



FILED

1985 MAY 31 AM 9:00

ARCH A. MOORE, JR.  
Governor

DEPARTMENT OF MOTOR VEHICLES  
STATE OFFICE BUILDING  
CHARLESTON, W. VA.  
25317

OFFICE OF THE SECRETARY OF STATE  
L. W. BECHTOLD  
Commissioner

NOTICE OF PUBLIC HEARING OR COMMENT ON A PROPOSED RULE

PUBLIC HEARING

AGENCY: Department of Motor Vehicles  
RULE TYPE: Legislative  
RULE TITLE: Eligibility for Reinstatement Following Suspension or  
Revocation of Driving Privileges

A Public Hearing on the above proposed rule will be held at 9:00 a.m. on July 23, 1985 at 1800 Washington Street East, Room 522, Conference Center.

Comments are limited to: Oral  Written  Both

Comments may also be mailed to: Department of Motor Vehicles, 1800 Washington Street East, Room 124, Charleston, West Virginia 25317, to the attention of Steven O. Dale.

The Department requests that persons wishing to make comments at the hearing submit written comments in order to facilitate a review of these comments.

The issues to be heard shall be limited to the proposed rule.

L. W. Bechtold  
Commissioner



KEN HECHLER  
Secretary of State

MARY P. RATLIFF  
Deputy Secretary of State

BARBARA STARCHER  
Deputy Secretary of State

RICHARD S. STEPHENSON  
Deputy Secretary of State

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STATE OF WEST VIRGINIA  
SECRETARY OF STATE

Charleston 25305

WILLIAM H. HARRINGTON  
Chief of Staff

RICH O. HARTMAN  
Director, Administrative Law

DONALD R. WILKES  
Director, Corporations

VIRGINIA SKEEN  
Special Assistant

(Plus all the volunteer  
help we can get)

PROPOSED RULES

STATE REGISTER FILING

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AGENCY Department of Motor Vehicles

CONTACT PERSON Steven O. Dale PHONE 348-3981

TYPE OF RULE Legislative

TITLE OF RULE Eligibility for Reinstatement Following Suspension  
or Revocation of Driving Privileges

CHAPTER 17A ARTICLE 2 SERIES XVI

AUTHORITY §17A-2-9

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CHECK APPLICABLE ITEMS BELOW TO SHOW KIND OF ACTION BEING TAKEN

NEW RULE

NOTICE OF HEARING

AMENDMENTS TO EXISTING RULE

NOTICE OF AGENCY APPROVAL  
(legislative rules only)

REPEAL OF EXISTING RULE

NOTICE OF AGENCY ADOPTION  
(interpretive & procedural  
rules only)

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REQUIRES AN ORIGINAL AND  
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SECRETARY OF STATE, W. BECHTOLD  
Commissioner

ARCH A. MOORE, JR.  
Governor

May 31, 1985

The Honorable Ken Hechler  
Secretary of State  
State Capitol Building  
Charleston, WV 25317

Dear Mr. Secretary:

Please find attached proposed legislative rules which are being filed pursuant to §29A-3-5. The proposed rules are designated; Series XVI, Eligibility for Reinstatement Following Suspension or Revocation of Driving Privileges.

Please also find attached a fiscal note on these rules being filed pursuant to §29A-3-4 as well as a notice of Public Hearing or Comment pursuant to §29A-3-7.

I certify that the attached constitutes the legislative rules being proposed for promulgation by the Department of Motor Vehicles.

Very truly yours,

  
L. W. Bechtold  
Commissioner

LWB:SOD/lsk

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Eligibility for Reinstatement Following Suspension or Revocation of Driving Privileges.

Type of Rule:  Legislative  Interpretive  Procedural

Agency Department of Motor Vehicles Address 1800 Washington St., East  
Charleston, WV 25317

1. Effect of Proposed Rule	ANNUAL		FISCAL YEAR		
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	\$	\$	\$	\$	\$
Personal Services					
Current Expense					
Repairs and Alterations					
Equipment					
Other					

2. Explanation of above estimates.  
Implementation of these rules will have no fiscal effect on the State

3. Objectives of these rules:

The objectives of these rules are to communicate the Department's policy in determining an individual's eligibility for reinstatement after suspension or revocation of driving privileges.

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

Implementation of these Rules will have no Fiscal impact on State Government.

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

None

C. Economic Impact on Citizens/Public at Large.

None

Date May 31, 1985

Signature of Agency Head or Authorized Representative



L. W. Bechtold, Commissioner

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OFFICE OF THE SECRETARY OF STATE

(Proposed)  
WEST VIRGINIA LEGISLATIVE RULES  
DEPARTMENT OF MOTOR VEHICLES  
CHAPTER 17A-2  
SERIES XVI

Subject: Eligibility For Reinstatement Following Suspension or Revocation  
of Driving Privileges

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(Proposed)  
WEST VIRGINIA LEGISLATIVE RULES  
DEPARTMENT OF MOTOR VEHICLES  
CHAPTER 17A-2  
SERIES XVI

Title: Eligibility For Reinstatement Following Suspension or Revocation  
of Driving Privileges

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Section 1. General

1.1 Scope - These legislative rules relate to the policy of the Department of Motor Vehicles in determination of eligibility for reinstatement following suspension or revocation of driving privileges by the Commissioner of Motor Vehicles.

1.2 Authority - §17A-2-9.

1.3 Filing Date -

1.4 Effective Date -

Section 2. Application and Enforcement

2.1 Application - These legislative rules apply to any person making application for reinstatement of a drivers license following suspension or revocation of driving privileges by the Commissioner of Motor Vehicles.

2.2 Enforcement - Enforcement of these legislative rules is vested with the Commissioner of Motor Vehicles or lawful designee.

Section 3. Suspension or Revocation of Driving Privileges

3.1 Surrender - Any person whose driving privileges have been suspended or revoked by the Commissioner of Motor Vehicles shall surrender all operator's and chauffeur's licenses in their possession pursuant to the provisions of the suspension or revocation order entered.

3.2 Failure to Surrender - The Commissioner shall proceed pursuant to §17B-3-9 against any person who fails to comply with the terms of the suspension or revocation order directed to them.

3.3 Effective Date - The effective date of suspension or revocation of driving privileges shall be the date as listed in the suspension or revocation order entered. All provisions of §17B-4-3 shall apply after the effective date of suspension or revocation.

Section 4. Eligibility for Reinstatement

4.1 Period of Suspension or Revocation - All time periods provided in the West Virginia Code for eligibility for reinstatement of a drivers license shall be calculated from the date of receipt by the Commissioner of all operator's and chauffeur's licenses pursuant to the suspension or revocation order entered.

4.2 Lost or Destroyed Operator's or Chauffeur's Licenses - The provisions of §17B-2-9 require that every licensee have his operator's or chauffeur's license in his immediate possession at all times when operating a motor vehicle. Any person who is unable to surrender their operator's or chauffeur's license because it has been lost or destroyed shall submit a sworn affidavit stating that the operator's or chauffeur's license has been lost or destroyed. The affidavit shall be held by the Commissioner in lieu of the actual operator's or chauffeur's license. Provided, that any person making a false affidavit shall, pursuant to the provisions of §17B-4-2 be guilty of perjury.

4.3 Expired License - The provisions of §17B-2-1 require that any person operating a motor vehicle have a valid operator's or chauffeur's license. Any person whose operator's or chauffeur's license expires after his driving privileges have been suspended or revoked, and who has failed to comply with the provisions of the order of suspension or revocation by surrendering such license to the Commissioner, shall have his eligibility for reinstatement calculated from the date of the expiration of the license.