

WEST VIRGINIA LEGISLATURE

# SENATE JOURNAL

EIGHTY-SEVENTH LEGISLATURE  
REGULAR SESSION, 2025  
FIFTY-FIFTH DAY

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Charleston, West Virginia, Monday, April 7, 2025

The Senate met at 11:13 a.m.

(Senator Smith, Mr. President, in the Chair.)

Prayer was offered by the Honorable Michael T. Azinger, a senator from the third district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Eric J. Tarr, a senator from the fourth district.

Pending the reading of the Journal of Friday, April 4, 2025,

At the request of Senator Grady, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

The Senate proceeded to the second order of business and the introduction of guests.

The Senate then proceeded to the third order of business.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage of

**Eng. Com. Sub. for Senate Bill 10**, Exempting certain meat processes from consumers sales and service tax.

A message from the Clerk of the House of Delegates announced the amendment by that body to the title of the bill, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendment, as to

**Eng. Com. Sub. for Senate Bill 22**, Applying penalties for nonpayment of royalties under terms of oil and natural gas leases.

On motion of Senator Martin, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the title of the bill was reported by the Clerk:

By striking out the title and substituting therefor a new title, to read as follows:

**Eng. Com. Sub. for Senate Bill 22**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §36-4-9c, relating to providing for enhanced damages for nonpayment of royalties due from oil, natural gas, or natural gas liquids production under the terms of a lease or other agreement; providing for treble damages for unpaid royalties after non-payment for 6 months, unless there is a bona fide dispute or the damages are otherwise provided for in writing; providing for proper jurisdiction and venue for causes of action to resolve disputes; providing for the prevailing party to be awarded reasonable attorney's fees and costs; and providing that the section applies to disputes filed on or after July 1, 2025.

On motion of Senator Martin, the Senate concurred in the House of Delegates amendment to the title of the bill.

Engrossed Committee Substitute for Senate Bill 22, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 22) passed with its House of Delegates amended title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage of

**Eng. Com. Sub. for Senate Bill 267**, Extending time for renewal and restoration of commercial driver's licenses.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the reconsideration, amendment, and passage as amended by a vote of a majority of all the members elected to the House of Delegates, as a result of the objections of the Governor, to take effect from passage, of

**Enr. Com. Sub. for Senate Bill 369**, Authorizing miscellaneous boards and agencies to promulgate legislative rules.

A message from the Clerk of the House of Delegates announced the amendment by that body to the title of the bill, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendment, as to

**Eng. Com. Sub. for Senate Bill 459**, Requiring county planning commission members be state residents.

On motion of Senator Martin, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the title of the bill was reported by the Clerk:

By striking out the title and substituting therefor a new title, to read as follows:

**Eng. Com. Sub. for Senate Bill 459**—A Bill to amend and reenact §8A-2-3, §8A-2-4, and §8A-2-5 of the Code of West Virginia, 1931, as amended, relating to requiring that members of municipal, county, and other planning commissions meet certain residency requirements; mandating that members of municipal and county planning commissions be West Virginia residents for the three years immediately preceding the appointment; requiring that such members be residents of the county or municipality in which the planning commission to which they are appointed is situated for a certain time period prior to appointment; requiring that members of multicounty, regional, and joint planning commissions be residents of the jurisdiction of the planning commission to which they are appointed for at least three years immediately preceding the appointment; and prohibiting members of planning commissions who do not meet residency requirements from remaining on the planning commission.

On motion of Senator Martin, the Senate concurred in the House of Delegates amendment to the title of the bill.

Engrossed Committee Substitute for Senate Bill 459, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 459) passed with its House of Delegates mended title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate.

A message from the Clerk of the House of Delegates announced the passage by that body, without amendment, to take effect from passage, and requested the concurrence of the Senate in the changed effective date, as to

**Eng. Com. Sub. for Senate Bill 538**, Allowing certain entities to purchase qualifying tax-delinquent properties before they are offered at public auction.

On motion of Senator Martin, the bill was taken up for immediate consideration.

On further motion of Senator Martin, the Senate concurred in the changed effective date of the bill, that being to take effect from passage, instead of 90 days from passage.

Senator Martin moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 538) takes effect from passage.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage of

**Eng. Com. Sub. for Senate Bill 573**, Relating to restrictions on use or sale of motor vehicles based on power source.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage of

**Eng. Senate Bill 828**, Clarifying requirements for persons employed by Division of Corrections and Rehabilitation include contracted vendor staff.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the adoption of

**Com. Sub. for Senate Concurrent Resolution 3**, US Army Warrant Officer Joseph Rose III Memorial Bridge.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the adoption of

**Senate Concurrent Resolution 5**, US Marine Corps Sergeant Robert Milford Payne Memorial Bridge.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the adoption of

**Com. Sub. for Senate Concurrent Resolution 8**, US Army E6 Dennis Charles Hurley Memorial Bridge.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the adoption of

**Com. Sub. for Senate Concurrent Resolution 10**, Donald Lucas & Ronald Lucas Memorial Bridge.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the adoption of

**Com. Sub. for Senate Concurrent Resolution 19**, US Army ST4 Gregory Kent Stephens Memorial Bridge.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 2026**—A Bill making appropriations of public money out of the Treasury in accordance with section 51, article VI of the Constitution.

At the request of Senator Martin, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments, as amended by the House of Delegates, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments to the Senate amendments, as to

**Eng. Com. Sub. for House Bill 2042**, Relating to allowing a guardian ad litem to request the appointment of a court appointed special advocate.

On motion of Senator Martin, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the Senate amendments to the bill were reported by the Clerk:

On page 5, section 601, line 101 by striking the entirety of subsection (I) and inserting in lieu thereof the following language:

(I) CASA.—The department, guardian ad litem, or any parent as defined in §49-1-204 of this code who is a party to a proceeding instituted pursuant to the provisions of this section, may, in accordance with the Rules of Procedure for Child Abuse and Neglect Proceedings, request the appointment of a court appointed special advocate, which the circuit court may appoint if a court appointed special advocate provides services to the circuit court with jurisdiction over the proceedings instituted pursuant to this section.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

**Eng. Com. Sub. for House Bill 2042**—A Bill to amend and reenact §49-4-601 of the Code of West Virginia, 1931, as amended, relating to procedures in cases of child neglect or abuse; allowing a prosecuting attorney on behalf of the Department of Human Services, attorneys for a parent, or a guardian ad litem to request, in accordance with the Rules of Procedure for Child

Abuse and Neglect Proceedings, the appointment of a court appointed special advocate if that circuit court is serviced by a court appointed special advocate.

On motion of Senator Martin, the Senate concurred in the foregoing House of Delegates amendments to the Senate amendments to the bill.

Engrossed Committee Substitute for House Bill 2042, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2042) passed with its House of Delegates amended title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment, as amended by the House of Delegates, passage as amended, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendment to the Senate amendment, as to

**Eng. Com. Sub. for House Bill 2331**, Relating to authorizing certain agencies of the Department of Commerce to promulgate legislative rules.

On motion of Senator Martin, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the Senate amendment to the bill was reported by the Clerk:

By striking out the title and substituting therefor a new title, to read as follows:

**Eng. Com. Sub. for House Bill 2331**—A Bill to amend and reenact §64-10-1 *et seq.* of the Code of West Virginia, 1931, as amended, relating to authorizing certain agencies of the Department of Commerce to promulgate legislative rules; authorizing the rules as filed and as modified by the Legislative Rule-Making Review Committee and as amended by the Legislature; authorizing the Office of Miners' Health, Safety and Training to promulgate a legislative rule relating to the certification, recertification and training of EMT miners and the certification of EMT-M instructors; authorizing the Division of Natural Resources to promulgate a legislative rule relating to transporting and selling wildlife parts and pelts; authorizing the Division of Natural Resources to promulgate a legislative rule relating to boating; authorizing the Division of Natural Resources to promulgate a legislative rule relating to special boating; authorizing the Division of Natural Resources to promulgate a legislative rule relating to public use of campgrounds in West Virginia State Parks and State Forests and Campsites in State Rail Trails under the Division of

Natural Resources; authorizing the Division of Natural Resources to promulgate a legislative rule relating to special projects and grants for West Virginia State Parks, State Forests, and State Rail Trails under the Division of Natural Resources; authorizing the Division of Natural Resources to promulgate a legislative rule relating to prohibitions when hunting and trapping; authorizing the Division of Natural Resources to promulgate a legislative rule relating to general hunting; authorizing the Division of Natural Resources to promulgate a legislative rule relating to special waterfowl hunting; authorizing the Division of Natural Resources to promulgate a legislative rule relating to special fishing; authorizing the Division of Natural Resources to promulgate a legislative rule relating to catching and selling bait fish; and authorizing the Division of Natural Resources to promulgate a legislative rule relating to falconry.

On motion of Senator Martin, the Senate concurred in the foregoing House of Delegates amendment to the Senate amendment to the bill.

Engrossed Committee Substitute for House Bill 2331, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2331) passed with its House of Delegates amended title.

Senator Martin moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2331) takes effect from passage.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

**Eng. Com. Sub. for House Bill 2513**, Enhancing training requirements for county boards of education members.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the adoption, as amended, of

**Com. Sub. for House Concurrent Resolution 43**, Ray William "Mutt" Sherman Memorial Bridge.

The Senate proceeded to the fourth order of business.

Senator Barrett, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

**Eng. Com. Sub. for House Bill 2011**, To supplement, amend, and increase an existing item of appropriation in the aforesaid accounts for the designated spending unit for expenditure during the fiscal year 2025.

And has amended same.

**Eng. Com. Sub. for Com. Sub. for House Bill 2164**, To allow for public and private schools in West Virginia to employ security personnel.

And has amended same.

**Eng. Com. Sub. for House Bill 3152**, Claims Bill.

And has amended same.

And,

**Eng. Com. Sub. for House Bill 3166**, Requirements for School Safety Mapping Data.

And has amended same.

And reports the same back with the recommendation that they each do pass, as amended.

Respectfully submitted,

Jason Barrett,  
*Chair.*

At the request of Senator Martin, unanimous consent being granted, the bills (Eng. Com. Sub. for H. B. 2011, Eng. Com. Sub. for Com. Sub. for H. B. 2164, Eng. Com. Sub. for H. B. 3152, and Eng. Com. Sub. for H. B. 3166) contained in the preceding report from the Committee on Finance were each taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Barrett, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

**Eng. House Bill 2942**, Administration of the West Virginia Department of Environmental Protection Design-Build Pilot Program.

With amendments from the Committee on Energy, Industry, and Mining pending;

And reports the same back with the recommendation that it do pass as amended by the Committee on Energy, Industry, and Mining to which the bill was first referred.

Respectfully submitted,

Jason Barrett,  
*Chair.*

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. H. B. 2942) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Barrett, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

**Eng. House Bill 2943**, Administration of the West Virginia Hazardous Waste Management Act.

**Eng. Com. Sub. for House Bill 3012**, Relating to Lottery Money Distribution.

And,

**Eng. House Bill 3361**, Supplemental Appropriation - Health, Birth to Three.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

Jason Barrett,  
*Chair.*

At the request of Senator Martin, unanimous consent being granted, the bills (Eng. H. B. 2943, Eng. Com. Sub. for H. B. 3012, and Eng. H. B. 3361) contained in the preceding report from the Committee on Finance were each taken up for immediate consideration, read a first time, and ordered to second reading.

The Senate proceeded to the sixth order of business.

Senators Chapman, Oliverio, and Garcia offered the following resolution:

**Senate Resolution 46**—Designating April 8, 2025, as Child Care Day at the Legislature.

Which, under the rules, lies over one day.

The Senate proceeded to the eighth order of business.

**Eng. Com. Sub. for House Bill 2123**, Modifying the criminal penalties imposed on a parent, guardian or custodian for child abuse.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2123) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for Com. Sub. for House Bill 2217**, Relating to penalties for conspiracy to commit murder.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for H. B. 2217) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. House Bill 2360**, Clarifying the victims of crimes against law-enforcement officers.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 2360) passed.

On motion of Senator Stuart, the following amendment to the title of the bill was reported by the Clerk and adopted:

**Eng. House Bill 2360**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-11-27, relating to the definition of law-enforcement officers; and clarifying that term includes chief executives, law-enforcement officials, pre-certified law-enforcement officers, and others authorized to enforce the criminal laws of this state.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for House Bill 2399**, Relating to the taxation of managed timber.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2399) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate.

**Eng. House Bill 3030**, Administration of the West Virginia Water Pollution Control Act.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Helton, Jeffries, Morris, Oliverio, Phillips, Queen, Roberts, Rucker, Takubo, Tarr, Taylor, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—28.

The nays were: Hart, Martin, Maynard, Rose, Stuart, and Thorne—6.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 3030) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for Com. Sub. for House Bill 3089**, Mandate the use of WV DMV electronic lien and title system for certain entities and persons.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—33.

The nays were: Rucker—1.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for H. B. 3089) passed with its title.

Senator Martin moved that the bill take effect July 1, 2025.

On this question, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for H. B. 3089) takes effect July 1, 2025.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence in the changed effective date.

**Eng. House Bill 3358**, Supplemental Appropriation - FBGR - DHHR.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3358) passed with its title.

Senator Martin moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3358) takes effect from passage.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate.

**Eng. House Bill 3365**, Supplemental Appropriation - HLTH - Birth to Three.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Senator Queen requested a ruling from the Chair as to whether he should be excused from voting under Rule 43 of the Rules of the Senate as his wife is a speech therapist.

The Chair replied that any impact on Senator Queen would be as a member of a class of persons and that he would be required to vote.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3365) passed with its title.

Senator Martin moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3365) takes effect from passage.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate.

**Eng. House Bill 3366**, Supplemental Appropriation - FEDA - HLTH - OIG.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3366) passed with its title.

Senator Martin moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3366) takes effect from passage.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate.

**Eng. House Bill 3367**, Supplemental Appropriation - SAPR - DNR.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3367) passed with its title.

Senator Martin moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris,

Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3367) takes effect from passage.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate.

**Eng. House Bill 3370**, Supplemental Appropriation - FEDA - HMSV - Summer EBT.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3370) passed with its title.

Senator Martin moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3370) takes effect from passage.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate.

**Eng. House Bill 3372**, Supplemental Appropriation - FEDA - Veterans.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3372) passed with its title.

Senator Martin moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3372) takes effect from passage.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate.

The Senate proceeded to the ninth order of business.

**Eng. Com. Sub. for House Bill 2008**, Executive Branch Reorganization.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Martin, and by unanimous consent, the bill was advanced to third reading with the unreported Government Organization committee amendment pending and the right for further amendments to be considered on that reading.

**Eng. House Bill 2009**, Relating to the merging and reorganizing of the executive branch.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Martin, and by unanimous consent, the bill was advanced to third reading with the unreported Government Organization committee amendment pending and the right for further amendments to be considered on that reading.

**Eng. Com. Sub. for House Bill 2013**, Transfer of employees to classified exempt service.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Martin, and by unanimous consent, the bill was advanced to third reading with the right for amendments to be considered on that reading.

**Eng. Com. Sub. for House Bill 2067**, West Virginia Firearms Liability Clarification Act.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Government Organization, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

**ARTICLE 7C. WEST VIRGINIA FIREARMS MARKETING CLARIFICATION ACT.**

**§61-7C-1. Short title.**

This article shall be known and may be cited as the "West Virginia Firearms Marketing Clarification Act."

**§61-7C-2. Definitions.**

For the purposes of this article:

"Firearm" means any weapon which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive, as defined in 18 U.S.C. § 921(a)(3);

"Manufacturer" means any person engaged in the business of manufacturing firearms or ammunition for sale or distribution;

"Negligent marketing" means any advertising, promotion, or marketing practice by a manufacturer or seller that directly poses a foreseeable and substantial risk of harm to the purchaser or specific identifiable individuals;

"PLCAA" means the Protection of Lawful Commerce in Arms Act of 2005, 15 U.S.C. 105, et seq.; and

"Seller" means any person engaged in the business of selling firearms or ammunition at wholesale or retail.

**§61-7C-3. Limitations on negligent marketing claims.**

(a) A person may bring a negligent marketing claim against a manufacturer or seller of firearms or ammunition only if all of the following conditions are met:

(1) The marketing practice directly targeted individuals who are legally prohibited from owning firearms;

(2) The marketing practice encouraged or facilitated the unlawful use of firearms;

(3) There is direct cause and substantial proximate cause between the marketing practice and the harm suffered by the plaintiff; and

(4) The marketing practice violated a state or federal statute explicitly regulating the sale or marketing of firearms or ammunition in a manner that constitutes a willful and knowing violation of the law.

(b) If these conditions are not met, the court must, upon motion, summarily dismiss the action or dismiss any parties who are improperly joined.

**§61-7C-4. Predicate exception limitation; construction.**

(a) The predicate exception under the PLCAA may not be interpreted broadly. A claim may proceed only if the specifically cited statute was violated in the following manner:

(1) The statute explicitly regulates firearms or ammunition;

(2) The statute provides clear, concrete requirements that the manufacturer or seller failed to meet; and

(3) The violation of the statute was a proximate cause of the harm in question.

(b) General state consumer protection laws or public nuisance laws may not be considered statutes "applicable to the sale or marketing" of firearms or ammunition for the purposes of the predicate exception.

(c) The predicate exception may not be interpreted broadly to result in general consumer marketing statutes circumventing the PLCAA.

The bill (Eng. Com. Sub. for H. B. 2067), as amended, was then ordered to third reading.

**Eng. Com. Sub. for Com. Sub. for House Bill 2167**, Relating to public charter schools code provisions.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Martin, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

**Eng. Com. Sub. for House Bill 2434**, Relating to establishing the Stop Squatters Act.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

**ARTICLE 3C. REMEDIES FOR SQUATTING STOP SQUATTERS ACT.**

**§55-3C-1. Squatting defined; squatting synonymous with trespass Short title; findings.**

~~(a) "Squatter" means a person occupying a dwelling unit or other structure who is not so entitled under a rental agreement or who is not authorized by the tenant or owner to occupy that dwelling unit or structure. "Squatter" does not include a tenant who holds over in a periodic tenancy as described in §37-6-5 of this code~~ This article shall be known and may be cited as the "Stop Squatters Act".

