

No. 275

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1989



ENROLLED

SENATE BILL NO. 275

(By Senator Lucas M. President, et al)



PASSED April 6, 1989

In Effect 90 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:

5 (1) Has committed an offense for which mandatory
6 revocation of license is required upon conviction;

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

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

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

18 (5) Is incompetent to drive a motor vehicle;

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

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

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

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

34 (10) Is under the age of eighteen and has withdrawn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

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

41 (A) The license was suspended under the provisions

42 of subdivision (8) of this section and the payment of
43 costs, fines, forfeitures or penalties imposed by the
44 applicable court has been made; or

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

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

56 Upon suspending the license of any person as
57 hereinbefore in this section authorized, the depart-
58 ment shall immediately notify the licensee in writing,
59 sent by certified mail, return receipt requested to the
60 address given by the licensee in applying for license,
61 and upon his request shall afford him an opportunity
62 for a hearing as early as practical within not to exceed
63 twenty days after receipt of such request in the county
64 wherein the licensee resides unless the department
65 and the licensee agree that such hearing may be held
66 in some other county. Upon such hearing the commis-
67 sioner or his duly authorized agent may administer
68 oaths and may issue subpoenas for the attendance of
69 witnesses and the production of relevant books and
70 papers and may require a reexamination of the
71 licensee. Upon such hearing the department shall
72 either rescind its order of suspension or, good cause
73 appearing therefor, may extend the suspension of such
74 license or revoke such license.

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

Frederick L Parker
.....
Chairman Senate Committee

Benjamin V. Kelly
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Fred C. Welch
.....
Clerk of the Senate

Donald S. Hoyle
.....
Clerk of the House of Delegates

Lawson
.....
President of the Senate

Bob Welch
.....
Speaker House of Delegates

The within *is approved* this the *24th*
day of *April* 19*59*.
Gaston Caperton
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 4/14/89

Time 4:49