

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 535

(By Senators Klempa, Yost, Unger, Wells,
Nohe, Boley and Green)

[Originating in the Committee on Transportation
and Infrastructure; reported March 1, 2011.]

A BILL to amend and reenact §17B-2-1 and §17B-2-6 of the Code of West Virginia, 1931, as amended, all relating to issuance of driver's license; and providing that licenses issued under this section may contain information designating the licensee as a person who is an honorably discharged veteran of any branch of the armed forces of the United States in accordance with criteria established by the division if the licensee requests this information on the license.

Be it enacted by the Legislature of West Virginia:

That §17B-2-1 and §17B-2-6 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

ARTICLE 2. ISSUANCE OF LICENSE, EXPIRATION AND RENEWAL.

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

1 (a) A person, except those hereinafter expressly exempted,
2 may not drive any motor vehicle upon a street or highway in
3 this state or upon any subdivision street, as used in article
4 twenty-four, chapter eight of this code, when the use of the
5 subdivision street is generally used by the public unless the
6 person has a valid driver's license under the provisions of
7 this code for the type or class of vehicle being driven.

8 Any person licensed to operate a motor vehicle as provided
9 in this code may exercise the privilege thereby granted as
10 provided in this code and, except as otherwise provided by
11 law, is not required to obtain any other license to exercise
12 the privilege by any county, municipality or local board or
13 body having authority to adopt local police regulations.

14 (b) The division, upon issuing a driver's license, shall
15 indicate on the license the type or general class or classes of
16 vehicle or vehicles the licensee may operate in accordance
17 with the provisions of this code, federal law or rule. Licenses
18 shall be issued in different colors for those drivers under age

19 eighteen, those drivers age eighteen to twenty-one and adult
20 drivers. The commissioner is authorized to select and assign
21 colors to the licenses of the various age groups.

22 (c) Driver's licenses issued by the division shall be classi-
23 fied in the following manner:

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

31 (2) Class D license shall be issued to those persons eighteen
32 years and older with one year of driving experience who
33 operate motor vehicles other than those types of vehicles
34 which require the operator to be licensed under the provi-
35 sions of chapter seventeen-e of this code and federal law and
36 rule and whose primary function or employment is the
37 transportation of persons or property for compensation or
38 wages and have paid the required fee. For the purposes of the
39 regulation of the operation of a motor vehicle, wherever the
40 term chauffeur's license is used in this code, it shall be

41 construed to mean the Class A, B, C or D license described in
42 this section or chapter seventeen-e of this code or federal law
43 or rule: *Provided*, That anyone who is not required to be
44 licensed under the provisions of chapter seventeen-e of this
45 code and federal law or rule and who operates a motor
46 vehicle which is registered or which is required to be
47 registered as a Class A motor vehicle as that term is defined
48 in section one, article ten, chapter seventeen-a of this code
49 with a gross vehicle weight rating of less than eight thousand
50 one pounds, is not required to obtain a Class D license.

51 (3) Class E license shall be issued to those persons who
52 have qualified under the provisions of this chapter and who
53 are not required to obtain a Class A, B, C or D license and
54 who have paid the required fee. The Class E license may be
55 endorsed under the provisions of section seven-b of this
56 article for motorcycle operation. The Class E license for any
57 person under the age of eighteen may also be endorsed with
58 the appropriate graduated driver license level in accordance
59 with the provisions of section three-a of this article.

60 (4) Class F license shall be issued to those persons who
61 successfully complete the motorcycle examination procedure

62 provided by this chapter and have paid the required fee, but
63 who do not possess a Class A, B, C, D or E driver's license.

64 (5) All licenses issued under this section may contain
65 information designating the licensee as a diabetic, organ
66 donor or as deaf or hard of hearing and for other handi-
67 capped or disabled persons or person who is an honorably
68 discharged veteran of any branch of the armed forces of the
69 United States in accordance with criteria established by the
70 division, if the licensee requests this information on the
71 license.

