

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #2

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FILED
JUL 16 10 08 AM '96
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: Division of Motor Vehicles TITLE NUMBER: 91CSR13

RULE TYPE: Legislative; CITE AUTHORITY 17A-2-9, 17D-2A-8

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 13

TITLE OF RULE BEING AMENDED: Compulsory Motor Vehicle Insurance

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON August 20, 1996 AT 9:00 a.m.

ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

Division of Motor Vehicles
Office of the Commissioner
RE: Public Comment 91CSR13
Building 3, Room 113
Charleston, WV 25317

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.


Jane L. Cline, Commissioner

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

6.20



**WEST VIRGINIA
DEPARTMENT OF TRANSPORTATION**

1900 Kanawha Boulevard East • Building Five • Room 109
Charleston, West Virginia 25305-0440 • 304/558-0444

Gaston Caperton
Governor

Fred VanKirk, P.E.
Secretary
Commissioner of Highways

July 10, 1996

The Honorable Ken Hechler
Secretary of State
State Capitol Complex, Building 1
Charleston, WV 25305

Dear Mr. Secretary:

The Commissioner of Motor Vehicles is hereby authorized to promulgate proposed amendments to 91 CSR 13, Compulsory Motor Vehicle Liability Insurance.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Fred VanKirk".

Fred VanKirk, P.E.
Secretary, Department of Transportation
Commissioner of Highways

FV:sod

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Compulsory Motor Vehicle Liability Insurance

Type of Rule: Legislative Interpretive Procedural

Agency Division of Motor Vehicles

Address Building 3, Capitol Complex
Charleston, WV 25317

1. Effect of Proposed Rule

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
<u>ESTIMATED TOTAL COST</u>	\$	\$	\$	\$	\$
PERSONAL SERVICES					
CURRENT EXPENSE					
REPAIRS & ALTERNATIONS					
EQUIPMENT					
OTHER					

2. Explanation of above estimates:

This rule in and of itself does not increase or decrease revenue or expenses of the State.

3. Objectives of these rules:

This rule provides the administrative process by which persons are notified of requests for verification of insurance, and administrative due process.

Rule Title: Compulsory Motor Vehicle Liability Insurance

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

None

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of Citizens.

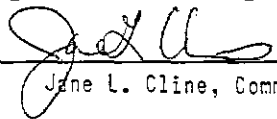
None

C. Economic Impact on Citizens/Public at Large.

None

Date: July 15, 1996

Signature of Agency Head or Authorized Representative



Jane L. Cline, Commissioner



WEST VIRGINIA DEPARTMENT OF TRANSPORTATION
Division of Motor Vehicles

1800 Kanawha Boulevard East • Building Three
Charleston, West Virginia 25317-0010

Gaston Caperton
Governor

Fred VanKirk, P.E.
Secretary
Commissioner of Highways

Jane L. Cline
Commissioner

91 CSR 12
Compulsory Motor Vehicle Liability Insurance
Proposed Legislative Rule

Summary of Content

The purpose of this rule is to implement the provisions of House Bill 4490 which changes the way the Division of Motor Vehicles requests verification of motor vehicle liability insurance. The rule also updates other procedures related to action on evidences of uninsured motor vehicles.

This rule does the following;

1. Establish the process by which owners of motor vehicles who are selected to provide current proof of insurance are notified.
2. Provide guidelines for insurance companies to respond to requests from the Division of Motor Vehicles to verify insurance information submitted by motor vehicle owners. The rule also establishes the format for documents such as the certificate of insurance and cancellation notices which are originated by the companies.
3. Establish the process by which motor vehicle owners notify the Division of cancellation of insurance coverage on currently registered motor vehicles.
4. Incorporate guidelines for action by the Division on insurance status information obtained through company cancellation notices, accident reports and court citations/reports.
5. Establish the administrative due process guidelines for persons who wish to appeal actions or decisions of the Division.

A handwritten signature in cursive script, appearing to read "Jane L. Cline", written over a horizontal line.

