

# **WEST VIRGINIA LEGISLATURE**

**2022 REGULAR SESSION**

**Committee Substitute**

**for**

**Senate Bill 330**

BY SENATOR SYPOLT

[Originating in the Committee on the Judiciary;

reported on February 10, 2022]

1 A BILL to amend and reenact §64-8-1 *et seq.* of the Code of West Virginia, 1931, as amended,  
2 all relating generally to authorizing certain agencies of the Department of Transportation  
3 to promulgate legislative rules; authorizing the rules as modified and amended by the  
4 Legislative Rule-Making Review Committee and as amended by the Legislature; relating  
5 to authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to the  
6 examination and issuance of driver’s license; relating to authorizing the Division of Motor  
7 Vehicles to promulgate a legislative rule relating to dealer licensing; relating to authorizing  
8 the Division of Motor Vehicles to promulgate a legislative rule relating to the collection of  
9 tax on the sale of a vehicle; and relating to authorizing the Department of Transportation  
10 to promulgate a legislative rule relating to employment procedures.

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

**ARTICLE 8. AUTHORIZATION FOR DEPARTMENT OF TRANSPORTATION TO  
PROMULGATE LEGISLATIVE RULES.**

**§64-8-1. Division of Motor Vehicles.**

1 (a) The legislative rule filed in the State Register on July 27, 2021, authorized under  
2 the authority of §17B-2-15 of this code, modified by the Division of Motor Vehicles to meet the  
3 objections of the Legislative Rule-Making Review Committee and refiled in the State Register on  
4 August 30, 2021, relating to the Division of Motor Vehicles (Examination and Issuance of Driver’s  
5 License, 91 CSR 04), is authorized with the amendment set forth below:

6 On page twelve, subdivision 8.2, after the word “license” by inserting the words “expired  
7 36 months or less”.

8 (b) The legislative rule filed in the State Register on July 29, 2021, authorized under the  
9 authority of §17A-2-9 of this code, modified by the Division of Motor Vehicles to meet the  
10 objections of the Legislative Rule-Making Review Committee and refiled in the State Register on  
11 September 22, 2021, relating to the Division of Motor Vehicles (Dealer Licensing, 91 CSR 06), is

12 authorized with the amendment set forth below:

13 On page thirty-six, subsection 16.2, after the word “service” by striking out the remainder  
14 of the sentence and inserting in lieu thereof the words “for 24 hours.”

15 (c) The legislative rule filed in the State Register on July 20, 2021, authorized under the  
16 authority of §11-15-3c of this code, modified by the Division of Motor Vehicles to meet the  
17 objections of the Legislative Rule-Making Review Committee and refiled in the State Register on  
18 August 30, 2021, relating to the Division of Motor Vehicles (Collection of Tax on the Sale of a  
19 Vehicle, 91 CSR 09), is authorized.

**§64-8-2. Division of Transportation.**

1 The legislative rule filed in the State Register on July 30, 2021, authorized under the  
2 authority of §5F-2-8 of this code, modified by the Department of Transportation to meet the  
3 objections of the Legislative Rule-Making Review Committee and refiled in the State Register on  
4 January 3, 2022, relating to the Department of Transportation (Employment Procedures, 217  
5 CSR 01), is authorized with the amendments set forth below:

6 On page five, subsection 2.56., by striking out the words “at his or her will” and inserting  
7 in lieu thereof the words “for a classified exempt employee, at the will and pleasure of the agency  
8 head”;

9 On page five, subsection 2.62., after the word “range” by striking out the word “and” and  
10 inserting in lieu thereof the word “or”;

11 On page nine, section four, paragraph one, by striking out the word “regulations” and  
12 inserting in lieu thereof the word “requirements”;

13 On page twelve, by adding a new subsection 4.11. to read as follows:

14 “4.11. Leave Donation Program. – The Division shall establish uniform procedures which shall be  
15 followed by all DOT agencies for providing a leave donation program pursuant to W. Va. Code  
16 §29-6-27.”

17 On page thirteen, paragraph 5.4.a.5., by striking out the words “public service” and  
18 inserting in lieu thereof the words “state public employment”;

19 On page fourteen, subdivision 5.4.b., by striking out the words “shall not” and inserting in  
20 lieu thereof the words “will be”;

21 On page fourteen, subdivision 5.4.b., by striking out the word “except”;

22 On page fourteen, subdivision 5.4.c., after the words “shall determine” by striking out the  
23 word “that” and inserting in lieu thereof the word “whether”;

24 On page fourteen, subdivision 5.4.c., after the word “reconsideration” by striking out the  
25 word “shall” and inserting in lieu thereof the word “may”;

26 On page fifteen, subdivision 6.2.a., by striking out the words “he or she shall notify”;

27 On page fifteen, subdivision 6.2.a., after the word “register” by inserting the words “will be  
28 notified”;

29 On page, sixteen, paragraph 6.3.b.1., after the word “causes” by inserting the words “for  
30 removal”;

31 On page seventeen, subdivision 6.4.a., after the words “A person” by striking out the words  
32 “who has had his or her name” and inserting in lieu thereof the words “whose name was”;

33 On page eighteen subdivision 7.4.b., by striking out the words “in section” and inserting in  
34 lieu thereof the words “provided in Section”;

35 On page twenty-five, subdivision 11.4.d., after the word “approval” by inserting the words  
36 “or disapproval.”;

37 On page twenty-seven, subdivision 12.1.a., after the word “May;” by striking out the words  
38 “Juneteenth, the nineteenth day of June”;

39 On page twenty-eight, subdivision 12.1.b., after the word “four” by striking out the numeral  
40 “(4)”;

41           On page twenty-eight, subdivision 12.3.a., by striking out the words “permanent,  
42 probationary,” and inserting in lieu thereof the words “full-time and part-time permanent or  
43 probationary”;

44           On page thirty-one, subdivision 12.4.a., by striking out the words “permanent,  
45 probationary, and provisional” and inserting in lieu thereof the words “permanent and  
46 probationary”;

47           And,

48           On Page 40, subsection 14.2, by striking out the work “principle” and inserting in lieu  
49 thereof the word “principal”.