

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1978



ENROLLED

Committee Substitute for

SENATE BILL NO. 64

(By Mr. *Brotherton, Mr. President* &
original sponsor.)



PASSED *March 8,* 1978

In Effect *minutes, days from* Passage



ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 64

(Mr. Brotherton, Mr. President, Original Sponsor.)



[Passed March 8, 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
2 the contrary no certificate, license, registration or au-
3 thority issued under the provisions of this chapter may
4 be suspended or revoked without a prior hearing before
5 the board or court issuing said certificate, license, regis-
6 tration or authority.

7 (b) In all proceedings before a board or court for the
8 suspension or revocation of any certificate, license, regis-
9 tration or authority issued under the provisions of this
10 chapter, a statement of the charges against the holder
11 thereof and a notice of the time and place of hearing
12 shall be served upon such person as a notice is served

13 under section one, article two, chapter fifty-six of this
14 code, at least thirty days prior to the hearing, and he
15 may appear with witnesses and be heard in person, by
16 counsel, or both. The board may take such oral or written
17 proof, for or against the accused, as it may deem advis-
18 able. If upon such hearing the board finds that the
19 charges are true, it may suspend or revoke the certificate,
20 license, registration or authority, and such suspension or
21 revocation shall take from the person all rights and
22 privileges acquired thereby.

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

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

37 (e) All proceedings under the provisions of this section
38 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

Freeman C. Christian Jr.
Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

J. C. Dillon Jr.
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

W. T. Brathwaite
President of the Senate

Donald L. Zopp
Speaker House of Delegates

The within is approved this the 24
day of March, 1978.

John D. Rhyne
Governor

APPROVED AND SIGNED BY THE GOVERNOR

RECEIVED
MAR 11 1 43 PM '78
OFFICE OF THE GOVERNOR

Date March 24, 1978
Time 9:30 A.M.

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SECY. OF STATE