

COMMITTEE SUBSTITUTE

FOR

**Senate Bill No. 94**

(By Senators Laird, Miller, Stollings,  
Facemire and Romano)

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[Originating in the Committee on  
the Judiciary;  
reported January 30, 2015.]

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A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17B-3-14; and to amend and reenact §17B-4-3 of said code, all relating to suspension or revocation of driver's licenses; making legislative findings; establishing driver's license restoration program; waiving certain reinstatement requirements to restore driving privileges; reducing period for suspension upon receipt of notice of driving while suspended for offenses other than driving under the influence; and granting rule-making authority.

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

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §17B-3-14; and that §17B-4-3 of said code be amended and reenacted, all to read as follows:

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

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

1 (a) The Legislature finds:

2 (1) That a growing number of drivers in West Virginia have their driver's licenses suspended  
3 or revoked each year;

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

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

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

13 (b) The division is hereby required to establish a driver's license restoration program for state  
14 drivers who have driver's licenses suspended pursuant to section three-a of this article upon notice  
15 of a state court for failure to resolve a citation or unpaid tickets. The program shall consist of the  
16 waiving of any fees or other requirements for the reinstatement of a drivers's license or the privilege  
17 to operate a motor vehicle based on an unresolved or unpaid citation file and any driving while  
18 suspended or revoked for an offense other than driving under the influence related to an unpaid ticket  
19 more than ten years from the effective date of the suspension. Any offense or file waived in  
20 accordance with this section may not appear on the licensee's driving record.

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1 (c) Notwithstanding any other provisions of this code to the contrary, for the period from July  
2 1, 2015, through and including June 30, 2016, the Division of Motor Vehicles shall close the unpaid  
3 ticket file and any driving while suspended or revoked for an offense other than driving under the  
4 influence, created by an unpaid ticket license suspension of any person whose driver's license or  
5 privilege to operate a motor vehicle has been suspended or revoked who presents verification of  
6 satisfaction by mail and pays a reinstatement fee of \$25 in lieu of the reinstatement fee required by  
7 section nine of this article. The division may waive any remaining time on a suspension or revocation  
8 reinstated in accordance with this subsection.

9 (d) A law-enforcement officer is authorized to bring any driver to a magistrate or municipal  
10 judge if one is available if the law-enforcement officer makes a determination that the driver has  
11 more than three active unpaid citation files from separate incidents.

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

14 (f) The division may not waive any requirements or fees if the waiver:

15 (1) Violates any federal laws or federal rules pertaining to commercial drivers or other  
16 licensees;

17 (2) Disqualifies or jeopardize the ability of this state to receive federal highway funding or  
18 highway safety funding; or

19 (3) Places this state in noncompliance with any interstate or reciprocal agreements that may  
20 be in effect now or in the future.

21 (g) The commissioner may propose rules for legislative approval, in accordance with the

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1 provisions of article three, chapter twenty-nine-a of this code, to implement this section.

2 (h) Unless otherwise provided in this section, a suspension under section three-a of this  
3 article will continue until the person provides proof of compliance from the municipal, magistrate  
4 or circuit court and pays the reinstatement fee as provided in section nine of this article. The  
5 reinstatement fee is assessed upon issuance of the order of suspension regardless of the effective date  
6 of suspension.

7 **ARTICLE 4. VIOLATION OF LICENSE PROVISIONS.**

8 **§17B-4-3. Driving while license suspended or revoked; driving while license revoked for**  
9 **driving under the influence of alcohol, controlled substances or drugs, or while**  
10 **having alcoholic concentration in the blood of eight hundredths of one percent**  
11 **or more, by weight, or for refusing to take secondary chemical test of blood**  
12 **alcohol contents.**

13 (a) Except as otherwise provided in subsection (b) or (d) of this section, any person who  
14 drives a motor vehicle on any public highway of this state at a time when his or her privilege to do  
15 so has been lawfully suspended or revoked by this state or any other jurisdiction is, for the first  
16 offense, guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$100 nor  
17 more than \$500; for the second offense, the person is guilty of a misdemeanor and, upon conviction  
18 thereof, shall be fined not less than \$100 nor more than \$500; for the third or any subsequent offense,  
19 the person is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for a  
20 period of not less than thirty days nor more than ninety days and shall be fined not less than \$150  
21 nor more than \$500.

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1 (b) Any person who drives a motor vehicle on any public highway of this state at a time when  
2 his or her privilege to do so has been lawfully revoked for driving under the influence of alcohol,  
3 controlled substances or other drugs, or any combination thereof, or for driving while having an  
4 alcoholic concentration in his or her blood of eight hundredths of one percent or more, by weight,  
5 or for refusing to take a secondary chemical test of blood alcohol content, is, for the first offense,  
6 guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for a period of not  
7 less than thirty days nor more than six months and shall be fined not less than \$100 nor more than  
8 \$500; for the second offense, the person is guilty of a misdemeanor and, upon conviction thereof,  
9 shall be confined in jail for a period of not less than six months nor more than one year and shall be  
10 fined not less than \$1,000 nor more than \$3,000; for the third or any subsequent offense, the person  
11 is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility  
12 for not less than one year nor more than three years and, in addition to the mandatory prison  
13 sentence, shall be fined not less than \$3,000 nor more than \$5,000.

14 (c) Upon receiving a record of the first or subsequent conviction of any person under  
15 subsection (b) of this section upon a charge of driving a vehicle while the license of that person was  
16 lawfully suspended or revoked, the division shall extend the period of the suspension or revocation  
17 for an additional period of six months which may be served concurrently with any other suspension  
18 or revocation. Upon receiving a record of the second or subsequent conviction of any person under  
19 subsection (a) of this section upon a charge of driving a vehicle while the license of that person was  
20 lawfully suspended or revoked, the division shall extend the period of the suspension or revocation  
21 for an additional period of ~~ninety~~ thirty days which may be served concurrently with any other

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1 suspension or revocation.

2 (d) Any person who drives a motor vehicle on any public highway of this state at a time when  
3 his or her privilege to do so has been lawfully suspended for driving while under the age of  
4 twenty-one years with an alcohol concentration in his or her blood of two hundredths of one percent  
5 or more, by weight, but less than eight hundredths of one percent, by weight, is guilty of a  
6 misdemeanor and, upon conviction thereof, shall be confined in jail for twenty-four hours or shall  
7 be fined not less than \$50 nor more than \$500, or both.

8 Upon receiving a record of a first or subsequent conviction under this subsection for a charge  
9 of driving a vehicle while the license of that person was lawfully suspended or revoked, the division  
10 shall extend the period of the suspension or revocation for an additional period of six months which  
11 may be served concurrently with any other suspension or revocation.

12 (e) An order for home detention by the court pursuant to the provisions of article eleven-b,  
13 chapter sixty-two of this code may be used as an alternative sentence to any period of incarceration  
14 required by this section.