

In response to this comment, the Division of Motor Vehicles has updated the rule by adding Section 6.5 addressing this type of situation.

----- Forwarded message -----

From: **Holley, Adam** <adam.holley@wv.gov>

Date: Thu, Jul 18, 2024 at 7:46 AM

Subject: Fwd: Proposal for a change in a statute.

To: Frazier, Everett J <everett.j.frazier@wv.gov>, Linda K Ellis <linda.k.ellis@wv.gov>, Debbie L Ferguson <debbie.l.ferguson@wv.gov>

Cc: Jimmy D Wriston <jimmy.d.wriston@wv.gov>

Please see below. Delegate Howell and Senator Smith received a request to modify the DUI laws from a constituent. Let me know if you need anything.

----- Forwarded message -----

From: **Delegate Gary Howell** <gary.howell@wvhouse.gov>

Date: Wed, Jul 17, 2024 at 4:22 PM

Subject: Fwd: Proposal for a change in a statute.

To: Holley, Adam <Adam.Holley@wv.gov>

Adam,

I know you are not the right guy, but can you point me in the right direction?

Thanks

Gary

----- Forwarded Message -----

Subject: Proposal for a change in a statute.

Date: Wed, 17 Jul 2024 16:18:13 -0400

From: William Buttermark <wcbappraisals@gmail.com>

To: Gary Howell <gary.howell@wvhouse.gov>, randy.smith@wvsenate.gov

CC: Tyler Buttermark <tyler.buttermark@gmail.com>

Gentlemen,

I am writing on behalf of my Son Tyler Buttermark who is an Airman in the United States Air Force stationed in Spangdahlem Air Base Germany. He has served for over 6 years in the United States, Korea and Germany.

On 2/12/2023, Tyler was pulled over by the German Police and charged with DUI. In Europe, the police can stop without any cause. This was at 4 am in the morning dropping off friends at the base. He went through the gate without issue and was stopped by the German Police after proceeding through the gate exiting the base one mile from the base gate.

If it remained with the German Police, it would have been a 500 Euro fine and 30 day suspension. Because he was in the Military, it was turned over to the Air Force. He was given the choice of Court Martial or an Article 15 nonjudicial punishment which he accepted. This involved loss of rank for 18 months, and revocation of his USAREUR driver's license for 12 months as well as participating in ADAPT Drunk Driving awareness classes and counseling. Living off base as many do, this caused undue hardship on him and those in his Fuel maintenance Shop. On April 14th 2023 he surrendered his USAREUR license and was finally able to attain a new USAREUR license on May 23rd 2024. He was read his rights and fingerprinted in May of 2023 by Base Security Forces even though it was stated as non judicial punishment and 2 months after the incident occurred. The fingerprints were then entered into the FBI database.

On June 17th 2024 he received a certified letter from the WV DMV stating that his license will be suspended for 90 days effective 7/23/2024.

I called the Governor's Office and was directed to Director Debbie Ferguson. Her secretary took the information and was called back within 24 hours. I explained the situation to her and was told that she ran it past one of the Assistant Attorney General & unfortunately there is nothing in the State Statutes that would cover time served. Even though the suspension should have been served concurrently with the USAF sentence by the Base Security Forces in March of 2023.

He has sent all of the pertinent information to wvdui@wv.gov per Director Ferguson's instructions and it is currently under review.

This brings me to the point.

I believe that there should be action taken if not for all then for the Military to back date the suspension to the date of suspension or revocation of the occurrence, not from the reporting date to WV DMV. This is nothing but a bureaucratic mistake by the Base Security Forces that my son and others like him are forced to have their punishment extended.

I sincerely hope you will consider and address this matter with an amendment to this statute for time served concurrently

Tyler can be reached directly at Tyler.Buttermark@gmail.com or by his overseas line +4915227713482

Thank you for your consideration in this matter

William C Buttermark
Certified Residential Appraiser
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Wiley Ford WV 26767

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