

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Introduced

House Bill 4361

BY DELEGATE LINVILLE

[Introduced January 24, 2022; Referred to the
Committee on Technology and Infrastructure then the
Judiciary]

1 A BILL to amend and reenact §17B-3-3c of the Code of West Virginia, 1931, as amended, relating
2 to the suspension of driver's licenses for failure to appear in court; establishing that a
3 suspension may only last five years; establishing that suspensions entered prior to July 1,
4 2016 are void; and allowing an inmate in a commercial driver's license program to receive
5 a stay of the suspension.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3. CANCELLATION, SUSPENSION OR REVOCATION OF LICENSES.

§17B-3-3c. Suspending license for failure to appear in court.

1 (a) The division shall suspend the license of any resident of this state or the privilege of a
2 nonresident to drive a motor vehicle in this state upon receiving notice from a circuit court,
3 magistrate court, or municipal court of this state, pursuant to §8-10-2b or §62-4-17 of this code,
4 that the person has failed to appear in court when charged with a criminal offense. For the
5 purposes of this section, §8-10-2b or §62-4-17 of this code, "criminal offense" shall be defined as
6 any violation of the provisions of this code, or the violation of any municipal ordinance, for which
7 the violation of the offense may result in a fine, confinement in jail, or imprisonment in a
8 correctional facility of this state: *Provided*, That any parking violation or other violation for which
9 a citation may be issued to an unattended vehicle shall not be considered a criminal offense for
10 the purposes of this section, §8-10-2b or §62-4-17 of this code.

11 (b) A copy of the order of suspension shall be forwarded to the person by certified mail,
12 return receipt requested. No order of suspension becomes effective until 10 days after receipt of
13 a copy of the order. The order of suspension shall advise the person that because of the receipt
14 of notice of the failure to appear, a presumption exists that the person named in the order of
15 suspension is the same person named in the notice. The commissioner may grant an
16 administrative hearing which substantially complies with the requirements of the provisions of
17 §17C-5A-2 of this code upon a preliminary showing that a possibility exists that the person named
18 in the notice of conviction is not the same person whose license is being suspended. The request

19 for hearing shall be made within 10 days after receipt of a copy of the order of suspension. The
20 sole purpose of this hearing shall be for the person requesting the hearing to present evidence
21 that he or she is not the person named in the notice. In the event the commissioner grants an
22 administrative hearing, the commissioner shall stay the license suspension pending the
23 commissioner's order resulting from the hearing.

24 (c) A suspension under this section and §17B-3-3a of this code will continue until the
25 person provides proof of compliance from the municipal, magistrate, or circuit court or until five
26 years from the entry of the order of suspension and the person pays the reinstatement fee as
27 provided in §17B-3-9 of this code: Provided, That any suspension under current or prior
28 enactments of this section and §17B-3-3a of this code that were entered on or before July 1,
29 2016, are void. The reinstatement fee is assessed upon issuance of the order of suspension
30 regardless of the effective date of suspension.

31 (d) Upon notice from an appropriate state official that the person is successfully
32 participating in an approved treatment and job program as prescribed in §61-11-26a of this code
33 or in a commercial driver's license training program developed for inmates by the Division of
34 Corrections, Department of Education and the Division of Motor Vehicles, and that the person is
35 believed to be safe to drive, the Division of Motor Vehicles shall stay or supersede the imposition
36 of any suspension under this section or §17B-3-3a of this code. The Division of Motor Vehicles
37 shall waive the reinstatement fee established by the provisions of §17B-3-9 of this code upon
38 receipt of proper documentation of the person's successful completion of a program under §61-
39 11-26a of this code or successful completion of the commercial driver's license training program
40 in this section and proof of compliance from the municipal, magistrate, or circuit court. The stay
41 or supersedeas shall be removed by the Division of Motor Vehicles upon receipt of notice from
42 an appropriate state official of a participant's failure to complete or comply with the approved
43 treatment and job program as established under §61-11-26a of this code or failed to complete or
44 comply with the requirements of the commercial driver's license training program in this section.

NOTE: The purpose of this bill is to increase the number of valid drivers by limiting driver's license suspensions to a period of five years for failure to appear in response to a criminal citation and by authorizing the division to void suspensions entered prior to July 1, 2016. This bill also specifically authorizes a stay of a suspension for a person involved in an inmate commercial driver training program.

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