



1 vehicle transfer fees; increasing the fee for issuance,  
2 duplication and renewal of a driver's license, identification  
3 card and motorcycle license; requiring the payment of the fee  
4 for each attempt at the written and road skills test;  
5 increasing the fee for driving records; providing that  
6 licenses issued by the division may contain information  
7 designating the licensee as a person who is an honorably  
8 discharged veteran of any branch of the armed forces of the  
9 United States in accordance with criteria established by the  
10 division if the licensee requests this information on the  
11 license; providing an additional means to notify the division  
12 regarding vehicles scrapped, compressed, dismantled or  
13 destroyed and prescribing form; and providing for the use of  
14 additional vehicle brands used by other jurisdictions that are  
15 consistent with the National Motor Vehicle Title Information  
16 System.

17 *Be it enacted by the Legislature of West Virginia:*

18 That §17A-2-13 of the Code of West Virginia, 1931, as amended,  
19 be amended and reenacted; that §17A-3-4 of said code be amended and  
20 reenacted; that §17A-4-1 and §17A-4-10 of said code be amended and  
21 reenacted; that §17A-4A-10 of said code be amended and reenacted;  
22 that §17A-10-3, §17A-10-10 and §17A-10-11 of said code be amended  
23 and reenacted; that §17B-2-1, §17B-2-3a, §17B-2-5, §17B-2-6, §17B-  
24 2-8 and §17B-2-11 of said code be amended and reenacted; and that  
25 §17D-2-2 of said code be amended and reenacted, all to read as  
26 follows:

1           **CHAPTER 17A.   MOTOR VEHICLE ADMINISTRATION, REGISTRATION,**  
2                           **CERTIFICATE OF TITLE, AND ANTITHEFT PROVISIONS.**

3 **ARTICLE 2. DIVISION OF MOTOR VEHICLES.**

4 **§17A-2-13. Authority to administer oaths and certify copies of**  
5           **records; information as to registration.**

6           (a) Officers and employees of the division designated by the  
7 commissioner are, for the purpose of administering the motor  
8 vehicle laws, authorized to administer oaths and acknowledge  
9 signatures, and shall do so without fee.

10          (b) The commissioner and such officers of the division as he  
11 or she may designate are hereby authorized to prepare under the  
12 seal of the division and deliver upon request in conformance with  
13 article two-a of this chapter a certified copy of any record of the  
14 division, charging ~~a~~ an additional fee of ~~one-dollar~~ \$3 for each  
15 document so authenticated, and every such certified copy is  
16 admissible in any proceeding in any court in like manner as the  
17 original thereof.

18          (c) Subject to the provisions of article two-a of this  
19 chapter, the commissioner and such officers of the division as he  
20 or she may designate may furnish the requested information to any  
21 person making a written request for information regarding the  
22 registration of any vehicle at a fee of ~~one-dollar~~ \$7 for each  
23 registration about which information is furnished.

24 **ARTICLE 3. ORIGINAL AND RENEWAL OF REGISTRATION; ISSUANCE OF**  
25           **CERTIFICATES OF TITLE.**

1 **§17A-3-4. Application for certificate of title; fees; abolishing**  
2 **privilege tax; prohibition of issuance of certificate of title**  
3 **without compliance with consumer sales and service tax**  
4 **provisions; exceptions.**

5 (a) Certificates of registration of any vehicle or  
6 registration plates for the vehicle, whether original issues or  
7 duplicates, may not be issued or furnished by the Division of Motor  
8 Vehicles or any other officer or agent charged with the duty,  
9 unless the applicant already has received, or at the same time  
10 makes application for and is granted, an official certificate of  
11 title of the vehicle in either an electronic or paper format. The  
12 application shall be upon a blank form to be furnished by the  
13 Division of Motor Vehicles and shall contain a full description of  
14 the vehicle, which description shall contain a manufacturer's  
15 serial or identification number or other number as determined by  
16 the commissioner and any distinguishing marks, together with a  
17 statement of the applicant's title and of any liens or encumbrances  
18 upon the vehicle, the names and addresses of the holders of the  
19 liens and any other information as the Division of Motor Vehicles  
20 may require. The application shall be signed and sworn to by the  
21 applicant. A duly certified copy of the division's electronic  
22 record of a certificate of title is admissible in any civil,  
23 criminal or administrative proceeding in this state as evidence of  
24 ownership.

25 (b) A tax is imposed upon the privilege of effecting the

1 certification of title of each vehicle in the amount equal to five  
2 percent of the value of the motor vehicle at the time of the  
3 certification, to be assessed as follows:

4       (1) If the vehicle is new, the actual purchase price or  
5 consideration to the purchaser of the vehicle is the value of the  
6 vehicle. If the vehicle is a used or secondhand vehicle, the  
7 present market value at time of transfer or purchase is the value  
8 of the vehicle for the purposes of this section: Provided, That so  
9 much of the purchase price or consideration as is represented by  
10 the exchange of other vehicles on which the tax imposed by this  
11 section has been paid by the purchaser shall be deducted from the  
12 total actual price or consideration paid for the vehicle, whether  
13 the vehicle be new or secondhand. If the vehicle is acquired  
14 through gift or by any manner whatsoever, unless specifically  
15 exempted in this section, the present market value of the vehicle  
16 at the time of the gift or transfer is the value of the vehicle for  
17 the purposes of this section.

18       (2) No certificate of title for any vehicle may be issued to  
19 any applicant unless the applicant has paid to the Division of  
20 Motor Vehicles the tax imposed by this section which is five  
21 percent of the true and actual value of the vehicle whether the  
22 vehicle is acquired through purchase, by gift or by any other  
23 manner whatsoever, except gifts between husband and wife or between  
24 parents and children: Provided, That the husband or wife, or the  
25 parents or children, previously have paid the tax on the vehicles  
26 transferred to the State of West Virginia.

1           (3) The Division of Motor Vehicles may issue a certificate of  
2 registration and title to an applicant if the applicant provides  
3 sufficient proof to the Division of Motor Vehicles that the  
4 applicant has paid the taxes and fees required by this section to  
5 a motor vehicle dealership that has gone out of business or has  
6 filed bankruptcy proceedings in the United States bankruptcy court  
7 and the taxes and fees so required to be paid by the applicant have  
8 not been sent to the division by the motor vehicle dealership or  
9 have been impounded due to the bankruptcy proceedings: Provided,  
10 That the applicant makes an affidavit of the same and assigns all  
11 rights to claims for money the applicant may have against the motor  
12 vehicle dealership to the Division of Motor Vehicles.

13           (4) The Division of Motor Vehicles shall issue a certificate  
14 of registration and title to an applicant without payment of the  
15 tax imposed by this section if the applicant is a corporation,  
16 partnership or limited liability company transferring the vehicle  
17 to another corporation, partnership or limited liability company  
18 when the entities involved in the transfer are members of the same  
19 controlled group and the transferring entity has previously paid  
20 the tax on the vehicle transferred. For the purposes of this  
21 section, control means ownership, directly or indirectly, of stock  
22 or equity interests possessing fifty percent or more of the total  
23 combined voting power of all classes of the stock of a corporation  
24 or equity interests of a partnership or limited liability company  
25 entitled to vote or ownership, directly or indirectly, of stock or  
26 equity interests possessing fifty percent or more of the value of

1 the corporation, partnership or limited liability company.

2 (5) The tax imposed by this section does not apply to vehicles  
3 to be registered as Class H vehicles or Class M vehicles, as  
4 defined in section one, article ten of this chapter, which are used  
5 or to be used in interstate commerce. Nor does the tax imposed by  
6 this section apply to the titling of Class B vehicles registered at  
7 a gross weight of fifty-five thousand pounds or more, or to the  
8 titling of Class C semitrailers, full trailers, pole trailers and  
9 converter gear: Provided, That if an owner of a vehicle has  
10 previously titled the vehicle at a declared gross weight of  
11 fifty-five thousand pounds or more and the title was issued without  
12 the payment of the tax imposed by this section, then before the  
13 owner may obtain registration for the vehicle at a gross weight  
14 less than fifty-five thousand pounds, the owner shall surrender to  
15 the commissioner the exempted registration, the exempted  
16 certificate of title and pay the tax imposed by this section based  
17 upon the current market value of the vehicle: Provided, however,  
18 That notwithstanding the provisions of section nine, article  
19 fifteen, chapter eleven of this code, the exemption from tax under  
20 this section for Class B vehicles in excess of fifty-five thousand  
21 pounds and Class C semitrailers, full trailers, pole trailers and  
22 converter gear does not subject the sale or purchase of the  
23 vehicles to the consumers sales and service tax.