~~(b) "Squatting" means the act of being a squatter. The Legislature finds that the right to exclude others from entering and the right to direct others to immediately vacate a person's residential or commercial property are fundamental property rights.~~

**§55-3C-2. Squatters defined: squatters not tenants; squatting constitutes criminal trespass; petition and eviction not appropriate remedies for squatters; remedy is arrest for trespass.**

(a) Squatters are not considered tenants for purposes of this code. "Squatter" means a person unlawfully occupying a dwelling unit or other structure who is not entitled under a rental or lease agreement or who is not authorized by the tenant or owner to occupy that dwelling unit or structure. "Squatter" does not include a tenant who holds over in a periodic tenancy as described in §37-6-5 of this code, or an owner.

(b) "Squatting" means the act of being a squatter. Squatting is synonymous with trespass, and is a criminal act under §61-3B-2 or §61-3B-3 of this Code.

(c) Squatters are not considered tenants for purposes of this code and are not entitled to eviction proceedings afforded to lawful tenants. No A Court of this state shall not require the utilization use of eviction, or a similar procedure such as those found under §55-3A-1, et seq. or §55-3B-1, et seq. of this Code, by an owner in any instance involving the removal of a squatter from possession of a property.

**§55-3C-3. Limited Alternative Remedy to Remove Squatter from Residential and Commercial Real Properties.**

(a) A property owner or their authorized agent may request, from any law-enforcement officer having authority to act in the jurisdiction where the subject property is located, the immediate removal of any person squatting in a residential dwelling or commercial building if the following conditions are met:

- (1) The requesting person is the property owner or authorized agent;
- (2) The real property includes a residential dwelling or commercial building;
- (3) An unauthorized person or persons are unlawfully occupying the property;
- (4) The property was not open to the public at the time of entry;
- (5) The property owner or their authorized agent has directed the unauthorized person(s) to leave;
- (6) The unauthorized person is not current or former owners or current or former lawful tenants;
- (7) The unauthorized person is not immediate family members of the property owner or tenants; and
- (8) No pending litigation related to the subject property exists between the property owner and the unauthorized person(s).

(b) To request the immediate removal pursuant to this section, the property owner or authorized agent shall submit a completed and verified complaint to remove persons unlawfully occupying real property ("complaint") to a law-enforcement officer having authority to act in the jurisdiction of the subject property.

(c) Upon receipt of the complaint, the law-enforcement agency to which the complaint was submitted shall conduct preliminary fact-finding, which may include reviewing any alleged lease agreement, interviewing relevant individuals, and other relevant inquiries to ascertain the validity of the complaint. If the preliminary fact-finding indicates probable cause that the conditions outlined in subsection (a) of this section are met, then the law-enforcement agency shall serve a notice to immediately vacate upon the unlawful occupants and put the owner in possession of the real property.

(d) The law-enforcement agency is entitled to a fee for service of a notice pursuant to subsection (c) of this section. Upon serving the notice, the property owner or their authorized agent may request the law-enforcement agency to remove the unauthorized person if they do not vacate the property when ordered to do so or request that they remain at the property to ensure the safety of all parties during the removal of the person property of the unlawful occupants.

(e) This section does not limit any other property owner rights or the authority of law-enforcement.

#### **§55-3C-4. Criminal mischief; penalties.**

(a) A person who unlawfully occupies a residential dwelling or commercial building consistent with this article and as a result of the unlawful occupation causes damage to the real property, its fixtures, or personal property of the owner in an amount less than \$1,000 is guilty of a misdemeanor, and, upon conviction thereof, shall be confined in jail for a term not to exceed one year or fined not to exceed \$2,500, or both fined and confined.

(b) A person who unlawfully occupies a residential dwelling or commercial building consistent with this article and as a result of the unlawful occupation causes damage to the real property, its fixtures, or personal property of the owner in an amount more than \$1,000 in damages commits a felony, and, upon conviction thereof, shall be imprisoned in the penitentiary not less than one nor more than 10 years, or in the discretion of the court be confined in jail not more than one year and fined not more than \$2,500.

#### **§55-3C-5. Making false statement to detain real property; false complaint; civil causes of action; immunity.**

(a) A property owner or their authorized agent who knowingly submits a complaint pursuant to this article in bad faith is subject to criminal prosecution for false swearing, and shall indemnify the law-enforcement agency and its agents for all costs and damages which may arise from a law-enforcement officer's good faith actions pursuant to this article.

(b) A civil cause of action for wrongful removal may be brought by a person who has been removed from a property pursuant to this article, with remedies including restoration of possession, actual costs, damages, and attorney fees.

(c) In a civil action against a law-enforcement officer or law-enforcement agency based on action taken pursuant to this article, any immunity authorized by this code or other applicable authority may be asserted.

#### **§55-3C-6. Fraudulent sale or lease of residential real property.**

Any person who knowingly lists or advertises residential real property or a commercial building for sale or renting without legal title or authority is guilty of a felony and, upon conviction thereof, shall be imprisoned in the penitentiary not less than one nor more than 10 years, or, in the

discretion of the court, be confined in jail not more than one year and shall be fined not more than \$2,500.

The bill (Eng. Com. Sub. for H. B. 2434), as amended, was then ordered to third reading.

**Eng. Com. Sub. for House Bill 2499**, Training course for principals in public schools; informing teachers of their rights and protections; IEP format.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Education, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

### **ARTICLE 3. TRAINING, CERTIFICATION, LICENSING, PROFESSIONAL DEVELOPMENT.**

#### **§18A-3-13. Training course for principals in public schools; informing teachers of due process; IEP format.**

(a) Training. – Principals who are employed in public schools, appropriate central office personnel, superintendent, and county board of education members shall receive in-person training on the Individuals with Disability Education Act (IDEA), federal regulations and West Virginia State Board of Education Policy 2419 "Regulations for the Education of Students with Exceptionalities". Specifically, this training must include the understanding of a students' Least Restrictive Environment (LRE), student discipline procedures and requirements, and parental rights and due process safeguards. This training shall also include the following information:

(1) Maximum class size for instructional periods by programmatic level and level of service needs for students with disabilities;

(2) Extenuating circumstances for submitting a waiver request when student numbers exceed staffing ratios;

(3) Teacher's rights for advocating for students, procedural rights documentation, and all protections set forth under §18-20-1c;

(4) Classroom teachers' rights and protections that they may not be reprimanded for advocating for their student(s); and

(5) Information related to local advocacy agencies and local United States Department of Education funded advocacy agencies.

(b) Time period. – This training shall be conducted for principal, appropriate central office personnel, Superintendents, and county board of education members before December 31, 2025, and following subsequent revisions to IDEA, federal regulations and/or West Virginia State Board of Education Policy 2419 "Regulations for the Education of Students with Exceptionalities". Newly employed personnel and elected or appointed county board of education members shall receive this training within 30 days thereof.

(c) Teacher protections and rights. – Each principal and county board members shall inform teachers, in person, of their rights; including but not limited to:

(1) The documentation process within a 45-day grading period for teachers;

(2) The rights of teachers when it comes to informing parents of local advocates who can come to the Individualized Education Program ("IEP") meetings;

(3) Protection methods in place for teachers who advocate for student placement; and

(4) All teacher protections and rights set forth under §18-20-1c.

(d) Individualized Education Program meeting format. – In every Individualized Education Program meeting, a representative of the school shall explain to the guardian of the child, verbally, the process for identifying a student, the parents or guardians due process rights, teacher protections and procedural rights as set forth under §18-20-1c and local advocacy centers information and points of contact.

The bill (Eng. Com. Sub. for H. B. 2499), as amended, was then ordered to third reading.

**Eng. Com. Sub. for House Bill 2711**, Relating to the repeal of the common law rule against perpetuities by extending it to 1,000 years for all trusts.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

**Eng. Com. Sub. for House Bill 2752**, Relating to motorcycle safety.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Government Organization, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

## **ARTICLE 15. EQUIPMENT.**

### **§17C-15-44. Safety equipment and requirements for motorcyclists, motorcycles, motor-driven cycles and mopeds; motorcycle safety standards and education committee.**

(a) ~~No~~ A person may not operate or be a passenger on any motorcycle or motor-driven cycle unless the person is wearing securely fastened on his or her head by either a neck or chin strap a protective helmet designed to deflect blows, resist penetration, and spread impact forces. Any helmet worn by an operator or passenger shall meet the current performance specifications established by the American National Standards Institute Standard, Z 90.1, the United States Department of Transportation Federal Motor Vehicle Safety Standard No. 218, or Snell Safety Standards for Protective Headgear for Vehicle Users.

(b) ~~No~~ A person may not operate or be a passenger on any motorcycle or motor-driven cycle unless the person is wearing safety, shatter-resistant eyeglasses, excluding contact lenses, or eye goggles or face shield that complies with the performance specifications established by the American National Standards Institute for Head, Eye and Respiratory Protection, Z 2.1. In

addition, if any motorcycle, motor-driven cycle or moped is equipped with a windshield or windscreen, the windshield or windscreen shall be constructed of safety, shatter-resistant material that complies with the performance specifications established by Department of Transportation Federal Motor Vehicle Safety Standard No. 205 and American National Standards Institute, Safety Glazing Materials for Glazing Motor Vehicles Operated on Land Highways, Standard Z 26.1.

(c) ~~No~~ A person may not operate a motorcycle, motor-driven cycle or moped on which the handlebars or grips are more than 15 inches higher than the uppermost part of the operator's seat when the seat is not depressed in any manner.

(d) A person operating a motorcycle, motor-driven cycle, or moped shall ~~ride in a seated position facing forward and only upon a permanent operator's seat attached to the vehicle. No face forward and either sit astride a permanent operator's seat attached to the vehicle or stand astride the vehicle with both feet on the vehicle's footpegs or pedals. An operator may not carry any other person nor may and any other person may not ride on the vehicle unless the vehicle is designed to carry more than one person, in which event case a passenger may ride: (i) behind the operator upon the permanent operator's seat if it is designed for two persons; or (ii) upon another seat firmly attached to the vehicle to the rear of the operator's seat and equipped with footrests designed and located for use by the passenger; or (iii) in a sidecar firmly attached to the vehicle. No A person may not ride side saddle on a seat. An operator may carry as many passengers as there are seats and footrests to accommodate those passengers. Additional passengers may be carried in a factory-produced sidecar provided that so long as there is one passenger per seat. Passengers~~ Any passenger riding in a sidecar shall be restrained by a safety ~~belts~~ belt.

(e) Every motorcycle, motor-driven cycle, and moped shall be equipped with a rearview mirror affixed to the handlebars or fairings and adjusted so that the operator has a clear view of the road and condition of traffic behind him or her for a distance of at least two hundred feet.

(f) Notwithstanding any provision of this code to the contrary, a person with a valid driver's license who is operating a fully enclosed autocycle, as defined in §17C-1-69 of this code, is exempt from the provisions of this section.

The bill (Eng. Com. Sub. for H. B. 2752), as amended, was then ordered to third reading.

**Eng. Com. Sub. for House Bill 2761**, Relating generally to magistrate courts.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

**Eng. House Bill 2773**, Higher Ed Rules.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

**Eng. House Bill 2867**, Relating to Small Estates.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

**ARTICLE 1A. WEST VIRGINIA SMALL ESTATE ACT.**

**§44-1A-2. Administration of a small estate upon affidavit and without appointment.**

(a) Notwithstanding any provisions of this code to the contrary, the small estate of a decedent who dies domiciled in this state, without owning any probate real property or without owning any interest in probate real property, may be administered upon affidavit and without the appointment of a personal representative, and the small assets of the decedent may be paid or delivered to the authorized successor as provided in this article.

(b) Any successor of a decedent who dies domiciled in this state, without owning any probate real property or without owning any interest in probate real property, may execute and tender for recording to the clerk of the county commission, or the fiduciary supervisor of the clerk of the county commission, of the county in this state which would have jurisdiction over the probate concerning the estate and assets of the decedent an affidavit made upon oath and under penalty of perjury concerning the small estate setting forth in substance:

(1) The name and current address of the affiant;

(2) The name of the decedent, the date of death of the decedent, and the address and residence of the decedent at his or her death;

(3) Whether the decedent had any known will, with the original of the known will to be attached to the affidavit and tendered for recording in the county as long as the will is in due and proper form for probate as a will in this state, or whether the decedent died intestate with no known will;

(4) A listing of the names, current addresses, and relationship to the decedent of any person nominated as a personal representative under the known will, together with a listing of the names, current addresses, and relationship to the decedent of the beneficiaries under the known will entitled to the estate or assets of the decedent. If there is no known will of the decedent, a listing of the names, current addresses, and relationship to the decedent of all of the intestate heirs-at-law and distributees of the decedent determined under the laws of intestate descent and distribution of this state;

(5) That the decedent's entire personal probate estate as of the date of the decedent's death, wherever located, consists only of small assets and the aggregate fair market value of all of the small assets does not exceed \$50,000, together with a description or itemization of the small assets with an estimate of value, if known or ascertainable;

~~(6) Whether the decedent died seized and possessed of any probate real estate or interests in probate real property situate in this state and if so, that the aggregate fair market value of all of the real estate or interests in real property situate in this state does not exceed \$100,000, together with a description of the real estate, the county in which it is situate, its assessed value for tax purposes, and its fair market value at the decedent's date of death;~~

~~(7)~~ (6) That if the successor is nominated as a personal representative or executor under the provisions of the will of the decedent, at least 30 days have elapsed since the decedent's date of death and no application for the appointment of a personal representative for the decedent is pending or has been granted in any jurisdiction. If the successor is not nominated as a personal representative or executor under the provisions of the will of the decedent, at least 60 days have elapsed since the decedent's date of death, no application for the appointment of a personal representative for the decedent is pending or has been granted in any jurisdiction, and no affidavit of small estate has been filed by a successor nominated as a personal representative or executor under the provisions of the will of the decedent; and

~~(8)~~ (7) That the affiant will faithfully administer the small assets of the decedent in accordance with the law and pay or deliver the small assets to the successor or successors so entitled, after paying any known or ascertainable creditors of the decedent.

(c) The clerk of the county commission, or the fiduciary supervisor of the clerk of the county commission, shall upon receipt of the affidavit review and inspect the affidavit, and if the county clerk or fiduciary supervisor determines the affidavit to be in completed form, the county clerk or fiduciary supervisor shall record and index the affidavit, together with the original of any will tendered with the affidavit, in the same manner and upon the same fees as wills and affidavits of beneficiaries or heirs are recorded and indexed in case of probate administration with appointment of a personal representative. The clerk of the county commission, or the fiduciary supervisor of the clerk of the county commission, may require a certified copy of the decedent's death certificate or other proof of death and residence prior to fulfilling the responsibilities under this article.

(d) A bond, security, or oath is not required when an appointment of a personal representative is not made for a small estate under the provisions of this article.

(e) A document substantially in the following form may be used as the affidavit provided in subsection (b) of this section with the effect as prescribed in this article:

IN THE COUNTY COMMISSION OF \_\_\_\_\_ COUNTY, WEST VIRGINIA

RE: THE ESTATE OF \_\_\_\_\_

DOD: \_\_\_\_\_

AFFIDAVIT FOR SMALL ESTATE

STATE OF \_\_\_\_\_,

COUNTY OF \_\_\_\_\_, to-wit:

I, \_\_\_\_\_, being a Successor of the Decedent identified below, being first duly sworn, upon oath and under penalty of perjury, do depose and say to the best of my knowledge and belief as follows:

1. My name is \_\_\_\_\_, and my current address is

\_\_\_\_\_  
\_\_\_\_\_.

2. The Decedent, \_\_\_\_\_, died on \_\_\_\_\_  
 \_\_\_\_\_ (date of death), a resident of \_\_\_\_\_ County, State of  
 West Virginia, with his/her usual residence being \_\_\_\_\_

\_\_\_\_\_  
 A certified death certificate has been furnished herewith for filing in this County. I am a Successor  
 of the decedent as \_\_\_\_\_ (state relationship).

3. TESTACY ( ) [Check if applies] or ( ) [Check if Not Applicable]

At the date of death, the Decedent died with an original Last Will and Testament of the  
 Decedent dated \_\_\_\_\_, without any codicil thereto ( ) or with codicil(s)  
 thereto dated \_\_\_\_\_ ( ) [Check if applies]. The aforesaid original Last Will  
 and Testament of the decedent, together with any codicil(s), is furnished herewith for recording in  
 this County as permitted by West Virginia Code § 44-1A-2(b).

Under the Last Will and Testament of the Decedent, the following person(s) is/are nominated  
 to be the personal representative(s) of the Estate:

a. Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

b. Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Pursuant to the provisions of the above referenced Will of the Decedent, the following persons  
 are the named beneficiaries of the estate of the Decedent:

a. Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Relationship to Decedent: \_\_\_\_\_

Share or percentage or particular item: \_\_\_\_\_

b. Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Relationship to Decedent: \_\_\_\_\_

Share or percentage or particular item: \_\_\_\_\_

c. Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Relationship to Decedent: \_\_\_\_\_

Share or percentage or particular item: \_\_\_\_\_

d. Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Relationship to Decedent: \_\_\_\_\_

Share or percentage or particular item: \_\_\_\_\_

e. Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Relationship to Decedent: \_\_\_\_\_

Share or percentage or particular item: \_\_\_\_\_

(If more space is needed, attach additional page(s) to affidavit)

4. INTESTACY (    ) [Check if applies] or (    ) [Check if Not Applicable]

At the date of death, the Decedent died intestate with no known will. The Decedent left as his/her heirs-at-law and distributees in accordance with the laws of intestate descent and distribution of the State of West Virginia the following persons:

a. Name: \_\_\_\_\_

Address: \_\_\_\_\_

Relationship to Decedent: \_\_\_\_\_

Share or percentage: \_\_\_\_\_

b. Name: \_\_\_\_\_

Address: \_\_\_\_\_

Relationship to Decedent: \_\_\_\_\_

Share or percentage: \_\_\_\_\_

c. Name: \_\_\_\_\_

Address: \_\_\_\_\_

Relationship to Decedent: \_\_\_\_\_

Share or percentage: \_\_\_\_\_

d. Name: \_\_\_\_\_

Address: \_\_\_\_\_

Relationship to Decedent: \_\_\_\_\_

Share or percentage: \_\_\_\_\_

e. Name: \_\_\_\_\_

Address: \_\_\_\_\_

Relationship to Decedent: \_\_\_\_\_

Share or percentage: \_\_\_\_\_

(If more space is needed, attach additional page(s) to affidavit)

5. The Decedent's entire personal probate estate, as of the date of the Decedent's death, wherever located, consists only of small assets and the aggregate fair market value of the small assets does not exceed \$50,000. The small assets of the Decedent are described and itemized as follows:

	Description	Fair Market value
a.		
b.		
c.		
d.		
e.		
f.		
	Total	

(If more space is needed, attach additional page(s) to affidavit)

6. The Decedent did ~~( )~~ / did not ( ) ~~[Check one which applies]~~ die seized and possessed of any probate real estate or interests in probate real estate in the state of West Virginia. ~~If the Decedent died seized and possessed of any probate real estate or interest in real estate in the state of West Virginia, the aggregate fair market value of all of the real estate or interests in real property situate in this state does not exceed \$100,000 and the real estate of the Decedent in West Virginia is as follows:~~

	Description	County	Assessed Value	Fair Market value
A				
B				
C				
D				
E				
	Total			

~~(If more space is needed, attach additional page(s) to affidavit)~~

7. ( ) [Check if applies] or ( ) [Check if Not Applicable] If the affiant is a Successor who was nominated as a personal representative or executor under the provisions of the above Will of the Decedent, at least 30 days have elapsed since the Decedent's date of death and no application for the appointment of a personal representative for the Decedent is pending or has been granted in any jurisdiction;

or

( ) [Check if applies] or ( ) [Check if Not Applicable] If the affiant is a Successor who was NOT nominated as a personal representative or executor under the provisions of the above Will of the Decedent or if the Decedent died intestate without a will, at least 60 days have elapsed since the Decedent's date of death and no application for the appointment of a personal representative for the Decedent is pending or has been granted in any jurisdiction, and no affidavit of Small Estate has been filed by a Successor nominated as a personal representative or executor under the provisions of the Will of the Decedent.

