

STATE OF WEST VIRGINIA

At a Regular Term the Supreme Court of Appeals, continued and held at Charleston, Kanawha County, on October 28, 2019, the following order was made and entered:

**RE: Provisional Adoption of and Request for Public Comment on Proposed Amendments to the Administrative Rules for the Magistrate Courts of West Virginia
19-Rules-17**

On October 16, 2019, Olubunmi Kusimo-Frazier, Manager, Magistrate Court Services, presented proposed amendments to **Rule 7(a)(4)** of the **Administrative Rules for the Magistrate Courts of West Virginia**.

On this day, the Court proceeded to consider the proposed amendments to **Rule 7(a)(4)** of the **Administrative Rules for the Magistrate Courts of West Virginia**. W. Va. Code §50-3-2(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 is of the opinion that the proposed amendments should be provisionally adopted, subject to being published for a thirty-day period of public comment. Comments must be filed in writing with the Clerk of the Court on or before **December 6, 2019**.

The proposed amendments to the Rule are set forth below. Deletions are indicated by strikethrough, and additions are indicated by underlining, 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