24 (6) The tax imposed by this section does not apply to titling  
25 of vehicles leased by residents of West Virginia. A tax is imposed  
26 upon the monthly payments for the lease of any motor vehicle leased

1 by a resident of West Virginia, which tax is equal to five percent  
2 of the amount of the monthly payment, applied to each payment, and  
3 continuing for the entire term of the initial lease period. The  
4 tax shall be remitted to the Division of Motor Vehicles on a  
5 monthly basis by the lessor of the vehicle.

6 (7) The tax imposed by this section does not apply to titling  
7 of vehicles by a registered dealer of this state for resale only,  
8 nor does the tax imposed by this section apply to titling of  
9 vehicles by this state or any political subdivision thereof, or by  
10 any volunteer fire department or duly chartered rescue or ambulance  
11 squad organized and incorporated under the laws of this state as a  
12 nonprofit corporation for protection of life or property. The  
13 total amount of revenue collected by reason of this tax shall be  
14 paid into the State Road Fund and expended by the Commissioner of  
15 Highways for matching federal funds allocated for West Virginia.  
16 In addition to the tax, there is a charge of ~~five dollars~~ \$21 for  
17 each original certificate of title or duplicate certificate of  
18 title so issued: Provided, That this state or any political  
19 subdivision of this state or any volunteer fire department or duly  
20 chartered rescue squad is exempt from payment of the charge.

21 (8) The certificate is good for the life of the vehicle, so  
22 long as the vehicle is owned or held by the original holder of the  
23 certificate and need not be renewed annually, or any other time,  
24 except as provided in this section.

25 (9) If, by will or direct inheritance, a person becomes the  
26 owner of a motor vehicle and the tax imposed by this section

1 previously has been paid to the Division of Motor Vehicles on that  
2 vehicle, he or she is not required to pay the tax.

3 (10) A person who has paid the tax imposed by this section is  
4 not required to pay the tax a second time for the same motor  
5 vehicle, but is required to pay a charge of ~~five dollars~~ \$21 for  
6 the certificate of retitling of that motor vehicle, except that the  
7 tax shall be paid by the person when the title to the vehicle has  
8 been transferred either in this or another state from the person to  
9 another person and transferred back to the person.

10 (11) The tax imposed by this section does not apply to any  
11 passenger vehicle offered for rent in the normal course of business  
12 by a daily passenger rental car business as licensed under the  
13 provisions of article six-d of this chapter. For purposes of this  
14 section, a daily passenger car means a Class A motor vehicle having  
15 a gross weight of eight thousand pounds or less and is registered  
16 in this state or any other state. In lieu of the tax imposed by  
17 this section, there is hereby imposed a tax of not less than ~~one~~  
18 ~~dollar~~ \$1 nor more than ~~one dollar and fifty cents~~ \$1.50 for each  
19 day or part of the rental period. The commissioner shall propose  
20 an emergency rule in accordance with the provisions of article  
21 three, chapter twenty-nine-a of this code to establish this tax.

22 (12) The tax imposed by this article does not apply to the  
23 titling of any vehicle purchased by a senior citizen service  
24 organization which is exempt from the payment of income taxes under  
25 the United States Internal Revenue Code, § Title 26 U.S.C. §  
26 501(c)(3) and which is recognized to be a bona fide senior citizen

1 service organization by the senior services bureau existing under  
2 the provisions of article five, chapter sixteen of this code.

3 (13) The tax imposed by this section does not apply to the  
4 titling of any vehicle operated by an urban mass transit authority  
5 as defined in article twenty-seven, chapter eight of this code or  
6 a nonprofit entity exempt from federal and state income tax under  
7 the Internal Revenue Code and whose purpose is to provide mass  
8 transportation to the public at large designed for the  
9 transportation of persons and being operated for the transportation  
10 of persons in the public interest.

11 (14) The tax imposed by this section does not apply to the  
12 transfer of a title to a vehicle owned and titled in the name of a  
13 resident of this state if the applicant:

14 (A) Was not a resident of this state at the time the applicant  
15 purchased or otherwise acquired ownership of the vehicle;

16 (B) Presents evidence as the commissioner may require of  
17 having titled the vehicle in the applicant's previous state of  
18 residence;

19 (C) Has relocated to this state and can present such evidence  
20 as the commissioner may require to show bona-fide residency in this  
21 state, and

22 ~~(D) Presents an affidavit, completed by the assessor of the~~  
23 ~~applicant's county of residence, establishing that the vehicle has~~  
24 ~~been properly reported and is on record in the office of the~~  
25 ~~assessor as personal property; and~~

26 ~~(E)~~ (D) Makes application to the division for a title and

1 registration, and pays all other fees required by this chapter  
2 within thirty days of establishing residency in this state as  
3 prescribed in subsection (a), section one-a of this article:  
4 Provided, That a period of amnesty of three months be established  
5 by the commissioner during the calendar year two thousand seven,  
6 during which time any resident of this state, having titled his or  
7 her vehicle in a previous state of residence, may pay without  
8 penalty any fees required by this chapter and transfer the title of  
9 his or her vehicle in accordance with the provisions of this  
10 section.

11 (c) Notwithstanding any provisions of this code to the  
12 contrary, the owners of trailers, semitrailers, recreational  
13 vehicles and other vehicles not subject to the certificate of title  
14 tax prior to the enactment of this chapter are subject to the  
15 privilege tax imposed by this section: Provided, That the  
16 certification of title of any recreational vehicle owned by the  
17 applicant on the thirtieth day of June, one thousand nine hundred  
18 eighty-nine, is not subject to the tax imposed by this section:  
19 Provided, however, That mobile homes, manufactured homes, modular  
20 homes and similar nonmotive propelled vehicles, except recreational  
21 vehicles and house trailers, susceptible of being moved upon the  
22 highways but primarily designed for habitation and occupancy,  
23 rather than for transporting persons or property, or any vehicle  
24 operated on a nonprofit basis and used exclusively for the  
25 transportation of mentally retarded or physically handicapped  
26 children when the application for certificate of registration for

1 the vehicle is accompanied by an affidavit stating that the vehicle  
2 will be operated on a nonprofit basis and used exclusively for the  
3 transportation of mentally retarded and physically handicapped  
4 children, are not subject to the tax imposed by this section, but  
5 are taxable under the provisions of articles fifteen and fifteen-a,  
6 chapter eleven of this code.

7 (d) Beginning on the first of July, two thousand and eight,  
8 the tax imposed under this subsection (b) of this section is  
9 abolished and after that date no certificate of title for any motor  
10 vehicle may be issued to any applicant unless the applicant  
11 provides sufficient proof to the Division of Motor Vehicles that  
12 the applicant has paid the fees required by this article and the  
13 tax imposed under section three-b, article fifteen, chapter eleven  
14 of this code.

15 (e) Any person making any affidavit required under any  
16 provision of this section who knowingly swears falsely, or any  
17 person who counsels, advises, aids or abets another in the  
18 commission of false swearing, or any person, while acting as an  
19 agent of the Division of Motor Vehicles, issues a vehicle  
20 registration without first collecting the fees and taxes or fails  
21 to perform any other duty required by this chapter or chapter  
22 eleven of this code to be performed before a vehicle registration  
23 is issued is, on the first offense, guilty of a misdemeanor and,  
24 upon conviction thereof, shall be fined not more than ~~five hundred~~  
25 ~~dollars~~ \$500 or be confined in jail for a period not to exceed six  
26 months or, in the discretion of the court, both fined and confined.

1 For a second or any subsequent conviction within five years, that  
2 person is guilty of a felony and, upon conviction thereof, shall be  
3 fined not more than ~~five thousand dollars~~ \$5,000 or be imprisoned  
4 in a state correctional facility for not less than one year nor  
5 more than five years or, in the discretion of the court, both fined  
6 and imprisoned.

7 (f) Notwithstanding any other provisions of this section, any  
8 person in the military stationed outside West Virginia or his or  
9 her dependents who possess a motor vehicle with valid registration  
10 are exempt from the provisions of this article for a period of nine  
11 months from the date the person returns to this state or the date  
12 his or her dependent returns to this state, whichever is later.

