WEST virginia legislature

2024 regular session

Introduced

Senate Bill 428

By Senator Woodrum

[Introduced January 12, 2024; referred

to the Committee on Government Organization]

A BILL to amend and reenact §19-11B-12 of the Code of West Virginia, 1931, as amended, relating to establishing that appeals from administrative rulings are to be filed with the Intermediate Court of Appeals.

Be it enacted by the Legislature of West Virginia:

ARTICLE 11B. FROZEN DESSERTS AND IMITATION FROZEN DESSERTS LAW.

§19-11B-12. Hearings and appeals.

(a) Any person aggrieved by any action taken under this article shall be afforded the opportunity for a hearing before the commissioner under the rules promulgated by the commissioner.

(b) Hearings shall be conducted in accordance with procedures set forth by rule.

(c) All the testimony and evidence at a hearing shall be recorded by mechanical means, which may include the use of tape recordings. The mechanical record shall be maintained for 90 days from the date of the hearing and a transcript shall be made available to the aggrieved party.

(d) Any party who feels aggrieved of the suspension, revocation, or denial order may appeal within 60 days to the ~~circuit court of the county in which the person has located its principal place of business~~ Intermediate Court of Appeals pursuant to the provisions of §29A-5-4 of this code.