WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1987

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ENROLLED

HOUSE BILL No. 2062

(By Delegate Satter 

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Passed March 14, 1987

In Effect ninety days from Passage
AN ACT to amend and reenact sections five, six and eight, article four, chapter seventeen-d of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to proof of financial responsibility in the case of suspension or revocation of an operator's license.

Be it enacted by the Legislature of West Virginia:

That sections five, six and eight, article four, chapter seventeen-d of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 4. PROOF OF FINANCIAL RESPONSIBILITY FOR THE FUTURE.

§17D-4-5. Suspension for nonpayment of judgments; exceptions.

1. (a) The commissioner upon receipt of a certified copy of a judgment, shall forthwith suspend the license and registration and any nonresident's operating privilege of any person against whom such judgment was rendered, except as hereinafter otherwise provided in this section and in section eight of this article.

2. (b) If the judgment creditor consents in writing, in such form as the commissioner may prescribe, that the judgment debtor be allowed license and registration or
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(nonresident's operating privilege, the same may be
allowed by the commissioner, in his discretion, for six
months from the date of such consent and thereafter
until such consent is revoked in writing,
notwithstanding default in the payment of such judg-
ment, or of any installments thereof prescribed in
section eight of this article.

(c) The commissioner shall not, however, suspend a
license, registration, or nonresident's operating privilege
of any person if the insurance applicable to such person
or the vehicle being operated by him was with a
company which was authorized to transact business in
this state and which, subsequent to an accident involv-
ing the owner or driver and prior to settlement of the
claim therefor went into liquidation so that no benefit
accrued to the owner or driver by reason of having
provided such insurance.

§17D-4-6. Suspension to continue until judgments paid and
proof given; effect of discharge in
bankruptcy.

(a) Such license, registration and nonresident's
operating privileges shall remain so suspended and shall
not be renewed, nor shall any such license or registra-
tion be thereafter issued in the name of such person,
including any person not previously licensed, unless and
until every such judgment is stayed, satisfied in full or
to the extent hereinafter provided subject to the
exemptions stated in sections five and eight of this
article.

(b) A discharge in bankruptcy following the render-
ing of any such judgment shall not relieve the judgment
debtor from any of the requirements of this article.

§17D-4-8. Installment payment of judgments; default.

(a) A judgment debtor upon five days’ notice to the
judgment creditor may, for the sole purpose of giving
authority to the commissioner to authorize such judg-
ment debtor to operate a motor vehicle thereafter, apply
to the court in which such judgment was rendered for
the privilege of paying such judgment in installments
and the court, in its discretion and without prejudice to
any other legal remedies which the judgment creditor
may have, may so order and fix the amounts and times
of payment of the installments.

(b) The commissioner shall not suspend a license,
registration, or nonresident's operating privilege, and
shall restore any license, registration, or nonresident's
operating privilege suspended following nonpayment of
a judgment, when the judgment debtor obtains such an
order permitting the payment of such judgment in
installments, and while the payment of any said
installment is not in default.

(c) In the event the judgment debtor fails to pay any
installment as specified by such order, then upon notice
of such default, the commissioner shall forthwith
suspend the license, registration, or nonresident's
operating privilege of the judgment debtor until such
judgment is satisfied, as provided in this chapter.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within approved this the 30th day of , 1987.

Governor