13 (g) No person may transfer, purchase or sell a factory-built  
14 home without a certificate of title issued by the commissioner in  
15 accordance with the provisions of this article:

16 (1) Any person who fails to provide a certificate of title  
17 upon the transfer, purchase or sale of a factory-built home is  
18 guilty of a misdemeanor and, upon conviction thereof, shall for the  
19 first offense be fined not less than ~~one hundred dollars~~ \$100 nor  
20 more than ~~one thousand dollars~~ \$1,000, or be confined in jail for  
21 not more than one year, or both fined and confined. For each  
22 subsequent offense, the fine may be increased to not more than ~~two~~  
23 ~~thousand dollars~~ \$2,000, with confinement in jail not more than one  
24 year, or both fined and confined.

25 (2) Failure of the seller to transfer a certificate of title  
26 upon sale or transfer of the factory-built home gives rise to a

1 cause of action, upon prosecution thereof, and allows for the  
2 recovery of damages, costs and reasonable attorney fees.

3 (3) This subsection does not apply to a mobile or manufactured  
4 home for which a certificate of title has been canceled pursuant to  
5 section twelve-b of this article.

6 (h) Notwithstanding any other provision to the contrary,  
7 whenever reference is made to the application for or issuance of  
8 any title or the recordation or release of any lien, it includes  
9 the application, transmission, recordation, transfer of ownership  
10 and storage of information in an electronic format.

11 (i) Notwithstanding any other provision contained in this  
12 section, nothing herein shall be considered to include modular  
13 homes as defined in subsection (i), section two, article fifteen,  
14 chapter thirty-seven of this code and built to the State Building  
15 Code as established by legislative rules promulgated by the State  
16 Fire Commission pursuant to section five-b, article three, chapter  
17 twenty-nine of this code.

18 **ARTICLE 4. TRANSFERS OF TITLE OR INTEREST.**

19 **§17A-4-1. Registration expires on transfer by owner; transfer,**  
20 **surrender or retention of plates.**

21 Whenever the owner of a registered vehicle transfers or  
22 assigns his title, or interest thereto, the registration of such  
23 vehicle shall expire: Provided, That such owner, if he has made  
24 application to the department within sixty days from the date of  
25 purchase to have said registration plates transferred to be used on

1 another vehicle owned by said owner, may then operate the other  
2 vehicle for a period of sixty days, but in no event longer than  
3 sixty days from the date of original transfer. Upon such transfer,  
4 it shall be the duty of the original owner to retain the  
5 registration plates issued therefor and to immediately notify the  
6 commissioner of such transfer upon such form as may be provided  
7 therefor and to deliver to him the certificate of registration,  
8 whereupon the commissioner shall, upon the payment of a fee of ~~five~~  
9 ~~dollars~~ \$6, issue a new certificate showing the use to be made of  
10 such plates. Such plates may then be used by such owner on another  
11 vehicle of the same class as the vehicle for which they were  
12 originally issued if such other vehicle does not require a greater  
13 license fee than was required for such original vehicle. If such  
14 other vehicle requires a greater license fee than such original  
15 vehicle, then such plates may be used by paying such difference to  
16 the commissioner. When such transfer of ownership is made to a  
17 licensed dealer in motor vehicles it shall be the duty of such  
18 dealer to immediately execute notification of transfer, in  
19 triplicate, and to have this notification properly signed by the  
20 owner making the transfer. The dealer shall immediately forward to  
21 the department the original copy of the notification of transfer.  
22 One copy of the notification of transfer shall be given to the  
23 owner and one shall be retained by the dealer. The owner shall  
24 immediately send to the ~~department~~ division the transfer fee of  
25 ~~five dollars~~ \$6 with any additional fee that may be required under  
26 the terms of this chapter. The owner's copy, properly signed by

1 the dealer, will be the owner's identification until he receives a  
2 new registration card from the ~~department~~ division.

3 The owner of a set of registration plates may surrender them  
4 to the commissioner together with the registration card and, upon  
5 the payment of ~~five dollars~~ \$6 as an exchange fee and upon the  
6 payment of such additional fees as are necessary to equalize the  
7 value of the plates surrendered with the value of registration  
8 plates desired, receive in exchange a set of plates and  
9 registration card for a vehicle of a different class.

10 **§17A-4-10. Salvage certificates for certain wrecked or damaged**  
11 **vehicles; fee; penalty.**

12 (a) In the event a motor vehicle is determined to be a total  
13 loss or otherwise designated as "totaled" by ~~any~~ an insurance  
14 company or insurer, and upon payment of a total loss claim to ~~any~~  
15 an insured or claimant owner for the purchase of the vehicle, the  
16 insurance company or the insurer, as a condition of the payment,  
17 shall require the owner to surrender the certificate of title:  
18 *Provided*, That an insured or claimant owner may choose to retain  
19 physical possession and ownership of a total loss vehicle. If the  
20 vehicle owner chooses to retain the vehicle and the vehicle has not  
21 been determined to be a cosmetic total loss in accordance with  
22 subsection (d) of this section, the insurance company or insurer  
23 shall also require the owner to surrender the vehicle registration  
24 certificate. The term "total loss" means a motor vehicle which has  
25 sustained damages equivalent to seventy-five percent or more of the

1 market value as determined by a nationally accepted used car value  
2 guide or meets the definition of a flood-damaged vehicle as defined  
3 in this section.

4 (b) The insurance company or insurer shall, prior to the  
5 payment of the total loss claim, determine if the vehicle is  
6 repairable, cosmetically damaged or nonrepairable. Within ten days  
7 of payment of the total loss claim, the insurance company or  
8 insurer shall surrender the certificate of title, a copy of the  
9 claim settlement, a completed application on a form prescribed by  
10 the commissioner and the registration certificate if the owner has  
11 chosen to keep the vehicle to the Division of Motor Vehicles.

12 (c) If the insurance company or insurer determines that the  
13 vehicle is repairable, the division shall issue a "salvage  
14 certificate", on a form prescribed by the commissioner, in the name  
15 of the insurance company, ~~or~~ the insurer or the vehicle owner if  
16 the owner has chosen to retain the vehicle. The certificate shall  
17 contain, on the reverse, ~~thereof~~ spaces for one successive  
18 assignment before a new certificate at an additional fee is  
19 required. Upon the sale of the vehicle, the insurance company, ~~or~~  
20 insurer or ~~the~~ vehicle owner if the owner has chosen to retain the  
21 vehicle, shall complete the assignment of ownership on the salvage  
22 certificate and deliver it to the purchaser. The vehicle ~~shall~~ may  
23 not be titled or registered for operation on the streets or  
24 highways of this state unless there is compliance with subsection  
25 (g) of this section. The division shall charge a fee of ~~fifteen~~  
26 ~~dollars~~ \$21 for each salvage title issued.

1 (d) If the insurance company or insurer determines the damage  
2 to a totaled vehicle is exclusively cosmetic and no repair is  
3 necessary in order to legally and safely operate the motor vehicle  
4 on the roads and highways of this state, the insurance company or  
5 insurer shall, upon payment of the claim, submit the certificate of  
6 title to the division. Neither the insurance company nor the  
7 division may require the vehicle owner to surrender the  
8 registration certificate in the event of a cosmetic total loss  
9 settlement.

10 (1) The division shall, without further inspection, issue a  
11 title branded "cosmetic total loss" to the insured or claimant  
12 owner if the insured or claimant owner wishes to retain possession  
13 of the vehicle, in lieu of a "salvage certificate". The division  
14 shall charge a fee of ~~five dollars~~ \$21 for each "cosmetic total  
15 loss" title issued. The terms "cosmetically damaged" and "cosmetic  
16 total loss" do not include any vehicle which has been damaged by  
17 flood or fire. The designation "cosmetic total loss" on a title  
18 may not be removed.

19 (2) If the insured or claimant owner elects not to take  
20 possession of the vehicle and the insurance company or insurer  
21 retains possession, the division shall issue a cosmetic total loss  
22 salvage certificate to the insurance company or insurer. The  
23 division shall charge a fee of ~~fifteen dollars~~ \$21 for each  
24 cosmetic total loss salvage certificate issued. The division  
25 shall, upon surrender of the cosmetic total loss salvage  
26 certificate issued under the provisions of this paragraph and

1 payment of the five percent ~~privilege tax~~ consumers sales tax on  
2 the fair market value of the vehicle as determined by the  
3 commissioner, issue a title branded "cosmetic total loss" without  
4 further inspection.