8. The undersigned Affiant will faithfully administer the small assets of the Decedent in accordance with the law and pay or deliver the same to the Successor or Successors so entitled.

Witness my hand and seal this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_

Signature of Affiant/Successor

Taken, subscribed, and sworn to before me the undersigned authority by \_\_\_\_\_, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

{seal}

My Commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

(f) Upon acceptance and recording of the affidavit provided in this section, the county clerk or fiduciary supervisor shall mail a copy of the affidavit to the personal representative, if any is nominated in an attached will, and the beneficiaries under the will when the decedent dies with a will or the heirs-at-law when the decedent dies without a will, all of whom are listed on the affidavit, and shall issue a certificate and authorization of a small estate to the authorized successor who completed the affidavit, authorizing the successor to be paid, transferred, and delivered the small assets of the decedent with authority to pay, transfer, and deliver the small assets to the successor or successors of the decedent entitled pursuant to the provisions of this article and the other laws of the state of West Virginia and with authority to faithfully perform the duties of the office necessary to collect and administer the small assets of the decedent including, but not limited to, making application for and executing receipts, assignments, transfers, releases, waivers, applications, claims, claims for refunds, and federal, state, or local tax returns of the decedent concerning the small assets, pursuing litigation for or against the decedent or the decedent's estate, and paying or settling the funeral expenses or the claims of creditors of the decedent.

(g) If within 30 days after the mailing of a copy of the affidavit by the county clerk or fiduciary supervisor any interested person in the estate of the decedent files a written objection with the county clerk or fiduciary supervisor upon good and proper grounds, the county clerk or fiduciary supervisor shall refer the objection to a fiduciary commissioner for determination, report, and recommendation which may, among other things, revoke the certificate and authorization of small estate and require full and complete probate administration of the estate of the decedent in accordance with the other applicable provisions of this article. Upon any revocation of the certificate and authorization of small estate, the authorized successor shall provide an accounting and report of all payments or deliveries made of the small assets of the decedent.

(h) The authorized successor may act under the certificate and authorization of small estate issued under the provisions of this article for a period of six months from the date of the original issuance of the certificate and authorization but may, upon a showing of good cause in an application made to the county clerk or fiduciary supervisor, be granted an extension of an additional time period not to exceed six months upon issuance of an extended certificate and authorization of small estate to be issued by the county clerk or fiduciary supervisor.

(i) If at any time after the original issuance of the certificate and authorization by the county clerk or fiduciary supervisor, the authorized successor or an interested person determines that the probate estate of the decedent does not qualify as a small estate because the aggregate values of all of the small assets ~~or the real estate~~ of the decedent exceed the values provided in this article, upon application by an interested person the county clerk or fiduciary supervisor shall rescind the certificate and authorization of the small estate and shall mail a written order of rescission to the authorized successor and other interested persons, and a probate under the other provisions of this article shall be commenced by an interested person.

The bill (Eng. H. B. 2867), as amended, was then ordered to third reading.

**Eng. Com. Sub. for Com. Sub. for House Bill 2871**, Relating to the crime of negligent homicide.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

#### **CHAPTER 14. CLAIMS DUE AND AGAINST THE STATE.**

#### **ARTICLE 2A. COMPENSATION AWARDS TO VICTIMS OF CRIMES.**

##### **§14-2A-3. Definitions.**

As used in this article, the term:

(a) "Claimant" means any of the following persons, whether residents or nonresidents of this state, who claim an award of compensation under this article:

(1) A victim, except the term "victim" does not include a nonresident of this state where the criminally injurious act did not occur in this state;

(2) A dependent, spouse, or minor child of a deceased victim or, if the deceased victim is a minor, the parents, legal guardians, and siblings of the victim;

(3) A third person, other than a collateral source, who legally assumes or voluntarily pays the obligations of a victim or a victim's dependent when the obligations are incurred as a result of the criminally injurious conduct that is the subject of the claim;

(4) A person who is authorized to act on behalf of a victim, dependent, or a third person who is not a collateral source including, but not limited to, assignees, persons holding power of attorney or others who hold authority to make or submit claims in place of or on behalf of a victim, a dependent, or third person who is not a collateral source and if the victim, dependent, or third person who is not a collateral source is a minor or other legally incompetent person, their duly qualified fiduciary; and

(5) A person who is a secondary victim in need of mental health counseling due to the person's exposure to the crime committed whose award may not exceed \$5,000.

(b) "Collateral source" means a source of benefits or advantages for economic loss otherwise compensable that the victim or claimant has received or that is readily available to him or her from any of the following sources:

(1) The offender, including restitution received from the offender pursuant to an order by a court sentencing the offender or placing him or her on probation following a conviction in a criminal case arising from the criminally injurious act for which a claim for compensation is made;

(2) The government of the United States or its agencies, a state or its political subdivisions, or an instrumentality of two or more states;

(3) Social Security, Medicare, and Medicaid;

(4) State-required, temporary, nonoccupational disability insurance or other disability insurance;

(5) Workers' compensation;

(6) Wage continuation programs of an employer;

(7) Proceeds of a contract of insurance payable to the victim or claimant for loss that was sustained because of the criminally injurious conduct;

(8) A contract providing prepaid hospital and other health care services or benefits for disability; and

(9) That portion of the proceeds of all contracts of insurance payable to the claimant on account of the death of the victim which exceeds \$25,000.

(c) "Criminally injurious conduct" means conduct that occurs or is attempted in this state, or in any state not having a victim compensation program, which poses a substantial threat of personal injury or death and is punishable by fine or imprisonment. "Criminally injurious conduct" also includes criminally injurious conduct committed outside of the United States against a resident of this state. "Criminally injurious conduct" does not include conduct arising out of the ownership, maintenance, or use of a motor vehicle unless the person engaging in the conduct intended to cause personal injury or death or committed ~~negligent homicide~~ any offense contained within §17C-5-1 of this code, driving under the influence of alcohol, controlled substances or drugs, leaving the scene of the accident, or reckless driving.

(d) "Dependent" means an individual who received over half of his or her support from the victim. For the purpose of making this determination there shall be taken into account the amount of support received from the victim as compared to the entire amount of support the individual received from all sources including self-support. The term support includes, but is not limited to, food, shelter, clothing, medical and dental care, and education. The term dependent includes a child of the victim born after his or her death.

(e) "Economic loss" means economic detriment consisting only of allowable expense, work loss, and replacement services loss. If criminally injurious conduct causes death, economic loss includes a dependents economic loss and a dependents replacement services loss. Noneconomic detriment is not economic loss; however, economic loss may be caused by pain and suffering or physical impairment. For purposes of this article, the term economic loss includes a lost scholarship as defined in this section.

(f) "Allowable expense" includes the following:

(1) Reasonable charges incurred or to be incurred for reasonably needed medical care, including products, services, and accommodations related to medical and psychological care, prosthetic devices, eye glasses, dentures, rehabilitation, and other remedial treatment and care but does not include that portion of a charge for a room in a hospital, clinic, convalescent home,

nursing home, or other institution engaged in providing nursing care and related services which is in excess of a reasonable and customary charge for semiprivate accommodations unless accommodations other than semiprivate accommodations are medically required;

(2) A total charge not in excess of \$10,000 for expenses in any way related to funerals, cremations, and burials;

(3) Victim relocation costs not to exceed \$4,500;

(4) Reasonable travel expenses not to exceed \$5,000 for a claimant to attend court proceedings conducted for the prosecution of the offender;

(5) Reasonable travel expenses for a claimant to return a person who is a minor or incapacitated adult who has been unlawfully removed from this state to another state or country if the removal constitutes a crime under the laws of this state which may not exceed \$2,000 for expenses to another state or \$3,000 to another country; and

(6) Reasonable travel expenses for the transportation of a victim to and from a medical facility.

(g) "Work loss" means loss of income from work that the injured person would have performed if he or she had not been injured and expenses reasonably incurred or to be incurred by him or her to obtain services in lieu of those he or she would have performed for income. "Work loss" is reduced by income from substitute work actually performed or to be performed by ~~him or her~~ the injured person or by income he or she would have earned in available appropriate substitute work that he or she was capable of performing but unreasonably failed to undertake. "Work loss" includes loss of income from work by the parent or legal guardian of a minor victim who must miss work to take care of the minor victim. "Work loss" also includes loss of income from work by the claimant, the victim, or the parent or legal guardian of a minor victim who must miss work to attend court proceedings conducted for the prosecution of the offender.

(h) "Replacement services loss" means expenses reasonably incurred or to be incurred in obtaining ordinary and necessary services in lieu of those the injured person would have performed for the benefit of himself or herself or his or her family if he or she had not been injured. "Replacement services loss" does not include services an injured person would have performed to generate income.

(i) "Dependents' economic loss" means loss after a victim's death of contributions or things of economic value to his or her dependents but does not include services they would have received from the victim if he or she had not suffered the fatal injury. This amount is reduced by expenses avoided by the dependent due to the victim's death.

(j) "Dependents' replacement service loss" means loss reasonably incurred or to be incurred by dependents after a victim's death in obtaining ordinary and necessary services in lieu of those the victim would have performed for their benefit if he or she had not suffered the fatal injury. This amount is reduced by expenses avoided due to the victim's death, but which are not already subtracted in calculating a dependent's economic loss.

(k) "Victim" means the following:

A person who suffers personal injury or death as a result of any one of the following:

(A) Criminally injurious conduct;

(B) The good faith effort of the person to prevent criminally injurious conduct; or

(C) The good faith effort of the person to apprehend a person that the injured person has observed engaging in criminally injurious conduct or who the injured person has reasonable cause to believe has engaged in criminally injurious conduct immediately prior to the attempted apprehension.

(l) "Contributory misconduct" means any conduct of the claimant or of the victim through whom the claimant claims an award that is unlawful or intentionally tortious and that, without regard to the conduct's proximity in time or space to the criminally injurious conduct, has a causal relationship to the criminally injurious conduct that is the basis of the claim and includes the voluntary intoxication of the claimant, either by the consumption of alcohol or the use of any controlled substance, when the intoxication has a causal connection or relationship to the injury sustained.

(m) "Lost scholarship" means a scholarship, academic award, stipend, student loan, or other monetary scholastic assistance which had been awarded, conferred upon, or obtained by a victim in conjunction with a post-secondary school educational program and which the victim is unable to receive or use, in whole or in part, due to injuries received from criminally injurious conduct.

## **CHAPTER 17B. MOTOR VEHICLE DRIVER'S LICENSES.**

### **ARTICLE 1A. DRIVER LICENSE COMPACT.**

#### **§17B-1A-1. Authorization.**

Pursuant to authority granted by an act of the eighty-fifth Congress of the United States, being public law six hundred eighty-four, approved August 20, 1958, the Governor of this state ~~is hereby authorized and directed to~~ shall execute a compact on behalf of the State of West Virginia with all other jurisdictions legally joining ~~therein~~ in the compact in the form substantially as follows:

#### **ARTICLE I. FINDINGS AND DECLARATION OF POLICY.**

(a) The party states find that:

(1) The safety of their streets and highways is materially affected by the degrees of compliance with state laws and local ordinances relating to the operation of motor vehicles.

(2) Violation of such a law or ordinance is evidence that the violator engages in conduct which is likely to endanger the safety of persons and property.

(3) The continuance in force of a license to drive is predicated upon compliance with laws and ordinances relating to the operation of motor vehicles, in whichever jurisdiction the vehicle is operated.

(b) It is the policy of each of the party states to:

(1) Promote compliance with the laws, ordinances and administrative rules and regulations relating to the operation of motor vehicles by their operators in each of the jurisdictions where such operators drive motor vehicles.

(2) Make the reciprocal recognition of licenses to drive and eligibility therefor more just and equitable by considering the overall compliance with motor vehicle laws, ordinances and administrative rules and regulations as a condition precedent to the continuance or issuance of any license by reason of which the licensee is authorized or permitted to operate a motor vehicle in any of the party states.

## ARTICLE II. DEFINITIONS.

As used in this compact:

(a) "State" means a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(b) "Home state" means the state which has issued and has the power to suspend or revoke the use of the license or permit to operate a motor vehicle.

(c) "Conviction" means a conviction of any offense related to the use or operation of a motor vehicle which is prohibited by state law, municipal ordinance, or administrative rule ~~or regulation~~, or a forfeiture of bail, bond, or other security deposited to secure appearance by a person charged with having committed any such offense, and which conviction or forfeiture is required to be reported to the licensing authority.

## ARTICLE III. REPORTS OF CONVICTION.

The licensing authority of a party state shall report each conviction of a person from another party state occurring within its jurisdiction to the licensing authority of the home state of the licensee. Such report shall clearly identify the person convicted; describe the violation specifying the section of the statute, code, or ordinance violated; identify the court in which action was taken; indicate whether a plea of guilty or not guilty was entered, or the conviction was a result of the forfeiture of bail, bond, or other security; and shall include any special findings made in connection therewith.

## ARTICLE IV. EFFECT OF CONVICTION.

(a) The licensing authority in the home state, for the purposes of suspension, revocation, or limitation of the license to operate a motor vehicle, shall give the same effect to the conduct reported, pursuant to Article III of this compact, as it would if such conduct had occurred in the home state, in the case of convictions for:

(1) Manslaughter ~~or negligent homicide~~, homicide, or any offense contained within §17C-5-1 of this code, resulting from the operation of a motor vehicle;

(2) Driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug, or under the influence of any other drug to a degree which renders the driver incapable of safely driving a motor vehicle;

(3) Any felony in the commission of which a motor vehicle is used;

(4) Failure to stop and render aid in the event of a motor vehicle accident resulting in the death or personal injury to another person.

(b) As to other convictions, reported pursuant to Article III, the licensing authority in the home state shall give such effect to the conduct as is provided by the laws of the home state.

(c) If the laws of a party state do not provide for offenses or violations denominated or described in precisely the words employed in subsection (a) of this article, such party state shall construe the denominations and descriptions appearing in subsection (a) ~~hereof~~ of this article as being applicable to and identifying those offenses or violations of a substantially similar nature and the laws of such party state shall contain such provisions as may be necessary to ensure that full force and effect is given to this article.

#### ARTICLE V. APPLICATIONS FOR NEW LICENSES.

Upon application for a license to drive, the licensing authority in a party state shall ascertain whether the applicant has ever held, or is the holder of a license to drive issued by any other party state. The licensing authority in the state where application is made shall not issue a license to drive to the applicant if:

(1) The applicant has held such a license, but the ~~same~~ license has been suspended by reason, in whole or in part, of a violation and if such suspension period has not terminated.

(2) The applicant has held such a license, but the same has been revoked by reason, in whole or in part, of a violation and if such revocation has not terminated, except that after the expiration of one year from the date the license was revoked, such person may make application for a new license if permitted by law. The licensing authority may refuse to issue a license to any such applicant if, after investigation, the licensing authority determines that it will not be safe to grant to such person the privilege of driving a motor vehicle on the public highways.

(3) The applicant is the holder of a license to drive issued by another party state and currently in force unless the applicant surrender such license.

#### ARTICLE VI. APPLICABILITY OF OTHER LAWS.

Except as expressly required by provisions of this compact, nothing contained herein shall be construed to affect the right of any party state to apply any of its other laws relating to licenses to drive to any person or circumstance, nor to invalidate or prevent any driver license agreement or other cooperative arrangement between a party state and a nonparty state.

#### ARTICLE VII. COMPACT ADMINISTRATOR AND

##### INTERCHANGE OF INFORMATION.

(a) The head of the licensing authority of each party state shall be the administrator of this compact for his or her state. The administrators, acting jointly, shall have the power to formulate all necessary and proper procedures for the exchange of information under this compact.

(b) The administrator of each party state shall furnish to the administrator of each other party state any information or documents reasonably necessary to facilitate the administration of this compact.

## ARTICLE VIII. ENTRY INTO FORCE AND WITHDRAWAL.

(a) This compact shall enter into force and become effective as to any state when it has enacted the ~~same~~ compact into law.

(b) Any party state may withdraw from this compact by enacting a statute repealing the ~~same compact~~, but no such withdrawal shall take effect until six months after the executive head of the withdrawing state has given notice of the withdrawal to the executive heads of all other party states. No withdrawal shall affect the validity or applicability by the licensing authorities of states remaining party to the compact of any report of conviction occurring prior to the withdrawal.