Jane L. Cline
Commissioner



WEST VIRGINIA DEPARTMENT OF TRANSPORTATION

Division of Motor Vehicles

1800 Kanawha Boulevard East • Building Three
Charleston, West Virginia 25317-0010

Gaston Caperton
Governor

Fred VanKirk, P.E.
Secretary
Commissioner of Highways

Jane L. Cline
Commissioner

91 CSR 13

Compulsory Motor Vehicle Liability Insurance
Proposed Legislative Rule

Statement of Circumstances Requiring Filing

This rule revises current procedures related to the verification of motor vehicle liability insurance. These changes are made necessary due to the passage of House Bill 4490 during the 1996 Regular Session. Other changes to the rule incorporate important administrative due process procedures.

A handwritten signature in cursive script, appearing to read "Jane L. Cline", written over a horizontal line.

Jane L. Cline
Commissioner

FILED

JUL 16 10 08 AM '96

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

(D1)

(PROPOSED)
LEGISLATIVE RULES
DIVISION OF MOTOR VEHICLE
91 CSR 13

Title: Compulsory Motor Vehicle Liability Insurance

§91-13-1 General

1.1. Scope- This rule establishes guidelines and forms for insurers and insureds with respect to motor vehicle liability insurance required under the provisions of West Virginia Code §§17A-3-3 and 17D-2A et. seq.

1.2. Authority- West Virginia Code §§17A-2-9 and 17D-2A-8

1.3. Filing Date-

1.4. Effective Date-

1.5. Repeal of Former Rule- This legislative rule repeals and replaces WV 91CSR13 "Regulations pertaining to Compulsory Motor Vehicle Liability Insurance" filed April 30, 1985 and effective April 30, 1985.

1.6. Application and Enforcement- This legislative rule applies to all owners and operators of motor vehicles subject to registration and subject to the mandatory security upon motor vehicles provisions of West Virginia Code §17D-2A et. seq. This legislative rule also applies to insurance companies and their agents authorized to issue motor vehicle liability insurance in this state. Enforcement of this rule is vested with the Commissioner of Motor Vehicles and the Insurance Commissioner or a lawful designees.

§91-13-2 Definitions

2.1. Abstract of Conviction- Means the report of conviction or findings required to be submitted to the Division pursuant to the provisions of West Virginia Code §§17B-3-4 and 17D-2A-6.

2.2. Accident Report- Means the accident report completed by the investigating officer in accordance with West Virginia Code §17C-4-7(c).

2.3. Certificate of Insurance - Means a form issued in duplicate by an insurer to an insured which meets the requirements of 17D-2A-4 of the Code and which has been approved by use by the Commissioner.

- 2.4. Code- Means the Code of West Virginia of 1931, as amended.
- 2.5. Division- Means the Division of Motor Vehicles.
- 2.6. Firmed Up - Means when the thirty day notice required by West Virginia Code § 33-6A-1 and any additional notice period provided by the insurer to the insured has expired and the policy will not be continued or reinstated to maintain coverage continuously in force.
- 2.7. Fleet Owner - Means any person in whose name more than twenty-five vehicles are registered in this state.
- 2.8. Hearing - Means the administrative procedures conducted by the Commissioner pursuant to W. Va. Code 17D-2A-7 and this rule arising out of the enforcement of administrative suspensions and revocations provided for in West Virginia Code §§ 17A-3-3 and 17D-2A-1 et sec.
- 2.9. Liability Insurance- Means an insurance policy or contract as provided in West Virginia Code §§17D-2A-3 and 33-1 et. seq. for a motor vehicle.
- 2.10. Notice of Insurance Cancellation - means any notice provided by the owner of a motor vehicle having a valid vehicle registration upon canceling insurance for any reason other than periodic or seasonal use. The notice of insurance cancellation shall include the surrender of the registration plate or, in the event of a lost registration plate, a written document advising the Division of Motor Vehicles of the reason the registration plate could not be surrendered.
- 2.11. Owner - Means the person or persons responsible for the registration of a motor vehicle.
- 2.12. Owner's Notice of Insurance Cancellation - Means the form, designated as WV-4C, shall be used to provide notice to the Division that the required liability insurance upon a registered vehicle has been removed and that the said vehicle will not be operated upon the roads and highways of West Virginia until liability insurance has been obtained.
- 2.13. Owner's Statement of Insurance - Means the form prescribed by the Commissioner pursuant to W. Va. Code 17A-3-3.
- 2.14. Owner's Statement of Seasonal Insurance - Means the form prescribed by the Commissioner pursuant to W. Va. Code §17A-3-3 on which the motor vehicle owner supplies liability insurance information as required on the Owner's Statement of Insurance. In addition, the owner shall certify that the liability insurance is in effect during the portion of the year in which the vehicle is in actual use.
- 2.15. Proof of Insurance- Means a certificate of insurance, an insurance policy or a

certificate of self insurance.

2.16. Self-Insurer - Means a motor vehicle owner meeting the requirements of West Virginia Code §17D-6-2.

2.17. Verification of Insurance- Means the process by which the Division of Motor Vehicles verifies insurance information submitted by motor vehicle registrants or drivers with the insurance company to determine whether or not the policy is or was in effect at a certain time.

§91-13-3 Verification of Insurance

3.1. Verification Sample - In accordance with the provisions of West Virginia Code §17A-3-3(e), the Division shall select owners of active motor vehicle registrations to verify current insurance status. The Division conducts this sample on a monthly basis. The selection of an owner for a random sample request for current insurance status shall not preclude the owner from being selected again in any subsequent month.

3.2. Request for verification- The Division shall, by regular mail request the motor vehicle owner to return to the Division within twenty (20) days of the date of notice, current proof of insurance on the selected vehicle as of the date of the notice.

3.2.a. Failure to Respond- If the motor vehicle owner does not respond to the request for verification of insurance, the Division will send by certified mail notice that current proof of insurance as of the date of the initial notice of request is required, and that failure to provide such proof of current insurance within twenty (20) days will result in suspension in suspension of the motor vehicle registration and suspension of the vehicle owner's driver's license.

3.2.b. Failure to Show Current Proof of Insurance- If the motor vehicle owner does not respond to the request for verification of insurance with current or acceptable proof of insurance, the Division will send by certified mail, to the address of record, that current proof of insurance as of the date of the initial notice of request is required and that failure to provide such proof of insurance within twenty (20) days will result in suspension of the motor vehicle registration and suspension of the vehicle owner's driver's license.

3.3. Verification From Insurance Company- The Division shall forward the proof of insurance information to the listed insurance company for verification. The insurance company shall, pursuant to West Virginia Code §17A-3-3(e)(2) within twenty (20) days, respond in the following manner;

3.3.a. Confirmation- If the insurance company determines that the information

submitted by the motor vehicle owner is correct, the insurance company shall so indicate on the form provided (WV-4V) for confirmation of insurance coverage.

3.3.b. No Confirmation of Insurance Coverage- If the insurance company determines that the information submitted by the motor vehicle owner is incorrect and that the insurance company can not verify that the motor vehicle in question was covered by a policy issued by the company, the company shall in letter format on the company's letterhead that the vehicle in question was not covered by a policy issued by the company on the date in question.

3.4. Certified Notice of Suspension- Upon notice from the insurance company as provided in section 3.2.b, that insurance coverage as indicated by the motor vehicle owner was not in effect, or upon the failure of the motor vehicle owner to either provide acceptable current proof of insurance, or failure to respond, the Division shall notify the motor vehicle owner by certified mail to the address of record that the motor vehicle registration will be suspended in twenty (20) days and that the motor vehicle owner's drivers license will be suspended in twenty (20) days. Such suspension of the motor vehicle registration and motor vehicle owner's driver's license will go into effect unless the motor vehicle owner;

3.4.a Provides current proof of insurance as of the date of the initial request for insurance verification;

3.4.b. Provides a satisfactory explanation that the vehicle was not being operated on the roads and highways of this state, and that the license plate was surrendered to the Division in accordance with Section 4 of this rule, or that the vehicle was operated on a seasonal basis; or

3.4.c. Requests an administrative hearing under the provisions of Section 8 of this rule which will stay any suspension action until such appeal is exhausted.

