

STATE OF WEST VIRGINIA

At the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on the 10th day of April, 2017, the following order was made and entered:

**RE: REQUEST FOR PUBLIC COMMENT ON PROPOSED REVISION
TO RULE 7 OF THE ADMINISTRATIVE RULES FOR
MAGISTRATE COURT**

On this day came the Court, on its own motion, and proceeded to consider amendments to Rule 7 of the Administrative Rules for Magistrate Courts, in light of West Virginia Code § 17B-7-1 *et seq.*, which creates a “Second Chance Driver’s License Program” that allows certain individuals to satisfy their obligations to pay court costs and fees by making a partial payment. Upon consideration whereof, the Court is of the opinion that the proposed revision should be placed for a thirty-day period of public comment. Additions are indicated by underlining. Comments must be filed in writing with the Clerk of the Court on or before **May 11, 2017**.

ADMINISTRATIVE RULES FOR MAGISTRATE COURT

Rule 7. Manner of Payment.

(a) Fees, costs, bonds, fines or other sums charged or assessed in magistrate court in civil or criminal matters may be paid to the court by means of

(1) United States currency;

(2) Personal check, upon presentment of proper identification such as driver's license, payable to the magistrate court of the particular county, except in such instances where the drawer of the check has a known history of writing checks unsupported by sufficient funds or for the posting of bond, if, in the discretion of the magistrate such personal check does not constitute sufficient security for the purposes of the bond; in the event, however, that a personal check is accepted for the posting of a bond, such amount, once deposited, shall not be refunded until the magistrate clerk verifies that the amount deposited has been cleared;

(3) Cashier's check, certified check, money order, or traveler's check; or

(4) Credit or debit cards in accordance with the terms and conditions established by the Administrative Director. Any associated fees charged for use of the credit or debit card by a banking institution shall be paid by the Administrative Office.

(b) Except as authorized by W. Va. Code § 50-3-2a or as authorized by W.Va. Code § 17B-7-9(b)(2), payment of fines and costs shall be made in full. Partial payments of fines and costs, made pursuant to W. Va. Code § 50-3-2a or W.Va. Code § 17B-7-9(b)(2), shall be credited to amounts due in the following order:

Magistrate Court Fund
Regional Jail Fund

Worthless Check Fund
Per Diem Regional Jail Fee
Community Corrections Fund
Regional Jail Operational Fund
Law Enforcement Training Fund
Crime Victims Compensation Fund
Court Security Fund
Courthouse Improvement Fund
Litter Control Fund
Sheriff arrest fee
Worthless Check Payee
Teen Court Fund
Other costs, if any
Restitution
Fine.

A True Copy

Attest: //s// Rory L. Perry II
Clerk of Court

