

WEST VIRGINIA ADMINISTRATIVE REGULATIONS
Department of Motor Vehicles

Chapter 17A-2
Series II
(1964)

Subject: Rules and Regulations

Section 2. General

2.01. Office Hours

The offices of the Department of Motor Vehicles are located in State Office Building No. 1, 1800 Washington Street, E., Charleston 5, West Virginia, and are open for the transaction of business every day except Sundays and legal holidays. The following office hours are observed:

Monday through Friday - - 8:30 A.M. to 4:30 P.M.;

Saturday - - - - - 8:30 A.M. to 12:00 Noon.

During the annual license renewal period, the hours of certain offices of the Department may be extended

2.02. Bonds of Assistants and Employees

In accordance with the provisions of Chapter 17A, Article 2, Section 7 of the Code of West Virginia, 1931, as amended, every assistant and employee who collects fees or handles funds, or who has custody of equipment and supplies belonging to the State of West Virginia, shall take the constitutional oath and given an official bond, with corporate surety, properly conditioned and in a sum fixed by the Commissioner. All such bonds must be approved by the Commissioner and shall be filed in the Office of the Secretary of State. The cost of such bonds shall be borne by the Department.

2:03. Orders and Directives

All actions of the Department taken in writing, certified copies of which are required to be filed in the Office of the Secretary of State in accordance with the provisions of Chapter 5, Article 2, Section 3 of the Code of West Virginia, 1931, as amended, shall be by General Order. Certified copies of any General Order shall be filed in the Office of the Secretary of State immediately upon execution and entry of such General Order. All other actions of the Department taken in writing may be by Memorandum Order, directive, letter or other writing. A Memorandum Order shall be used, among other things, for the designation of persons to perform certain duties when an express designation is required by statute or otherwise. All General Orders shall be dated, serially numbered, and signed by the Commissioner, and all such General Orders shall be maintained by the Deputy Commissioner in a General Order book. All Memorandum Orders shall be dated, serially numbered by divisions issuing same, and such Memorandum Orders shall be maintained by the Deputy Commissioner in a Memorandum Order book. All directives and other actions of the Department taken in writing shall be dated and signed by the Commissioner, Deputy Commissioner, Deputy Commissioner In Charge of Driver's Licenses or any division head, and the same shall be kept in files dealing with the subject matter thereof. All copies of General Orders and Memorandum Orders required to be certified shall be certified under the seal of the Department by the Deputy Commissioner.

2:04. Prescribed Forms

In accordance with the provisions of Chapter 17A, Article 2, Section 12 of the Code of West Virginia, 1931, as amended, the Commissioner has prescribed, and shall from time to time in the future prescribe, forms requisite or necessary to carry out the provisions of all laws, the enforcement and administration of which are vested in the Department. In every case where forms have been prescribed by the Commissioner, only such forms shall be used. All forms currently in use by the Department are hereby officially approved and prescribed, and all forms designed and/or revised on and after the execution and entry of this General Order No. 100 shall be officially prescribed upon the signing by the Commissioner or Deputy Commissioner of a directive ordering the printing or other reproduction thereof. Each Director or other division head shall compile and maintain in a loose-leaf binder one specimen each of the prescribed forms which are pertinent to the activities of his Division. This loose-leaf binder of each Director or other division head shall be kept up to date at all times. The Deputy Commissioner shall keep and maintain a record of each directive ordering the printing or other reproduction of any new or revised form.

2:05. Oaths, Acknowledgments, Certified Copies and Registration
Information

The designation of assistants and employees to administer oaths, acknowledge signatures, prepare and deliver certified copies of records of the Department under the seal thereof and to furnish information concerning the registration of vehicles, as set forth in Chapter 17A, Article 2, Section 13 of the Code of West Virginia, 1931, as amended, shall be by Memorandum Order.

2:06. Hearings.

