

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 700

By Senator Morris

[Introduced February 2, 2026; referred

to the Committee on the Judiciary]

1 A BILL to amend and reenact §8-10-2b of the Code of West Virginia, 1931, as amended, relating to
2 allowing city attorneys or municipal court clerks to file judgment liens for unpaid fines and
3 delinquent payment plans.

Be it enacted by the Legislature of West Virginia:

ARTICLE 10. POWERS AND DUTIES OF CERTAIN OFFICERS.

§8-10-2b. Payment plan; failure to pay will result in late fee and judgment lien; suspension

of licenses for failure to pay fines and costs or failure to appear in court.

1 (a) Upon request and subject to the following requirements, the municipal court clerk or,
2 upon a judgment rendered on appeal, the clerk shall establish a payment plan for a person owing
3 costs, fines, forfeitures, restitution, or penalties imposed by the court for a motor vehicle violation
4 as defined in §17B-3-3a of this code, a criminal offense as defined in §17B-3-3c of this code, or
5 other applicable municipal ordinances, so long as the person signs and files with the clerk an
6 affidavit stating that he or she is financially unable to pay the costs, fines, forfeitures, restitution, or
7 penalties imposed:

8 (1) A \$25 administrative processing fee shall be paid at the time the payment form is filed
9 or, in the alternative, the fee may be paid in no more than five equal monthly payments;

10 (2) Unless incarcerated, a person ~~must~~ shall pay in full the costs, fines, forfeitures,
11 restitution, or penalties or enroll in a payment plan upon the entry of the order assessing the costs,
12 fines, forfeitures, restitution, or penalties; and

13 (3) If the person is incarcerated, he or she ~~must~~ shall pay in full the costs, fines, forfeitures,
14 restitution, or penalties or enroll in a payment plan within 30 calendar days after release.

15 (b) The West Virginia Supreme Court of Appeals shall develop a uniform payment plan
16 form and financial affidavit for requests for the establishment of a payment plan pursuant to
17 subsection (a) of this section. The forms shall be made available for distribution to the offices of
18 municipal clerks, and municipal clerks shall use the payment plan form and affidavit form
19 developed by the Supreme Court of Appeals when establishing payment plans.

20 (c)(1) The payment plan shall specify: (A) The number of payments to be made; (B) the
21 dates on which such payments are due; (C) the amount due for each payment; (D) all acceptable
22 payment methods; and (E) the circumstances under which the person may receive a late fee, have
23 a judgment lien recorded against him or her, or have the debt sent to collections for nonpayment;
24 and

25 (2) The monthly payment under the payment plan shall be calculated based upon all costs,
26 fines, forfeitures, restitution, or penalties owed within the court, and shall be two percent of the
27 person's annual net income divided by 12, or \$10, whichever is greater: *Provided*, That if this
28 calculation results in a payment plan lasting more than three years, the monthly payments shall be
29 set by dividing the total amount owed by 36.

30 (3) The court may review the reasonableness of the payment plan, and may on its own
31 motion or by petition, waive, modify, or convert the outstanding costs, fines, forfeitures, restitution,
32 or penalties to community service if the court determines that the individual has had a change in
33 circumstances and is unable to comply with the terms of the payment plan.

34 (d)(1) The clerk may assess a \$10 late fee each month if a person fails to comply with the
35 terms of a payment plan and if any payment due is not received within 30 days after the due date,
36 and the person:

37 (A) Is not incarcerated;

38 (B) Has not brought the account current;

39 (C) Has not made alternative payment arrangements with the court; or

40 (D) Has not entered into a revised payment plan with the clerk before the due date.

41 (2) If after 90 days, a payment has not been received, the clerk may do one or both of the
42 following: (A) Record a judgment lien as described in subsection (f) of this section; or (B) consign
43 the delinquent costs, fines, forfeitures, restitution, or penalties to a debt collection agency
44 contained on the Tax Commissioner's list of eligible debt collection agencies established and
45 maintained pursuant to §14-1-18c of this code, an internal collection division, or both: *Provided,*

46 That the entire amount of all delinquent payments collected shall be remitted to the court and may
47 not be reduced by any collection costs or fees: *Provided, however,* That the collection fee may not
48 exceed 25 percent of the delinquent payment amount. The clerk may send notices, electronically
49 or by U.S. mail, to remind the person of an upcoming or missed payment.

