

COMMITTEE SUBSTITUTE

FOR

## **Senate Bill No. 268**

(By Senators Laird, Foster, Kessler (Acting President) and Yost)

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[Originating in the Committee on Finance;  
reported February 28, 2011.]

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A BILL to repeal §17B-3-3c of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §17B-3-14, relating to motor vehicle driver's licenses; establishing a driver's license restoration program; making legislative findings; charging administrative fees; and granting rule-making authority.

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

That §17B-3-3c of the Code of West Virginia, 1931, as amended, be repealed; and that said code be amended by adding thereto a new section, designated §17B-3-14, to read as follows:

**ARTICLE 3. CANCELLATION, SUSPENSION OR REVOCATION OF  
LICENSES.**

**§17B-3-14. Legislative findings; license restoration program; rulemaking.**

1 (a) The Legislature finds:

2 (1) That a growing number of drivers in the State of West  
3 Virginia have their driver's licenses suspended or revoked  
4 each year;

5 (2) That a majority of the suspension and revocation  
6 actions undertaken by the Division of Motor Vehicles are for  
7 nondriving related reasons including the nonpayment of  
8 citations and a variety of other nonsafety related reasons;

9 (3) That there is a clear relationship between citizens  
10 having a valid driver's license and the ability to gain and  
11 maintain stable employment and other important matters  
12 affecting the quality of life of citizens throughout the state;  
13 and

14 (4) That there are many areas within the state that are not  
15 adequately served by public transportation which constitute  
16 a reasonable alternative to transportation by means other  
17 than a privately owned vehicle requiring the operator to  
18 have a valid driver's license.

19 (b) The division is hereby required to establish a driver's  
20 license amnesty program for drivers who have driver's

21 licenses suspended for unpaid tickets. This program shall  
22 consist of the waiving of any fees or other requirements for  
23 the reinstatement of a drivers's license or the privilege to  
24 operate a motor vehicle based on an unpaid citation file more  
25 than ten years from the date the division created the file.

26 (c) Notwithstanding any other provisions of this code to the  
27 contrary, for the duration of the period from July 1, 2011,  
28 through and including June 30, 2012, the following provi-  
29 sions shall be in effect:

30 (1) Any court that has initiated a notice to the division of  
31 motor vehicles pursuant to the provisions of section three-a  
32 and three-c, to suspend or revoke a driver's license or  
33 privilege to operate a motor vehicle in this state shall upon  
34 the payment of the required fine, issue the driver a verifica-  
35 tion of satisfaction for the unpaid ticket without requiring  
36 the payment of court costs for the first six months of partici-  
37 pation in the program. For the second six months of partici-  
38 pation in the program, the court fees shall be at one-half of  
39 the normal rate charged.

40 (2) The Division of Motor Vehicles shall clear the unpaid  
41 ticket file of any person whose driver's license or privilege to  
42 operate a motor vehicle who presents verification of satisfac-

43 tion by mail and pays a reinstatement fee of \$25 in lieu of the  
44 reinstatement fee required by section nine of this article  
45 provided that this fee is remitted by mail and is paid by  
46 check.

47 (d) The commissioner may at his or her discretion reinstate  
48 the driver's license or privilege to operate a motor vehicle of  
49 any person whose revocation was based on a violation of  
50 article five or five-a in accordance with the following:

51 (1) The offense occurred prior to January 1, 2011, was more  
52 than ten years old and did not involve the death or injury of  
53 anyone other than the driver;

54 (2) The driver has committed no other driving under the  
55 influence offense or violation of article five or five-a, chapter  
56 seventeen-c of this code or similar offense in any other state  
57 or jurisdiction or committed any other serious moving  
58 violation;

59 (3) Pays a fee of \$330. Three hundred of this fee is to  
60 reimburse the division of motor vehicles for the administra-  
61 tive cost of the revocation action and \$30 is to reimburse the  
62 appropriate municipal court for administrative costs;

63 (4) Completion of a safety and treatment program or  
64 participation in an ignition interlock program may not be

65 required for reinstatement under this subsection;

66 (5) A participant may only participate in the program  
67 established by this section on one occasion. Should the  
68 participant complete the program, discontinue participation  
69 without completion, be removed from the program or his or  
70 her participation be terminated for any reason, he or she  
71 shall not be permitted to participate any further in the  
72 program.

73 (e) The commissioner at his or her discretion is authorized  
74 to establish such programs as necessary to facilitate the  
75 reinstatement of driving privileges for non-resident drivers  
76 revoked for a violation of section five and five-a of chapter  
77 seventeen-c of this code through completion of similar  
78 ignition interlock programs or waiving any mandatory  
79 completion if the non-resident driver chooses to serve a  
80 minimum of a five year revocation of driving privileges.

81 (f) Any law-enforcement officer is authorized to bring any  
82 driver to a magistrate or municipal judge if one is available  
83 if the law-enforcement officer makes a determination that  
84 the driver has more than three active unpaid citation files  
85 from separate incidents.

86 (g) This section may not be construed to waive any require-  
87 ment for the retesting of a driver's vision, written or road  
88 skills if an offender's driver's license has expired for more  
89 than six months.

90 (h) The provisions of this section pertaining to the waiver  
91 of any requirements of fees is subject to a determination by  
92 the commissioner that the waiver does not violate any  
93 federal laws or rules pertaining to commercial drivers or any  
94 interstate or reciprocal agreements that may be in effect now  
95 or in the future.

96 (i) The commissioner may propose rules for legislative  
97 approval, in accordance with the provisions of article three,  
98 chapter twenty-nine-a of this code, to implement the  
99 provisions of this section.