All hearings held in accordance with such statutory provisions of Chapter 17A, Article 7, Section 2; Chapter 17B, Article 2, Section 10; Chapter 17B, Article 3, Section 6; Chapter 17D, Article 2, Section 1, and Chapter 17D, Article 6, Section 2 of the Code of West Virginia, 1931, as amended, and all other laws the administration and enforcement of which are now or are hereafter vested in the Department, shall be held at the time and place in the State of West Virginia determined by the Department with due regard for the convenience of the parties and all witnesses; provided, however, that if the parties and the Department do not agree otherwise, all hearings held pursuant to Chapter 17B, Article 3, Section 6 of the Code of West Virginia, 1931, as amended, shall be held in the county wherein the licensee resides. At least ten days' notice of the time and place of hearing shall be given by the Department to all interested parties. All notices shall be given by the Department as specified in Section 2:07. For good cause the Department may continue a hearing.

Any request or demand for a hearing, which hearing is authorized by statute or these rules and regulations, must be made in writing within ten days from receipt of the notice of the action complained of; such written request or demand may be made in person at the Department or the same may be mailed to the Department. If mailed, such request or demand shall be considered as having been made as of the date of mailing.

All hearings shall be conducted by the Commissioner, Deputy Commissioner, Deputy Commissioner In Charge of Driver's Licenses or assistants and employees designated as hearing examiners by Memorandum

Order of the Commissioner. In accordance with the provisions of Chapter 17A, Article 2, Section 18 and Chapter 17B, Article 3, Section 6 of the Code of West Virginia, 1931, as amended, the Commissioner, Deputy Commissioner, Deputy Commissioner In Charge of Driver's Licenses and the hearing examiners designated by Memorandum Order are hereby authorized to administer oaths and to subpoena witnesses to give testimony under oath, or to give a deposition upon any matter under the jurisdiction of the Department. A subpoena may require the production of relevant books, papers or records of whatever kind or character. Every such subpoena shall be served at least five (5) days before the return date thereof, either by personal service made by any person over 18 years, or by registered mail, but a return acknowledgment is required to prove service by registered mail. All subpoenas will be issued by the Commissioner, Deputy Commissioner, Deputy Commissioner In Charge of Driver's Licenses, or others authorized to hold hearings, but the party requesting their issuance must see that they are properly served. Service of subpoenas issued at the instance of the Department shall be the responsibility of the Department. Any officer who serves any such subpoena shall be entitled to the same fee as sheriffs who serve witness subpoenas for the circuit courts of this State. All such fees shall be paid by the Department if the witness were subpoenaed, without the request of an interested party, at the instance of the Department. All such fees related to any witness subpoenaed at the instance of an interested party shall be paid by the party who asks that such witness be subpoenaed. All requests by interested parties for subpoenas shall be in writing on forms prescribed in accordance with Section 2:04 hereof, which forms shall contain a statement ac-

knowledging that the requesting party agrees to pay such fees.

At any hearing a party may represent himself, or he may be represented by an attorney at law admitted to practice before the courts of this State. No party may be represented by any person who is not an attorney at law admitted to practice before the courts of this State.

In conducting hearings the Commissioner, Deputy Commissioner, Deputy Commissioner In Charge of Driver's Licenses and the hearing examiners shall not be bound by the usual common law or statutory rules of evidence and procedure.

All hearings shall be recorded mechanically or by stenographic notes and characters, and such recorded proceeding shall become a part of the record in the case under consideration by the Department. Upon request of any interested party and execution of an agreement by such party to pay the fee required for transcription and a copy of such transcript, such recorded proceeding shall be transcribed and a copy of such transcript furnished to such party.

All hearings shall be impartially conducted, and although each case must be judged on its individual merits and the evidence adduced at any hearing, every effort shall be made to insure equal treatment of similar cases.

2:07. Notice

In accordance with the provisions of Chapter 17-A, Article 2, Section 19 of the Code of West Virginia, 1931, as amended, whenever the Department is authorized or required to give any notice under any law the administration and enforcement of which are vested in the Department, unless a different method of giving such notice is otherwise expressly prescribed, such notice shall be given either by personal delivery thereof to the person to be so notified, or by depositing such notice in the United States mail, postage prepaid, in an envelope addressed to such person at the address shown by the records of the Department. The giving of notice by mail is complete upon the expiration of four days after such deposit of such notice. Proof of the giving of notice in either such manner may be made by the certificate of any officer or assistant or employee of the Department, or affidavit of any person over 18 years of age, naming the person to whom such notice was given and specifying the time, place and manner of the giving thereof.