50 (e)(1) If after 90 days of a judgment a person fails to enroll in a payment plan and fails to
51 pay their costs, fines, forfeitures, restitution, or penalties, the clerk may assess a \$10 late fee and
52 shall notify the person of the following:

53 (A) That he or she is 90 days past due in the payment of costs, fines, forfeitures, restitution,
54 or penalties imposed pursuant to a judgment of the court;

55 (B) That he or she has failed to enroll in a payment plan;

56 (C) Whether a \$10 late fee has been assessed; and

57 (D) That he or she may be the subject of a judgment lien or have his or her debt sent to a
58 collection agency if the overdue payment of costs, fines, forfeitures, restitution, or penalties is not
59 resolved within 30 days of the date of the notice issued pursuant to this subsection.

60 (2) If after 30 days from the issuance of a notice pursuant to subdivision (1) of this
61 subsection a payment has not been received, the clerk may do one or both of the following:

62 (A) Record a judgment lien as described in subsection (f) of this section; or

63 (B) Consign the delinquent costs, fines, forfeitures, restitution, or penalties to a debt
64 collection agency contained on the Tax Commissioner's list of eligible debt collection agencies
65 established and maintained pursuant to §14-1-18c of this code, an internal collection division, or
66 both: *Provided,* That the entire amount of all delinquent payments collected shall be remitted to the
67 court and may not be reduced by any collection costs or fees: *Provided, however,* That the
68 collection fee may not exceed 25 percent of the delinquent payment amount.

69 (f) To record a judgment lien, the clerk shall notify the city attorney or prosecuting attorney
70 of the county of nonpayment and shall provide the city attorney or prosecuting attorney with an
71 abstract of judgment. The city attorney, municipal court clerk, or prosecuting attorney shall file the

72 abstract of judgment in the office of the clerk of the county commission in the county where the
73 defendant was convicted and in any county in which the defendant resides or owns property. The
74 clerk of the county commission shall record and index these abstracts of judgment without charge
75 or fee to the city attorney, municipal court clerk, or prosecuting attorney and when recorded, the
76 amount stated to be owed in the abstract constitutes a lien against all property of the defendant:
77 *Provided*, That when all the costs, fines, fees, forfeitures, restitution, or penalties for which an
78 abstract of judgment has been recorded are paid in full, the clerk of the municipal court shall notify
79 the city attorney or prosecuting attorney of the county of payment and provide the city attorney or
80 prosecuting attorney with a release of judgment, prepared in accordance with the provisions of
81 §38-12-1 of this code, for filing and recordation pursuant to the provisions of this subdivision. Upon
82 receipt from the clerk, the The city attorney, municipal court clerk, or prosecuting attorney shall file
83 the release of judgment in the office of the clerk of the county commission in each county where an
84 abstract of the judgment was recorded. The clerk of the county commission shall record and index
85 the release of judgment without charge or fee to the city attorney, municipal court clerk, or
86 prosecuting attorney.

87 (g) Any driver's license suspension entered by the Division of Motor Vehicles prior to July
88 1, 2016, for the failure to appear or otherwise respond in court or for nonpayment of costs, fines,
89 forfeitures, restitution, or penalties is null and void. A person whose driver's license was
90 suspended on or after July 1, 2016, but prior to July 1, 2020, solely for the nonpayment of costs,
91 fines, forfeitures, restitution, or penalties, if otherwise eligible, shall have his or her license
92 reinstated:

93 (1) Upon payment in full of all outstanding costs, fines, forfeitures, restitution, or penalties
94 and a \$25 reinstatement fee paid to the Division of Motor Vehicles; or

95 (2) Upon establishing a payment plan pursuant to subsection (a) of this section and the
96 payment of a \$25 administrative fee. The clerk shall notify the Division of Motor Vehicles that a
97 payment plan is in effect, and upon receipt of the notification, the division shall waive the

98 reinstatement fee.

99 (h) If a person charged with a motor vehicle violation as defined in §17B-3-3a of this code
100 or criminal offense fails to appear or otherwise respond in court, the municipal court clerk shall
101 notify the Division of Motor Vehicles of the failure to appear: *Provided*, That notwithstanding any
102 other provision of this code to the contrary, for residents of this state, the municipal court clerk shall
103 wait at least 90 days from the date of the person's failure to appear or otherwise respond before
104 notifying the Division of Motor Vehicles thereof. Upon notice, the Division of Motor Vehicles shall
105 suspend the person's driver's license or privilege to operate a motor vehicle in this state until such
106 time that the person appears as required.

NOTE: The purpose of this bill is to allow city attorneys and municipal clerks to file judgment
liens.

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