

No. 32581 – *Joseph W. McVey v. Commissioner of the West Virginia Division of Motor Vehicles*

**FILED**

**December 15, 2005**

Starcher, J., dissenting:

released at 3:00 p.m.  
RORY L. PERRY II, CLERK  
SUPREME COURT OF APPEALS  
OF WEST VIRGINIA

I am not persuaded that the Legislature, when it decided to create the “.02-.08 blood alcohol level suspension” for drivers under twenty-one, intended that a subsequent offense, when a person is over 21, would mean an automatic ten-year license suspension. Absent clear statutory language evidencing such a Legislative intent, I would not infer it – as the majority has done. Accordingly, I dissent.