## ARTICLE IX. CONSTRUCTION AND SEVERABILITY.

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact ~~shall be~~ are severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the Constitution of any party state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this compact shall ~~be is~~ held contrary to the Constitution of any state party thereto, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

**ARTICLE 3. CANCELLATION, SUSPENSION OR REVOCATION OF LICENSES.****§17B-3-5. Grounds for mandatory revocation of license by department.**

The ~~department division~~ shall ~~forthwith~~ immediately revoke the license of any operator or chauffeur upon receiving a record of such operator's or chauffeur's conviction of any of the following offenses, when such conviction has become final: *Provided*, That if the convicted driver had not reached his or her ~~nineteenth~~ 19th birthday at the time of the conduct for which the license is revoked under this section, the license shall be revoked until the driver's ~~nineteenth~~ 19th birthday, or the applicable statutory period of revocation, whichever is longer:

(1) ~~Manslaughter or negligent homicide, homicide, or any offense contained within §17C-5-1 of this code,~~ resulting from the operation of a motor vehicle;

(2) Any felony in the commission of which a motor vehicle is used;

(3) Failure to stop and render aid as required under the laws of this state in the event of involvement in a motor vehicle accident resulting in the death or personal injury of another person;

(4) Perjury or the making of a false affidavit or statement under oath to the ~~department division~~ under this chapter or under any other law relating to the ownership or operation of motor vehicles;

(5) Conviction, or forfeiture of bail not vacated, upon three charges of reckless driving committed within a period of ~~twenty-four~~ 24 months;

(6) Driving under the influence of alcohol, controlled substances or other drugs outside the State of West Virginia which conviction is under a municipal ordinance or statute of the United

States or any other state of an offense which has the same elements as an offense described in ~~section two, article five, chapter seventeen -~~ §17C-5-2 of this code; and

(7) Nothing herein shall prohibit the ~~department~~ division from exercising its authority to revoke or suspend a person's license to drive a motor vehicle in this state, as provided in ~~chapter seventeen -~~ Chapter 17C of this code.

## CHAPTER 17C. TRAFFIC REGULATIONS AND LAWS OF THE ROAD.

### ARTICLE 5. SERIOUS TRAFFIC OFFENSES.

#### §17C-5-1. Negligent ~~vehicular~~ homicide; aggravated vehicular homicide; vehicular homicide in a school zone; vehicular homicide in a construction zone; penalties; revocation of driving privileges upon conviction.

(a) When the death of any person, including an embryo or fetus as defined in §61-2-30 of this code, other than the person operating the motor vehicle, ensues within one year as a the proximate result of injury received caused by the driving of any motor vehicle anywhere in this state by any person in reckless disregard of for the safety of others, the person se operating such the motor vehicle shall be is guilty of negligent vehicular homicide.

(b) Any person convicted of negligent vehicular homicide shall be punished by imprisonment for not more than one year or by fine of not less than \$100 nor more than \$1,000, or by both such fine and imprisonment. is guilty of a misdemeanor and upon conviction, shall be fined not less than \$1,000 nor more than \$10,000, confined in the jail for not more than one year, or both fined and confined.

~~(c) The commissioner shall revoke the license or permit to drive and any nonresident operating privilege of any person convicted of negligent homicide.~~

(c) Notwithstanding the provisions of subsections (a) and (b) of this section, when the death of a person, including an embryo or fetus as defined in §61-2-30 of this code, other than the person operating the motor vehicle, occurs within one year as the proximate result of injury caused by the operation of any motor vehicle in this state in deliberate disregard for the safety of others, the person operating the motor vehicle is guilty of the offense of aggravated vehicular homicide and upon conviction he or she shall be fined not more than \$20,000, or imprisoned in a state correctional facility for a definite term of years of not less than one nor more than five years, or both fined and imprisoned.

(d) For the purposes of this section, a person who acts with deliberate disregard for the safety of others if he or she has knowledge of facts or intentionally disregards facts that create high probability of injury to the safety of others and:

(1) deliberately proceeds to act in conscious or intentional disregard of the high degree of probability of injury to the safety of others; or

(2) deliberately proceeds to act with indifference to the high probability of injury to or the safety of others.

(e) When the death of any person, including an embryo or fetus as defined in §61-2-30 of this code, other than the person operating the motor vehicle, ensues within one year as the proximate

result of injury caused by the driving of any vehicle in a school zone, as set forth in §17C-6-1 of this code, during school recess or while children are going to or leaving school during opening or closing hours, by any person in reckless disregard for the safety of others, the person operating the vehicle is guilty of vehicular homicide in a school zone.

(f) Any person convicted of vehicular homicide in a school zone is guilty of a felony and upon conviction, shall be fined not less than \$2,500 nor more than \$5,000, or imprisoned in a state correctional facility for a definite term of years of not less than two nor more than 10 years, or both fined and imprisoned.

(g) When the death of any person, including an embryo or fetus as defined in §61-2-30 of this code, other than the person operating the motor vehicle, ensues within one year as the proximate result of injury caused by the driving of any vehicle where street or highway construction work is being performed consistent with the provisions of §17C-3-4b of this code, by any person in reckless disregard for the safety of others, the person operating the vehicle is guilty of vehicular homicide in a construction zone.

(h) Any person convicted of vehicular homicide in a construction zone shall be guilty of a felony and upon conviction, shall be fined not less than \$2,500 nor more than \$5,000, or imprisoned in a state correctional facility for a definite term of years of not less than two nor more than 10 years, or both fined and confined.

(i) The commissioner shall revoke the license or permit to drive and any nonresident operating privilege of any person convicted of any offense contained within this section.

### **§17C-5-3. Reckless driving; penalties.**

(a) Any person who drives any vehicle upon any street or highway, or upon any residential street, or in any parking area, or upon the ways of any institution of higher education, whether public or private, or upon the ways of any state institution, or upon the property of any county boards of education, or upon any property within the state park and public recreation system established by the Director of the Division of Natural Resources pursuant to ~~section three, article four, chapter twenty~~ §20-4-3 of this code in willful or wanton disregard for the safety of persons or property is guilty of reckless driving.

(b) The provisions of subsection (a) of this section ~~shall~~ does not apply to those areas which have been temporarily closed for racing sport events or which may be set aside by the Director of the Division of Natural Resources within the state park and recreation system for exclusive use by motorcycles or other recreational vehicles.

(c) Every person convicted of reckless driving is guilty of a misdemeanor and, upon a first conviction thereof, shall be confined in jail for a period of not less than five days nor more than ~~ninety~~ 90 days, or fined not less than \$25 nor more than \$500, or both fined and confined, and upon conviction of a second or subsequent conviction thereof, shall be confined in jail not less than ~~ten~~ 10 days nor more than six months, or fined not less than \$50 nor more than \$1,000, or both fined and confined.

(d) Notwithstanding the provisions of subsection (c) of this section, any person convicted of a violation of subsection (a) of this section who in doing so proximately causes another to suffer serious bodily injury shall, upon conviction, be confined in jail not less than ~~ten~~ 30 days nor more

than ~~six months~~ one year or fined not less than \$50 nor more than \$1,000, or both fined and confined.

(e) For purposes of subsection (d) of this section, "serious bodily injury" means bodily injury which creates a substantial risk of death, which causes serious or prolonged disfigurement, prolonged impairment of health or prolonged loss or impairment of the function of any bodily organ.

#### **ARTICLE 14. MISCELLANEOUS RULES.**

##### **§17C-14-15. Electronically Distracted Driving Act.**

(a) Definitions — As used in this section:

(1) "Smartwatch" means a wearable computer that provides a local touchscreen for daily use, associated with applications, and connected to a cellular or Wi-Fi network;

(2) "Stand-alone electronic device" means a portable device other than a wireless telecommunications device which stores audio or video data files to be retrieved on demand by a user;

(3) "Utility services" means and includes electric, natural gas, water, wastewater, cable, telephone, or telecommunications services, or the repair, location, relocation, improvement, or maintenance of utility poles, transmission structures, pipes, wires, fibers, cables, easements, rights-of-way, or associated infrastructure;

(4) "Wireless telecommunications device" means one of the following portable devices:

(A) A cellular telephone;

(B) A portable telephone;

(C) A text-messaging device;

(D) A personal digital assistant;

(E) A stand-alone computer including, but not limited to, a tablet, laptop, or notebook computer;

(F) A handheld global positioning system receiver;

(G) A device capable of displaying a video, movie, broadcast television image, or visual image;  
or

(H) Any substantially similar portable wireless device that is used to initiate or receive communication, information, or data;

(I) "Wireless telecommunications device" does not include a smartwatch, any type of radio including but not limited to, radios used by first responders or school bus operators; citizens band radio or radio hybrid; commercial two-way radio communication device or its functional equivalent; subscription-based emergency communication device; prescribed medical device; amateur or

ham radio device, or any built-in vehicle equipment for security, navigation, communications, or remote diagnostics; ~~and~~

(5) "Voice-operated or hands-free feature or function" means a feature or function that allows a person to use a wireless telecommunications device without the use of either hand, except to activate, deactivate, or initiate the feature or function with a single touch or single swipe.

(b) The driver of a school bus shall not use or operate a wireless telecommunications device or two-way radio while loading or unloading passengers.

(c) The driver of a school bus shall not use or operate a wireless telecommunications device while the bus is in motion ~~nor~~ or while stationary in traffic ~~nor~~ or at a traffic control signal, unless that device is being used in a similar manner as a two-way radio to allow live communication between the driver and school officials or public safety officials.

(d) A driver shall exercise due care in operating a motor vehicle on the highways of this state and shall not engage in any actions involving any stand-alone electronic device or wireless telecommunications device that distracts such driver from the safe operation of the vehicle.

(e) While operating a motor vehicle on any street, highway, or property open to the public for vehicular traffic in this state, ~~no~~ a driver may not:

(1) Physically hold or support, with any part of his or her body, a wireless communication device or stand-alone electronic device: *Provided*, That ~~such~~ this prohibition ~~shall~~ does not apply to the wearing of a smartwatch;

(2) Write, send, or read any text-based communication including, but not limited to, a text message, instant message, e-mail, or social media interaction on a wireless telecommunications device or stand-alone electronic device: *Provided*, That ~~such~~ this prohibition ~~shall~~ does not apply to a voice-operated or hands-free communication feature which is automatically converted by such device to be sent as a message in a written form;

(3) Make any communication involving a wireless telecommunications device, including a phone call, voice message, or one-way voice communication: *Provided*, That ~~such~~ this prohibition ~~shall~~ does not apply to a voice operated or hands-free communication feature or function;

(4) Engage in any form of electronic data retrieval or electronic data communication on a wireless telecommunications device or stand-alone electronic device;

(5) Manually enter letters, numbers, or symbols into any website, search engine, or application on a wireless telecommunications device or stand-alone electronic device;

(6) Watch a video or movie on a wireless telecommunications device or standalone electronic device other than watching data related to the navigation of ~~such~~ the vehicle;

(7) Record, post, send, or broadcast video, including a video conference on a wireless telecommunications device or stand-alone electronic device: *Provided*, That ~~such~~ this prohibition does not apply to electronic devices used for the sole purpose of continuously recording or broadcasting video within or outside of the motor vehicle; or

(8) Actively play any game on a wireless telecommunications device or stand-alone electronic device.

(f) While operating a commercial motor vehicle on any highway of this state, ~~no~~ a driver may:

(1) Use more than a single button on a wireless telecommunications device to initiate or terminate a voice communication; or

(2) Reach for a wireless telecommunications device or stand-alone electronic device in such a manner that requires the driver to:

(A) No longer be in a seated driving position; or

(B) No longer be properly restrained by a safety belt.

(g) Each violation of this section shall ~~constitute~~ constitutes a separate offense.

(h) It is a misdemeanor for any driver to violate any of the provisions of this section. Every driver convicted of a misdemeanor for a violation of any of the provisions of this section shall be punished as follows:

(1) For a first conviction with no prior conviction of and no plea of no contest accepted to a charge of violating this section within the previous 24-month period, as measured from the date of any prior conviction or plea, a fine of not more than \$100;

(2) For a second conviction within a 24-month period, as measured from the date of any prior conviction or plea, a fine of not more than \$200;

(3) For a third or subsequent conviction within a 24-month period, as measured from the date of any prior conviction or plea:

(A) A fine of not more than \$350;

(B) Three points on the driver's record maintained by the Division of Motor Vehicles; and

(C) At the court's discretion, suspension of the driver's license for a period of 90 days;

(4) Any driver who causes physical harm to property as the proximate result of committing a violation of this section is guilty of a misdemeanor punishable up to 30 days in jail or a fine not less than \$100 and not more than \$500;

(5) Any driver who causes serious physical harm to another person as the proximate result of committing a violation of this section is guilty of a misdemeanor and shall be fined not less than \$500 nor more than \$1,000, or confined in jail up to 120 days, or both fined and confined, and ~~such the~~ driver shall have his or her license to operate a motor vehicle revoked by the Commissioner of the Division of Motor Vehicles for a period of one year; and

(6) Any driver who causes the death of another as the proximate result of committing a violation of this section is ~~guilty of negligent homicide~~ also subject to prosecution under the applicable vehicular homicide provision ~~and shall be punished in accordance with~~ of §17C-5-1 of this code.

(i) The Department of Transportation shall cause to be erected signs upon any highway entering the state of West Virginia on which a welcome to West Virginia sign is posted, and any other highway where the Division of Highways deems appropriate, posted at a distance of not more than one mile from each border crossing, each sign to bear an inscription clearly communicating to motorists entering the state that texting, or the use of a wireless communication device without hands-free equipment, is illegal within this state.

(j) Nothing contained in this section shall be construed to authorize seizure of a cell phone or electronic device by any law-enforcement agency.

(k) No policy providing liability coverage for personal lines insurance shall contain a provision which may be used to deny coverage or exclude payment of any legal damages recoverable by law for injuries proximately caused by a violation of this section, as long as such amounts are within the coverage limits of the insured.

(l) This section shall not apply to:

(1) Drivers reporting to state, county, or local authorities a traffic accident, medical emergency, fire, an actual or potential criminal or delinquent act, or a road condition that causes an immediate and serious traffic or safety hazard;

(2) An employee or contractor of a utility services provider acting within the scope of his or her employment while responding to a utility emergency;

(3) A driver operating a commercial vehicle while using a mobile data terminal that transmits and receives data;

(4) A law-enforcement officer, firefighter, emergency medical services personnel, ambulance driver, or other similarly employed public safety first responder during the performance of his or her official duties; or

(5) ~~While~~ A person in a motor vehicle that is lawfully parked.

(m) This section does not supersede the provisions of §17B-2-3a of this code, or any more restrictive provisions for drivers of commercial motor vehicles prescribed either by the provisions of §17E-1-1 *et seq.* of this code or by federal law or rule.

(n) The amendments to this section adopted during the regular session of the Legislature in 2023, shall be known as the Robin W. Ames Memorial Act.

## **ARTICLE 19. PARTIES, PROCEDURE UPON ARREST AND REPORTS IN CRIMINAL CASES.**

### **§17C-19-3. When person arrested must be taken immediately before a magistrate or court.**

(a) Whenever any person is arrested for any violation of this chapter punishable as a misdemeanor, the arrested person shall be immediately taken before a magistrate or court within the county in which the offense charged is alleged to have been committed and who has jurisdiction of the offense and is nearest or most accessible with reference to the place where the arrest is made, in any of the following cases:

(1) When a person arrested demands an immediate appearance before a magistrate or court;

(2) When the person is arrested upon a misdemeanor charge of ~~negligent~~ vehicular homicide as contained in §17C-5-1 of this code;

(3) When the person is arrested upon a charge of driving while under the influence of alcohol, or under the influence of any controlled substance, or under the influence of any other drug, or under the combined influence of alcohol and any controlled substance or any other drug;

(4) When the person is arrested upon a charge of failure to stop in the event of an accident causing death, personal injury or damage to property;

(5) When the person is arrested upon a charge of violating §17C-17-14 relating to weight violations, except as otherwise provided in that section;

(6) When the person arrested is a resident of a state that has not entered into a nonresident violator compact with this state;

(7) In any other event when the person arrested refuses to accept the written notice to appear in court as his or her promise to appear in court or to comply with the terms of the written notice to appear in court as provided in section four of this article; and

(8) When a person is arrested for driving with a suspended or revoked driver's license for miscellaneous reasons: *Provided*, That when a person is arrested for driving with a suspended or revoked driver's license for miscellaneous reasons, the arresting officer may issue a charge by citation if a magistrate or judge is not on duty or reasonably available.

(b) When the person arrested is a resident of a state that has entered into a nonresident violator compact with this state, the arresting officer shall issue the person a written notice as provided for in section four of this article and may not take the person immediately before a magistrate or court, except under the terms of the compact or under the circumstances set forth in subsection (a) of this section.

## **CHAPTER 17E. UNIFORM COMMERCIAL DRIVER'S LICENSE ACT.**

### **ARTICLE 1. COMMERCIAL DRIVER'S LICENSE.**

#### **§17E-1-13. Disqualification.**

(a) A person may not operate a commercial motor vehicle if his or her privilege to operate a commercial motor vehicle is disqualified under the provisions of the Federal Motor Carrier Safety Improvement Act of 1999, 49 C. F. R. Part §383, Subpart D (2004) or in accordance with the provisions of this section.

(1) For the purposes of determining first and subsequent violations of the offenses listed in this section, each conviction resulting from a separate incident includes convictions for offenses committed in a commercial motor vehicle or a noncommercial motor vehicle.

(2) Any person disqualified from operating a commercial motor vehicle for life under the provisions of this chapter for offenses described in subdivisions (1), (2), (3), (4) and (6), subsection (b) of this section is eligible for reinstatement of privileges to operate a commercial motor vehicle after 10 years and after completion of the Safety and Treatment Program or other appropriate program prescribed by the division. Any person whose lifetime disqualification has been amended

under the provisions of this subdivision, and who is subsequently convicted of a disqualifying offense described in subdivisions (1) through (7), inclusive, subsection (b) of this section, is not eligible for reinstatement. Any person disqualified from operating a commercial motor vehicle for life under subsection (n) of this section is not eligible for reinstatement.

(3) Any person who committed a disqualifying offense contained in paragraph (B) or (E), subdivision (1), subsection (b) of this section prior to obtaining a commercial driver's license, and who committed the disqualifying offense more than 10 years before he or she applied for a commercial driver's license, and who has completed the Safety and Treatment Program or other appropriate program prescribed by the division, shall be considered to have served the period of disqualification and is eligible to obtain a commercial driver's license so long as all other eligibility requirements contained in §17E-1-9 and §17E-1-10 of this code are satisfied.

(4) Any disqualification imposed by this section is in addition to any action to suspend, revoke, or cancel the driver's license or driving privileges if suspension, revocation, or cancellation is required under another provision of this code.

