

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1990



ENROLLED

Committee Substitute for

SENATE BILL NO. 339

(By Senator *Hitlaw*)



PASSED March 9, 1990

In Effect 90 days from Passage

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 339

(BY SENATOR WHITLOW, *original sponsor*)

[Passed March 9, 1990; in effect ninety days from passage.]

AN ACT to repeal sections one, nine, ten, eleven, thirteen and twenty, article four, chapter seventeen-d of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend and reenact sections five and seven, article two-a of said chapter, relating to the suspension of the driver license; decreasing the number of days of suspension for failure to have insurance; providing the commissioner authority to withdraw suspension of driver license; and eliminating the requirement that certain persons get high risk insurance before reinstatement of their driver license.

Be it enacted by the Legislature of West Virginia:

That sections one, nine, ten, eleven, thirteen and twenty, article four, chapter seventeen-d of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; and that sections five and seven, article two-a of said chapter be amended and reenacted to read as follows:

ARTICLE 2A. SECURITY UPON MOTOR VEHICLES.

§17D-2A-5. Cancellation of insurance policy; suspension of registration; minimum policy term.

1 (a) An insurance company shall provide the depart-

2 ment of motor vehicles with a cancellation notice
3 within ten days of the effective date of cancellation
4 whenever the company issues or causes to be issued a
5 cancellation under the provisions of subsections (b)
6 through (e), section one, article six-a, chapter thirty-
7 three of this code. The department shall then suspend
8 the driver license of the owner of such vehicle for a
9 period of thirty days and shall suspend the motor
10 vehicle registration until proof of insurance is pres-
11 ented to the department.

12 (b) On or before the fifteenth day of January, one
13 thousand nine hundred eighty-five, the commissioner
14 of motor vehicles shall report to the Legislature upon
15 proceedings pursuant to this section. The report shall
16 include the total number of statements selected for
17 verification as required by section three, article three,
18 chapter seventeen-a, the total number of notices
19 received from insurers, the total number of notices of
20 pending suspensions issued and the total number of
21 cases in which cancellation was found to have resulted
22 in a lapse of coverage upon a vehicle operated upon
23 the highways of this state during the prior year.

24 (c) No policy of motor vehicle liability insurance
25 issued or delivered for issuance in this state shall be
26 contracted for a period of less than ninety days:
27 *Provided*, That the insurance commissioner may
28 establish exceptions thereto by rules and regulations to
29 chapter twenty-nine-a.

**§17D-2A-7. Suspension or revocation of license, registration;
reinstatement.**

1 (a) Any owner of a motor vehicle, subject to the
2 provisions of this article, who fails to have the
3 required security in effect at the time such vehicle is
4 being operated upon the roads or highways of this
5 state, shall have his or her driver license suspended by
6 the commissioner of the department of motor vehicles
7 for a period of thirty days and shall have his or her
8 motor vehicle registration revoked until such time as
9 he or she shall present to the department of motor
10 vehicles the proof of security required by this article:

11 *Provided*, That if a motor vehicle is registered in more
12 than one name, the driver license of only one of the
13 owners shall be suspended by the commissioner.

14 (b) Any person who knowingly operates a motor
15 vehicle upon the roads or highways of this state, which
16 does not have the security required by the provisions
17 of this article, shall have his or her driver license
18 suspended by the commissioner for a period of thirty
19 days.

20 (c) A person's driver license shall be suspended for
21 a period of thirty days, if the person is operating a
22 motor vehicle designated for off highway use upon the
23 roads and highways of this state without the required
24 security in effect, if the motor vehicle is not properly
25 registered and licensed, or if the required security was
26 cancelled.

27 (d) The commissioner may withdraw a suspension of
28 a driver license provided that the commissioner is
29 satisfied that there was not a violation of the provi-
30 sions of required security related to operation of a
31 motor vehicle upon the roads or highways of this state
32 by such person. The commissioner may request addi-
33 tional information as needed in order to make such
34 determination.

35 (e) No person shall have his or her driver license or
36 motor vehicle registration suspended or revoked under
37 any provisions of this section unless he or she shall
38 first be given written notice of such suspension or
39 revocation sent by certified mail, at least twenty days
40 prior to the effective date of such suspension or
41 revocation, and upon such person's written request,
42 sent by certified mail, he or she shall be afforded an
43 opportunity for a hearing thereupon as well as a stay
44 of the commissioner's order of suspension or revoca-
45 tion and an opportunity for judicial review of such
46 hearing. Upon affirmation of the commissioner's
47 order, the owner or operator, as the case may be, shall
48 surrender such revoked license and/or registration or
49 have the same impounded in the manner set forth in
50 the provisions of section seven, article nine, chapter

51 seventeen-a of the code.

52 (f) Such suspended driver license shall be reinstated
53 following the period of suspension upon compliance
54 with the conditions set forth in this article and such
55 revoked motor vehicle registration shall be reissued
56 only upon lawful compliance with the provisions of
57 this article.

58 (g) If the commissioner has previously suspended
59 the person's driver license under the provisions of this
60 section or section five of this article, the period of
61 suspension shall be for a period of ninety days.

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

Fredrick Lerner
.....
Chairman Senate Committee

Bernard V. Kelly
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Russell Edelman
.....
Clerk of the Senate

Donald J. Kopp
.....
Clerk of the House of Delegates

Keith Swadlow
.....
President of the Senate

Bob Cole
.....
Speaker House of Delegates

The within *is approved* this the *30th* day of *May*, 1990.

W. Gaston Caperton
.....
Governor

GOVERNOR

Date 3/20/90

Time 10:25 am

RECEIVED

1930 MAR 26 PM 3:02

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE