WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1990

ENROLLED
Committee Substitute for
SENATE BILL NO. 339

(By Senator Jim Gall)

PASSED March 9, 1990
In Effect 90 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article four, chapter seventeen-d of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; and that sections five and seven, article two-a of said chapter be amended and reenacted to read as follows: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-
ment of motor vehicles with a cancellation notice within ten days of the effective date of cancellation whenever the company issues or causes to be issued a cancellation under the provisions of subsections (b) through (e), section one, article six-a, chapter thirty-three of this code. The department shall then suspend the driver license of the owner of such vehicle for a period of thirty days and shall suspend the motor vehicle registration until proof of insurance is presented to the department.

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

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

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

(a) Any owner of a motor vehicle, subject to the provisions of this article, who fails to have the required security in effect at the time such vehicle is being operated upon the roads or highways of this state, shall have his or her driver license suspended by the commissioner of the department of motor vehicles for a period of thirty days and shall have his or her motor vehicle registration revoked until such time as he or she shall present to the department of motor vehicles the proof of security required by this article:
Provided, That if a motor vehicle is registered in more than one name, the driver license of only one of the owners shall be suspended by the commissioner.

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

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

(d) The commissioner may withdraw a suspension of a driver license provided that the commissioner is satisfied that there was not a violation of the provisions of required security related to operation of a motor vehicle upon the roads or highways of this state by such person. The commissioner may request additional information as needed in order to make such determination.

(e) No person shall have his or her driver license or motor vehicle registration suspended or revoked under any provisions of this section unless he or she shall first be given written notice of such suspension or revocation sent by certified mail, at least twenty days prior to the effective date of such suspension or revocation, and upon such person’s written request, sent by certified mail, he or she shall be afforded an opportunity for a hearing thereupon as well as a stay of the commissioner’s order of suspension or revocation and an opportunity for judicial review of such hearing. Upon affirmation of the commissioner’s order, the owner or operator, as the case may be, shall surrender such revoked license and/or registration or have the same impounded in the manner set forth in the provisions of section seven, article nine, chapter
(f) Such suspended driver license shall be reinstated following the period of suspension upon compliance with the conditions set forth in this article and such revoked motor vehicle registration shall be reissued only upon lawful compliance with the provisions of this article.

(g) If the commissioner has previously suspended the person’s driver license under the provisions of this section or section five of this article, the period of suspension shall be for a period of ninety days.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within was approved this the day of , 1990.

Governor