5 (e) If the insurance company or insurer determines that the  
6 damage to a totaled vehicle renders it nonrepairable, incapable of  
7 safe operation for use on roads and highways and ~~which has~~ as  
8 having no resale value except as a source of parts or scrap, the  
9 insurance company or vehicle owner shall, in the manner prescribed  
10 by the commissioner, request that the division issue a  
11 nonrepairable motor vehicle certificate in lieu of a salvage  
12 certificate. The division shall issue a nonrepairable motor  
13 vehicle certificate without charge.

14 (f) Any owner who scraps, compresses, dismantles or destroys  
15 a vehicle without further transfer or sale for which a certificate  
16 of title, nonrepairable motor vehicle certificate or salvage  
17 certificate has been issued shall, within ~~twenty~~ forty-five days,  
18 surrender the certificate of title, nonrepairable motor vehicle  
19 certificate, or salvage certificate to the division for  
20 cancellation.

21 (g) Any person who purchases or acquires a vehicle as salvage  
22 or scrap, to be dismantled, compressed or destroyed, shall, within  
23 ~~twenty~~ forty-five days, ~~surrender the certificate to the division.~~  
24 to the division the certificate of title, nonrepairable motor  
25 vehicle certificate, salvage certificate or a statement of  
26 cancellation signed by the seller, on a form prescribed by the

1 commissioner. Subsequent purchasers of salvage or scrap are not  
2 required to comply with the notification requirement.

3 ~~(g)~~ (h) If the motor vehicle is a "reconstructed vehicle" as  
4 defined in this section or section one, article one of this  
5 chapter, it may not be titled or registered for operation until it  
6 has been inspected by an official state inspection station and by  
7 the Division of Motor Vehicles. Following an approved inspection,  
8 an application for a new certificate of title may be submitted to  
9 the division. ~~however,~~ The applicant ~~shall be~~ is required to retain  
10 all receipts for component parts, equipment and materials used in  
11 the reconstruction. The salvage certificate shall also be  
12 surrendered to the division before a certificate of title may be  
13 issued with the appropriate brand.

14 ~~(h)~~ (i) The owner or title holder of ~~any~~ a motor vehicle  
15 titled in this state which has previously been branded in this  
16 state or another state as "salvage", "reconstructed", "cosmetic  
17 total loss", "cosmetic total loss salvage", "flood" or "fire", ~~or~~  
18 an equivalent term under another state's laws or a term consistent  
19 with the intent of the National Motor Vehicle Title Information  
20 System established pursuant to 49 U.S.C. §30502 shall, upon  
21 becoming aware of the brand, apply for and receive a title from the  
22 Division of Motor Vehicles on which the brand "reconstructed",  
23 "salvage", "cosmetic total loss", "cosmetic total loss salvage",  
24 "flood", ~~or~~ "fire" or other brand is shown. The division shall  
25 charge a fee of ~~five dollars~~ \$21 for each title so issued.

26 ~~(i)~~ (j) If application is made for title to a motor vehicle,

1 the title to which has previously been branded "reconstructed",  
2 "salvage", "cosmetic total loss", "cosmetic total loss salvage",  
3 "flood", ~~or~~ "fire" or other brand by the Division of Motor Vehicles  
4 under this section and said application is accompanied by a title  
5 from another state which does not carry the brand, the division  
6 shall, before issuing the title, affix the brand "reconstructed",  
7 "cosmetic total loss", "cosmetic total loss salvage", "flood", ~~or~~  
8 "fire" or other brand to the title. The ~~privilege consumers sales~~  
9 tax paid on a motor vehicle titled as "reconstructed", "cosmetic  
10 total loss", "flood", ~~or~~ "fire" or other brand under the provisions  
11 of this section shall be based on fifty percent of the fair market  
12 value of the vehicle as determined by a nationally accepted used  
13 car value guide to be used by the commissioner.

14       ~~(j)~~ (k) The division shall charge a fee of ~~fifteen dollars~~ \$21  
15 for the issuance of each salvage certificate or cosmetic total loss  
16 salvage certificate but shall not require the payment of the five  
17 percent ~~privilege tax~~ consumers sales tax. However, upon  
18 application for a certificate of title for a reconstructed,  
19 cosmetic total loss, flood or fire damaged vehicle or other brand,  
20 the division shall collect the five percent privilege tax on the  
21 fair market value of the vehicle as determined by the commissioner  
22 unless the applicant is otherwise exempt from the payment of such  
23 privilege tax. A wrecker/dismantler/rebuilder, licensed by the  
24 division, is exempt from the payment of the five percent ~~privilege~~  
25 ~~tax~~ consumers sales tax upon titling a reconstructed vehicle. The  
26 division shall collect a fee of ~~thirty-five dollars~~ \$35 per vehicle

1 for inspections of reconstructed vehicles. These fees shall be  
2 deposited in a special fund created in the State Treasurer's Office  
3 and may be expended by the division to carry out the provisions of  
4 this article: *Provided*, That on and after the first day of July,  
5 2007, any balance in the special fund and all fees collected  
6 pursuant to this section shall be deposited in the State Road Fund.  
7 Licensed wreckers/dismantlers/rebuilders may charge a fee not to  
8 exceed ~~twenty-five dollars~~ \$25 for all vehicles owned by private  
9 rebuilders which are inspected at the place of business of a  
10 wrecker/dismantler/rebuilder.

11 ~~(k)~~ (l) As used in this section:

12 (1) "Reconstructed vehicle" means the vehicle was totaled  
13 under the provisions of this section or by the provisions of  
14 another state or jurisdiction and has been rebuilt in accordance  
15 with the provisions of this section or in accordance with the  
16 provisions of another state or jurisdiction or meets the provisions  
17 of subsection (m), section one, article one of this chapter.

18 (2) "Flood-damaged vehicle" means that the vehicle was  
19 submerged in water to the extent that water entered the passenger  
20 or trunk compartment.

21 (3) "Other brand" means a brand consistent with the intent of  
22 the National Motor Vehicle Title Information System established  
23 pursuant to 49 U.S.C. §30502 and rules promulgated by the United  
24 States Department of Justice to alert consumers, motor vehicle  
25 dealers or the insurance industry of the history of a vehicle.

26 ~~(l)~~ (m) Every vehicle owner shall comply with the branding

1 requirements for a totaled vehicle whether or not the owner  
2 receives an insurance claim settlement for a totaled vehicle.

3 ~~(m)~~ (n) A certificate of title issued by the division for a  
4 reconstructed vehicle shall contain markings in bold print on the  
5 face of the title that it is for a reconstructed, flood or fire  
6 damaged vehicle.

7 ~~(n)~~ (o) Any person who knowingly provides false or fraudulent  
8 information to the division that is required by this section in an  
9 application for a title, a cosmetic total loss title, a  
10 reconstructed vehicle title or a salvage certificate or who  
11 knowingly fails to disclose to the division information required by  
12 this section to be included in the application or who otherwise  
13 violates the provisions of this section ~~shall be~~ is guilty of a  
14 misdemeanor and, upon conviction thereof, shall for each incident  
15 be fined not less than ~~one thousand dollars~~ \$1000 nor more than ~~two~~  
16 ~~thousand five hundred dollars~~ \$2500, or imprisoned in jail for not  
17 more than one year, or both fined and imprisoned.

18 **ARTICLE 4A. LIENS AND ENCUMBRANCES ON VEHICLES TO BE SHOWN ON**  
19 **CERTIFICATE OF TITLE; NOTICE TO CREDITORS AND PURCHASERS.**

20 **§17A-4A-10. Fee for recording and release of lien.**

21 The Division of Motor Vehicles ~~is hereby authorized to~~ shall  
22 charge a fee of ~~five dollars~~ \$13 for the recording of any lien  
23 either in an electronic or paper format created by the voluntary  
24 act of the owner and endorsing it upon the title certificate issued  
25 pursuant to this article, and the Division of Motor Vehicles ~~is~~

1 hereby ~~authorized to~~ shall charge a fee of ~~fifty cents~~ \$13 for  
2 recordation of any release of a lien created by the voluntary act  
3 of the owner: Provided, That no charge shall be made for the  
4 endorsement and recordation of liens or releases thereof as  
5 provided under section nine of this article. No charge shall be  
6 made for the issuance of a title to the owner of a vehicle upon the  
7 receipt of an electronic release of the final lien.

