

## NEW WEST VIRGINIA LAW ADDRESSES SUSPENDED DRIVER'S LICENSES

House Bill 4958 aimed at ending the suspension of driver's licenses for unpaid fines goes into effect July 1, 2020. Someone with new fines who is financially unable to pay fines and fees back at once can enter a payment plan with the court. And a person who currently has their licenses suspended can have license reinstated upon entering into a payment plan with the county court in which fines are owed.

### Important Things to Know about HB 4958

- This Bill only applies to Driver's Licenses suspended due to *unpaid* costs, fines, forfeitures, or penalties ordered by courts. *License suspensions for DUI do not qualify for relief under this new policy.*
- The Bill establishes a framework for people to use PAYMENT PLANS to pay their fines *without* losing their license.
- Courts are responsible for establishing the PAYMENT PLAN, but there are important things you need to know about **signing up for a payment plan**:
  - You must first sign a sworn statement that you are financially unable to pay the costs, fines, forfeitures, or penalties you owe
  - A \$25 fee will be assessed up front (this fee can be paid in a series of 1-5 payments).
  - You have 90 calendar days to enroll in a payment plan in municipal court. You have 180 days in magistrate or circuit court.
  - If you are incarcerated, you have 90 calendar days upon release to enroll in a payment plan.
- When you enroll in a payment plan, the plan will specify:
  - The number of payments you have to make, the amount of each payment, the date each payment is due, acceptable payment methods, and what happens if you are late on a payment.
- **Acceptable Payment Methods vary from court to court:** call before you go to ensure you have the right form of payment. Note: If you pay by card you may have to also pay a small credit card fee.
- **Late Fees.** Courts have three options if you are late making a payment:
  - Assess a \$10 late fee each month if there is no payment within 30 days of the due date.
  - If 90 days have passed without your payment, the court can enter a judgment lien against you.
  - Alternatively, if 90 days have passed without your payment, the court can use a debt collection agency to recover your unpaid costs, fines, forfeitures, or penalties.

### Special Things to Note if Your License was Suspended *before* July 1, 2020

- If you are otherwise eligible to drive, your license will be reinstated so long as:
  - You pay any outstanding costs, fines, forfeitures, or penalties to the court and pay a \$25 reinstatement fee to the Department of Motor Vehicles (DMV); or
  - You establish a payment plan, as described above, and pay a \$25 administrative fee to the court in which the fines occurred.
    - The Court will then tell the DMV to waive your reinstatement fee.

### Failure to Appear Before the Court

- If you fail to appear in front of a court for a motor vehicle violation or a criminal offense, the DMV may suspend your license UNLESS you appear in the court or otherwise respond to the court within 90 days of your scheduled appearance.
  - Parking tickets do not count as motor vehicle violations in this context.