

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1987



ENROLLED

HOUSE BILL No. 2062

(By Delegate Sattes)



Passed March 14, 1987

In Effect Ninety days from Passage

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H. B. 2062

(By DELEGATE SATTES)

[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
2 of a judgment, shall forthwith suspend the license and
3 registration and any nonresident's operating privilege of
4 any person against whom such judgment was rendered,
5 except as hereinafter otherwise provided in this section
6 and in section eight of this article.

7 (b) If the judgment creditor consents in writing, in
8 such form as the commissioner may prescribe, that the
9 judgment debtor be allowed license and registration or

10 nonresident's operating privilege, the same may be
11 allowed by the commissioner, in his discretion, for six
12 months from the date of such consent and thereafter
13 until such consent is revoked in writing,
14 notwithstanding default in the payment of such judg-
15 ment, or of any installments thereof prescribed in
16 section eight of this article.

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

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

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

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

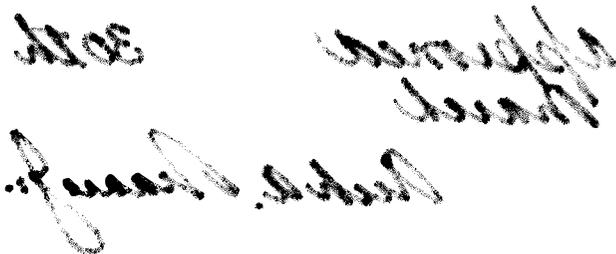
§17D-4-8. Installment payment of judgments; default.

1 (a) A judgment debtor upon five days' notice to the
2 judgment creditor may, for the sole purpose of giving
3 authority to the commissioner to authorize such judg-
4 ment debtor to operate a motor vehicle thereafter, apply
5 to the court in which such judgment was rendered for
6 the privilege of paying such judgment in installments

7 and the court, in its discretion and without prejudice to
8 any other legal remedies which the judgment creditor
9 may have, may so order and fix the amounts and times
10 of payment of the installments.

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

19 (c) In the event the judgment debtor fails to pay any
20 installment as specified by such order, then upon notice
21 of such default, the commissioner shall forthwith
22 suspend the license, registration, or nonresident's
23 operating privilege of the judgment debtor until such
24 judgment is satisfied, as provided in this chapter.



The bottom of the page contains several handwritten signatures and initials in black ink. On the left, there are two distinct signatures. On the right, there are several overlapping signatures and initials, some appearing to be in cursive and others in a more blocky, shorthand style.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Bruce O. Williams

Chairman Senate Committee

Lyle Settee

Chairman House Committee
Member,

Originating in the House.

Takes effect ninety days from passage.

Jedd C. Hedges

Clerk of the Senate

Donald L. Kopp

Clerk of the House of Delegates

Russ Turk

President of the Senate

W. B. Allen

Speaker of the House of Delegates

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

Arch A. Moore Jr.

Governor

PRESENTED BY

GOVERNOR

Date 3/25/07

Time 4:23 p.m.

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SECRETARY OF STATE