WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1989

ENROLLED

SENATE BILL NO. 275

(By Senator)

PASSED April 6, 1989
In Effect 30 days from Passage
ENROLLED

Senate Bill No. 275

(BY SENATORS TUCKER, MR. PRESIDENT, AND HARMAN,
BY REQUEST OF THE EXECUTIVE)

[Passed April 6, 1989; in effect ninety days from passage.]

AN ACT to amend and reenact section six, article three, chapter seventeen-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to suspension or revocation of license; notice to be sent by certified mail, return receipt requested; and opportunity for hearing.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 3. CANCELLATION, SUSPENSION OR REVOCATION OF LICENSES.

§17B-3-6. Authority of department to suspend or revoke license; hearing.

1 The department is hereby authorized to suspend the 2 license of an operator or chauffeur without prelimi- 3 nary hearing upon a showing by its records or other 4 sufficient evidence that the licensee:
(1) Has committed an offense for which mandatory revocation of license is required upon conviction;

(2) Has by reckless or unlawful operation of a motor vehicle, caused or contributed to an accident resulting in the death or personal injury of another or property damage;

(3) Has been convicted with such frequency of serious offenses against traffic regulations governing the movement of vehicles as to indicate a disrespect for traffic laws and a disregard for the safety of other persons on the highways;

(4) Is an habitually reckless or negligent driver of a motor vehicle;

(5) Is incompetent to drive a motor vehicle;

(6) Has permitted an unlawful or fraudulent use of such license;

(7) Has committed an offense in another state which if committed in this state would be a ground for suspension or revocation;

(8) Has failed to pay or has defaulted on a plan for the payment of all costs, fines, forfeitures or penalties imposed by a magistrate court or municipal court within ninety days, as required by section two-a, article ten, chapter eight of this code;

(9) Has failed to appear, or otherwise respond before a magistrate court or municipal court when charged with a motor vehicle violation as defined in section three-a, article three, chapter seventeen-b of this code; or

(10) Is under the age of eighteen and has withdrawn either voluntarily or involuntarily from a secondary school, as provided in section eleven, article eight, chapter eighteen of this code.

The operator's or chauffeur's license of any person having his or her license suspended shall be reinstated if:

(A) The license was suspended under the provisions
of subdivision (8) of this section and the payment of
costs, fines, forfeitures or penalties imposed by the
applicable court has been made; or

(B) The license was suspended under the provisions
of subdivision (9) of this section, and the person having
his or her license suspended has appeared in court and
has prevailed against the motor vehicle violations
charged, or such person has paid any and all costs,
fines, forfeitures or penalties imposed by the applica-
ble court.

Any reinstatement of a license under paragraph (A)
or (B) of this subdivision shall be subject to a
reinstatement fee designated in section nine of this
article.

Upon suspending the license of any person as
hereinbefore in this section authorized, the depart-
ment shall immediately notify the licensee in writing,
sent by certified mail, return receipt requested to the
address given by the licensee in applying for license,
and upon his request shall afford him an opportunity
for a hearing as early as practical within not to exceed
twenty days after receipt of such request in the county
wherein the licensee resides unless the department
and the licensee agree that such hearing may be held
in some other county. Upon such hearing the commis-
sioner or his duly authorized agent may administer
oaths and may issue subpoenas for the attendance of
witnesses and the production of relevant books and
papers and may require a reexamination of the
licensee. Upon such hearing the department shall
either rescind its order of suspension or, good cause
appearing therefor, may extend the suspension of such
license or revoke such license.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Frederick T. Fisher
Chairman Senate Committee

Bernard V. Kelly
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Jenoia L. Nunn
Clerk of the Senate

Donald L. Hoys
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker House of Delegates

The within is approved this the __________ day of April ______ 1989.

[Signature]
Governor