(5) The provisions of this section apply to any person operating a commercial motor vehicle and to any person holding a commercial driver's license.

(b) Any person is disqualified from driving a commercial motor vehicle for the following offenses and time periods if convicted of:

(1) Driving a motor vehicle under the influence of alcohol or a controlled substance;

(A) For a first conviction or for refusal to submit to any designated secondary chemical test while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for a period of one year.

(B) For a first conviction or for refusal to submit to any designated secondary chemical test while operating a noncommercial motor vehicle, a commercial driver's license holder is disqualified from operating a commercial motor vehicle for a period of one year.

(C) For a first conviction or for refusal to submit to any designated secondary chemical test while operating a commercial motor vehicle transporting hazardous materials required to be placarded under 49 C. F. R. Part §172, Subpart F, a driver is disqualified from operating a commercial motor vehicle for a period of three years.

(D) For a second conviction or for refusal to submit to any designated secondary chemical test in a separate incident of any combination of offenses in this subsection while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for life.

(E) For a second conviction or refusal to submit to any designated secondary chemical test in a separate incident of any combination of offenses in this subsection while operating a noncommercial motor vehicle, a commercial motor vehicle license holder is disqualified from operating a commercial motor vehicle for life.

(2) Driving a commercial motor vehicle while the person's alcohol concentration of the person's blood, breath, or urine is four hundredths of one percent or more, by weight;

(A) For a first conviction or for refusal to submit to any designated secondary chemical test while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for one year.

(B) For a first conviction or for refusal to submit to any designated secondary chemical test while operating a commercial motor vehicle transporting hazardous materials required to be placarded under 49 C. F. R. Part §172, Subpart F, a driver is disqualified from operating a commercial motor vehicle for three years.

(C) For a second conviction or refusal to submit to any designated secondary chemical test in a separate incident of any combination of offenses in this subsection while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for life.

(3) Refusing to submit to any designated secondary chemical test required by the provisions of this code or the provisions of 49 C. F. R. §383.72 (2004);

(A) For the first conviction or refusal to submit to any designated secondary chemical test while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for one year.

(B) For the first conviction or refusal to submit to any designated secondary chemical test while operating a noncommercial motor vehicle, a commercial driver's license holder is disqualified from operating a commercial motor vehicle for one year.

(C) For the first conviction or for refusal to submit to any designated secondary chemical test while operating a commercial motor vehicle transporting hazardous materials required to be placarded under 49 C. F. R. Part §172, Subpart F (2004), a driver is disqualified from operating a commercial motor vehicle for a period of three years.

(D) For a second conviction or refusal to submit to any designated secondary chemical test in a separate incident of any combination of offenses in this subsection while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for life.

(E) For a second conviction or refusal to submit to any designated secondary chemical test in a separate incident of any combination of offenses in this subsection while operating a noncommercial motor vehicle, a commercial driver's license holder is disqualified from operating a commercial motor vehicle for life.

(4) Leaving the scene of an accident;

(A) For the first conviction while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for one year.

(B) For the first conviction while operating a noncommercial motor vehicle, a commercial driver's license holder is disqualified for one year.

(C) For the first conviction while operating a commercial motor vehicle transporting hazardous materials required to be placarded under 49 C. F. R. Part §172, Subpart F (2004), a driver is disqualified from operating a commercial motor vehicle for a period of three years.

(D) For a second conviction in a separate incident of any combination of offenses in this subsection while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for life.

(E) For a second conviction in a separate incident of any combination of offenses in this subsection while operating a noncommercial motor vehicle, a commercial driver's license holder is disqualified from operating a commercial motor vehicle for life.

(5) Using a motor vehicle in the commission of any felony as defined in §17E-1-3 of this code; except as set forth specifically in subsection (n) of this section;

(A) For the first conviction while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for one year.

(B) For the first conviction while operating a noncommercial motor vehicle, a commercial driver's license holder is disqualified from operating a commercial motor vehicle for one year.

(C) For the first conviction while operating a commercial motor vehicle transporting hazardous materials required to be placarded under 49 C. F. R. Part §172, Subpart F (2004), a driver is disqualified from operating a commercial motor vehicle for a period of three years.

(D) For a second conviction in a separate incident of any combination of offenses in this subsection while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for life.

(E) For a second conviction in a separate incident of any combination of offenses in this subsection while operating a noncommercial motor vehicle, a commercial motor vehicle license holder is disqualified from operating a commercial motor vehicle for life.

(6) Operating a commercial motor vehicle when, as a result of prior violations committed operating a commercial motor vehicle, the driver's privilege to operate a motor vehicle has been suspended, revoked, or canceled, or the driver's privilege to operate a commercial motor vehicle has been disqualified.

(A) For the first conviction while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for one year.

(B) For the first conviction while operating a commercial motor vehicle transporting hazardous materials required to be placarded under 49 C. F. R. Part §172, Subpart F (2004), a driver is disqualified from operating a commercial motor vehicle for a period of three years.

(C) For a second conviction in a separate incident of any combination of offenses in this subsection while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for life.

(7) Causing a fatality through the negligent operation of a commercial motor vehicle, the operation of a commercial motor vehicle in reckless disregard for the safety of others, or the operation of a commercial motor vehicle in deliberate disregard for the safety of others, including, but not limited to, the crimes of motor vehicle manslaughter, homicide, ~~and negligent homicide~~ vehicular homicide, aggravated vehicular homicide, vehicular homicide in a school zone, and vehicular homicide in a construction zone as defined in §17B-3-5, and §17C-5-1 of this code;

(A) For the first conviction while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for one year.

(B) For the first conviction while operating a commercial motor vehicle transporting hazardous materials required to be placarded under 49 C. F. R. Part §172, Subpart F (2004), a driver is disqualified from operating a commercial motor vehicle for a period of three years.

(C) For a second conviction in a separate incident of any combination of offenses in this subsection while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for life.

(c) Any person is disqualified from driving a commercial motor vehicle if convicted of:

(1) Speeding excessively involving any speed of 15 miles per hour or more above the posted speed limit;

(A) For a second conviction of any combination of offenses in this subsection in a separate incident within a three-year period while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for a period of 60 days.

(B) For a second conviction of any combination of offenses in this section in a separate incident within a three-year period while operating a noncommercial motor vehicle, if the conviction results in the suspension, revocation, or cancellation of the commercial driver's license holder's privilege to operate any motor vehicle, a commercial driver's license holder is disqualified from operating a commercial motor vehicle for a period of 60 days.

(C) For a third or subsequent conviction of any combination of the offenses in this subsection in a separate incident in a three-year period while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for a period of 120 days.

(D) For a third or subsequent conviction of any combination of offenses in this subsection in a separate incident within a three-year period while operating a noncommercial motor vehicle, if the conviction results in the suspension, revocation, or cancellation of the commercial driver's license holder's privilege to operate any motor vehicle, a commercial driver's license holder shall be disqualified from operating a commercial motor vehicle for a period of 120 days.

(2) Reckless driving as defined in §17C-5-3 of this code, or careless or negligent driving, including, but not limited to, the offenses of driving a motor vehicle in willful or wanton disregard for the safety of persons or property;

(A) For a second conviction of any combination of offenses in this subsection in a separate incident within a three-year period while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for a period of 60 days.

(B) For a second conviction of any combination of offenses in this section in a separate incident within a three-year period while operating a noncommercial motor vehicle, if the conviction results in the suspension, revocation, or cancellation of the commercial driver's license holder's privilege to operate any motor vehicle, a commercial driver's license holder is disqualified from operating a commercial motor vehicle for a period of 60 days.

(C) For a third or subsequent conviction of any combination of the offenses in this subsection in a separate incident in a three-year period while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for a period of 120 days.

(D) For a third or subsequent conviction of any combination of offenses in this subsection in a separate incident within a three-year period while operating a noncommercial motor vehicle, if the conviction results in the suspension, revocation, or cancellation of the commercial driver's license holder's privilege to operate any motor vehicle, a commercial driver's license holder is disqualified from operating a commercial motor vehicle for a period of 120 days.

(3) Making improper or erratic traffic lane changes;

(A) For a second conviction of any combination of offenses in this subsection in a separate incident within a three-year period while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for a period of 60 days.

(B) For a second conviction of any combination of offenses in this section in a separate incident within a three-year period while operating a noncommercial motor vehicle, if the conviction results in the suspension, revocation, or cancellation of the commercial driver's license holder's privilege to operate any motor vehicle, a commercial driver's license holder is disqualified from operating a commercial motor vehicle for a period of 60 days.

(C) For a third or subsequent conviction of any combination of the offenses in this subsection in a separate incident in a three-year period while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for a period of 120 days.

(D) For a third or subsequent conviction of any combination of offenses in this subsection in a separate incident within a three-year period while operating a noncommercial motor vehicle, if the conviction results in the suspension, revocation, or cancellation of the commercial driver's license holder's privilege to operate any motor vehicle, a commercial driver's license holder is disqualified from operating a commercial motor vehicle for a period of 120 days.

(4) Following the vehicle ahead too closely;

(A) For a second conviction of any combination of offenses in this subsection in a separate incident within a three-year period while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for a period of 60 days.

(B) For a second conviction of any combination of offenses in this section in a separate incident within a three-year period while operating a noncommercial motor vehicle, if the conviction results in the suspension, revocation, or cancellation of the commercial driver's license holder's privilege to operate any motor vehicle, a commercial driver's license holder is disqualified from operating a commercial motor vehicle for a period of 60 days.

(C) For a third or subsequent conviction of any combination of the offenses in this subsection in a separate incident in a three-year period while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for a period of 120 days.

(D) For a third or subsequent conviction of any combination of offenses in this subsection in a separate incident within a three-year period while operating a noncommercial motor vehicle, if the conviction results in the suspension, revocation, or cancellation of the commercial driver's

license holder's privilege to operate any motor vehicle, a commercial driver's license holder is disqualified from operating a commercial motor vehicle for a period of 120 days.

(5) Violating any law relating to traffic control arising in connection with a fatal accident, other than a parking violation;

(A) For a second conviction of any combination of offenses in this subsection in a separate incident within a three-year period while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for a period of 60 days.

(B) For a second conviction of any combination of offenses in this section in a separate incident within a three-year period while operating a noncommercial motor vehicle, if the conviction results in the suspension, revocation, or cancellation of the commercial driver's license holder's privilege to operate any motor vehicle, a commercial driver's license holder is disqualified from operating a commercial motor vehicle for a period of 60 days.

(C) For a third or subsequent conviction of any combination of the offenses in this subsection in a separate incident in a three-year period while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for a period of 120 days.

(D) For a third or subsequent conviction of any combination of offenses in this subsection in a separate incident within a three-year period while operating a noncommercial motor vehicle, if the conviction results in the suspension, revocation, or cancellation of the commercial driver's license holder's privilege to operate any motor vehicle, a commercial motor vehicle license holder is disqualified from operating a commercial motor vehicle for a period of 120 days.

(6) Driving a commercial motor vehicle without obtaining a commercial driver's license;

(A) For a second conviction of any combination of offenses in this subsection in a separate incident within a three-year period while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for a period of 60 days.

(B) For a third or subsequent conviction of any combination of the offenses in this subsection in a separate incident in a three-year period while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for a period of 120 days.

(7) Driving a commercial motor vehicle without a commercial driver's license in the driver's possession except that any person who provides proof of possession of a commercial driver's license to the enforcement agency that issued the citation by the court appearance or fine payment deadline is not guilty of this offense;

(A) For a second conviction of any combination of offenses in this subsection in a separate incident within a three-year period while operating a commercial motor vehicle, a commercial driver's license holder is disqualified from operating a commercial motor vehicle for a period of 60 days.

(B) For a third or subsequent conviction of any combination of the offenses in this subsection in a separate incident in a three-year period while operating a commercial motor vehicle, a commercial driver's license holder is disqualified from operating a commercial motor vehicle for a period of 120 days.

(8) Driving a commercial motor vehicle without the proper class of commercial driver's license or the proper endorsements for the specific vehicle group being operated or for the passengers or type of cargo being transported;

(A) For a second conviction of any combination of offenses in this subsection in a separate incident within a three-year period while operating a commercial motor vehicle, a commercial driver's license holder is disqualified from operating a commercial motor vehicle for a period of 60 days.

(B) For a third or subsequent conviction of any combination of the offenses in this subsection in a separate incident in a three-year period while operating a commercial motor vehicle, a commercial driver's license holder is disqualified from operating a commercial motor vehicle for a period of 120 days.

(9) Driving a commercial motor vehicle while engaged in texting and convicted pursuant to §17E-1-14a of this code or similar law of this or any other jurisdiction or 49 C. F. R. §392.80;

(A) For a second conviction of any combination of offenses in this subsection in a separate incident within a three-year period while operating a commercial motor vehicle, a commercial driver's license holder is disqualified from operating a commercial motor vehicle for a period of 60 days.

(B) For a third or subsequent conviction of any combination of the offenses in this subsection in a separate incident in a three-year period while operating a commercial motor vehicle, a commercial driver's license holder is disqualified from operating a commercial motor vehicle for a period of 120 days.

(d) Any person convicted of operating a commercial motor vehicle in violation of any federal, state, or local law or ordinance pertaining to railroad crossing violations described in subdivisions (1) through (6), inclusive, of this subsection is disqualified from operating a commercial motor vehicle for the period of time specified;

(1) Failing to slow down and check that the tracks are clear of an approaching train, if not required to stop in accordance with the provisions of §17C-12-3 of this code;

(A) For the first conviction, a driver is disqualified from operating a commercial motor vehicle for a period of 60 days;

(B) For a second conviction of any combination of offenses in this subsection within a three-year period, a driver is disqualified from operating a commercial motor vehicle for 120 days; and

(C) For a third or subsequent conviction of any combination of offenses in this subsection within a three-year period, a driver is disqualified from operating a commercial motor vehicle for one year.

(2) Failing to stop before reaching the crossing, if the tracks are not clear, if not required to stop in accordance with the provisions of §17C-12-1 of this code;

(A) For the first conviction, a driver is disqualified from operating a commercial motor vehicle for a period of 60 days;

(B) For a second conviction of any combination of offenses in this subsection within a three-year period, a driver is disqualified from operating a commercial motor vehicle for 120 days; and

(C) For a third or subsequent conviction of any combination of offenses in this subsection within a three-year period, a driver is disqualified from operating a commercial motor vehicle for one year.

(3) Failing to stop before driving onto the crossing, if required to stop in accordance with the provisions of §17C-12-3 of this code;

(A) For the first conviction, a driver is disqualified from operating a commercial motor vehicle for a period of 60 days;

(B) For a second conviction of any combination of offenses in this subsection within a three-year period, the driver is disqualified from operating a commercial motor vehicle for 120 days; and

(C) For a third or subsequent conviction of any combination of offenses in this subsection within a three-year period, a driver is disqualified from operating a commercial motor vehicle for one year.

(4) Failing to have sufficient space to drive completely through the crossing without stopping in accordance with the provisions of §17C-12-3 of this code;

(A) For the first conviction, a driver is disqualified from operating a commercial motor vehicle for a period of 60 days;

(B) For a second conviction of any combination of offenses in this subsection within a three-year period, a driver is disqualified from operating a commercial motor vehicle for 120 days; and

(C) For a third or subsequent conviction of any combination of offenses in this subsection within a three-year period, a driver is disqualified from operating a commercial motor vehicle for one year.

(5) Failing to obey a traffic control device or the directions of an enforcement official at the crossing in accordance with the provisions of §17C-12-1 of this code;

(A) For the first conviction, a driver is disqualified from operating a commercial motor vehicle for a period of 60 days;

(B) For a second conviction of any combination of offenses in this subsection within a three-year period, a driver is disqualified from operating a commercial motor vehicle for 120 days; and

(C) For a third or subsequent conviction of any combination of offenses in this subsection within a three-year period, a driver is disqualified from operating a commercial motor vehicle for one year.

(6) Failing to negotiate a crossing because of insufficient undercarriage clearance in accordance with the provisions of §17C-12-3 of this code.

(A) For the first conviction, a driver is disqualified from operating a commercial motor vehicle for a period of 60 days;

(B) For a second conviction of any combination of offenses in this subsection within a three-year period, a driver is disqualified from operating a commercial motor vehicle for 120 days; and

(C) For a third or subsequent conviction of any combination of offenses in this subsection within a three-year period, a driver is disqualified from operating a commercial motor vehicle for one year.

(e) Any person who is convicted of violating an out-of-service order while operating a commercial motor vehicle is disqualified for the following periods of time:

(1) If convicted of violating a driver or vehicle out-of-service order while transporting nonhazardous materials;

(A) For the first conviction of violating an out-of-service order while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for 180 days.

(B) For a second conviction in a separate incident within a 10-year period for violating an out-of-service order while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for two years.

(C) For a third or subsequent conviction in a separate incident within a 10-year period for violating an out-of-service order while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for three years.

(2) If convicted of violating a driver or vehicle out-of-service order while transporting hazardous materials required to be placarded under 49 C. F. R. Part §172, Subpart F (2004) or while operating a vehicle designed to transport 16 or more passengers including the driver;

(A) For the first conviction of violating an out-of-service order while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for 180 days.

(B) For a second conviction in a separate incident within a ten-year period for violating an out-of-service order while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for three years.

(C) For a third or subsequent conviction in a separate incident within a 10-year period for violating an out-of-service order while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for three years.

(f) After disqualifying, suspending, revoking, or canceling a commercial driver's license, the division shall update its records to reflect that action within 10 days.

(g) In accordance with the provisions of 49 U. S. C. §313119(a)(19)(2004), and 49 C. F. R. §384.226 (2004), notwithstanding the provisions of §61-11-25 of this code, no record of conviction, revocation, suspension, or disqualification related to any type of motor vehicle traffic control offense, other than a parking violation, of a commercial driver's license holder or a person operating a commercial motor vehicle may be masked, expunged, deferred, or be subject to any diversion program.

(h) Notwithstanding any provision in this code to the contrary, the division may not issue any temporary driving permit, work-only driving permit, or hardship license or permit that authorizes a

person to operate a commercial motor vehicle when his or her privilege to operate any motor vehicle has been revoked, suspended, disqualified, or otherwise canceled for any reason.