8 **ARTICLE 10. FEES FOR REGISTRATION, LICENSING, ETC.**

9 **§17A-10-3. Registration fees for vehicles equipped with pneumatic**  
10 **tires.**

11 The following registration fees for the classes indicated  
12 shall be paid to the division for the registration of vehicles  
13 subject to registration under this chapter when equipped with  
14 pneumatic tires:

15 (a) Registration fees for the following classes shall be paid  
16 to the division annually:

17 (1) Class A.--The registration fee for all motor vehicles of  
18 this class are ~~is~~ \$28.50:

19 (A) \$38.50 for declared gross weights less than 4001 pounds;  
20 and

21 (B) \$58.50 for declared gross weights of 4001 pounds to 8000  
22 pounds.

23 ~~Provided, That~~ The registration fees and any other fees  
24 required by this chapter for Class A vehicles under the optional  
25 biennial staggered registration system shall be multiplied by two

1 and paid biennially to the division.

2 No license fee may be charged for vehicles owned by churches,  
3 or by trustees for churches, which are regularly used for  
4 transporting parishioners to and from church services.  
5 Notwithstanding the exemption, the certificate of registration and  
6 license plates shall be obtained the same as other cards and plates  
7 under this article.

8 (2) Class B.--The registration fee for all motor vehicles of  
9 this class is as follows:

10 (A) For declared gross weights of eight thousand one pounds to  
11 sixteen thousand pounds--\$28 plus \$5 for each one thousand pounds  
12 or fraction of one thousand pounds that the gross weight of the  
13 vehicle or combination of vehicles exceeds eight thousand pounds.

14 (B) For declared gross weights greater than sixteen thousand  
15 pounds, but less than fifty-five thousand pounds--\$78.50 plus \$10  
16 for each one thousand or fraction of one thousand pounds that the  
17 gross weight of the vehicle or combination of vehicles exceeds  
18 sixteen thousand pounds.

19 (C) For declared gross weights of fifty-five thousand pounds  
20 or more--\$737. 50 plus \$15.75 for each one thousand pounds or  
21 fraction of one thousand pounds that the gross weight of the  
22 vehicle or combination of vehicles exceeds fifty-five thousand  
23 pounds.

24 (3) Class G.--The registration fee for each motorcycle or  
25 parking enforcement vehicle is \$8: Provided, That the registration  
26 fee and any other fees required by this chapter for Class G

1 vehicles shall be for at least one year and under an optional  
2 biennial registration system the annual fee shall be multiplied by  
3 two and paid biennially to the division.

4 (4) Class H.--The registration fee for all vehicles for this  
5 class operating entirely within the state is \$5; and for vehicles  
6 engaged in interstate transportation of persons, the registration  
7 fee is the amount of the fees provided by this section for Class B,  
8 reduced by the amount that the mileage of the vehicles operated in  
9 states other than West Virginia bears to the total mileage operated  
10 by the vehicles in all states under a formula to be established by  
11 the Division of Motor Vehicles.

12 (5) Class J.--The registration fee for all motor vehicles of  
13 this class is \$85. Ambulances and hearses used exclusively as  
14 ambulances and hearses are exempt from the special fees set forth  
15 in this section.

16 (6) Class M.--The registration fee for all vehicles of this  
17 class is \$17.50.

18 (7) Class X farm truck.--The registration fee for all motor  
19 vehicles of this class is as follows:

20 (A) For farm trucks of declared gross weights of eight  
21 thousand one pounds to sixteen thousand pounds--\$30.

22 (B) For farm trucks of declared gross weights of sixteen  
23 thousand one pounds to twenty-two thousand pounds--\$60.

24 (C) For farm trucks of declared gross weights of twenty-two  
25 thousand one pounds to twenty-eight thousand pounds--\$90.

26 (D) For farm trucks of declared gross weights of twenty-eight

1 thousand one pounds to thirty-four thousand pounds--\$115.

2 (E) For farm trucks of declared gross weights of thirty-four  
3 thousand one pounds to forty-four thousand pounds--\$160.

4 (F) For farm trucks of declared gross weights of forty-four  
5 thousand one pounds to fifty-four thousand pounds--\$205.

6 (G) For farm trucks of declared gross weights of fifty-four  
7 thousand one pounds to eighty thousand pounds--\$250: Provided,  
8 That the provisions of subsection (a), section eight, article one,  
9 chapter seventeen-e of this code do not apply if the vehicle  
10 exceeds sixty-four thousand pounds and is a truck tractor or road  
11 tractor.

12 (b) Registration fees for the following classes shall be paid  
13 to the division for a maximum period of three years, or portion of  
14 a year based on the number of years remaining in the three-year  
15 period designated by the commissioner:

16 (1) Class R.--The annual registration fee for all vehicles of  
17 this class is \$12.

18 (2) Class T.--The annual registration fee for all vehicles of  
19 this class is \$8.

20 (c) The fees paid to the division for a multiyear registration  
21 provided by this chapter shall be the same as the annual  
22 registration fee established by this section and any other fee  
23 required by this chapter multiplied by the number of years for  
24 which the registration is issued.

25 (d) The registration fee for all Class C vehicles is \$50. On  
26 or before July 1, 2000, all Class C trailers shall be registered

1 for the duration of the owner's interest in the trailer and do not  
2 expire until either sold or otherwise permanently removed from the  
3 service of the owner: Provided, That a registrant may transfer a  
4 Class C registration plate from a trailer owned less than thirty  
5 days to another Class C trailer titled in the name of the  
6 registrant upon payment of the transfer fee prescribed in section  
7 ten of this article.

8 **§17A-10-10. Fees upon transfer of registration and issuance of**  
9 **certificates of title.**

10 A fee of ~~five dollars~~ \$6 shall be paid for a transfer of  
11 registration by an owner from one vehicle to another vehicle of the  
12 same class or for surrender of registration of one vehicle in  
13 exchange for registration of a vehicle of a different class in  
14 addition to the payment of any difference in fees as provided in  
15 section one, article four of this chapter.

16 A fee of ~~five dollars~~ \$6 shall be paid for the transfer of  
17 registration from a deceased person to his legal heir or legatee as  
18 provided in section five, article four of this chapter.

19 A fee of ~~five dollars~~ \$21 shall be paid for the issuance of a  
20 certificate of title.

21 **§17A-10-11. Fees for duplicate registration plates, registration**  
22 **cards and certificates of title.**

23 A fee of ~~five dollars~~ \$5 shall be paid for the issuance of  
24 duplicate or substitute ~~registration plates,~~ registration cards.  
25 A fee of \$15 shall be paid for the issuance of duplicate or

1 substitute registration plates or decals. or certificates of title.  
2 A fee of \$21 shall be paid for the issuance of duplicate  
3 certificates of title.

4 **CHAPTER 17B. MOTOR VEHICLE DRIVER'S LICENSES.**

5 **§17B-2-1. Drivers must be licensed; types of licenses; licensees**  
6 **need not obtain local government license; motorcycle driver**  
7 **license; identification cards.**

8 (a) (1) No person, except those hereinafter expressly exempted,  
9 may drive any motor vehicle upon a street or highway in this state  
10 or upon any subdivision street used by the public generally unless  
11 the person has a valid driver's license issued pursuant to this  
12 code for the type or class of vehicle being driven.

13 (2) Any person licensed to operate a motor vehicle pursuant to  
14 this code may exercise the privilege thereby granted in the manner  
15 provided in this code and, except as otherwise provided by law, is  
16 not required to obtain any other license to exercise the privilege  
17 by any county, municipality or local board or body having authority  
18 to adopt local police regulations.

19 (b) The division, upon issuing a driver's license, shall  
20 indicate on the license the type or general class or classes of  
21 vehicles the licensee may operate in accordance with this code,  
22 federal law or rule. Licenses shall be issued in different colors  
23 for those drivers under age eighteen, those drivers age eighteen to  
24 twenty-one and adult drivers. The commissioner is authorized to  
25 select and assign colors to the licenses of the various age groups.

1 (c) Driver's licenses issued by the division shall be  
2 classified in the following manner:

3 (1) A Class A, B or C license shall be issued to those persons  
4 eighteen years of age or older with two years of driving experience  
5 who have qualified for the commercial driver's license established  
6 by chapter seventeen-e of this code and the federal Motor Carrier  
7 Safety and Improvement Act of 1999 and subsequent rules, and have  
8 paid the required fee.

