WEST virginia legislature

**FISCAL NOTE**

2021 regular session

Introduced

Senate Bill 261

By Senators Ihlenfeld, Romano, and Woelfel

[Introduced February 12, 2021; referred
to the Committee on the Judiciary; and then to the Committee on Finance]

A BILL to amend and reenact §17C-5C-3 of the Code of West Virginia, 1931, as amended, relating to authorizing the Office of Administrative Hearings to hear and determine appeals of the suspension or revocation of a graduated driver’s license.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5C. OFFICE OF ADMINISTRATIVE HEARINGS.

§17C-5C-3. Jurisdiction of Office of Administrative Hearings.

The Office of Administrative Hearings jurisdiction to hear and determine all:

(1) Appeals from an order of the commissioner of the Division of Motor Vehicles suspending a license pursuant to §17B-2B-8 of this code;

(2) Appeals from decisions or orders of the commissioner of the Division of Motor Vehicles suspending or revoking a license pursuant to §17B-3-3c, §17B-3-6, and §17B-3-12 of this code;

(3) Appeals from orders of the commissioner of the Division of Motor Vehicles pursuant to §17C-5A-2 of this code, revoking or suspending a license under the provisions of §17C-5C-1 or §17C-5-7 of this code;

(4) Appeals from decisions or orders of the commissioner of the Division of Motor Vehicles denying, suspending, revoking, refusing to renew any license or imposing any civil money penalty for violating the provisions of any licensing law contained in Chapter 17B or Chapter 17C of this code that ~~are~~ is administered by the commissioner of the Division of Motor Vehicles; ~~and~~

(5) Appeals from an order of the commissioner of the Division of Motor Vehicles suspending or revoking a graduated license pursuant to §17B-2-3a of this code. The Office of Administrative Hearings shall hear and determine an appeal by a person serving a suspension or revocation as of the effective date of the enactment of the amendments to this section during the 2021 Regular Legislative Session; and

~~(5)~~ (6) Other matters which may be conferred on the office by statute or legislatively approved rules.

NOTE: The purpose of this bill is to authorize the Office of Administrative Hearings to hear and determine appeals of persons whose graduated drivers’ license has been suspended or revoked. The bill also authorizes the office to hear and determine an appeal by a person serving a suspension or revocation of an appeal as of the effective date of the enactment of the amendments to the section during the 2021 Regular Legislative Session.

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