

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 268**

4 (By Senators Laird, Foster, Kessler (Acting President) and Yost)

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6 [Originating in the Committee on Finance;  
7 reported February 28, 2011.]  
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11 A BILL to repeal §17B-3-3c of the Code of West Virginia, 1931, as  
12 amended; and to amend said code by adding thereto a new  
13 section, designated §17B-3-14, relating to motor vehicle  
14 driver's licenses; establishing a driver's license restoration  
15 program; making legislative findings; charging administrative  
16 fees; and granting rule-making authority.

17 *Be it enacted by the Legislature of West Virginia:*

18 That §17B-3-3c of the Code of West Virginia, 1931, as amended,  
19 be repealed; and that said code be amended by adding thereto a new  
20 section, designated §17B-3-14, to read as follows:

21 **ARTICLE 3. CANCELLATION, SUSPENSION OR REVOCATION OF LICENSES.**

22 **§17B-3-14. Legislative findings; license restoration program;**  
23 **rulemaking.**

24 (a) The Legislature finds:

25 (1) That a growing number of drivers in the State of West

1 Virginia have their driver's licenses suspended or revoked each  
2 year;

3 (2) That a majority of the suspension and revocation actions  
4 undertaken by the Division of Motor Vehicles are for nondriving  
5 related reasons including the nonpayment of citations and a variety  
6 of other nonsafety related reasons;

7 (3) That there is a clear relationship between citizens having  
8 a valid driver's license and the ability to gain and maintain  
9 stable employment and other important matters affecting the quality  
10 of life of citizens throughout the state; and

11 (4) That there are many areas within the state that are not  
12 adequately served by public transportation which constitute a  
13 reasonable alternative to transportation by means other than a  
14 privately owned vehicle requiring the operator to have a valid  
15 driver's license.

16 (b) The division is hereby required to establish a driver's  
17 license amnesty program for drivers who have driver's licenses  
18 suspended for unpaid tickets. This program shall consist of the  
19 waiving of any fees or other requirements for the reinstatement of  
20 a drivers's license or the privilege to operate a motor vehicle  
21 based on an unpaid citation file more than ten years from the date  
22 the division created the file.

23 (c) Notwithstanding any other provisions of this code to the  
24 contrary, for the duration of the period from July 1, 2011, through  
25 and including June 30, 2012, the following provisions shall be in  
26 effect:

1           (1) Any court that has initiated a notice to the division of  
2 motor vehicles pursuant to the provisions of section three-a and  
3 three-c, to suspend or revoke a driver's license or privilege to  
4 operate a motor vehicle in this state shall upon the payment of the  
5 required fine, issue the driver a verification of satisfaction for  
6 the unpaid ticket without requiring the payment of court costs for  
7 the first six months of participation in the program. For the  
8 second six months of participation in the program, the court fees  
9 shall be at one-half of the normal rate charged.

10           (2) The Division of Motor Vehicles shall clear the unpaid  
11 ticket file of any person whose driver's license or privilege to  
12 operate a motor vehicle who presents verification of satisfaction  
13 by mail and pays a reinstatement fee of \$25 in lieu of the  
14 reinstatement fee required by section nine of this article provided  
15 that this fee is remitted by mail and is paid by check.

16           (d) The commissioner may at his or her discretion reinstate  
17 the driver's license or privilege to operate a motor vehicle of any  
18 person whose revocation was based on a violation of article five or  
19 five-a in accordance with the following:

20           (1) The offense occurred prior to January 1, 2011, was more  
21 than ten years old and did not involve the death or injury of  
22 anyone other than the driver;

23           (2) The driver has committed no other driving under the  
24 influence offense or violation of article five or five-a, chapter  
25 seventeen-c of this code or similar offense in any other state or  
26 jurisdiction or committee any other serious moving violation;

1 (3) Pays a fee of \$330. Three hundred of this fee is to  
2 reimburse the division of motor vehicles for the administrative  
3 cost of the revocation action and \$30 is to reimburse the  
4 appropriate municipal court for administrative costs;

5 (4) Completion of a safety and treatment program or  
6 participation in an ignition interlock program may not be required  
7 for reinstatement under this subsection;

8 (5) A participant may only participate in the program  
9 established by this section on one occasion. Should the  
10 participant complete the program, discontinue participation without  
11 completion, be removed from the program or his or her participation  
12 be terminated for any reason, he or she shall not be permitted to  
13 participate any further in the program.

14 (e) The commissioner at his or her discretion is authorized to  
15 establish such programs as necessary to facilitate the  
16 reinstatement of driving privileges for non-resident drivers  
17 revoked for a violation of section five and five-a of chapter  
18 seventeen-c of this code through completion of similar ignition  
19 interlock programs or waiving any mandatory completion if the non-  
20 resident driver chooses to serve a minimum of a five year  
21 revocation of driving privileges.

22 (f) Any law-enforcement officer is authorized to bring any  
23 driver to a magistrate or municipal judge if one is available if  
24 the law-enforcement officer makes a determination that the driver  
25 has more than three active unpaid citation files from separate  
26 incidents.

1           (g) This section may not be construed to waive any requirement  
2 for the retesting of a driver's vision, written or road skills if  
3 an offender's driver's license has expired for more than six  
4 months.

5           (h) The provisions of this section pertaining to the waiver of  
6 any requirements of fees is subject to a determination by the  
7 commissioner that the wavier does not violate any federal laws or  
8 rules pertaining to commercial drivers or any interstate or  
9 reciprocal agreements that may be in effect now or in the future.

10          (i) The commissioner may propose rules for legislative  
11 approval, in accordance with the provisions of article three,  
12 chapter twenty-nine-a of this code, to implement the provisions of  
13 this section.