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STATE OF WEST VIRGINIA  
SECRETARY OF STATE

Charleston 25305

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1985 APR 17 AM 11:13

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(Plus all the volunteer  
help we can get)

PROPOSED RULES

STATE REGISTER FILING

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AGENCY Department of Motor Vehicles

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TYPE OF RULE Emergency - 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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ARCH A. MOORE, JR.

~~XXXXXXXXXXXXXXXXXX~~

Governor

DEPARTMENT OF MOTOR VEHICLES

STATE OFFICE BUILDING

CHARLESTON, W. VA.

25317

L. W. BECHTOLD

~~XXXXXXXXXXXXXXXXXX~~

Commissioner

OFFICE OF THE SECRETARY OF STATE

SECRETARY OF STATE

April 17, 1985

The Honorable Ken Hechler  
Secretary of State  
State Capitol Building  
Charleston, West Virginia

Dear Mr. Secretary:

Please find attached a copy of emergency legislative rules being filed pursuant to §29A-3-15. These rules are entitled Eligibility for Reinstatement Following Suspension or Revocation of Driving Privileges. These rules have been designated series XVI.

Promulgation of these rules is necessary to prevent substantial harm to the public interest. These rules will assist law enforcement in identifying suspended or revoked drivers operating motor vehicles on the highways of this State.

I certify that the attached constitutes the emergency legislative rules promulgated and filed on April 17, 1985.

Very truly yours,

  
L. W. Bechtold

Commissioner

LWB:SOD/br

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1985 APR 17 AM 11:14

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

(Emergency)  
Chapter 17A-2  
Series XVI  
1985

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

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(Emergency)  
WEST VIRGINIA LEGISLATIVE RULES  
DEPARTMENT OF MOTOR VEHICLES

Chapter 17A-2  
Series XVI  
1985

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

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Section 1. General

1.01. 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.

1.02. Authority - These emergency legislative rules are issued under the authority of §17A-2-9.

1.03. Filing Date - These emergency legislative rules were filed on April 17, 1985.

1.04. Effective Date - These emergency legislative rules become effective April 17, 1985.

Section 2. Application and Enforcement

2.01. 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.

2.02. 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

3.01. 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.

3.02. 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.

3.03. 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

4.01. 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.

4.02. 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

Emergency  
Department of Motor Vehicles  
Legislative Rule 17A-2  
Series XVI, Sec. 4.02

false affidavit shall, pursuant to the provisions of §17B-4-2 be guilty of perjury.

4.03. 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.