3.5. In accordance with the provisions of West Virginia Code §17A-3-3(e) the Division shall suspend the vehicle registration until current proof of insurance is received by the Division and suspend the vehicle owner or owners driver's license for a period of ninety (90) days. No driver's license or vehicle registration shall be reinstated until the fees required under the provisions of West Virginia Code §§17A-9-7 and 17B-3-9 are paid. Provided, that whenever the Commissioner makes a determination that the vehicle was actually insured despite notice to the contrary from the insurer, or the license plate was surrendered to the Division upon cancellation of coverage, or the motor vehicle owner complied with the intentional lapse of coverage reporting provisions, the suspension of both the owner's driver's licenses and the vehicle registration shall be withdrawn and any fees collected by the State as a result shall be returned.

4.1 Notice Required- When the owner of a motor vehicle with a valid registration cancels insurance for any reason other than for reasons of seasonal or periodic use, the owner shall surrender to the Division the registration plate and registration card assigned to the vehicle. The owner shall also complete the prescribed form, WV-4C, or provide a written statement concerning the cancellation to accompany the surrendered registration plate and registration card. The Owner's notice of cancellation must include a statement, that the liability insurance on the motor vehicle in question was canceled and that the motor vehicle will not be operated upon the roads or highways of this state .

4.2. Plate Lost or Destroyed- The notice of owner's cancellation of insurance shall not be considered complete unless the actual registration plate is surrendered. However in the event that the registration plate is lost or destroyed, the owner shall indicate the disposition of the registration plate in a written statement accompanying the notice of owner's cancellation of insurance. The Division will only consider the fact that the registration plate was lost, stolen or destroyed as valid reasons for failure to surrender the registration plate at the time of the owner's notice of insurance cancellation.

§91-13-5 Company Cancellation of Insurance

5.1 Notice of Cancellation of Policy- The form designated in appendix B as WV-2B when printed as specified and completed in full, shall meet the requirements of West Virginia Code §17D-2A-4 for issuance by the insurance company to notify the Division of company cancellations issued under the provisions of West Virginia Code §33-6A-1(b), (c), (d), or (e) when the cancellation has been firmed up by the insurance company. In cases that the vehicle owner is different from the policy holder, the cancellation notice shall list both the policy holder and the vehicle owner. The notice shall make specific reference to the reason or reasons for the company cancellation as reason b,c,d, and or e. In accordance with the provisions of West Virginia Code §17D-2A-5(a), an insurance company shall not notify the Division of any company cancellations for any reason related to when a named insured fails to discharge when due any of his obligations in connection with the payment of premium for such policy or any installment thereof.

5.2 The Division shall notify the vehicle owner by regular mail that the Division has received a notice of cancellation from the vehicle owner's insurance company. The notice shall give the vehicle owner twenty (20) days to ;

5.2.a. Provide the Division notarized documents explaining that the vehicle has been disposed of and surrender the registration plate;

5.2.b. Show proof that the registration plate has been transferred to another vehicle along with current proof of insurance on the replacement vehicle, or

5.2.c. Provide a notarized statement that the cancellation of the insurance policy

will not result in the operation of an uninsured motor vehicle with the surrender of the registration plate.

5.3 If the vehicle owner does not respond to the regular mail request, the Division shall notify the vehicle owner by certified mail that if the information referenced in Section 5.2 of this rule is not provided within twenty (20) days, that the vehicle owner or owner's driver's license will be suspended for a period of thirty (30) days and the vehicle registration suspended until current proof of insurance is received.

5.4 Notices of Pending Suspension shall be sent certified, return receipt requested, to the last address provided the Division of Motor Vehicles by the person being noticed.

5.5 Failure to provide the insurance information in the time requested will result in driver's license of the driver of the motor vehicle and/or the motor vehicle's owner being suspended for a period of thirty (30) days. The Division shall also suspend the registration of the motor vehicle until current proof of insurance is received.

5.6 The Division will verify insurance information with the listed company to determine if the policy is in effect.

5.7 If the Division determines that the owner or driver of the vehicle has been previously suspended for an offense described in West Virginia Code §17D-2A-1 et seq, the period of the driver's license suspension is ninety (90) days.

5.8 All reinstatements of driving privileges and vehicle registrations are contingent upon payment of all fees assessed by the Division of Motor Vehicles.