(i) In accordance with the provisions of 49 C. F. R. §391.15(b), a driver is disqualified from operating a commercial motor vehicle for the duration of any suspension, revocation, or cancellation of his or her driver's license or privilege to operate a motor vehicle by this state or by any other state or jurisdiction until the driver complies with the terms and conditions for reinstatement set by this state or by another state or jurisdiction.

(j) In accordance with the provisions of 49 C. F. R. §353.52 (2006), the division shall immediately disqualify a driver's privilege to operate a commercial motor vehicle upon a notice from the assistant administrator of the Federal Motor Carrier Safety Administration that the driver poses an imminent hazard. Any disqualification period imposed under the provisions of this subsection shall be served concurrently with any other period of disqualification if applicable.

(k) In accordance with the provisions of 49 C. F. R. §1572.11(a), the division shall immediately disqualify a driver's privilege to operate a commercial motor vehicle if the driver fails to surrender his or her driver's license with a hazardous material endorsement to the division upon proper notice by the division to the driver that the division received notice from the Department of Homeland Security Transportation Security Administration of an initial determination of threat assessment and immediate revocation that the driver does not meet the standards for security threat assessment provided in 49 C. F. R. §1572.5. The disqualification remains in effect until the driver either surrenders the driver's license to the division or provides the division with an affidavit attesting to the fact that the driver has lost or is otherwise unable to surrender the license.

(l) In accordance with 49 C. F. R. §391.41, a driver is disqualified from operating a commercial motor vehicle if the driver is not physically qualified to operate a commercial motor vehicle or does not possess a valid medical certification status.

(m) In accordance with the provisions of 49 C. F. R. §383.73(g), the division shall disqualify a driver's privilege to operate a commercial motor vehicle if the division determines that the licensee has falsified any information or certifications required under the provisions of 49 C. F. R. 383 Subpart J or 49 C. F. R. §383.71(a) for 60 days in addition to any other penalty prescribed by this code.

(n) Lifetime Disqualification Without Reinstatement.—

(1) Controlled substance violations — An individual who uses a commercial motor vehicle in committing a felony involving manufacturing, distributing, or dispensing a controlled substance, or involving possession with intent to manufacture, distribute, or dispense a controlled substance is disqualified from operating a commercial motor vehicle for life and is not eligible for reinstatement.

(2) Human trafficking violations — An individual who uses a commercial motor vehicle in committing a felony involving an act or practice described in paragraph (9) of section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(9)) is disqualified from operating a commercial motor vehicle for life and is not eligible for reinstatement.

## **CHAPTER 20. NATURAL RESOURCES.**

### **ARTICLE 7. LAW ENFORCEMENT, MOTORBOATING, LITTER.**

**§20-7-18a. Negligent Homicide by operation of motorized watercraft; aggravated homicide by operation of motorized watercraft; penalties; suspension of privileges to operate a motorboat or other motorized vessel upon conviction.**

(a) When the death of any person, including an embryo or fetus as defined in §61-2-30 of this code, other than the person operating the motorboat, jet ski, or other motorized vessel ensues occurs within one year as a proximate result of injury received caused by operating any motorboat, jet ski, or other motorized vessel anywhere in this state by any person in reckless disregard of for the safety of others, the person so operating the motorboat, jet ski, or other motorized vessel is guilty of negligent homicide by operation of motorized watercraft.

(b) Any person convicted of negligent homicide shall be punished by imprisonment in the county or regional jail for not more than one year or by fine of not less than \$100 nor more than \$1,000, or by both fine and imprisonment homicide by operation of motorized watercraft is guilty of a misdemeanor and upon conviction, shall be fined not less than \$1,000 nor more than \$10,000, confined in jail for not more than one year, or both fined and confined.

(c) The director shall suspend the privilege to operate a motorboat or other motorized vessel in this state for a period of five years from the date of conviction. Notwithstanding the provisions of this section, when the death of a person, including an embryo or fetus as defined in §61-2-30 of this code, other than the person operating the motorboat, jet ski, or other motorized vessel occurs within one year as the proximate result of injury caused by the operation of any motorboat, jet ski or other motorized vessel in this state in deliberate disregard for the safety of others, the person so operating the motorboat, jet ski, or other motorized vessel is guilty of the felony offense of aggravated homicide by use of motorized watercraft and upon conviction he or she shall be fined not more than \$20,000 or imprisoned in a state correctional facility for not less than one nor more than five years, or both fined and imprisoned.

(d) For the purposes of this section, a person acts with deliberate disregard for the safety of others if he or she has knowledge of facts or intentionally disregards facts that create high probability of injury to the safety of others and:

(1) deliberately proceeds to act in conscious or intentional disregard of the high degree of probability of injury to the safety of others; or

(2) deliberately proceeds to act with indifference to the high probability of injury to or the safety of others;

(e) The director shall suspend the privilege to operate a motorboat or other motorized vessel in this state for a period of five years from the date of conviction.

**CHAPTER 33. INSURANCE.**

**ARTICLE 6A. CANCELLATION OR NONRENEWAL OF AUTOMOBILE LIABILITY POLICIES.**

**§33-6A-1. Cancellation prohibited except for specified reasons; notice.**

(a) No insurer once having issued or delivered a policy providing automobile liability insurance for a private passenger automobile may, after the policy has been in effect for ~~sixty~~ 60 days, or in case of renewal effective immediately, issue or cause to issue a notice of cancellation during the term of the policy except for one or more of the reasons specified in this section:

(1) The named insured fails to make payments of premium for the policy or any installment of the premium when due;

(2) The policy is obtained through material misrepresentation;

(3) The insured violates any of the material terms and conditions of the policy;

(4) The named insured or any other operator, either residing in the same household or who customarily operates an automobile insured under the policy:

(A) Has had his or her operator's license suspended or revoked during the policy period including suspension or revocation for failure to comply with the provisions of ~~article five-a, chapter seventeen-c~~ Chapter 17C, Article 5A of this code regarding consent for a chemical test for intoxication: *Provided*, That when a license is suspended for ~~sixty~~ 60 days by the Commissioner of the Division of Motor Vehicles because a person drove a motor vehicle while under the age of ~~twenty-one~~ 21 years with an alcohol concentration in his or her blood of two hundredths of one percent or more, by weight, but less than eight hundredths of one percent, by weight, pursuant to subsection (l), section two of said article, the suspension may not be grounds for cancellation; or

(B) Is or becomes subject to epilepsy or heart attacks and the individual cannot produce a certificate from a physician testifying to his or her ability to operate a motor vehicle; or

(5) The named insured or any other operator, either residing in the same household or who customarily operates an automobile insured under such policy, is convicted of or forfeits bail during the policy period for any of the following reasons:

(A) Any felony or assault, involving the use of a motor vehicle;

(B) ~~Negligent homicide arising out of the operation of a motor vehicle~~ Any offense contained within §17C-5-1 of this code;

(C) Operating a motor vehicle while under the influence of alcohol or of any controlled substance or while having an alcohol concentration in his or her blood of eight hundredths of one percent or more, by weight;

(D) Leaving the scene of a motor vehicle accident in which the insured is involved without reporting it as required by law;

(E) Theft of a motor vehicle or the unlawful taking of a motor vehicle;

(F) Making false statements in an application for a motor vehicle operator's license; or

(G) Three or more moving traffic violations committed within a period of twelve months, each of which results in three or more points being assessed on the driver's record by the Division of Motor Vehicles, whether or not the insurer renewed the policy without knowledge of all such violations. Notice of any cancellation made pursuant to this subsection shall be mailed to the named insured either during the current policy period or during the first full policy period following the date that the third moving traffic violation is recorded by the Division of Motor Vehicles.

(b) Except as provided in subsections (c) and (d) of this section, no insurer may cancel a policy of automobile liability insurance without first giving the insured thirty days' notice of its intention to cancel. Notice of cancellation shall either be sent by first class mail to the named insured at the address supplied on the application for insurance, or by email or other electronic means if at the request of the policyholder in accordance with the Uniform Electronic Transactions Act as codified in chapter thirty-nine-a of this code, and shall state the effective date of the cancellation and provide a written explanation of the specific reason for the cancellation.

(c) If, pursuant to subsection (a) of this section, an insurer cancels a policy of automobile liability insurance for the failure of the named insured to make payments of premium for the policy or any installment of the premium when due, then the insurer shall first give the insured at least fourteen days' notice of its intention to cancel. Notice of cancellation shall be sent by first class mail to the named insured at the address supplied on the application for insurance, or by email or other electronic means if at the request of the policyholder in accordance with the Uniform Electronic Transactions Act as codified in chapter thirty-nine-a of this code, and shall state the effective date of the cancellation and provide a written explanation of the specific reason for the cancellation. The notice period provided herein shall begin to run on the date mailed and payment shall be deemed accomplished by depositing in first class mail valid payment on or before the expiration date of the fourteen day notice period.

(d) If a named insured fails to make the initial payment of premium or any initial installment of the premium after the initial issuance of an automobile liability insurance policy, the insurance policy is voidable from the effective date and time the policy was issued: *Provided*, That the insurer shall send the insured written notice that the policy will be voided absent payment within ten days of any amounts due under the terms of the policy. Such notice shall either be sent by first class mail to the named insured at the address supplied on the application for insurance, or by email or other electronic means if at the request of the policyholder in accordance with the Uniform Electronic Transactions Act as codified in chapter thirty-nine-a of this code, and shall explain the specific reason for the voidance.

**§33-6A-4. Advance notice of nonrenewal required; assigned risk policies; reasons for nonrenewal; hearing and review after nonrenewal.**

(a) No insurer shall fail to renew an outstanding automobile liability or physical damage insurance policy unless the nonrenewal is preceded by at least forty-five days advance notice to the named insured of the insurer's election not to renew the policy: *Provided*, That subject to this section, nothing contained in this article shall be construed to prevent an insurer from refusing to issue an automobile liability or physical damage insurance policy upon application to the insurer, nor shall any provision of this article be construed to prevent an insurer from refusing to renew a policy upon expiration, except as to the notice requirements of this section, and except further as to those applicants lawfully submitted pursuant to the West Virginia assigned risk plan.

(b) An insurer may not fail to renew an outstanding automobile liability or physical damage insurance policy which has been in existence for two consecutive years or longer except for the following reasons:

(1) The named insured fails to make payments of premium for the policy or any installment of the premium when due;

(2) The policy is obtained through material misrepresentation;

(3) The insured violates any of the material terms and conditions of the policy;

(4) The named insured or any other operator, either residing in the same household or who customarily operates an automobile insured under the policy:

(A) Has had his or her operator's license suspended or revoked during the policy period; or

(B) Is or becomes subject to a physical or mental condition that prevents the insured from operating a motor vehicle, and the individual cannot produce a certificate from a physician testifying to his or her ability to operate a motor vehicle;

(5) The named insured or any other operator, either residing in the same household or who customarily operates an automobile insured under the policy, is convicted of or forfeits bail during the policy period for any of the following reasons:

(A) Any felony or assault, involving the use of a motor vehicle;

(B) ~~Negligent homicide arising out of the operation of a motor vehicle~~ Any offense contained within §17C-5-1 of this code;

(C) Operating a motor vehicle while under the influence of intoxicating liquor or of any narcotic drug;

(D) Leaving the scene of a motor vehicle accident in which the insured is involved without reporting it as required by law;

(E) Theft of a motor vehicle or the unlawful taking of a motor vehicle; or

(F) Making false statements in an application for a motor vehicle operator's license;

(6) The named insured or any other operator, either residing in the same household or who customarily operates an automobile insured under the policy, is convicted of or forfeits bail during the policy period for two or more moving traffic violations committed within a period of twelve months, each of which results in three or more points being assessed on the driver's record by the Division of Motor Vehicles, whether or not the insurer renewed the policy without knowledge of all of the violations: *Provided*, That an insurer that makes an election pursuant to section four-b of this article to issue all nonrenewal notices pursuant to this section, may nonrenew an automobile liability or physical damage insurance policy if the named insured, or any other operator, either residing in the same household or who customarily operates an automobile insured under the policy is convicted of or forfeits bail during the policy period for two or more moving traffic violations committed within a period of twenty-four months, each of which occurs on or after July 1, 2004, and after the date that the insurer makes an election pursuant to section four-b of this article, and results in three or more points being assessed on the driver's record by the Division of Motor Vehicles, whether or not the insurer renewed the policy without knowledge of all of the violations. Notice of any nonrenewal made pursuant to this subdivision shall be mailed to the named insured either during the current policy period or during the first full policy period following the date that the second moving traffic violation is recorded by the Division of Motor Vehicles;

(7) The named insured or any other operator either residing in the same household or who customarily operates an automobile insured under the policy has had a second at-fault motor

vehicle accident within a period of twelve months, whether or not the insurer renewed the policy without knowledge of all of the accidents: *Provided*, That an insurer that makes an election pursuant to section four-b of this article to issue all nonrenewal notices pursuant to this section, may nonrenew an automobile liability or physical damage insurance policy under this subsection if the named insured or any other operator either residing in the same household or who customarily operates an automobile insured under such policy has had two at-fault motor vehicle accidents within a period of thirty-six months, each of which occurs after July 1, 2004, and after the date that the insurer makes an election pursuant to section four-b of this article, and results in a claim paid by the insurer for each accident, whether or not the insurer renewed the policy without knowledge of all of the accidents. Notice of any nonrenewal made pursuant to this subsection shall be mailed to the named insured either during the current policy period or during the first full policy period following the date of the second accident; or

(8) The insurer ceases writing automobile liability or physical damage insurance policies throughout the state after submission to and approval by the commissioner of a withdrawal plan or discontinues operations within the state pursuant to a withdrawal plan approved by the commissioner.

(c) An insurer that makes an election pursuant to section four-b of this article to issue all nonrenewal notices pursuant to this section shall not fail to renew an automobile liability or physical damage insurance policy when an operator other than the named insured has violated the provisions of subdivision (6) or (7), subsection (b) of this section, if the named insured, by restrictive endorsement, specifically excludes the operator who violated the provision. An insurer issuing a nonrenewal notice informing the named insured that the policy will be nonrenewed for the reason that an operator has violated the provisions of subdivision (6) or (7), subsection (b) of this section, shall at that time inform the named insured of his or her option to specifically exclude the operator by restrictive endorsement and shall further inform the named insured that upon obtaining the restrictive endorsement, the insurer will renew the policy or rescind the nonrenewal absent the existence of any other basis for nonrenewal set forth in this section.

(d) A notice provided under this section shall state the specific reason or reasons for nonrenewal and shall advise the named insured that nonrenewal of the policy for any reason is subject to a hearing and review as provided for in section five of this article. Cost of the hearing shall be assessed against the losing party but shall not exceed \$75. The notice must also advise the insured of possible eligibility for insurance through the West Virginia assigned risk plan.

(e) Notwithstanding the provisions of subsection (a) of this section, the insurer shall reinstate any automobile liability or physical damage insurance policy that has not been renewed due to the insured's failure to pay the renewal premium when due if:

(1) None of the other grounds for nonrenewal as set forth in this section exist; and

(2) The insured makes an application for reinstatement within forty-five days of the original expiration date of the policy. If a policy is reinstated as provided for in this paragraph, then the coverage afforded shall not be retroactive to the original expiration date of the policy: *Provided*, That such policy shall be effective on the reinstatement date at the current premium levels offered by the company and shall not be afforded the protections of this section relating to renewal of an outstanding automobile liability or physical damage insurance policy that has been in existence for at least two consecutive years.

## CHAPTER 49. CHILD WELFARE.

### ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS.

#### §49-1-207. Definitions related to court actions.

When used in this chapter, terms defined in this section have the meanings ascribed to them that relate to, but are not limited to, court actions, except in those instances where a different meaning is provided or the context in which the word is used clearly indicates that a different meaning is intended.

"Court" means the circuit court of the county with jurisdiction of the case or the judge in vacation unless otherwise specifically provided.

"Court appointed special advocate (CASA) program" means a community organization that screens, trains, and supervises CASA volunteers to advocate for the best interests of children who are involved in abuse and neglect proceedings pursuant to §49-3-102 of this code.

"Extrajudicial Statement" means any utterance, written or oral, which was made outside of court.

"Juvenile referee" means a magistrate appointed by the circuit court to perform the functions expressly prescribed for a referee under the provisions of this chapter.

"Multidisciplinary team" means a group of professionals and paraprofessionals representing a variety of disciplines who interact and coordinate their efforts to identify, diagnose and treat specific cases of child abuse and neglect. Multidisciplinary teams may include, but are not limited to, medical, educational, childcare and law-enforcement personnel, social workers, psychologists, and psychiatrists. Their goal is to pool their respective skills in order to formulate accurate diagnoses and to provide comprehensive coordinated treatment with continuity and follow-up for both parents and children.

"Community team" means a multidisciplinary group which addresses the general problem of child abuse and neglect in a given community and may consist of several multidisciplinary teams with different functions.

"Res gestae" means a spontaneous declaration made by a person immediately after an event and before the person has had an opportunity to conjure a falsehood.

"Valid court order" means an order issued by a court of competent jurisdiction relating to a child brought before the court and who is the subject of that order. Prior to the entry of the order the child shall ~~have received~~ receive the full due process rights guaranteed to that child or juvenile by the Constitutions of the United States and the State of West Virginia.

"Violation of a traffic law of West Virginia" means a violation of chapter ~~seventeen-a, seventeen-b, seventeen-c or seventeen-d~~ 17A, 17B, 17C, or 17D of this code, except a violation of ~~section one or two, article four, chapter seventeen-c~~ §17C-4-1 or §17C-4-2 of this code relating to hit and run, or ~~section one, two or three, article five of that chapter~~ §17C-5-1, §17C-5-2, or §17C-5-3 of this code, relating, respectively, to ~~negligent homicide~~ vehicular homicide, aggravated vehicular homicide, vehicular homicide in a school zone, vehicular homicide in a construction zone, driving under the influence of alcohol, controlled substances or drugs and reckless driving.

## CHAPTER 61. CRIMES AND THEIR PUNISHMENT.

### ARTICLE 2. CRIMES AGAINST THE PERSON.

#### **§61-2-30. Recognizing an embryo or fetus as a distinct unborn victim of certain crimes of violence against the person.**

(a) This section may be known and cited as the Unborn Victims of Violence Act.

(b) For the purposes of this article, the following definitions shall apply: *Provided*, That these definitions only apply for purposes of prosecution of unlawful acts under this section and may not otherwise be used: (i) To create or to imply that a civil cause of action exists; or (ii) for purposes of argument in a civil cause of action, unless there has been a criminal conviction under this section.

