

# **WEST VIRGINIA LEGISLATURE**

**2023 REGULAR SESSION**

**ENGROSSED**

**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.* of the Code of West Virginia, 1931, as amended; and  
2 to amend and reenact §64-12-5 of said code, all relating generally to authorizing certain  
3 agencies of the Department of Transportation to promulgate and repeal legislative rules;  
4 authorizing the rules as filed and as modified by the Legislative Rule-Making Review  
5 Committee; authorizing the Division of Motor Vehicles to promulgate a legislative rule  
6 relating to administrative due process; authorizing the Division of Motor Vehicles to  
7 promulgate a legislative rule relating to examination and issuance of driver's license;  
8 authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to denial,  
9 suspension, revocation, disqualification, restriction, nonrenewal, cancellation,  
10 administrative appeals, and reinstatement of driving privileges; authorizing the Division of  
11 Highways to promulgate a legislative rule relating to disposal, lease, and management of  
12 real property and appurtenant structures and relocation assistance; and authorizing the  
13 Department of Transportation, State Rail Authority to repeal a legislative rule relating to  
14 organization 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  
2 the authority of §17A-2-9 of this code, relating to the Division of Motor Vehicles (administrative  
3 due process, 91 CSR 01), is authorized.

4 (b) The legislative rule filed in the State Register on July 30, 2022, authorized under  
5 the 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  
10 the 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 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.