

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

Senate Bill 626

BY SENATOR IHLENFELD

[Introduced January 27, 2020; referred
to the Committee on Transportation and
Infrastructure; and then to the Committee on the
Judiciary]

1 A BILL to amend and reenact §17C-5C-3 of the Code of West Virginia, 1931, as amended, relating
 2 to authorizing the Office of Administrative Hearings to hear and determine appeals of the
 3 suspension or revocation of a graduated driver’s license.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5C. OFFICE OF ADMINISTRATIVE HEARINGS.

§17C-5C-3. Jurisdiction of Office of Administrative Hearings.

1 The Office of Administrative Hearings has jurisdiction to hear and determine all:

2 (1) Appeals from an order of the Commissioner of the Division of Motor Vehicles
 3 suspending a license pursuant to §17B-2B-8 of this code;

4 (2) Appeals from decisions or orders of the Commissioner of the Division of Motor Vehicles
 5 suspending or revoking a license pursuant to §17B-3-3c, §17B-3-6, and §17B-3-12 of this code;

6 (3) Appeals from orders of the Commissioner of the Division of Motor Vehicles pursuant
 7 to §17C-5A-2 of this code, revoking or suspending a license under the provisions of §17C-5C-1
 8 or §17C-5-7 of this code;

9 (4) Appeals from decisions or orders of the Commissioner of the Division of Motor Vehicles
 10 denying, suspending, revoking, refusing to renew any license or imposing any civil money penalty
 11 for violating the provisions of any licensing law contained in chapters 17B and 17C of this code
 12 that are administered by the Commissioner of the Division of Motor Vehicles; and

13 (5) Appeals from an order of the Commissioner of the Division of Motor Vehicles
 14 suspending or revoking a graduated license pursuant to §17B-2-3a of this code. The Office of
 15 Administrative Hearings shall hear and determine an appeal by a person serving a suspension or
 16 revocation as of the effective date of the enactment of the amendments to this section during the
 17 2020 Regular Legislative Session; and

18 ~~(5)~~ (6) Other matters which may be conferred on the office by statute or legislatively
 19 approved rules.

NOTE: The purpose of this bill is to authorize the Office of Administrative Hearings to hear and determine appeals of persons whose graduated drivers' license has been suspended or revoked. The bill also authorizes the Office to hear and determine an appeal by a person serving a suspension or revocation of an appeal as of the effective date of the enactment of the amendments to the section during the 2020 Regular Legislative Session.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.