

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5487

FISCAL
NOTE

By Delegates Howell and W. Clark

[Introduced February 06, 2024; Referred to the
Committee on Technology and Infrastructure then the
Judiciary]

1 A BILL to amend and reenact §17B-3-3a of the Code of West Virginia, 1931, as amended, relating
 2 to suspension of licenses for failure to respond or appear in court when charged with a
 3 motor vehicle violation; requiring written notice of all fees owed and impending suspension
 4 prior to license suspension; and requiring the citation issuing magistrate court or municipal
 5 court to forward administrative fee collected to division.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3. CANCELLATION, SUSPENSION OR REVOCATION OF LICENSES.

§17B-3-3a. Suspending license for failure to respond or appear in court.

1 (a) The division shall suspend the license of any resident of this state or the privilege of a
 2 nonresident to drive a motor vehicle in this state upon receiving notice from a magistrate court or
 3 municipal court of this state that such person has failed to respond or appear in court when
 4 charged with a motor vehicle violation: Provided, That, prior to a suspension, written notice from
 5 the division shall be mailed to the resident which clearly specifies (1) the fine owed to magistrate
 6 court or municipal court, and (2) the administrative fee owed to the division, with clear directions
 7 that both amounts shall be paid by the resident to the magistrate court or municipal court before a
 8 license may be suspended: Provided, however, That, the magistrate court or municipal court
 9 receiving payment shall forward to the division any administrative fee collected. Prior to
 10 suspending the license of any resident of this state, the division shall mail written notice to the
 11 resident no less than 30 days prior to suspension.

12 (b) For the purposes of this section, §50-3-2a of this code and §8-10-2b of this code,
 13 "motor vehicle violation" is as any violation designated in chapters 17A, 17B, 17C, 17D, or 17E of
 14 this code, or the violation of any municipal ordinance relating to the operation of a motor vehicle for
 15 which the violation thereof would result in a fine or penalty: *Provided, That any parking violation or*
 16 *other violation for which a citation may be issued to an unattended vehicle shall not be considered*
 17 *a motor vehicle violation for the purposes of this section, §50-3-2a of this code, or §8-10-2b of this*
 18 *code.*

NOTE: The purpose of this bill relates to the suspension of licenses for failure to respond or appear in court when charged with a motor vehicle violation. The bill requires written notice of all fees owed and impending suspension prior to license suspension; and requires the citation issuing magistrate court or municipal court to forward administrative fee collected to division.

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