

1 **H. B. 4558**

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3 (By Delegates Duke, Cowles, Kump, Householder
4 and Overington)

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6 [Introduced February 16, 2012; referred to the
7 Committee on Roads and Transportation then the Judiciary.]

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10 A BILL to amend and reenact §17B-3-3a of the Code of West Virginia,
11 1931, as amended, relating to suspension of a driver's license
12 for failure to pay a fine or penalty imposed by a magistrate
13 or municipal court for a motor vehicle violation; and
14 providing for expungement of the suspension from a person's
15 driving record within sixty days after payment of any
16 applicable fine, penalty or license reinstatement fee.

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

18 That §17B-3-3a of the Code of West Virginia, 1931, as amended,
19 be amended and reenacted to read as follows:

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

21 **§17B-3-3a. Suspending license for failure to pay fines or**
22 **penalties imposed by magistrate court or municipal**
23 **court.**

24 (a) The division shall suspend the license of any resident of

1 this state or the privilege of a nonresident to drive a motor
2 vehicle in this state upon receiving notice from a magistrate court
3 or municipal court of this state, pursuant to subsection (b),
4 section two-a, article three, chapter fifty of this code or
5 subsection (b), section two-a, article ten, chapter eight of this
6 code, that such person has defaulted on the payment of costs,
7 fines, forfeitures or penalties which were imposed on the person by
8 the magistrate court or municipal court by judgment entered upon
9 conviction of any motor vehicle violation or that such person has
10 failed to respond or appear in court when charged with a motor
11 vehicle violation.

12 (b) The magistrate court or municipal court shall notify the
13 division upon a default of payment as follows:

14 (1) For a resident of this state, after one hundred eighty
15 days following the date of judgment upon the conviction; or

16 (2) For a nonresident of this state, after eighty days
17 following the date of judgment upon the conviction.

18 (c) For the purposes of this section, section two-a, article
19 three, chapter fifty of this code and section two-a, article ten,
20 chapter eight of this code, "motor vehicle violation" shall be
21 defined as any violation designated in chapter seventeen-a,
22 seventeen-b, seventeen-c, seventeen-d or seventeen-e of this code
23 or the violation of any municipal ordinance relating to the
24 operation of a motor vehicle for which the violation thereof would

1 result in a fine or penalty: *Provided*, That any parking violation
2 or other violation for which a citation may be issued to an
3 unattended vehicle shall not be considered a motor vehicle
4 violation for the purposes of this section, section two-a, article
5 three, chapter fifty of this code or section two-a, article ten,
6 chapter eight of this code.

7 (d) A license suspension pursuant to the provisions of this
8 section shall be expunged from a person's driving record within
9 sixty days after payment is made of any applicable fine or penalty
10 which resulted in the license suspension and payment of any
11 applicable license reinstatement fee. The commissioner shall
12 propose rules for legislative approval in accordance with the
13 provisions of article three, chapter twenty-nine-a of this code to
14 implement the provisions of this subsection.

NOTE: The purpose of this bill is to provide that when a driver's license is suspended for failure to pay a fine for a motor vehicle violation, the suspension will be expunged from the person's driving record within 60 days after payment of any applicable fine or license reinstatement fee.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.