(1) "Embryo" means the developing human in its early stages. The embryonic period commences at fertilization and continues to the end of the embryonic period and the beginning of the fetal period, which occurs eight weeks after fertilization or ~~ten~~ 10 weeks after the onset of the last menstrual period.

(2) "Fetus" means a developing human that has ended the embryonic period and thereafter continues to develop and mature until termination of the pregnancy or birth.

(c) For purposes of enforcing the provisions of §20-7-18a, §61-2-1, §61-2-4, §61-2-7, §61-2-9(a), §61-2-9(c), §61-2-10, §61-2-10b, §61-2-28(a), and §17C-5-1, §17C-5-2(b), or §17C-5-2(c) of this code, a pregnant woman and the embryo or fetus she is carrying in the womb constitute separate and distinct victims.

(d) Exceptions. — The provisions of this section do not apply to:

(1) Acts committed during a legal abortion to which the pregnant woman, or a person authorized by law to act on her behalf, consented or for which the consent is implied by law;

(2) Acts or omissions by medical or health care personnel during or as a result of medical or health-related treatment or services, including, but not limited to, medical care, abortion, diagnostic testing or fertility treatment;

(3) Acts or omissions by medical or health care personnel or scientific research personnel in performing lawful procedures involving embryos that are not in a stage of gestation in utero;

(4) Acts involving the use of force in lawful defense of self or another, but not an embryo or fetus; and

(5) Acts or omissions of a pregnant woman with respect to the embryo or fetus she is carrying.

(e) For purposes of the enforcement of the provisions of this section, a violation of the provisions of ~~article two-i, chapter sixteen~~ Chapter 16, Article 2I of this code shall not serve as a waiver of the protection afforded by the provisions of subdivision (1), subsection (d) of this section.

(f) Other convictions not barred. — A prosecution for or conviction under this section is not a bar to conviction of or punishment for any other crime committed by the defendant arising from the same incident.

The bill (Eng. Com. Sub. for Com. Sub. for H. B. 2871), as amended, was then ordered to third reading.

**Eng. Com. Sub. for House Bill 2897**, Permitting the Legislative Auditor to conduct periodic performance and financial audits of the West Virginia Department of Education.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

**Eng. Com. Sub. for House Bill 2964**, Amending residency requirements for regional airport boards.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

**Eng. Com. Sub. for House Bill 3024**, Guaranteed course transfer bill.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Education, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

#### **ARTICLE 14. MISCELLANEOUS.**

##### **§18B-14-5. Guaranteed transfer of credit for courses completed in career pathways between high schools, career and technical education centers, community and technical colleges and baccalaureate institutions.**

(a) The Legislature finds that:

(1) The state has an increasing need for individuals with a postsecondary credential or degree;

(2) Over 40 percent of bachelor's degree completers nationally attended more than one postsecondary institution, making student transfer a critical priority; and

(3) Implementing a seamless education system with uniform guaranteed transfer of credits among post-secondary institutions in the state would greatly benefit students by reducing costs and increasing degree completion rates.

(b) The commission and council jointly shall:

(1) Oversee the development, implementation, and maintenance of guaranteed statewide transfer pathways as provided herein;

(2) Develop statewide guaranteed transfer frameworks and agreements to govern the granting and transfer of credit awarded through completion of courses and through competency-based and prior learning assessments; and

(3) Establish an appeals process to resolve disagreements between transferring students and receiving institutions of higher education regarding the transfer and acceptance of credits earned at or awarded by another institution.

(c) To effectuate the purposes of this section, the chancellors or their respective designees shall establish a statewide guaranteed transfer and articulation advisory committee, referred to in this section as the "advisory committee," and any necessary subcommittees. The advisory committee shall report to the chancellors or their respective designees, who may present its recommendations and decisions to the commission and the council for approval.

(1) The advisory committee shall consist of at least one representative from each of the state institutions of higher education as recommended by the institutional presidents and deemed appropriate and necessary by the chancellors or their respective designees. The chancellors or their respective designees shall appoint a chair or co-chairs from among the membership.

(2) Subcommittees may be formed on an ad hoc basis as deemed necessary by the chancellors or their respective designees to address specific topics or tasks related to guaranteed transfer and articulation.

(d) The commission and the council shall oversee the development of a statewide articulation and guaranteed transfer agreement, which shall, at a minimum:

(1) Guarantee the transfer of general education courses and common degree program prerequisites between and among public institutions;

(2) Guarantee the transfer of all courses contained in a transfer pathway as established in this section as credit in courses that satisfy general education or other specific program requirements;

(3) Guarantee that every graduate of a community and technical college awarded an associate degree that has been approved by the commission or the council for transfer to a public baccalaureate institution shall be deemed to have met all general education requirements and shall be granted admission to the upper division of any program offered by such public baccalaureate institution, unless a specific program has limited capacity or has audition or other specialized admissions requirements that are approved by the commission or council;

(4) Provide that graduates awarded an associate degree approved by the commission or council for guaranteed transfer and who transfer to a public baccalaureate institution shall not be required to take any additional general education courses to fulfill baccalaureate degree requirements;

(5) Provide that graduates awarded an associate degree approved by the commission or council for guaranteed transfer shall be automatically admitted to any public baccalaureate institution and given priority for enrollment over out-of-state students;

(6) Guarantee the statewide articulation of appropriate career and technical education programs, workforce development programs, and transfer of earned college-level course credits between secondary schools and community and technical colleges;

(7) Provide for acceptance by institutions of higher education of credits earned in accelerated programs such as dual enrollment and the Advanced Placement, International Baccalaureate, and College-Level Examination programs; and

(8) Provide for consistent acceptance by the public institutions of higher education of credits earned through competency-based education and prior learning assessments.

(e) The commission and the council, in collaboration with the advisory committee, shall develop, coordinate, and maintain guaranteed degree transfer pathways for selected baccalaureate programs, including those that are in demand across the state or prepare graduates for careers in industries such as nursing and hospitality/tourism, which programs shall be defined and identified by the commission and the council in consultation with the advisory committee. At a minimum, the guaranteed transfer pathways shall:

(1) Consist of 60 hours of instruction resulting in an associate degree that can be transferred and applied in full toward the requirements for a baccalaureate degree at a public baccalaureate institution;

(2) Include dual enrollment courses completed in high school or at a career and technical education center that are part of an approved guaranteed transfer pathway. The chancellors or their designees shall ensure these courses are recognized for college credit upon successful completion and shall apply to the student's approved program of study if the courses align with the student's chosen college major;

(3) Fulfill all general education requirements and any other lower-division requirements for graduation within the program offered at any public baccalaureate institution; and

(4) Include relevant industry credentials or other microcredentials that prepare students for specific jobs within selected in-demand and growing industries and that move individuals along a career pathway or up a career ladder, and which can be combined to meet the requirements of one or more related bachelor's degree programs.

(f) A student who completes all of the requirements of a specific guaranteed transfer pathway, including approved dual enrollment courses completed during high school or at a career and technical education center, and who transfers to an associated program at a public baccalaureate institution shall not be required to complete more than the total credits required for the baccalaureate degree, less the 60 hours of credit earned in the guaranteed transfer pathway.

(g) The guaranteed transfer pathways approved by the commission and council shall be mandatory for all public institutions to accept and shall be recognized universally as guaranteed statewide transfer pathways. All courses included in the approved transfer pathways shall be accepted as meeting general education or program-specific requirements at the receiving institution. The commission and council may, upon the recommendation of the chancellors, approve exceptions to this requirement in cases where such arrangements would present a hardship to the institution, cause the institution to be in violation of standards established by regional or program-specific accrediting bodies, or for other good cause shown.

(h) The commission and council shall propose rules for legislative approval in accordance with the provisions of §18B-1-6 and §29A-3A-1 *et seq.* of this code to implement the provisions of this section.

The bill (Eng. Com. Sub. for H. B. 3024), as amended, was then ordered to third reading.

**Eng. House Bill 3080**, Military Spouse hiring preference.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Military, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

#### **ARTICLE 17. HUMAN RIGHTS COMMISSION.**

##### **§16B-17-9. Unlawful discriminatory practices.**

It shall be an unlawful discriminatory practice, unless based upon a bona fide occupational qualification, or except where based upon applicable security regulations established by the United States or the State of West Virginia or its agencies or political subdivisions:

(1) For any employer to discriminate against an individual with respect to compensation, hire, tenure, terms, conditions, or privileges of employment if the individual is able and competent to perform the services required even if such individual is blind or disabled: *Provided*, That it shall not be an unlawful discriminatory practice for an employer to observe the provisions of any bona fide pension, retirement, group or employee insurance or welfare benefit plan or system not adopted as a subterfuge to evade the provisions of this subdivision: *Provided, however further*, That an employer may grant preference in hiring to a military spouse or to a veteran or a disabled veteran in accordance with the provisions of §16B-17-9a of this code without violating the provisions of this article. For purposes of this subdivision, "military spouse" means the husband or wife of a member of the Armed Forces who, as determined by the United States Secretary of Defense, is performing active duty pursuant to orders that authorize a permanent change of station move, if such husband or wife relocates to the member's new permanent duty station.

(2) For any employer, employment agency, or labor organization, prior to the employment or admission to membership, to: (A) Elicit any information or make or keep a record of or use any form of application or application blank containing questions or entries concerning the race, religion, color, national origin, ancestry, sex, or age of any applicant for employment or membership; (B) Print or publish or cause to be printed or published any notice or advertisement relating to employment or membership indicating any preference, limitation, specifications, or discrimination based upon race, religion, color, national origin, ancestry, sex, disability, or age; or (C) Deny or limit, through a quota system, employment or membership because of race, religion, color, national origin, ancestry, sex, age, blindness, or disability;

(3) For any labor organization because of race, religion, color, national origin, ancestry, sex, age, blindness, or disability of any individual to deny full and equal membership rights to any individual or otherwise to discriminate against such individual with respect to hire, tenure, terms, conditions, or privileges of employment or any other matter, directly or indirectly, related to employment;

(4) For an employer, labor organization, employment agency, or any joint labor-management committee controlling apprentice training programs to:

(A) Select individuals for an apprentice training program registered with the State of West Virginia on any basis other than their qualifications as determined by objective criteria which permit review;

(B) Discriminate against any individual with respect to his or her right to be admitted to or participate in a guidance program, an apprenticeship training program, on-the-job training program, or other occupational training or retraining program;

(C) Discriminate against any individual in his or her pursuit of such programs or to discriminate against such a person in the terms, conditions, or privileges of such programs;

(D) Print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for these programs or to make any inquiry in connection with a program which expresses, directly or indirectly, discrimination or any intent to discriminate unless based upon a bona fide occupational qualification;

(5) For any employment agency to fail or refuse to classify properly, refer for employment or otherwise to discriminate against any individual because of his or her race, religion, color, national origin, ancestry, sex, age, blindness, or disability;

(6) For any person being the owner, lessee, proprietor, manager, superintendent, agent, or employee of any place of public accommodations to:

(A) Refuse, withhold from, or deny to any individual because of his or her race, religion, color, national origin, ancestry, sex, age, blindness, or disability, either directly or indirectly, any of the accommodations, advantages, facilities, privileges, or services of the place of public accommodations;

(B) Publish, circulate, issue, display, post or mail, either directly or indirectly, any written or printed communication, notice or advertisement to the effect that any of the accommodations, advantages, facilities, privileges, or services of any such place shall be refused, withheld from, or denied to any individual on account of race, religion, color, national origin, ancestry, sex, age, blindness, or disability, or that the patronage or custom thereof of any individual, belonging to or purporting to be of any particular race, religion, color, national origin, ancestry, sex, or age, or who is blind or disabled, is unwelcome, objectionable, not acceptable, undesired, or not solicited; or

(7) For any person, employer, employment agency, labor organization, owner, real estate broker, real estate salesman, or financial institution to:

(A) Engage in any form of threats or reprisal, or to engage in, or hire, or conspire with others to commit acts or activities of any nature, the purpose of which is to harass, degrade, embarrass, or cause physical harm or economic loss or to aid, abet, incite, compel, or coerce any person to engage in any of the unlawful discriminatory practices defined in this section;

(B) Willfully obstruct or prevent any person from complying with the provisions of this article, or to resist, prevent, impede, or interfere with the commission or any of its members or representatives in the performance of a duty under this article; or

(C) Engage in any form of reprisal or otherwise discriminate against any person because he or she has opposed any practices or acts forbidden under this article or because he or she has filed a complaint, testified, or assisted in any proceeding under this article.

**§16B-17-9a. Veterans and military spouses preference not a violation of equal employment opportunity under certain circumstances.**

(a) An employer may grant preference in hiring to a veteran or disabled veteran who has been honorably discharged from the United States Armed Services: ~~Provided, That the veteran or disabled veteran meets all of the knowledge, skills, and eligibility requirements of the job, and provided further that, granting the preference does not violate any state equal employment opportunity law, or to a military spouse, provided that the person granted the hiring preference meets all of the knowledge, skills, and eligibility requirements of the job to be filled. Such hiring preference may be granted without violating the provisions of this article or any other state equal employment opportunity law.~~

(b) For purposes of this section;

(1) ~~the term~~ "Veteran" means any person who has received an honorable discharge and:

(A) Has provided more than 180 consecutive days of full-time, active-duty service in the United States Armed Services or Reserve components thereof, including the National Guard; or

(B) Has a service-connected disability rating fixed by the United States Department of Veterans Affairs.

(2) "Military spouse" means the husband or wife of a member of the Armed Forces who, as determined by the United States Secretary of Defense, is performing active duty pursuant to orders that authorize a permanent change of station move, if such husband or wife relocates to the member's new permanent duty station.

The bill (Eng. H. B. 3080), as amended, was then ordered to third reading.

**Eng. House Bill 3156**, Create exemption for Legislature for reporting requirements in Shared Services Section.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Government Organization, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

**ARTICLE 2B. SHARED SERVICES.**

**§5A-2B-2. Cost analysis and reporting.**

(a) ~~On or before July 1, 2018,~~ The Department of Administration shall ~~develop~~ maintain a cost-performance assessment for use by each state spending unit to measure costs of that spending unit providing its own accounting and financial reporting services.

~~(b) Beginning April 1, 2019, and each year thereafter, Annually, on or before April 1, all state spending units shall report annually to the Shared Services Section information related to costs of providing accounting and financial reporting services based upon the metrics identified by the Shared Services Section in the cost-performance assessment. The deputy director shall evaluate the cost information provided by spending units to determine if the same services could be provided by the Shared Services Section at a lower cost and in a more efficient manner.~~

~~(c) On or before July 1, 2019, the deputy director shall report to the Governor and the Joint Committee on Government and Finance the results of the cost performance assessment documenting the amount each state spending unit incurs for accounting services, and make recommendations for providing the services through the Shared Services Section.~~

~~(d) The deputy director shall report Annually, on or before December 31, of each year the deputy director shall report to the Governor and the Joint Committee on Government and Finance the cost savings and efficiencies resulting from providing accounting and financial reporting services by the Shared Services Section.~~

~~(e) (d) The Department of Administration is authorized to may promulgate legislative rules, including emergency rules, to develop the assessment, any forms necessary for reporting costs, and any other information necessary pursuant to §29A-3-1 et seq. of this code.~~

(e) This section does not apply to the Legislature.

The bill (Eng. H. B. 3156), as amended, was then ordered to third reading.

**Eng. House Bill 3157**, Relating to shortened procedure for road condition claims.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

**Eng. House Bill 3277**, Relating to defining terms for the West Virginia Hospital Finance Authority Act.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Health and Human Resources, was reported by the Clerk and adopted:

On page 1, section 3, line 18, by striking out "16" and inserting in lieu thereof "16B".

The bill (Eng. H. B. 3277), as amended, was then ordered to third reading.

**Eng. House Bill 3389**, Exclude the Department of Tourism as a Governmental agency.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Government Organization, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

**ARTICLE 10G. PROVIDING OF FOOD SERVICE IN PUBLIC OFFICE BUILDINGS BY THE WEST VIRGINIA DIVISION OF VOCATIONAL REHABILITATION.**

**§18-10G-2. Definitions.**

For the purposes of this article:

(a) "Active participation" means an ongoing process of negotiations between the Division of Vocational Rehabilitation and the Committee of Blind Vendors to achieve joint planning of policies, procedures, and standards affecting the overall operation of the Food Services Facilities Program prior to their implementation by the Division of Vocational Rehabilitation. It is understood that the Division of Vocational Rehabilitation bears final responsibility for the administration and operation of the ~~"food services facilities"~~ program, including the assurance of active participation by the Committee of Blind Vendors;

(b) "Blind person" means a person whose central acuity does not exceed 20/200 in the better eye with correcting lenses or whose visual acuity, if better than 20/200, but is accompanied by a limit to the field of vision in the better eye to such a degree that its widest diameter subtends an angle of ~~no~~ not greater than twenty degrees. In determining whether an individual is blind, there shall be an examination by a physician skilled in diseases of the eye or an optometrist, whichever the individual ~~shall select~~ selects;

(c) "Blind vendor" means a blind licensee who is operating a food service facility on federal, state, public, or private property;

(d) "Committee of Blind Vendors" means an officially constituted body functioning in an advisory capacity of the Division of Vocational Rehabilitation's Food Services Facilities Program. This committee is composed of licensed blind vendors, elected biennially and established, constituted, and maintained in accordance with applicable federal regulations;

(e) "Food service facility" means and includes a restaurant, cafeteria, snack bar, vending machine for ~~the dispensing of~~ foods, beverages, confections, tobacco, or other products for human consumption, and other facilities for ~~the sale~~ selling or providing of goods and services for the purposes customarily offered in connection with the operation of any of the foregoing. The term "food service facility" does not include, ~~and there is expressly excepted therefrom~~ goods and services sold, dispensed from, or provided by the Veterans Administration and the facilities for ~~the sale~~ selling, dispensing, or providing thereof;

(f) "Governmental agency" means and includes the State of West Virginia, each instrumentality and agency thereof, and every county, city, and town within, and every political subdivision within the state, ~~of West Virginia except county boards of education, the West Virginia board of regents~~ Higher Education Policy Commission, the Council for Community and Technical College Education, the Department of Health, the Department of Commerce, the Department of Tourism, and the Department of Corrections;

(g) "Licensee" means all persons licensed under the Division of Vocational Rehabilitation to operate food service facilities under the Randolph/Sheppert Act, Title XX, United States Code 107 *et seq.*;

(h) "Public office building" means and includes the State Capitol, all county courthouses, all city and town halls, all buildings used primarily for governmental offices of the state, and ~~of any~~

county, city, and town within the state, but does not include buildings used for ~~institutions under the jurisdiction of the West Virginia board of regents~~ any state institution of higher education, the Department of Health, the Department of Commerce, the Department of Tourism, or the Department of Corrections;

(i) "Vending machine income" means receipts other than those of a blind licensee from the operation of vending machines on public property after deducting the cost of goods sold when machines are operated, serviced, or maintained by, or with the approval of the Division of Vocational Rehabilitation, or commissions paid to other than a licensee by a commercial vending concern which operates, services, or maintains vending machines on public property for or with the approval of the Division of Vocational Rehabilitation; and

(j) "Designee" means an individual or an organization of individuals legally constituted and under the jurisdiction of the Division of Vocational Rehabilitation doing business in the State of West Virginia to assist ~~the~~ a state agency with the administration and supervision of the food services facilities program.

