

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Committee Substitute

for

Senate Bill 358

BY SENATOR WOODRUM

[Reported February 21, 2025, from the Committee on
the Judiciary]

1 A BILL to amend and reenact §64-8-1 *et seq.* of the Code of West Virginia, 1931, as amended,
2 relating to authorizing certain agencies of the Department of Transportation to promulgate
3 legislative rules; authorizing the rules as modified and as filed by the Legislative Rule-
4 Making Review Committee; authorizing the Division of Highways to promulgate a
5 legislative rule relating to the construction and reconstruction of state roads; authorizing
6 the Division of Highways to promulgate a legislative rule relating to the use of state road
7 rights-of-way and adjacent areas; authorizing the Division of Highways to promulgate a
8 legislative rule relating to the transportation of hazardous wastes upon the roads and
9 highways; authorizing the Division of Highways to promulgate a legislative rule relating to
10 small wireless facilities on Division of Highways rights-of-way; authorizing the Division of
11 Motor Vehicles to promulgate a legislative rule relating to the denial, suspension,
12 revocation, disqualification, restriction, non-renewal, cancellation, administrative appeals,
13 and reinstatement of driving privileges; authorizing the Division of Motor Vehicles to
14 promulgate a legislative rule relating to disclosure of information from the files of the
15 Division of Motor Vehicles; authorizing the Division of Motor Vehicles to promulgate a
16 legislative rule relating to handicapped placards; authorizing the Division of Motor Vehicles
17 to promulgate a legislative rule relating to the safety and treatment program; authorizing
18 the Division of Motor Vehicles to promulgate a legislative rule relating to the State Vehicle
19 Title, Registration, and Relicensing Project of 2018; and authorizing the Parkways
20 Authority to promulgate a legislative rule relating to electronic toll collection and
21 enforcement.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 8. AUTHORIZATION FOR DEPARTMENT OF TRANSPORTATION TO
PROMULGATE LEGISLATIVE RULES.**

§64-8-1. Division of Highways.

1 (a) The legislative rule filed in the State Register on August 27, 2024, authorized under
2 the authority of §17-2A-8 of this code, modified by the Division of Highways to meet the objections

of the Legislative Rule-Making Review Committee and refiled in the State Register on October 11, 2024, relating to the Division of Highways (construction and reconstruction of state roads, 157 CSR 03), is authorized.

(b) The legislative rule filed in the State Register on August 9, 2024, authorized under the authority of §17-2A-8 of this code, relating to the Division of Highways (use of state rights-of-way and adjacent areas, 157 CSR 06), is authorized.

(c) The legislative rule filed in the State Register on July 23, 2024, authorized under the authority of §22-18-7 of this code, relating to the Division of Highways (transportation of hazardous wastes upon the roads and highways, 157 CSR 07), is authorized.

(d) The legislative rule filed in the State Register on July 23, 2024, authorized under the authority of §31H-2-3 of this code, relating to the Division of Highways (small wireless facilities on Division of Highways rights-of-way, 157 CSR 13), is authorized.

§64-8-2. Division of Motor Vehicles.

(a) The legislative rule filed in the State Register on August 14, 2024, authorized under the authority of §17A-2-9 of this code, modified by the Division of Motor Vehicles to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 2, 2024, relating to the Division of Motor Vehicles (denial, suspension, revocation, disqualification, restriction, non-renewal, cancellation, administrative appeals, and reinstatement of driving privileges, 91 CSR 05), is authorized with the following amendment:

On page 6, after subsection 6.4. by adding a new subsection 6.5. to read as follows:

6.5. Credit for revocation/suspension served: In the event that a state or jurisdiction neglects to provide a conviction to West Virginia within a sufficient time to assess a revocation or suspension period required by this state concurrently with the revocation or suspension period assessed by the state or jurisdiction where the offense occurred and upon the request of a non-commercial license holder, the Division, after confirming the proof submitted by the driver, may provide credit for any license revocation or suspension

period served that was imposed by the state or jurisdiction where the offense occurred in order to satisfy all or a portion of a revocation or suspension period required by this State for a West Virginia non-commercial drivers license holder, unless prohibited by federal law. Evidence that a person requesting relief under this provision drove during the period for which credit is sought shall be treated as if the person drove while the license was suspended or revoked by this State.

(b) The legislative rule filed in the State Register on August 14, 2024, authorized under the authority of §17D-2-2 of this code, modified by the Division of Motor Vehicles to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 4, 2024, relating to the Division of Motor Vehicles (disclosure of information from the files of the Division of Motor Vehicles, 91 CSR 08), is authorized.

(c) The legislative rule filed in the State Register on August 14, 2024, authorized under the authority of §17C-13-6 of this code, modified by the Division of Motor Vehicles to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 2, 2024, relating to the Division of Motor Vehicles (handicapped placards, 91 CSR 10), is authorized.

(d) The legislative rule filed in the State Register on August 14, 2024, authorized under the authority of §17C-5A-3 of this code, relating to the Division of Motor Vehicles (Safety and Treatment Program, 91 CSR 15), is authorized.

(e) The legislative rule filed in the State Register on August 14, 2024, authorized under the authority of §17A-3-25 of this code, relating to the Division of Motor Vehicles (State Vehicle Title, Registration and Relicensing Project of 2018, 91 CSR 24), is authorized.

§64-8-3. Parkways Authority.

The legislative rule filed in the State Register on July 31, 2024, authorized under the authority of §17-16D-14 of this code, modified by the Parkways Authority to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October

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- 4 11, 2024, relating to the Parkways Authority (supporting electronic toll collection and enforcement,
- 5 184 CSR 05), is authorized.