§91-13-6. Traffic Accident Reports

6.1. Upon receipt of a West Virginia Uniform Traffic Accident Report, the Division will review the report to determine if the motor vehicle or motor vehicles involved in the traffic accident were able to show proof of insurance at the time of the accident.

6.2. The Division will take no further action if the report indicates that the motor vehicle or motor vehicles involved in the traffic accident showed proof of insurance at the time of the accident. However, the Division may verify insurance information with the listed insurance company in cases where there is reasonable doubt regarding the validity of the insurance information provided at the time of the accident. Reasonable doubt of validity includes, but is not limited to; an unknown insurance company; a policy number that in not in accord with the policy numbering system of the insurance company listed or registration information not matching the vehicle cited on the accident report or insurance policy information.

6.3 If the accident report fails to provide insurance information for a motor vehicle cited in the report, or the report indicates that the driver of the vehicle was cited for failure to have the required insurance, the Division will send the person cited as the driver of the motor vehicle and to the owner of the motor vehicle, should they not be the same person, a Notice of Pending Suspension. The Notice of Pending Suspension will inform the vehicle owner or driver that they must provide proof of insurance upon the motor vehicle mentioned on the accident report for the day of the accident. The vehicle owner and/or driver of the motor vehicle must provide the requested proof of insurance within twenty (20) days of the issuance of the Notice of Pending Suspension. Proof of insurance will be either a WV-1 Certificate of Insurance or a copy of the insurance policy for a period of time that would include the date of the traffic accident.

6.4 Notices of Pending Suspension shall be sent certified, return receipt requested, to the last address of record. The Division shall make use of both the driver's license record and the vehicle record to determine the correct address for correspondence. Should no record exist for either the individual or the motor vehicle, the Division shall rely upon the address provided in the West Virginia Uniform Traffic Accident Report.

6.5 Failure to provide the insurance information in the time requested will result in driver's license of the driver of the motor vehicle and/or the motor vehicle's owner being suspended for a period of thirty (30) days. The Division shall also suspend the registration of the motor vehicle until current proof of insurance is received.

6.6 The Division will verify insurance information with the listed company to determine if the policy was actually in effect on the date of the accident.

6.7 If the insurance company indicates that there was no insurance in effect upon the motor vehicle cited in the accident report on the day of the accident, the vehicle owner's driver's license will be suspended for a period of thirty (30) days, and the vehicle registration suspended until current proof of insurance is received..

6.8 If the Division determines that the owner or driver of the vehicle has been previously suspended for an offense described in West Virginia Code §17D-2A -1 et seq, the period of the driver's license suspension is ninety (90) days.

6.9 All reinstatements of driving privileges and vehicle registrations are contingent upon payment of all fees assessed by the Division of Motor Vehicles.

§91-13-7 Traffic Citations

7.1 The Division, upon receipt of a notice of a traffic citation or abstract of conviction that cites a person for an offense related to failure to have the required liability insurance on a motor vehicle will suspend the cited person's driver's license for a period of thirty (30) days and

suspend the vehicle registration until current proof of insurance is received.

7.2. The notice of propose suspension will provide the person an opportunity to show proof of the required insurance on the date and time of the traffic citation.

7.3. If the traffic citation, or report of court action indicates that the vehicle operator and/or owner was absolved of the charge of failure to maintain the required liability insurance, the Division shall review the insurance information provided by the court. The Division will verify the insurance information with the listed insurance company to verify that the insurance was in full force and effect at the time the traffic citation was issued.

7.4. If the insurance company reports that the required insurance was not in full force and effect at the time the traffic citation was issued, the Division shall suspend the drivers licenses of the motor vehicle owner and the driver for a period of thirty (30) days and suspend the vehicle registration until current proof of insurance is received..

7.6. In accordance with the provisions of West Virginia Code §17D-2A-7(g), if the Division determines that the owner or driver of the vehicle has been previously suspended for failing to maintain insurance on a motor vehicle or knowing operating a vehicle without insurance, the period of the driver's license suspension is ninety (90) days.

7.7. The Division will mail the notice of pending suspension certified, return receipt requested, to the last address of record. The Division shall make use of both the driver's license record and the vehicle registration record to determine the correct address for correspondence. The Division shall rely upon the address provided in the court report if no record exists for either the person or the motor vehicle.