9 (2) A Class D license shall be issued to those persons  
10 eighteen years and older with one year of driving experience who  
11 operate motor vehicles other than those types of vehicles which  
12 require the operator to be licensed under the provisions of chapter  
13 seventeen-e of this code and federal law and rule and whose primary  
14 function or employment is the transportation of persons or property  
15 for compensation or wages and have paid the required fee. For the  
16 purpose of regulating the operation of motor vehicles, wherever the  
17 term "chauffeur's license" is used in this code, it shall be  
18 construed to mean the Class A, B, C or D license described in this  
19 section or chapter seventeen-e of this code or federal law or rule:  
20 Provided, That anyone not required to be licensed under the  
21 provisions of chapter seventeen-e of this code and federal law or  
22 rule and who operates a motor vehicle registered or required to be  
23 registered as a Class A motor vehicle, as that term is defined in  
24 section one, article ten, chapter seventeen-a of this code, with a  
25 gross vehicle weight rating of less than eight thousand one pounds,  
26 is not required to obtain a Class D license.

1 (3) A Class E license shall be issued to those persons who  
2 have qualified for a driver's license under the provisions of this  
3 chapter and who are not required to obtain a Class A, B, C or D  
4 license and who have paid the required fee. The Class E license  
5 may be endorsed under the provisions of section seven-b of this  
6 article for motorcycle operation. The Class E or (G) license for  
7 any person under the age of eighteen may also be endorsed with the  
8 appropriate graduated driver license level in accordance with the  
9 provisions of section three-a of this article.

10 (4) A Class F license shall be issued to those persons who  
11 successfully complete the motorcycle examination procedure provided  
12 by this chapter and have paid the required fee, but who do not  
13 possess a Class A, B, C, D or E driver's license.

14 (5) A Class G driver's license or instruction permit shall be  
15 issued to a person using bioptic telescopic lenses who has  
16 successfully completed an approved driver training program and  
17 complied with all other requirements of article two-b of this  
18 chapter.

19 (d) All licenses issued under this section may contain  
20 information designating the licensee as a diabetic, organ donor, as  
21 deaf or hard-of-hearing or as having any other handicap or  
22 disability or a person who is an honorably discharged veteran of  
23 any branch of the armed forces of the United States, according to  
24 criteria established by the division, if the licensee requests this  
25 information on the license.

26 (e) No person, except those hereinafter expressly exempted,

1 may drive any motorcycle upon a street or highway in this state or  
2 upon any subdivision street used by the public generally unless the  
3 person has a valid motorcycle license, a valid license which has  
4 been endorsed under section seven-b of this article for motorcycle  
5 operation or a valid motorcycle instruction permit.

6 (f) (1) An identification card may be issued to any person  
7 who:

8 (A) Is a resident of this state in accordance with the  
9 provisions of section one-a, article three, chapter seventeen-a of  
10 this code;

11 (B) Has reached the age of two years. The division may also  
12 issue an identification card to a person under the age of two years  
13 for good cause shown;

14 (C) Has paid the required fee of ~~two dollars and fifty cents~~  
15 \$6.50 per year: *Provided*, That the fee is not required if the  
16 applicant is sixty-five years or older or is legally blind; and

17 (D) Presents a birth certificate or other proof of age and  
18 identity acceptable to the division with a completed application on  
19 a form furnished by the division.

20 (2) The identification card shall contain the same information  
21 as a driver's license except that the identification card shall be  
22 clearly marked as an identification card. However, the division  
23 may issue an identification card with less information to persons  
24 under the age of sixteen. An identification card may be renewed  
25 annually on application and payment of the fee required by this  
26 section.

1 (A) Every identification card issued to a person who has  
2 attained his or her twenty-first birthday shall expire on the  
3 licensee's birthday in those years in which the licensee's age is  
4 evenly divisible by five. Except as provided in paragraph (B) of  
5 this subdivision, no identification card may be issued for less  
6 than three years or for more than seven years and expires on the  
7 licensee's birthday in those years in which the licensee's age is  
8 evenly divisible by five.

9 (B) Every identification card issued to a person who has not  
10 attained his or her twenty-first birthday shall expire thirty days  
11 after the licensee's twenty-first birthday.

12 ~~(C) Every identification card issued to persons under the age~~  
13 ~~of sixteen shall be issued for a period of two years and shall~~  
14 ~~expire on the last day of the month in which the applicant's~~  
15 ~~birthday occurs.~~

16 (3) The division may issue an identification card to an  
17 applicant whose privilege to operate a motor vehicle has been  
18 refused, canceled, suspended or revoked under the provisions of  
19 this code.

20 (g) Any person violating the provisions of this section is  
21 guilty of a misdemeanor and, upon conviction, shall be fined not  
22 more than ~~five hundred dollars~~ \$500; and upon a second or  
23 subsequent conviction, shall be fined not more than ~~five hundred~~  
24 ~~dollars~~ \$500 or confined in jail not more than six months, or both.

25 **§17B-2-3a. Graduated driver's license.**

26 (a) Any person under the age of eighteen may not operate a

1 motor vehicle unless he or she has obtained a graduated driver's  
2 license in accordance with the three-level graduated driver's  
3 license system described in the following provisions.

4 (b) Any person under the age of twenty-one, regardless of  
5 class or level of licensure, who operates a motor vehicle with any  
6 measurable alcohol in his or her system is subject to the  
7 provisions of section two, article five, chapter seventeen-c of  
8 this code and section two, article five-a of said chapter. Any  
9 person under the age of eighteen, regardless of class or licensure  
10 level, is subject to the mandatory school attendance and  
11 satisfactory academic progress provisions of section eleven,  
12 article eight, chapter eighteen of this code.

13 (c) Level one instruction permit.--An applicant who is fifteen  
14 years or older meeting all other requirements prescribed in this  
15 code may be issued a level one instruction permit.

16 (1) Eligibility.--The division shall not issue a level one  
17 instruction permit unless the applicant:

18 (A) Presents a completed application, as prescribed by the  
19 provisions of section six of this article, and which is accompanied  
20 by a writing, duly acknowledged, consenting to the issuance of the  
21 graduated driver's license and executed by a parent or guardian  
22 entitled to custody of the applicant;

23 (B) Presents a certified copy of a birth certificate issued by  
24 a state or other governmental entity responsible for vital records  
25 unexpired, or a valid passport issued by the United States  
26 government evidencing that the applicant meets the minimum age

1 requirement and is of verifiable identity;

2 (C) Passes the vision and written knowledge examination and  
3 completes the driving under the influence awareness program, as  
4 prescribed in section seven of this article;

5 (D) Presents a driver's eligibility certificate or otherwise  
6 shows compliance with the provisions of section eleven, article  
7 eight, chapter eighteen of this code; and

8 (E) Pays a fee of \$5 which shall permit the applicant ~~two~~  
9 ~~attempts~~ one attempt at the written knowledge test.

10 (2) Terms and conditions of instruction permit.--A level one  
11 instruction permit issued under the provisions of this section is  
12 valid until thirty days after the date the applicant attains the  
13 age of eighteen and is not renewable. However, any permit holder  
14 who allows his or her permit to expire prior to successfully  
15 passing the road skills portion of the driver examination, and who  
16 has not committed any offense which requires the suspension,  
17 revocation or cancellation of the instruction permit, may reapply  
18 for a new instruction permit under the provisions of section six of  
19 this article. The division shall immediately revoke the permit  
20 upon receipt of a second conviction for a moving violation of  
21 traffic regulations and laws of the road or violation of the terms  
22 and conditions of a level one instruction permit, which convictions  
23 have become final unless a greater penalty is required by this  
24 section or any other provision of this code. Any person whose  
25 instruction permit has been revoked is disqualified from retesting  
26 for a period of ninety days. However, after the expiration of

1 ninety days, the person may retest if otherwise eligible. In  
2 addition to all other provisions of this code for which a driver's  
3 license may be restricted, suspended, revoked or canceled, the  
4 holder of a level one instruction permit may only operate a motor  
5 vehicle under the following conditions:

6 (A) Under the direct supervision of a licensed driver,  
7 twenty-one years of age or older, or a driver's education or  
8 driving school instructor who is acting in an official capacity as  
9 an instructor, who is fully alert and unimpaired, and the only  
10 other occupant of the front seat. The vehicle may be operated with  
11 no more than two additional passengers, unless the passengers are  
12 family members;

13 (B) Between the hours of five a.m. and ten p.m.;

14 (C) All occupants must use safety belts in accordance with the  
15 provisions of section forty-nine, article fifteen, chapter  
16 seventeen-c of this code;

17 (D) Without any measurable blood alcohol content, in  
18 accordance with the provisions of subsection (h), section two,  
19 article five, chapter seventeen-c of this code; and

20 (E) Maintains current school enrollment and is making  
21 satisfactory academic progress or otherwise shows compliance with  
22 the provisions of section eleven, article eight, chapter eighteen  
23 of this code.