72 (d) A person, except those hereinafter expressly exempted,
73 may not drive any motorcycle upon a street or highway in
74 this state or upon any subdivision street, as used in article
75 twenty-four, chapter eight of this code, when the use of the
76 subdivision street is generally used by the public unless the
77 person has a valid motorcycle license or a valid license which
78 has been endorsed under section seven-b of this article for
79 motorcycle operation or has a valid motorcycle instruction
80 permit.

81 (e) (1) An identification card may be issued to any person
82 who:

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

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

89 (C) Has paid the required fee of \$2.50 per year for each
90 year the identification card is issued to be valid: *Provided*,
91 That the fee is not required if the applicant is sixty-five
92 years or older or is legally blind; and

93 (D) Presents a birth certificate or other proof of age and
94 identity acceptable to the division with a completed applica-
95 tion on a form furnished by the division.

96 (2) The identification card shall contain the same informa-
97 tion as a driver's license except that the identification card
98 shall be clearly marked as identification card. However, the
99 division may issue an identification card with less informa-
100 tion to persons under the age of sixteen. It may be renewed
101 on application and payment of the fee required by this
102 section.

103 (A) Every identification card issued to persons who have
104 attained their twenty-first birthday shall expire on the day

105 of the month designated by the commissioner in which the
106 applicant's birthday occurs in those years in which the
107 applicant's age is evenly divisible by five. Except as provided
108 in paragraph (B) of this subdivision, no identification card
109 may be issued for less than three years nor more than seven
110 years and shall be valid for a period of five years expiring in
111 the month in which the applicant's birthday occurs and in a
112 year in which the applicant's age is evenly divisible by five.

113 (B) Every identification card issued to persons who have
114 not attained their twenty-first birthday shall expire on the
115 day of the month designated by the commissioner in the year
116 in which the applicant attains the age of twenty-one years.

117 (C) Every identification card issued to persons under the
118 age of sixteen shall expire on the day of the month desig-
119 nated by the commissioner in which the applicant's birthday
120 occurs and shall be issued for a period of two years.

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

125 (f) Any person violating the provisions of this section is
126 guilty of a misdemeanor and, upon conviction thereof, shall

127 be fined not more than \$500; and upon a second or subse-
128 quent conviction, shall be fined not more than \$500 or
129 confined in jail not more than six months, or both.

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

1 (a) Every application for an instruction permit or for a
2 driver's license shall be made upon a form furnished by the
3 division. Every application shall be accompanied by the
4 proper fee and payment of the fee shall entitle an applicant
5 under the age of eighteen to not more than two attempts at
6 the written test or not more than three attempts to pass the
7 road skills test. An applicant age eighteen years or older is
8 entitled to not more than two attempts at the written test or
9 not more than three attempts to pass the road skills test,
10 within a period of ninety days from the date of issuance of
11 the instruction permit. An applicant who fails either the
12 written test or the road skills test may not be tested twice
13 within a period of one week.

14 (b) Any applicant who has not been previously licensed
15 must hold an instruction permit for a minimum of thirty
16 days. For the purposes of this section, the term "previously
17 licensed" means an applicant who has obtained at least a

18 level one graduated license or junior driver's license issued
19 under the provisions of this article or has obtained an equal
20 or greater level of licensure if previously licensed in another
21 state.

22 (c) Every said application shall state the full legal name,
23 date of birth, sex, and residence address of the applicant and
24 briefly describe the applicant and shall state whether the
25 applicant has theretofore been a licensed driver and, if so,
26 when, and by what state or country and whether any such
27 license has ever been suspended or revoked within the five
28 years next preceding the date of application, or whether an
29 application has ever been refused and, if so, the date of and
30 reason for the suspension, revocation or refusal, whether the
31 applicant desires a notation on the driver's license indicating
32 that the applicant is an organ donor, in accordance with
33 article one-b of this chapter, a diabetic, deaf, or hard of
34 hearing, or has any other handicap or disability or is an
35 honorably discharged veteran of any branch of the armed
36 forces of the United States and such other pertinent informa-
37 tion as the commissioner may require.

(NOTE: The purpose of this bill is to provide that drivers licenses issued under this section may contain information designating the licensee as a person who is an honorably discharged veteran of any branch of the Armed Forces of the United States in accordance with criteria established by the division, if the licensee requests this information on the license.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.)