

# **WEST VIRGINIA LEGISLATURE**

**2025 REGULAR SESSION**

**Committee Substitute**

**for**

**Senate Bill 358**

BY SENATOR WOODRUM

[Reported February 21, 2025, from the Committee on  
the Judiciary]



1 A BILL to amend and reenact §64-8-1 *et seq.* of the Code of West Virginia, 1931, as amended,  
2 relating to authorizing certain agencies of the Department of Transportation to promulgate  
3 legislative rules; authorizing the rules as modified and as filed by the Legislative Rule-  
4 Making Review Committee; authorizing the Division of Highways to promulgate a  
5 legislative rule relating to the construction and reconstruction of state roads; authorizing  
6 the Division of Highways to promulgate a legislative rule relating to the use of state road  
7 rights-of-way and adjacent areas; authorizing the Division of Highways to promulgate a  
8 legislative rule relating to the transportation of hazardous wastes upon the roads and  
9 highways; authorizing the Division of Highways to promulgate a legislative rule relating to  
10 small wireless facilities on Division of Highways rights-of-way; authorizing the Division of  
11 Motor Vehicles to promulgate a legislative rule relating to the denial, suspension,  
12 revocation, disqualification, restriction, non-renewal, cancellation, administrative appeals,  
13 and reinstatement of driving privileges; authorizing the Division of Motor Vehicles to  
14 promulgate a legislative rule relating to disclosure of information from the files of the  
15 Division of Motor Vehicles; authorizing the Division of Motor Vehicles to promulgate a  
16 legislative rule relating to handicapped placards; authorizing the Division of Motor Vehicles  
17 to promulgate a legislative rule relating to the safety and treatment program; authorizing  
18 the Division of Motor Vehicles to promulgate a legislative rule relating to the State Vehicle  
19 Title, Registration, and Relicensing Project of 2018; and authorizing the Parkways  
20 Authority to promulgate a legislative rule relating to electronic toll collection and  
21 enforcement.

*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 Highways.**

1 (a) The legislative rule filed in the State Register on August 27, 2024, authorized under  
2 the authority of §17-2A-8 of this code, modified by the Division of Highways to meet the objections

3 of the Legislative Rule-Making Review Committee and refiled in the State Register on October  
4 11, 2024, relating to the Division of Highways (construction and reconstruction of state roads, 157  
5 CSR 03), is authorized.

6 (b) The legislative rule filed in the State Register on August 9, 2024, authorized under the  
7 authority of §17-2A-8 of this code, relating to the Division of Highways (use of state rights-of-way  
8 and adjacent areas, 157 CSR 06), is authorized.

9 (c) The legislative rule filed in the State Register on July 23, 2024, authorized under the  
10 authority of §22-18-7 of this code, relating to the Division of Highways (transportation of  
11 hazardous wastes upon the roads and highways, 157 CSR 07), is authorized.

12 (d) The legislative rule filed in the State Register on July 23, 2024, authorized under the  
13 authority of §31H-2-3 of this code, relating to the Division of Highways (small wireless facilities on  
14 Division of Highways rights-of-way, 157 CSR 13), is authorized.

**§64-8-2. Division of Motor Vehicles.**

1 (a) The legislative rule filed in the State Register on August 14, 2024, authorized under  
2 the authority of §17A-2-9 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 October 2, 2024, relating to the Division of Motor Vehicles (denial, suspension, revocation,  
5 disqualification, restriction, non-renewal, cancellation, administrative appeals, and reinstatement  
6 of driving privileges, 91 CSR 05), is authorized with the following amendment:

7 On page 6, after subsection 6.4. by adding a new subsection 6.5. to read as follows:

8 6.5. Credit for revocation/suspension served: In the event that a state or jurisdiction  
9 neglects to provide a conviction to West Virginia within a sufficient time to assess a  
10 revocation or suspension period required by this state concurrently with the revocation or  
11 suspension period assessed by the state or jurisdiction where the offense occurred and  
12 upon the request of a non-commercial license holder, the Division, after confirming the  
13 proof submitted by the driver, may provide credit for any license revocation or suspension

14 period served that was imposed by the state or jurisdiction where the offense occurred in  
15 order to satisfy all or a portion of a revocation or suspension period required by this State  
16 for a West Virginia non-commercial drivers license holder, unless prohibited by federal  
17 law. Evidence that a person requesting relief under this provision drove during the period  
18 for which credit is sought shall be treated as if the person drove while the license was  
19 suspended or revoked by this State.

20 (b) The legislative rule filed in the State Register on August 14, 2024, authorized under  
21 the authority of §17D-2-2 of this code, modified by the Division of Motor Vehicles to meet the  
22 objections of the Legislative Rule-Making Review Committee and refiled in the State Register on  
23 October 4, 2024, relating to the Division of Motor Vehicles (disclosure of information from the files  
24 of the Division of Motor Vehicles, 91 CSR 08), is authorized.

25 (c) The legislative rule filed in the State Register on August 14, 2024, authorized under  
26 the authority of §17C-13-6 of this code, modified by the Division of Motor Vehicles to meet the  
27 objections of the Legislative Rule-Making Review Committee and refiled in the State Register on  
28 October 2, 2024, relating to the Division of Motor Vehicles (handicapped placards, 91 CSR 10),  
29 is authorized.

30 (d) The legislative rule filed in the State Register on August 14, 2024, authorized under  
31 the authority of §17C-5A-3 of this code, relating to the Division of Motor Vehicles (Safety and  
32 Treatment Program, 91 CSR 15), is authorized.

33 (e) The legislative rule filed in the State Register on August 14, 2024, authorized under  
34 the authority of §17A-3-25 of this code, relating to the Division of Motor Vehicles (State Vehicle  
35 Title, Registration and Relicensing Project of 2018, 91 CSR 24), is authorized.

**§64-8-3. Parkways Authority.**

1 The legislative rule filed in the State Register on July 31, 2024, authorized under the  
2 authority of §17-16D-14 of this code, modified by the Parkways Authority to meet the objections  
3 of the Legislative Rule-Making Review Committee and refiled in the State Register on October

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- 4 11, 2024, relating to the Parkways Authority (supporting electronic toll collection and enforcement,
- 5 184 CSR 05), is authorized.