

# WEST VIRGINIA LEGISLATURE

## 2023 REGULAR SESSION

Introduced

### House Bill 3531

FISCAL  
NOTE

By Delegates Foster, Keaton, Linville, Butler, Cannon,

Reynolds, and Brooks

[Introduced February 14, 2023; Referred to the

Committee on Government Organization then

Finance]

1 A BILL to amend and reenact §17B-3-6 of the Code of West Virginia, 1931, as amended, all  
 2 relating to establishing a restricted license for licensees whose license has been  
 3 suspended for certain violations and establishing a fee for the issuance of a restricted  
 4 license.

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

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

**§17B-3-6. Authority of division to suspend, restrict, or revoke license; hearing.**

1 (a) The division is hereby authorized to suspend, restrict, or revoke the driver’s license of  
 2 any person without preliminary hearing upon a showing by its records or other sufficient evidence  
 3 that the licensee:

4 (1) Has committed an offense for which mandatory revocation of a driver’s license is  
 5 required upon conviction;

6 (2) Has by reckless or unlawful operation of a motor vehicle, caused or contributed to an  
 7 accident resulting in the death or personal injury of another or property damage;

8 (3) Has been convicted with such frequency of serious offenses against traffic regulations  
 9 governing the movement of vehicles as to indicate a disrespect for traffic laws and a disregard for  
 10 the safety of other persons on the highways;

11 (4) Is an habitually reckless or negligent driver of a motor vehicle;

12 (5) Is incompetent to drive a motor vehicle;

13 (6) Has committed an offense in another state which if committed in this state would be a  
 14 ground for suspension or revocation;

15 (7) Has failed to pay or has defaulted on a plan for the payment of all costs, fines,  
 16 forfeitures, or penalties imposed by a magistrate court or municipal court within 90 days, as  
 17 required by §50-3-2a of this code or §8-10-2a of this code;

18 (8) Has failed to appear or otherwise respond before a magistrate court or municipal court  
 19 when charged with a motor vehicle violation as defined in section three-a of this article;

20 (9) Is under the age of 17 and has withdrawn either voluntarily or involuntarily due to  
21 misconduct from a secondary school or has failed to maintain satisfactory academic progress, as  
22 provided in §18-8-11 of this code; or

23 ~~(10) Has failed to pay overdue child support or comply with subpoenas or warrants relating~~  
24 ~~to paternity or child support proceedings, if a circuit court has ordered the suspension of the~~  
25 ~~license as provided in §48A-5A-1 et seq. of this code and the Child Support Enforcement Division~~  
26 ~~has forwarded to the division a copy of the court order suspending the license, or has forwarded its~~  
27 ~~certification that the licensee has failed to comply with a new or modified order that stayed the~~  
28 ~~suspension and provided for the payment of current support and any arrearage due.~~

29 (b) The driver's license of any person having his or her license suspended shall be  
30 reinstated if:

31 (1) The license was suspended under the provisions of subdivision (7), subsection (a) of  
32 this section and the payment of costs, fines, forfeitures, or penalties imposed by the applicable  
33 court has been made;

34 (2) The license was suspended under the provisions of subdivision (8), subsection (a) of  
35 this section and the person having his or her license suspended has appeared in court and has  
36 prevailed against the motor vehicle violations charged; or

37 (3) The license was suspended under the provisions of subdivision (10), subsection (a) of  
38 this section and the division has received a court order restoring the license or a certification by the  
39 Child Support Enforcement Division that the licensee is complying with the original support order  
40 or a new or modified order that provides for the payment of current support and any arrearage due.

41 (c) Any reinstatement of a license under subdivision (1), (2) or (3), subsection (b) of this  
42 section shall be subject to a reinstatement fee designated in §17B-3-9 of this code.

43 (d) Upon suspending, or restricting the driver's license of any person as hereinbefore in  
44 this section authorized, the division shall immediately notify the licensee in writing, sent by certified  
45 mail, return receipt requested, to the address given by the licensee in applying for license, and

46 upon his or her request shall afford him or her an opportunity for a hearing as early as practical  
47 within not to exceed 20 days after receipt of such request in the county wherein the licensee  
48 resides unless the division and the licensee agree that such hearing may be held in some other  
49 county. Upon such hearing the commissioner or his or her duly authorized agent may administer  
50 oaths and may issue subpoenas for the attendance of witnesses and the production of relevant  
51 books and papers and may require a reexamination of the licensee. Upon such hearing the  
52 division shall either rescind its order of suspension, or restriction or, good cause appearing  
53 therefor, may extend the suspension, or restriction of such license or revoke such license. The  
54 provisions of this subsection providing for notice and hearing are not applicable to a suspension  
55 under subdivision (10), subsection (a) of this section. Any person whose driver's license is  
56 suspended, restricted, or revoked after hearing with the commissioner may seek judicial review of  
57 the final order or decision in accordance with §29A-5-4 of this code.

58 (e) Notwithstanding the provisions of legislative rule 91 CSR 5, the division may, upon  
59 completion of an approved defensive driving course, deduct three points from a licensee's point  
60 accumulation provided the licensee has not reached 14 points. If a licensee has been notified of a  
61 pending 30-day driver's license suspension based on the accumulation of 12 or 13 points, the  
62 licensee may submit proof of completion of an approved defensive driving course to deduct three  
63 points and rescind the pending license suspension: *Provided*, That the licensee submits proof of  
64 prior completion of the course and payment of the reinstatement fee in accordance with section  
65 nine, article three of this chapter to the division prior to the effective date of the suspension.

66 (f) In lieu of a suspension under the provisions of (a)(3), (7), or (8) of this section, or a  
67 suspension entered pursuant to §17D-4-5 or §17B-4-3(a) of this code, the division may restrict a  
68 license upon request of the licensee and require a payment of a \$50 restricted license fee for any  
69 licensee in this state. The licensee shall be restricted to driving for work, medical purposes, or  
70 educational or religious pursuits. This restriction shall continue until the suspension period is  
71 completed or the suspension is otherwise resolved and any reinstatement fees have been paid.

NOTE: The purpose of this bill is to provide a restricted license to licensees suspended under certain provisions and to require the licensee pay a fee for the issuance of a restricted license.

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