WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1978

ENROLLED
Committee Substitute for
SENATE BILL NO. 64

(By Mr. Brokhus, Mr. President, original sponsor.)

PASSED March 6, 1978
In Effect ninety days from Passage
AN ACT to amend and reenact section eight, article one, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to denial, suspension or revocation of a license or registration; procedures and judicial review.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 1. GENERAL PROVISIONS APPLICABLE TO ALL STATE BOARDS OF EXAMINATION OR REGISTRATION REFERRED TO IN CHAPTER.

§30-1-8. Denial, suspension or revocation of a license or registration; proceedings; effect of suspension or revocation; transcript; report; judicial review.

1. (a) Notwithstanding any other provision of law to the contrary no certificate, license, registration or authority issued under the provisions of this chapter may be suspended or revoked without a prior hearing before the board or court issuing said certificate, license, registration or authority.

7. (b) In all proceedings before a board or court for the suspension or revocation of any certificate, license, registration or authority issued under the provisions of this chapter, a statement of the charges against the holder thereof and a notice of the time and place of hearing shall be served upon such person as a notice is served
under section one, article two, chapter fifty-six of this
code, at least thirty days prior to the hearing, and he
may appear with witnesses and be heard in person, by
counsel, or both. The board may take such oral or written
proof, for or against the accused, as it may deem advis-
able. If upon such hearing the board finds that the
charges are true, it may suspend or revoke the certificate,
license, registration or authority, and such suspension or
revocation shall take from the person all rights and
privileges acquired thereby.

(c) Any person denied a license, certificate, registra-
tion or authority who believes such denial was in viola-
tion of this article or the article under which said license,
certificate, registration or authority is authorized shall
be entitled to a hearing on the action denying said
license, certificate, registration or authority. Hearings
under this subsection shall be in accordance with the
provisions for hearings set forth in subsection (b).

(d) A stenographic report of each proceeding on the
denial, suspension or revocation of a certificate, license,
registration or authority shall be made at the expense of
the board and a transcript thereof retained in its files.
The board shall make a written report of its findings,
which shall constitute part of the record.

(e) All proceedings under the provisions of this section
shall be subject to review by the supreme court of appeals.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis  
Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

J. Delene Jr.  
Clerk of the Senate

Clerk of the House of Delegates

W. B. Burchfield  
President of the Senate

Donald E. Topp  
Speaker House of Delegates

The within is approved this the 24

day of March, 1978.

Governor