The bill (Eng. H. B. 3389), as amended, was then ordered to third reading.

The Senate proceeded to the tenth order of business.

**Com. Sub. for Senate Bill 300, Budget Bill.**

On first reading, coming up in regular order, was read a first time and ordered to second reading.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senator Deeds.

Thereafter, at the request of Senator Woelfel, and by unanimous consent, the remarks by Senator Deeds were ordered printed in the Appendix to the Journal.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Martin, at 12:11 p.m., the Senate recessed until 5 p.m. today.

The Senate reconvened at 5:58 p.m. and, at the request of Senator Martin, unanimous consent being granted, returned to the third order of business.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. House Bill 3519—A Bill expiring funds to the unappropriated surplus balance of the State Fund, General Revenue, for the fiscal year ending June 30, 2025, in the amount of \$155,288,050 from the Governor's Office- Civil Contingent Fund, fund 0105, fiscal year 2024, organization 0100, appropriation 85700, and supplementing and amending of public moneys out of the Treasury from the balance of moneys remaining as unappropriated surplus balance in the State Fund, General Revenue, to a new line item under the Higher Education Policy Commission, Administrative-

Control Account, fund 0589, fiscal year 2025, organization 0441 by increasing the appropriations for the fiscal year ending June 30, 2025.

Referred to the Committee on Finance.

A message from the Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

**House Concurrent Resolution 96**—Urging West Virginia members of Congress to ask the President not to cut funding for the Local Food for Schools and Child Care (LFSCC) program.

Referred to the Committee on Education.

### **Executive Communications**

The Clerk presented the following communication from His Excellency, the Governor, regarding bills approved by him:



Patrick Morrisey  
Governor of West Virginia

April 7, 2025

The Honorable Lee Cassis, Clerk  
West Virginia Senate  
State Capitol  
Charleston, West Virginia 25305

Dear Mr. Clerk:

Enclosed for filing in your office, pursuant to the provisions of law, is the following bill:

Committee Substitute for Senate Bill No. Four Hundred Fifty-Eight (458), which was presented to me on April 3, 2025.

You will note that I have approved this bill on April 7, 2025.

Sincerely,

A handwritten signature in blue ink that reads "Patrick Morrisey".

Patrick Morrisey  
Governor

PM/an

cc: The Honorable Jeff Pack, Clerk

The Senate again proceeded to the fourth order of business.

Senator Barrett, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

**Senate Bill 937**, Supplementing and amending appropriations to Department of Economic Development.

And,

**Eng. Com. Sub. for House Bill 3350**, Supplemental Appropriation - DCR - Corrections - 0608.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

Jason Barrett,  
*Chair.*

At the request of Senator Martin, unanimous consent being granted, the bills (S. B. 937 and Eng. Com. Sub. for H. B. 3350) contained in the preceding report from the Committee on Finance were each taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Rucker, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

**Eng. Com. Sub. for Com. Sub. for House Bill 2002**, Establishing One Stop Shop Permitting Process.

**Eng. House Bill 2484**, Clarifying the probationary period for paid municipal firefighters.

**Eng. Com. Sub. for House Bill 3017**, Compliance Audits of Tabulating Equipment.

**Eng. Com. Sub. for House Bill 3342**, Firearms Industry Nondiscrimination Act.

And,

**Eng. House Bill 3456**, Relating to the powers and duties of the Commissioner of the Division of Corrections and Rehabilitation regarding Stevens Correctional Center.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

Patricia Puertas Rucker,  
*Chair.*

At the request of Senator Martin, unanimous consent being granted, the bills (Eng. Com. Sub. for Com. Sub. for H. B. 2002, Eng. H. B. 2484, Eng. Com. Sub. for H. B. 3017, Eng. Com. Sub. for H. B. 3342, and Eng. H. B. 3456) contained in the preceding report from the Committee on Government Organization were each taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Grady, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

**Eng. Com. Sub. for Com. Sub. for House Bill 2003**, Prohibiting Cell phones in class.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Amy N. Grady,  
*Chair.*

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. Com. Sub. for Com. Sub. for H. B. 2003) contained in the preceding report from the Committee on Education was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Barrett, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

**Eng. Com. Sub. for House Bill 2152**, Prompt Payment Act of 2025.

And,

**Eng. House Bill 2444**, Relating to limiting financial records of limited video lottery permittees that are subject to examination by Lottery Commission.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

Jason Barrett,  
*Chair.*

At the request of Senator Martin, unanimous consent being granted, the bills (Eng. Com. Sub. for H. B. 2152 and Eng. H. B. 2444) contained in the preceding report from the Committee on Finance were each taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Barrett, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

**Eng. House Bill 2165**, Allowing disabled purple heart recipients park free at municipal metered parking spaces.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Jason Barrett,  
*Chair.*

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. H. B. 2165) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Chapman, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

**Eng. Com. Sub. for Com. Sub. for House Bill 2349**, To offer long-acting reversible contraception to patients receiving methadone and suboxone at the treatment facility for the methadone and suboxone.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Laura Wakim Chapman,  
*Chair.*

The bill, under the original double committee reference, was then referred to the Committee on Finance.

Senator Chapman, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

**Eng. Com. Sub. for House Bill 2351**, Relating to compensation for panel attorneys.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Laura Wakim Chapman,  
*Chair.*

The bill, under the original double committee reference, was then referred to the Committee on Finance, with amendments from the Committee on Health and Human Resources pending.

Senator Maynard, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

**Eng. Com. Sub. for House Bill 2571**, Create mechanism for towing companies in WV to quickly access owner information.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Mark R. Maynard,  
*Chair.*

The bill, under the original double committee reference, was then referred to the Committee on Finance, with an amendment from the Committee on Transportation and Infrastructure pending.

Senator Chapman, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

**Eng. House Bill 2575**, Relating to the establishment of a full-time Dementia Services Director position.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Laura Wakim Chapman,  
*Chair.*

The bill, under the original double committee reference, was then referred to the Committee on Finance, with amendments from the Committee on Health and Human Resources pending.

Senator Maynard, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

**Eng. House Bill 2645**, Requiring certain non-discretionary procedures be strictly complied with by the West Virginia Parkways Authority before tolls, rents, fees or charges may be increased.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Mark R. Maynard,  
*Chair.*

The bill, under the original double committee reference, was then referred to the Committee on Finance, with amendments from the Committee on Transportation and Infrastructure pending.

Senator Chapman, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

**Eng. House Bill 2776**, Requiring Department of Health to report positive Alpha Gal tests to CDC.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Laura Wakim Chapman,  
*Chair.*

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. H. B. 2776) contained in the preceding report from the Committee on Health and Human Resources was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Chapman, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

**Eng. Com. Sub. for House Bill 2797**, Relating to who may diagnose post-traumatic stress disorder as a compensable injury or disease under workers compensation.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Laura Wakim Chapman,  
*Chair.*

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 2797) contained in the preceding report from the Committee on Health and Human Resources was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Rucker, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

**Eng. Com. Sub. for House Bill 2866**, Relating to fees and charges for municipality provided fire services.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Patricia Puertas Rucker,  
*Chair.*

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 2866) contained in the preceding report from the Committee on Government Organization was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Azinger, from the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration

**Eng. Com. Sub. for Com. Sub. for House Bill 2889**, To permit a fairness hearing exemption to the registration requirements of the Uniform Securities Act.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Michael T. Azinger,  
*Chair.*

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. Com. Sub. for Com. Sub. for H. B. 2889) contained in the preceding report from the Committee on Banking and Insurance was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Barrett, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

**Eng. Com. Sub. for House Bill 2960**, Allowing the Division of Highways to contract out snow removal to private companies on secondary roads in Monongalia and Preston counties.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Jason Barrett,  
*Chair.*

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 2960) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Chapman, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

**Eng. Com. Sub. for House Bill 3084**, Creating the Oral Health and Cancer Rights Act.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Laura Wakim Chapman,  
*Chair.*

The bill, under the original double committee reference, was then referred to the Committee on Finance.

Senator Grady, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

**Eng. Com. Sub. for House Bill 3125**, To remove restrictions from teachers receiving permanent teaching licenses.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Amy N. Grady,  
*Chair.*

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 3125) contained in the preceding report from the Committee on Education was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Rose, from the Committee on Energy, Industry, and Mining, submitted the following report, which was received:

Your Committee on Energy, Industry, and Mining has had under consideration

**Eng. Com. Sub. for House Bill 3179**, Funding for failing public utilities.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Christopher A. Rose,  
*Chair.*

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 3179) contained in the preceding report from the Committee on Energy, Industry, and Mining was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Grady, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

**Eng. Com. Sub. for House Bill 3209**, To provide at least one counselor for every 250 students in public schools and public charter schools in this state.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Amy N. Grady,  
*Chair.*

The bill, under the original double committee reference, was then referred to the Committee on Finance.

Senator Rucker, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

**Eng. Com. Sub. for House Bill 3279**, Relating to requirements for WVU and WVSU Board of Governors.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Patricia Puertas Rucker,  
*Chair.*

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 3279) contained in the preceding report from the Committee on Government Organization was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Rose, from the Committee on Energy, Industry, and Mining, submitted the following report, which was received:

Your Committee on Energy, Industry, and Mining has had under consideration

**Eng. Com. Sub. for House Bill 3429**, Prequalifying consultants for WVDEP- Abandon Mine Lands.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Christopher A. Rose,  
*Chair.*

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 3429) contained in the preceding report from the Committee on Energy, Industry, and Mining was taken up for immediate consideration, read a first time, and ordered to second reading.

The Senate proceeded to the thirteenth order of business.

The following communication was reported by the Clerk:



**HOUSE OF DELEGATES  
WEST VIRGINIA LEGISLATURE**

BUILDING 1, ROOM M-212  
1900 KANAWHA BLVD., EAST  
CHARLESTON, WV 25305-0470  
PHONE (304) 340-3200

April 7, 2025

The Honorable Patrick Morrisey  
Governor, State of West Virginia  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305

Dear Governor Morrisey,

The following bills, authenticated by the signature of the Clerk of each House, and signed by the Speaker of the House of Delegates and the President of the Senate, have been examined and found truly enrolled:

**Com. Sub. for H. B. 2129**, Creating the Parents Bill of Rights.;

**H. B. 2441**, To make those who fail drug test ineligible for unemployment;

**Com. Sub. for H. B. 2513**, Enhancing training requirements for county boards of education members;

**And,**

**Com. Sub. for H. B. 2548**, Clarifying duties of state superintendent regarding rule implementation.

These bills are presented to you on this day, April 7, 2025.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Jeffrey Pack".

Jeffrey Pack  
Clerk of the House of Delegates

cc: The Honorable Lee Cassis  
Clerk of the Senate

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Martin, at 6:15 p.m., the Senate adjourned until tomorrow, Tuesday, April 8, 2025, at 11 a.m.

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## **SENATE CALENDAR**

**Tuesday, April 08, 2025  
11:00 AM**

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### **SPECIAL ORDER OF BUSINESS**

**Saturday, April 12, 2025 – 11:30 AM**

Consideration of executive nominations

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### **UNFINISHED BUSINESS**

S. R. 46 - Designating April 8, 2025, as Child Care Day

### **THIRD READING**

Eng. Com. Sub. for H. B. 2008 - Executive Branch Reorganization - (Com. amend. pending) -  
(With right to amend)

Eng. H. B. 2009 - Relating to the merging and reorganizing of the executive branch - (Com.  
amend. pending) - (With right to amend)

Eng. Com. Sub. for H. B. 2013 - Transfer of employees to classified exempt service - (With right  
to amend)

Eng. Com. Sub. for H. B. 2067 - West Virginia Firearms Liability Clarification Act

Eng. Com. Sub. for H. B. 2434 - Relating to establishing the Stop Squatters Act

Eng. Com. Sub. for H. B. 2499 - Training course for principals in public schools; informing teachers  
of their rights and protections; IEP format

Eng. Com. Sub. for H. B. 2711 - Relating to the repeal of the common law rule against perpetuities  
by extending it to 1,000 years for all trusts

Eng. Com. Sub. for H. B. 2752 - Relating to motorcycle safety

Eng. Com. Sub. for H. B. 2761 - Relating generally to magistrate courts (original similar to SB742)

Eng. H. B. 2773 - Higher Ed Rules

Eng. H. B. 2867 - Relating to Small Estates

Eng. Com. Sub. for Com. Sub. for H. B. 2871 - Relating to the crime of negligent homicide

Eng. Com. Sub. for H. B. 2897 - Permitting the Legislative Auditor to conduct periodic performance  
and financial audits of the West Virginia Department of Education

Eng. Com. Sub. for H. B. 2964 - Amending residency requirements for regional airport boards

Eng. Com. Sub. for H. B. 3024 - Guaranteed course transfer bill

Eng. H. B. 3080 - Military Spouse hiring preference - (Com. title amend. pending)

Eng. H. B. 3156 - Create exemption for Legislature for reporting requirements in Shared Services Section

Eng. H. B. 3157 - Relating to shortened procedure for road condition claims

Eng. H. B. 3277 - Relating to defining terms for the West Virginia Hospital Finance Authority Act

Eng. H. B. 3389 - Exclude the Department of Tourism as a Governmental agency

## **SECOND READING**

Com. Sub. for S. B. 300 - Budget Bill

S. B. 937 - Supplementing and amending appropriations to Department of Economic Development (original similar to HB3509)

Eng. Com. Sub. for Com. Sub. for H. B. 2002 - Establishing One Stop Shop Permitting Process

Eng. Com. Sub. for Com. Sub. for H. B. 2003 - Prohibiting Cell phones in class - (Com. amend. pending)

Eng. Com. Sub. for H. B. 2011 - To supplement, amend, and increase an existing item of appropriation in the aforesaid accounts for the designated spending unit for expenditure during the fiscal year 2025. - (Com. amend. pending) (original similar to SB616)

Eng. Com. Sub. for H. B. 2026 - Budget Bill

Eng. Com. Sub. for H. B. 2152 - Prompt Payment Act of 2025

Eng. Com. Sub. for Com. Sub. for H. B. 2164 - To allow for public and private schools in West Virginia to employ security personnel. - (Com. amend. and title amend. pending)

Eng. H. B. 2165 - Allowing disabled purple heart recipients park free at municipal metered parking spaces - (Com. amend. and title amend. pending)

Eng. Com. Sub. for Com. Sub. for H. B. 2167 - Relating to public charter schools code provisions - (Com. amend. pending)

Eng. H. B. 2444 - Relating to limiting financial records of limited video lottery permittees that are subject to examination by Lottery Commission

Eng. H. B. 2484 - Clarifying the probationary period for paid municipal firefighters.

Eng. H. B. 2776 - Requiring Department of Health to report positive Alpha Gal tests to CDC - (Com. amend. pending)

Eng. Com. Sub. for H. B. 2797 - Relating to who may diagnose post-traumatic stress disorder as a compensable injury or disease under workers compensation - (Com. amend. pending) (original similar to HB3341)

Eng. Com. Sub. for H. B. 2866 - Relating to fees and charges for municipality provided fire services - (Com. amend. pending)

Eng. Com. Sub. for Com. Sub. for H. B. 2889 - To permit a fairness hearing exemption to the registration requirements of the Uniform Securities Act. - (Com. amend. and title amend. pending)

Eng. H. B. 2942 - Administration of the West Virginia Department of Environmental Protection Design-Build Pilot Program - (Com. amend. and title amend. pending)

Eng. H. B. 2943 - Administration of the West Virginia Hazardous Waste Management Act

Eng. Com. Sub. for H. B. 2960 - Allowing the Division of Highways to contract out snow removal to private companies on secondary roads in Monongalia and Preston counties. - (Com. amend. pending) (original similar to SB898)

Eng. Com. Sub. for H. B. 3012 - Relating to Lottery Money Distribution

Eng. Com. Sub. for H. B. 3017 - Compliance Audits of Tabulating Equipment

Eng. Com. Sub. for H. B. 3125 - To remove restrictions from teachers receiving permanent teaching licenses

Eng. Com. Sub. for H. B. 3152 - Claims Bill - (Com. amends. pending)

Eng. Com. Sub. for H. B. 3166 - Requirements for School Safety Mapping Data - (Com. amend. and title amend. pending)

Eng. Com. Sub. for H. B. 3179 - Funding for failing public utilities

Eng. Com. Sub. for H. B. 3279 - Relating to requirements for WVU and WVSU Board of Governors - (Com. amends. pending)

Eng. Com. Sub. for H. B. 3342 - Firearms Industry Nondiscrimination Act (original similar to SB776)

Eng. Com. Sub. for H. B. 3350 - Supplemental Appropriation - DCR - Corrections - 0608 (original similar to SB768)

Eng. H. B. 3361 - Supplemental Appropriation - Health, Birth to Three (original similar to SB791)

Eng. Com. Sub. for H. B. 3429 - Prequalifying consultants for WVDEP- Abandon Mine Lands - (Com. amend. and title amend. pending)

Eng. H. B. 3456 - Relating to the powers and duties of the Commissioner of the Division of Corrections and Rehabilitation regarding Stevens Correctional Center (original similar to SB880)

## **ANNOUNCED SENATE COMMITTEE MEETINGS**

### **Regular Session 2025**

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**Tuesday, April 8, 2025**

9:30 a.m.	Education	(Room 451M)
9:30 a.m.	Government Organization	(Room 208W)