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1985 AUG -5 PM 1:44

STATE OF WEST VIRGINIA

SECRETARY OF STATE

Charleston 25305

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Director, Administrative Law

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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

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
- AMENDMENTS TO EXISTING RULE
- REPEAL OF EXISTING RULE
- NOTICE OF HEARING
- NOTICE OF AGENCY APPROVAL
(legislative rules only)
- NOTICE OF AGENCY ADOPTION
(interpretive & procedural rules only)
- FINAL FILING
- FIRST EMERGENCY FILING
- SECOND EMERGENCY FILING

NOTE: ALL FILINGS REQUIRE ONLY ONE COPY, EXCEPT FINAL FILING OF RULES WHICH REQUIRES AN ORIGINAL AND A COPY.



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

ARCH A. MOORE, JR.
Governor

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SECRETARY OF STATE

L. W. BECHTOLD
Commissioner

NOTICE OF AGENCY APPROVAL

LEGISLATIVE RULE: Chapter 17A-2, Series XVI, Eligibility For Reinstatement Following Suspension or Revocation of Driving Privileges.

The attached legislative rules constitute the official rules approved by the Department of Motor Vehicles on the 5th day of August, 1985 and filed pursuant to law with the West Virginia Secretary of State and the Legislative Rule Making Review Committee.

A handwritten signature in cursive script that reads "L. W. Bechtold".

L. W. Bechtold

Commissioner of Motor Vehicles

FISCAL NOTE FOR PROPOSED RULES **FILED**

1985 MAY 31 AM 9:01

Rule Title: Eligibility for Reinstatement Following Suspension or Revocation of Driving Privileges SECRETARY OF STATE

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.

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 SECRETARY OF STATE

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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SECRETARY OF STATE

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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

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.



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DEPARTMENT OF MOTOR VEHICLES

STATE OFFICE BUILDING
CHARLESTON, W. VA.
25317

SECRETARY OF STATE

ARCH A. MOORE, JR.
Governor

L. W. BECHTOLD
Commissioner

PUBLIC HEARING SUMMARY

ELIGIBILITY FOR REINSTATEMENT FOLLOWING SUSPENSION OR REVOCATION

LEGISLATIVE RULE: Chapter 17A-2, Series XVI, Eligibility For
Reinstatement Following Suspension or Revocation of Driving
Privileges.

NOTICE OF PUBLIC HEARING FILED: May 31, 1985

PUBLIC HEARING HELD: July 23, 1985

ATTENDANCE: None

COMMENTS RECEIVED: None

AMENDMENTS: None



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DEPARTMENT OF MOTOR VEHICLES

STATE OFFICE BUILDING
CHARLESTON, W. VA.
25317

SECRETARY OF STATE L. W. BECHTOLD
Commissioner

ARCH A. MOORE, JR.
Governor

PERSONS NOTIFIED OF PUBLIC HEARING

ELIGIBILITY FOR REINSTATEMENT FOLLOWING SUSPENSION OR REVOCATION

Superintendent of Public Safety

Capitol Press Room

WV State Bar Association

Joseph Panelinto, P.H.D., Pres.
Assoc. of Community Mental Health
Mental Retardation Programs of WV
Valley Comprehensive Community

WV Prosecuting Attorney's Association
Harry Deitzler, President
Wood County Courthouse

Aubrey Bailey, President
WV Association of Alcoholism &
Drug Abuse Counselors

West Virginia State Bar

Magistrate Phyllis J. Gatson, Pres.
Magistrates Association

West Virginia Legal Services Plan

American Civil Liberties Union

Mr. Wayne Buckalew
Winfield Office - DMV

Sgt. J. R. Bias
Department of Public Safety

Mr. Harlan Tetrick
Martinsburg Office - DMV