24 (F) A holder of a level one instruction permit who is under  
25 the age of eighteen years shall be prohibited from using a wireless  
26 communication device while operating a motor vehicle, unless the

1 use of the wireless communication device is for contacting a 9-1-1  
2 system. A person violating the provisions of this paragraph is  
3 guilty of a misdemeanor and, upon conviction thereof, shall for the  
4 first offense be fined \$25; for a second offense be fined \$50; and  
5 for a third or subsequent offense be fined \$75.

6 (d) Level two intermediate driver's license.--An applicant  
7 sixteen years of age or older, meeting all other requirements of  
8 the code, may be issued a level two intermediate driver's license.

9 (1) Eligibility.--The division shall not issue a level two  
10 intermediate driver's license unless the applicant:

11 (A) Presents a completed application as prescribed in section  
12 six of this article;

13 (B) Has held the level one instruction permit conviction-free  
14 for the one hundred eighty days immediately preceding the date of  
15 application for a level two intermediate license;

16 (C) Has completed either a driver's education course approved  
17 by the State Department of Education or fifty hours of  
18 behind-the-wheel driving experience, including a minimum of ten  
19 hours of nighttime driving, certified by a parent or legal guardian  
20 or other responsible adult over the age of twenty-one as indicated  
21 on the form prescribed by the division: Provided, That nothing in  
22 this paragraph shall be construed to require any school or any  
23 county board of education to provide any particular number of  
24 driver's education courses or to provide driver's education  
25 training to any student;

26 (D) Presents a driver's eligibility certificate or otherwise

1 shows compliance with the provisions of section eleven, article  
2 eight, chapter eighteen of this code;

3 (E) Passes the road skills examination as prescribed by  
4 section seven of this article; and

5 (F) Pays a fee of \$5 which shall permit the holder one attempt  
6 at the road skills examination.

7 (2) Terms and conditions of a level two intermediate driver's  
8 license.--A level two intermediate driver's license issued under  
9 the provisions of this section shall expire thirty days after the  
10 applicant attains the age of eighteen, or until the licensee  
11 qualifies for a level three full Class E license, whichever comes  
12 first. In addition to all other provisions of this code for which  
13 a driver's license may be restricted, suspended, revoked or  
14 canceled, the holder of a level two intermediate driver's license  
15 may only operate a motor vehicle under the following conditions:

16 (A) Unsupervised between the hours of five a. m. and ten p.  
17 m.;

18 (B) Only under the direct supervision of a licensed driver,  
19 age twenty-one years or older, between the hours of ten p. m. and  
20 five a. m. except when the licensee is going to or returning from:

21 (i) Lawful employment;

22 (ii) A school-sanctioned activity;

23 (iii) A religious event; or

24 (iv) An emergency situation that requires the licensee to  
25 operate a motor vehicle to prevent bodily injury or death of  
26 another;

1 (C) All occupants shall use safety belts in accordance with  
2 the provisions of section forty-nine, article fifteen, chapter  
3 seventeen-c of this code;

4 (D) For the first six months after issuance of a level two  
5 intermediate driver's license, the licensee may not operate a motor  
6 vehicle carrying any passengers less than twenty years old, unless  
7 these passengers are family members of the licensee; for the second  
8 six months after issuance of a level two intermediate driver's  
9 license, the licensee may not operate a motor vehicle carrying more  
10 than one passenger less than twenty years old, unless these  
11 passengers are family members of the licensee;

12 (E) Without any measurable blood alcohol content in accordance  
13 with the provisions of subsection (h), section two, article five,  
14 chapter seventeen-c of this code;

15 (F) Maintains current school enrollment and is making  
16 satisfactory academic progress or otherwise shows compliance with  
17 the provisions of section eleven, article eight, chapter eighteen  
18 of this code;

19 (G) A holder of a level two intermediate driver's license who  
20 is under the age of eighteen years shall be prohibited from using  
21 a wireless communication device while operating a motor vehicle,  
22 unless the use of the wireless communication device is for  
23 contacting a 9-1-1 system. A person violating the provisions of  
24 this paragraph is guilty of a misdemeanor and, upon conviction  
25 thereof, shall for the first offense be fined \$25; for a second  
26 offense be fined \$50; and for a third or subsequent offense be

1 fined \$75.

2       (H) Upon the first conviction for a moving traffic violation  
3 or a violation of paragraph (A), (B), (C), (D) or (G), subdivision  
4 (1), subsection (d) of this section of the terms and conditions of  
5 a level two intermediate driver's license, the licensee shall  
6 enroll in an approved driver improvement program unless a greater  
7 penalty is required by this section or by any other provision of  
8 this code; and

9       At the discretion of the commissioner, completion of an  
10 approved driver improvement program may be used to negate the  
11 effect of a minor traffic violation as defined by the commissioner  
12 against the one year conviction-free driving criteria for early  
13 eligibility for a level three driver's license and may also negate  
14 the effect of one minor traffic violation for purposes of avoiding  
15 a second conviction under paragraph (I) of this subdivision; and

16       (I) Upon the second conviction for a moving traffic violation  
17 or a violation of the terms and conditions of the level two  
18 intermediate driver's license, the licensee's privilege to operate  
19 a motor vehicle shall be revoked or suspended for the applicable  
20 statutory period or until the licensee's eighteenth birthday,  
21 whichever is longer unless a greater penalty is required by this  
22 section or any other provision of this code. Any person whose  
23 driver's license has been revoked as a level two intermediate  
24 driver, upon reaching the age of eighteen years and if otherwise  
25 eligible may reapply for an instruction permit, then a driver's  
26 license in accordance with the provisions of sections five, six and

1 seven of this article.

2 (e) Level three, full Class E license.--The level three  
3 license is valid until thirty days after the date the licensee  
4 attains his or her twenty-first birthday. Unless otherwise  
5 provided in this section or any other section of this code, the  
6 holder of a level three full Class E license is subject to the same  
7 terms and conditions as the holder of a regular Class E driver's  
8 license.

9 A level two intermediate licensee whose privilege to operate  
10 a motor vehicle has not been suspended, revoked or otherwise  
11 canceled and who meets all other requirements of the code may be  
12 issued a level three full Class E license without further  
13 examination or road skills testing if the licensee:

14 (1) Has reached the age of seventeen years; and

15 (A) Presents a completed application as prescribed by the  
16 provisions of section six of this article;

17 (B) Has held the level two intermediate license conviction  
18 free for the twelve-month period immediately preceding the date of  
19 the application;

20 (C) Has completed any driver improvement program required  
21 under paragraph (G), subdivision (2), subsection (d) of this  
22 section; and

23 (D) Pays a fee of ~~\$2.50~~ \$6.50 for each year the license is  
24 valid. An additional fee of \$.50 shall be collected to be  
25 deposited in the Combined Voter Registration and Driver's Licensing  
26 Fund established in section twelve, article two, chapter three of

1 this code;

2 (E) Presents a driver's eligibility certificate or otherwise  
3 shows compliance with the provisions of section eleven, article  
4 eight, chapter eighteen of this code; or

5 (2) Reaches the age of eighteen years; and

6 (A) Presents a completed application as prescribed by the  
7 provisions of section six of this article; and

8 (B) Pays a fee of ~~\$2.50~~ \$6.50 for each year the license is  
9 valid. An additional fee of \$.50 shall be collected to be  
10 deposited in the Combined Voter Registration and Driver's Licensing  
11 Fund established in section twelve, article two, chapter three of  
12 this code.

13 (f) A person violating the provisions of the terms and  
14 conditions of a level one or level two intermediate driver's  
15 license is guilty of a misdemeanor and, upon conviction thereof,  
16 shall for the first offense be fined \$25; for a second offense be  
17 fined \$50; and for a third or subsequent offense be fined \$75.

