

STATE OF WEST VIRGINIA

At the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on January 9, 2020, the following order was made and entered **in vacation**:

**RE: Adoption of Proposed Amendments to the Administrative Rules for the Magistrate Courts of West Virginia
19-Rules-17**

On October 28, 2019, the Court provisionally adopted and published for comment proposed amendments to Rule 7(a)(4) of the Administrative Rules for the Magistrate Courts of West Virginia, as proposed by Olubunmi Kusimo-Frazier, Manager, Magistrate Court Services. W. Va. Code § 50-30-2(a) states:

A magistrate court may accept credit cards in payment of all costs, fines, fees, forfeitures, restitution or penalties in accordance with rules promulgated by the Supreme Court of Appeals. Any charges made by the credit company shall be paid by the person responsible for paying the cost, fine, forfeiture or penalty.

The Court did not receive any comments to the proposed amendments. Upon consideration of the amendments, the Court is of the opinion to and does hereby adopt the proposed rule amendments. The rule is amended and adopted as follows. Additions are indicated by underscoring and deletions are indicated by strikethrough to read as follows:

Administrative Rules for the Magistrate Courts of West Virginia

* * *

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.~~ Any charges assessed by the credit company for debit/credit payment and/or convenience fees associated with online payment shall be paid by the person responsible for paying the cost, fine, forfeiture or penalty.

A True Copy

Attest: /s/Edythe Nash Gaiser
Clerk of Court