7.8. Any reinstatement of driving privilege or vehicle registration is contingent upon payment of all fees assessed by the Division of Motor Vehicles.

§91-13-8 Company Forms and Procedures

8.1 Certificate of Insurance- The form designated in Appendix A as WV-1B when printed as specified and completed in full, or such other form approved by the Commissioner, shall meet the requirements of 17D-2A-4 of the Code for issuance by the insurer to the insured. The certificated shall be accepted by the Commissioner and all law enforcement agencies as proof of insurance. A Certificate of Insurance shall be provided by the insurer to the insured in duplicate for each policy term or upon request by the insured for each motor vehicle covered by a liability insurance policy. In cases of motor vehicle owners qualifying as fleet owners, the word fleet may be used on each certificate in lieu of a motor vehicle description. The certificate shall

list the effective dates of the policy term by including both the commencement date and the expiration date of the policy term. The date that the certificate was issued shall also be listed. In cases where the vehicle owner is different from the policy holder, the certificate shall list both the policy holder and the vehicle owner. Motor vehicles bearing dealer, financial institution registration, or vehicles registered through the Public Service Commission are not required to carry a certificate of insurance.

8.2 Notice of Cancellation- The form designated in appendix B as WV-2B when printed as specified and completed in full, shall meet the requirements of West Virginia Code §17D-2A-4 for issuance by the insurance company to notify the Division of company cancellations issued under the provisions of West Virginia Code §33-6A-1(b), (c), (d), or (e) when the cancellation has been firmed up by the insurance company.

8.3 Response Required for Requests for Verification-In accordance with the provisions of West Virginia Code §17A-3-3(e)(2), the insurance company shall, within twenty (20) days of receipt, respond to the Division's request for verification of insurance on the form designated as WV-4V. When the company can not verify that the vehicle in question was covered, the company shall so state in letter formate on the company's letterhead.

§91-13-9 Administrative Due Process

9.1. Any person adversely affected by an order made and entered by the Commissioner in accordance with the provisions of West Virginia Code §17A-3-3 or §17D-2A-1 et seq. and/or this legislative rule, may request a hearing by filing a written notice with the Commissioner in person, or by certified mail, return receipt requested. The person must request a hearing within ten (10) days from the date on which the registered or certified mail receipt for the order of revocation was signed. However, in cases when the registered or certified mail is not signed for, the provisions of West Virginia Code §17A-2-19 apply which provides that the giving of notice is complete upon expiration of four (4) days after deposit of the notice in the United States mail.

9.2. The notice requesting a hearing shall contain a description of the order upon which a hearing is requested, and the grounds upon which it is asserted that the order should be vacated or modified. The scope of the hearing shall be limited to whether there was the required liability insurance upon the vehicle on the date in question.

9.3. Within twenty (20) days after receipt of a notice requesting a hearing, the Commissioner shall cause a notice of hearing to be served upon the party requesting the hearing by registered or certified mail, return receipt requested. The notice shall specify the time, date and place of the hearing and shall contain a statement of the issues to be considered at the hearing. All parties shall be afforded at least ten (10) days notice of the hearing. The Commissioner may postpone or continue a hearing on his or her own motion. The

Commissioner may also grant a continuance on less than five (5) days notice in the event of unexpected personal emergencies. The Commissioner shall hold the hearing in the county of the person requesting the hearing unless another place is agreed upon by all parties.

9.4. The person requesting a hearing may be granted a continuance of a scheduled hearing. The request for continuance shall be in writing, and must be received by the Commissioner at least five (5) days prior to the scheduled hearing date. The request will be granted if good cause is shown. Good cause includes as but is not limited to reasons such as serious illness, medical appointments, court appearances, or religious holidays of either the person requesting a hearing or his or her attorney.

9.5. The failure of a person requesting a hearing to appear without first obtaining a continuance pursuant to Sections 8.3 or 8.4 of this rule shall result in an automatic reinstatement of the Commissioner's order.

9.6. Any party may request the issuance of subpoenas or subpoenas duces tecum by the Commissioner. The authority for the issuance of subpoenas or subpoenas duces tecum is contained in West Virginia Code §17A-2-18. All parties shall follow the provisions relating to subpoenas and subpoenas duces tecum set forth in paragraph (b) of West Virginia Code §29A-5-1.

