

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

Senate Bill 428

BY SENATOR WOODRUM

[Introduced January 12, 2024; referred
to the Committee on Government Organization]

1 A BILL to amend and reenact §19-11B-12 of the Code of West Virginia, 1931, as amended,
2 relating to establishing that appeals from administrative rulings are to be filed with the
3 Intermediate Court of Appeals.

Be it enacted by the Legislature of West Virginia:

ARTICLE 11B. FROZEN DESSERTS AND IMITATION FROZEN DESSERTS LAW.

§19-11B-12. Hearings and appeals.

1 (a) Any person aggrieved by any action taken under this article shall be afforded the
2 opportunity for a hearing before the commissioner under the rules promulgated by the
3 commissioner.

4 (b) Hearings shall be conducted in accordance with procedures set forth by rule.

5 (c) All the testimony and evidence at a hearing shall be recorded by mechanical means,
6 which may include the use of tape recordings. The mechanical record shall be maintained for 90
7 days from the date of the hearing and a transcript shall be made available to the aggrieved party.

8 (d) Any party who feels aggrieved of the suspension, revocation, or denial order may
9 appeal within 60 days to the ~~circuit court of the county in which the person has located its principal~~
10 ~~place of business~~ Intermediate Court of Appeals pursuant to the provisions of §29A-5-4 of this
11 code.