18 **§17B-2-5. Qualifications, issuance and fee for instruction permits.**

19 (a) Any person who is at least fifteen years of age may apply  
20 to the division for an instruction permit. However, any person who  
21 has not attained the age of eighteen shall comply with the  
22 provisions of section three-a of this article. The division may,  
23 in its discretion, after the applicant has successfully passed all  
24 parts of the examination other than the road skills test, issue to  
25 the applicant an instruction permit which entitles the applicant  
26 while having the permit in his or her immediate possession to drive

1 a motor vehicle upon the public highways when accompanied by a  
2 licensed driver of at least twenty-one years of age, a driver's  
3 education or driving school instructor that is acting in an  
4 official capacity as an instructor, who is alert and unimpaired or  
5 a certified division license examiner acting in an official  
6 capacity as an examiner, who is occupying a seat beside the driver.

7 (1) Any instruction permit issued to a person under the age of  
8 eighteen years shall be issued in accordance with the provisions of  
9 section three-a of this article.

10 (2) Any permit issued to a person who has reached the age of  
11 eighteen years is valid for a period of ninety days. The fee for  
12 the instruction permit is ~~five dollars~~ \$5.

13 (b) Any person sixteen years of age or older may apply to the  
14 division for a motorcycle instruction permit. Any person under the  
15 age of eighteen must have first completed the requirements for a  
16 level two intermediate driver's license or a Class E driver's  
17 license before being eligible for a motorcycle instruction permit.

18 The division may, in its discretion, after the applicant has  
19 successfully passed all parts of the motorcycle examination other  
20 than the driving test, and presented documentation of compliance  
21 with the provisions of section eleven, article eight, chapter  
22 eighteen of this code, if applicable, issue to the applicant an  
23 instruction permit which entitles the applicant while having the  
24 permit in his or her immediate possession to drive a motorcycle  
25 upon the public streets or highways for a period of ninety days,  
26 during the daylight hours between sunrise and sunset only. No

1 holder of a motorcycle instruction permit shall operate a  
2 motorcycle while carrying any passenger on the vehicle.

3 A motorcycle instruction permit is not renewable, but a  
4 qualified applicant may apply for a new permit. The fee for a  
5 motorcycle instruction permit is ~~five dollars~~ \$5, which shall be  
6 paid into a special fund in the state treasury known as the motor  
7 vehicle fees fund.

8 **§17B-2-6. Application for license or instruction permit; fee to**  
9 **accompany application.**

10 (a) Every application for an instruction permit or for a  
11 driver's license shall be made upon a form furnished by the  
12 division. Every application shall be accompanied by the proper fee  
13 and payment of the fee shall entitle an applicant under the age of  
14 eighteen to ~~not more than two attempts~~ one attempt at the written  
15 test or ~~not more than three attempts to pass~~ one attempt at the  
16 road skills test. An applicant age eighteen years or older is  
17 entitled to ~~not more than two attempts~~ one attempt at the written  
18 test or ~~not more than three attempts to pass~~ one attempt at the  
19 road skills test ~~within a period of ninety days from the date of~~  
20 ~~issuance of the instruction permit.~~ per payment of the proper fee.

21 An applicant who fails either the written test or the road skills  
22 test may not be tested twice within a period of one week. An  
23 instruction permit holder is eligible for additional attempts at  
24 passing the written test or road skills test upon payment of a fee  
25 of \$5 for each attempt.

1 (b) Any applicant who has not been previously licensed must  
2 hold an instruction permit for a minimum of thirty days. For the  
3 purposes of this section, the term "previously licensed" means an  
4 applicant who has obtained at least a level one graduated license  
5 or junior driver's license issued under the provisions of this  
6 article or has obtained an equal or greater level of licensure if  
7 previously licensed in another state.

8 (c) Every said application shall state the full legal name,  
9 date of birth, sex, and residence address of the applicant and  
10 briefly describe the applicant and shall state whether the  
11 applicant has theretofore been a licensed driver and, if so, when,  
12 and by what state or country and whether any such license has ever  
13 been suspended or revoked within the five years next preceding the  
14 date of application, or whether an application has ever been  
15 refused and, if so, the date of and reason for the suspension,  
16 revocation or refusal, whether the applicant desires a notation on  
17 the driver's license indicating that the applicant is an organ  
18 donor, in accordance with article one-b of this chapter, a  
19 diabetic, deaf, or hard of hearing, or has any other handicap or  
20 disability or is an honorably discharged veteran of any branch of  
21 the armed forces of the United States and such other pertinent  
22 information as the commissioner may require.

23 **§17B-2-8. Issuance and contents of licenses; fees.**

24 (a) The division shall, upon payment of the required fee,  
25 issue to every applicant qualifying therefor a driver's license,  
26 which shall indicate the type or general class or classes of

1 vehicle or vehicles the licensee may operate in accordance with  
2 this chapter or chapter seventeen-e of this code, or  
3 motorcycle-only license. Each license shall contain a coded number  
4 assigned to the licensee, the full legal name, date of birth,  
5 residence address, a brief description and a color photograph of  
6 the licensee and either a facsimile of the signature of the  
7 licensee or a space upon which the signature of the licensee shall  
8 be written with pen and ink immediately upon receipt of the  
9 license. No license is valid until it has been so signed by the  
10 licensee.

11 (b) A driver's license which is valid for operation of a  
12 motorcycle shall contain a motorcycle endorsement.

13 (c) The division shall use such process or processes in the  
14 issuance of licenses that will, insofar as possible, prevent any  
15 alteration, counterfeiting, duplication, reproduction, forging or  
16 modification of, or the superimposition of a photograph on, the  
17 license.

18 (d) The fee for the issuance of a Class E driver's license is  
19 ~~two dollars and fifty cents~~ \$6.50 per year for each year the  
20 license is issued to be valid. The fee for issuance of a Class D  
21 driver's license is six dollars and twenty-five cents per year for  
22 each year the license is issued to be valid. An additional fee of  
23 fifty cents shall be collected from the applicant at the time of  
24 original issuance or each renewal and the additional fee shall be  
25 deposited in the "combined voter registration and driver's  
26 licensing fund," established pursuant to the provisions of section

1 twelve, article two, chapter three of this code. The additional  
2 fee for adding a motorcycle endorsement to a driver's license is  
3 one dollar per year for each year the license is issued.

4 (e) The fee for issuance of a motorcycle-only license is ~~two~~  
5 ~~dollars and fifty cents~~ \$6.50 for each year for which the  
6 motorcycle license is to be valid. The fees for the motorcycle  
7 endorsement or motorcycle-only license shall be paid into a special  
8 fund in the State Treasury known as the Motorcycle Safety Fund as  
9 established in section seven, article one-d of this chapter.

10 (f) The fee for the issuance of either the level one or level  
11 two graduated driver's license as prescribed in section three-a of  
12 this article is ~~five dollars~~ \$5.

13 (g) The division may use an address on the face of the license  
14 other than the applicant's address of residence if:

15 (1) The applicant has a physical address or location that is  
16 not recognized by the post office for the purpose of receiving  
17 mail;

18 (2) The applicant is enrolled in a state address  
19 confidentiality program or the alcohol test and lock program;

20 (3) The applicant's address is entitled to be suppressed under  
21 a state or federal law or suppressed by a court order; or

22 (4) At the discretion of the commissioner, the applicant's  
23 address may be suppressed to provide security for classes of  
24 applicants such as law-enforcement officials, protected witnesses  
25 and members of the state and federal judicial systems.

26 **§17B-2-11. Duplicate permits and licenses.**

1 In the event that an instruction permit or driver's license  
2 issued under the provisions of this chapter is lost or destroyed,  
3 or if the information contained on the license has changed, the  
4 person to whom the permit or license was issued may upon making  
5 proper application and upon payment of a fee of ~~five dollars~~ \$15  
6 obtain a duplicate thereof upon furnishing proof satisfactory to  
7 the division that the permit or license has been lost or destroyed.

8 **CHAPTER 17D. MOTOR VEHICLE SAFETY RESPONSIBILITY LAW.**

9 **ARTICLE 2. ADMINISTRATION OF LAW.**

10 **§17D-2-2. Commissioner to furnish abstract of operating record;**  
11 **fee for abstract.**

12 The commissioner shall upon request and subject to the  
13 provisions of article two-a, chapter seventeen-a of this code,  
14 furnish any person a certified abstract of the operating record of  
15 any person subject to the provisions of this chapter, and if there  
16 is no record of any conviction of the person of a violation of any  
17 law relating to the operation of a motor vehicle or of any injury  
18 or damage caused by the person, the commissioner shall so certify.  
19 The commissioner shall collect ~~five dollars~~ \$10 for each abstract.