9.7. The filing of a notice requesting a hearing operates to automatically stay or suspend execution of any order which is the subject matter of the hearing.

9.8. The Commissioner may appoint a hearing examiner to conduct the hearing and to recommend findings of fact and conclusions of the law to the Commissioner. Hearing examiners may exercise all the powers granted by West Virginia Code §29A-5-1(d).

9.9. The party who has requested a hearing may represent himself or herself or be represented by an attorney licensed to practice law in the State of West Virginia. The Division shall be represented by a person designated by the Commissioner. The hearing examiner shall swear in all witnesses offering testimony.

9.10. The Commissioner is not bound by the usual common law or statutory rules of evidence and procedure when conducting the hearing.

9.11. The motor vehicle owner has the burden of proving that insurance coverage was in effect at the time in question and therefore, shall make the initial presentation of evidence. At the conclusion of the vehicle owner's presentation, the Division shall have an opportunity to present evidence. All parties have the right to cross-examine witnesses.

9.12. Hearings in progress may be continued from one day to another or adjourned to a later date or a different place by the hearing examiner by making an announcement at the hearing

or by appropriate notice to all parties.

9.13. All testimony, evidence, arguments, and rulings on the admissibility of testimony and evidence shall be reported by stenographic notes and characters, sound recording devices or other mechanical means.

9.14. All reported materials shall be transcribed and a copy furnished to any party to the hearing at his or her expense. The Division shall collect a fee of one dollar and fifty cents (\$1.50) for each page transcribed.

9.15. The Division has the responsibility for making arrangements for the transcription of the reported testimony and for the preparation of the record made before the Division. In the event transcription is required, it shall be accomplished within a reasonable time.

9.16. Upon the motion of the Division or any party assigning error or omission in any part of the transcript, the Division through the Commissioner or the duly appointed hearing examiner, shall settle all differences arising as to whether the transcript truly disclosed what occurred at the hearing and if the Commissioner considers it appropriate, he or she shall direct that the transcript be corrected and revised.

9.17. Every final order entered by the Commissioner, following a hearing conducted pursuant to this rule, shall be made in accordance with the provisions of West Virginia Code §29A-5-3. Any party adversely affected by the final order entered by the Commissioner may petition the appropriate circuit court for judicial review in accordance with West Virginia Code §29A-5-4.

WEST VIRGINIA CERTIFICATE OF INSURANCE

CERTIFICATE OF INSURANCE		_____
(NAME OF COMPANY OR GROUP) Number		Vehicle Owner Enter Plate
An authorized West Virginia insurer certifies that there is in effect a motor vehicle liability policy upon the described vehicle in accordance with the provisions of the West Virginia Motor Vehicle Code.		
Year	Make	Vehicle Identification Number
Policy Number		Name of Insured
Date Certificate Issued		Address
Effective Dates of Policy Term From _____ To _____		Name of Owner
		Address
THIS CERTIFICATE MUST BE CARRIED IN THE VEHICLE DESCRIBED ABOVE FOR USE AS PROOF OF INSURANCE. A COPY OF THIS CERTIFICATE MAY BE REQUESTED BY THE COMMISSIONER OF MOTOR VEHICLES.		
Signature of Owner _____		Date _____
WV-1B 4/84		

Specifications Effective January 1, 1985

The above specimen form shows the items to be included and the location on the certificate. Print size may vary. If other wording or arrangement of wording is used, prior approval of the Commissioner of Motor Vehicles is required. A certificate printed in accordance with the specimen form, including the addition of the Company logo, if desired, has the prior approval of the Commissioner.

