

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Committee Substitute

for

Senate Bill 356

BY SENATOR WOODRUM

[Originating in the Committee on the Judiciary;

reported on January 26, 2023]

1 A BILL to amend and reenact §64-8-1 *et seq.* and §64-12-5 of the Code of West Virginia, 1931,
2 as amended, all relating generally to authorizing certain agencies of the Department of
3 Transportation to promulgate and repeal legislative rules; authorizing the rules as filed and
4 as modified by the Legislative Rule-Making Review Committee; authorizing the Division
5 of Motor Vehicles to promulgate a legislative rule relating to administrative due process;
6 authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to
7 examination and issuance of driver's license; authorizing the Division of Motor Vehicles to
8 promulgate a legislative rule relating to denial, suspension, revocation, disqualification,
9 restriction, nonrenewal, cancellation, administrative appeals, and reinstatement of driving
10 privileges; authorizing the Division of Highways to promulgate a legislative rule relating to
11 disposal, lease, and management of real property and appurtenant structures and
12 relocation assistance; authorizing the Division of Highways to promulgate a legislative rule
13 relating to construction and reconstruction of state roads; and authorizing the Department
14 of Transportation, State Rail Authority to repeal a legislative rule relating to organization
15 and meetings.

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 30, 2022, authorized under the
2 authority of §17A-2-9 of this code, relating to the Division of Motor Vehicles (administrative due
3 process, 91 CSR 01), is authorized.

4 (b) The legislative rule filed in the State Register on July 30, 2022, authorized under the
5 authority of §17B-2-7 of this code, modified by the Division of Motor Vehicles to meet the
6 objections of the Legislative Rule-Making Review Committee and refiled in the State Register on

7 September 16, 2022, relating to the Division of Motor Vehicles (examination and issuance of
8 driver's license, 91 CSR 04), is authorized.

9 (c) The legislative rule filed in the State Register on July 30, 2022, authorized under the
10 authority of §17A-2-9 of this code, modified by the Division of Motor Vehicles to meet the
11 objections of the Legislative Rule-Making Review Committee and refiled in the State Register on
12 September 16, 2022, relating to the Division of Motor Vehicles (denial, suspension, revocation,
13 disqualification, restriction, nonrenewal, cancellation, administrative appeals, and reinstatement
14 of driving privileges, 91 CSR 05), is authorized

§64-8-2. Division of Highways.

1 (a) The legislative rule filed in the State Register on July 21, 2022, authorized under the
2 authority of §17-2A-8 of this code, modified by the Division of Highways to meet the objections of
3 the Legislative Rule-Making Review Committee and refiled in the State Register on October 3,
4 2022, relating to the Division of Highways (disposal, lease, and management of real property and
5 appurtenant structures and relocation assistance, 157 CSR 02), is authorized.

6 (b) The legislative rule filed in the State Register on July 21, 2022, authorized under the
7 authority of §17-2A-8 of this code, relating to the Division of Highways (construction and
8 reconstruction of state roads, 157 CSR 03), is authorized.

ARTICLE 12. REPEAL OF UNAUTHORIZED AND OBSOLETE RULES.

§64-12-5. Department of Transportation.

1 The legislative rule effective September 1, 2001, authorized under the authority of §29-
2 18-4 of this code, relating to the Department of Transportation, State Rail Authority (organization
3 and meetings, 172 CSR 01), is repealed.