional probation imposed pursuant to §17C-5-2b of this code;

(4) A court enters an order, pursuant to §17C-5-7a of this code, finding that the person did refuse to submit to a secondary chemical test; or

(5) The person is convicted of an offense, as provided in subdivision (1) or (2) of this subsection, the person appeals the conviction, and the conviction is affirmed by the highest appellate court in which an appeal in the matter is filed.

(b) The clerk of the court that has jurisdiction over a term of conditional probation or a conviction described in subsection (a) of this section shall forward to the Commissioner of the Division of Motor Vehicles the order imposing conditional probation or the judgment of conviction and any related transcripts. If the conviction is the judgment of a magistrate court, the magistrate court clerk shall forward the order and any related transcript when the person convicted has not filed a notice of appeal within 20 days of the sentencing for such conviction. If the term of conditional probation is the act of a magistrate court, the magistrate court clerk shall forward the order and any related transcript when the order imposing the term of conditional probation is entered. If the conviction is the judgment of a mayor or police court judge or municipal court judge, the clerk or recorder shall forward the order and any related transcript when the person convicted has not filed a notice of appeal within 10 days from and after the date upon which the sentence is imposed. If the conviction is the judgment of a circuit court, the circuit clerk shall forward the transcript when the person convicted has not filed a notice of intent to file a petition for appeal or writ of error within 30 days after the judgment was entered.

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(c) Upon receipt of an order of the court, as described in subsection (b) of this section, the commissioner shall make and enter an order revoking or suspending the person's license to operate a motor vehicle in this state as required by §17C-5-2, §17C-5-2b, or §17C-5-7a of this code. The order of the commissioner, revoking or suspending the license, shall contain the reasons for the revocation or suspension and the statutorily mandated revocation or suspension period for the offense or the suspension period required as a condition of probation.

(d) If a person receives an order of the commissioner suspending or revoking his or her license, as provided in subsection (c) of this section, and the person believes that he or she is not the person named in the commissioner's order, the person may notify the commissioner of the alleged error in writing. Upon receipt of this notification, the commissioner shall immediately review the contents of the judgment of conviction and the information provided by the person in question to determine whether or not the alleged error has been made. If the commissioner determines that the alleged error has been made, the commissioner shall: (1) Immediately reverse the suspension or revocation made in error; and (2) take all necessary steps to correctly identify the person who should have been named in the order and suspend or revoke the license of the correctly identified person, as required by this section.

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