1. One part form on white paper stock. Paper stock no less than 20 pounds.
2. Size may vary from 3 $\frac{1}{4}$ X 4" to 3 $\frac{1}{4}$ X 7".
3. On certificates issued on renewal policies, the word "renewal" may be shown along with the policy effective dates to facilitate acceptance of the certificate prior to the date shown.
4. Vehicle Description - The year may be shown as two digits and the make may be abbreviated. Model may be shown in lieu of make. The full VIN shall be shown. The plate number shall be entered by the owner.
5. Certificates shall be provided in duplicate for each vehicle insured at each policy term or upon request by the insured.
6. When the insurer does not have a description of the vehicle insured under a fleet policy, the word "fleet" may be entered in lieu of vehicle description.
7. A facsimile signature of an authorized representative of the insurer may be preprinted on the certificate if the certificate is field issued, the insurer; provided, however, that where a certificate is field issued, the original signature and the agent's license number of a resident agent appointed by the insurer shall appear on the certificate.
8. The name of the vehicle owner shall be included if different from the insured.
9. The certificate shall indicate the commencement date and the expiration date of the policy term.
10. The date that the certificate was issued shall be indicated on the certificate.

APPENDIX A

NOTICE OF CANCELLATION OR TERMINATION OF POLICY

NOTICE OF CANCELLATION OR TERMINATION OF POLICY		Canceled Under Provisions Of West Virginia Code 33-6A-1 marked
Name of Company		(b) —
Policy Number		(c) —
Date of Notice	Cancellation Date	(d) —
Name and Address of Insured		(e) —
Name and Address of Vehicle Owner if Different		TO BE FILED WITH:
Year-Make or Model	Vehicle Identification Number	Commissioner of Motor Vehicles 1800 Kanawha Boulevard, East Charleston, WV 25317
WV-2B 4/84		All Driver's License Numbers Listed on Policy Must Be Listed
		1.
		2.
		3.
		4.

EFFECTIVE JANUARY, 1985

SPECIFICATIONS FOR WEST VIRGINIA NOTICE OF TERMINATION (WV-2B 4/84)

Only one vehicle may be reported on a form

- Size:** 7³/₈ inches wide X 3¹/₂ inches high.
Paper: Not less than 20 pound white sulphite bond, or equivalent.
Type: One part form.

Descriptive information required on WV-2B

1. Insurance Company Name
2. Policy Number
3. Date of Notice
4. Cancellation Date
5. Name of Insured
6. Name of Vehicle owner if different from insured.
7. Year, make and complete VIN of vehicle.
8. All drivers license numbers listed on policy must be listed.
9. Type of cancellation must be indicated. (Only those outlined in West Virginia Code 33-6A-1, subsections (b) through (e) will be accepted).

APPENDIX B

SEASONAL STATEMENT OF INSURANCE

WV-4B

WV-4B 1/95 SEASONAL STATEMENT OF INSURANCE
DATE _____ LICENSE NUMBER _____

YEAR MAKE VEHICLE IDENTIFICATION NUMBER
OWNER'S NAME _____
OWNER'S ADDRESS _____

I HEREBY STATE, UNDER PENALTY OF FALSE SWEARING AND PENALTIES OUTLINED IN CHAPTERS 17A AND 17D, THAT THERE WILL BE A MOTOR VEHICLE LIABILITY POLICY IN EFFECT UPON THE DESCRIBED SEASONAL VEHICLE IN ACCORDANCE WITH THE PROVISIONS OF THE WEST VIRGINIA MOTOR VEHICLE CODE DURING THE DATES BELOW.

SIGNATURE OF OWNER _____
DATE POLICY WILL BE IN EFFECT _____ TO _____
NAME OF INSURANCE COMPANY _____
NAME OF INSURANCE AGENT _____ POLICY NUMBER _____

APPENDIX C

OWNER'S NOTICE OF INSURANCE CANCELLATION

WV-4C

WV-4C

OWNER'S NOTICE OF INSURANCE CANCELLATION

DATE _____ TITLE # _____ PLATE # _____
YEAR _____ MAKE _____

OWNER(S) NAME _____

THIS IS TO NOTIFY THE DIVISION OF MOTOR VEHICLES OF THE CANCELLATION OF MY INSURANCE
DUE TO: _____ I HEREBY STATE UNDER
PENALTY OF FALSE SWEARING, THE ABOVE VEHICLE WILL NOT BE OPERATED WITHOUT A LIABILITY
INSURANCE POLICY IN EFFECT.

LICENSE PLATE MUST ACCOMPANY THIS STATEMENT

SIGNATURE OF OWNER(S) _____

APPENDIX D