

1 **ENROLLED**

2 COMMITTEE SUBSTITUTE

3 FOR

4 **H. B. 4330**

5 (By Delegates Staggers, L. Phillips, Butcher, Varner, Ferns,  
6 Cann, R. Phillips, Paxton, Stowers, Iaquina and Longstreth)  
7

8 [Passed March 6, 2012; in effect ninety days from passage.]  
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10 AN ACT to amend and reenact §17B-2-1 and §17B-2-6 of the Code of  
11 West Virginia, 1931, as amended, all relating to issuance of  
12 driver's licenses; providing that licenses issued under this  
13 section may contain information designating the licensee as a  
14 person who is an honorably discharged veteran of any branch of  
15 the Armed Forces of the United States; providing that veterans  
16 may renew licenses without cost if not expired; and redefining  
17 'previously licensed' as an applicant who has held at least a  
18 level two or similar driver's licensing level or class.

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

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

22 **§17B-2-1. Drivers must be licensed; types of licenses; licensees**  
23 **need not obtain local government license;**  
24 **motorcycle driver license; identification cards.**

25 (a) (1) No person, except those hereinafter expressly exempted,

1 may drive any motor vehicle upon a street or highway in this state  
2 or upon any subdivision street used by the public generally unless  
3 the person has a valid driver's license issued pursuant to this  
4 code for the type or class of vehicle being driven.

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

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

18       (c) The following drivers licenses classifications are hereby  
19 established:

20       (1) A Class A, B or C license shall be issued to those persons  
21 eighteen years of age or older with two years of driving experience  
22 who have qualified for the commercial driver's license established  
23 by chapter seventeen-e of this code and the federal Motor Carrier  
24 Safety and Improvement Act of 1999 and subsequent rules, and have

1 paid the required fee.

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

20       (3) A Class E license shall be issued to those persons who  
21 have qualified for a driver's license under the provisions of this  
22 chapter and who are not required to obtain a Class A, B, C or D  
23 license and who have paid the required fee. The Class E license  
24 may be endorsed under the provisions of section seven-b of this

1 article for motorcycle operation. The Class E or (G) license for  
2 any person under the age of eighteen may also be endorsed with the  
3 appropriate graduated driver license level in accordance with the  
4 provisions of section three-a of this article.

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

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

14 (d) All licenses issued under this section may contain  
15 information designating the licensee as a diabetic, organ donor, as  
16 deaf or hard-of-hearing, or as having any other handicap or  
17 disability, or that the licensee is an honorably discharged veteran  
18 of any branch of the Armed Forces of the United States according to  
19 criteria established by the division, if the licensee requests this  
20 information on the license. An honorably discharged veteran may be  
21 issued a replacement license without charge if the request is made  
22 before the expiration date of the current license and the only  
23 purpose for receiving the replacement license is to get the  
24 veterans designation placed on the license.

1 (e) No person, except those hereinafter expressly exempted,  
2 may drive any motorcycle upon a street or highway in this state or  
3 upon any subdivision street used by the public generally unless the  
4 person has a valid motorcycle license, a valid license which has  
5 been endorsed under section seven-b of this article for motorcycle  
6 operation or a valid motorcycle instruction permit.

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

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

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

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

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

21 (2) The identification card shall contain the same information  
22 as a driver's license except that the identification card shall be  
23 clearly marked as an identification card. The division may issue  
24 an identification card with less information to persons under the

1 age of sixteen. An identification card may be renewed annually on  
2 application and payment of the fee required by this section.

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

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

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

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

22 (g) Any person violating the provisions of this section is  
23 guilty of a misdemeanor and, upon conviction, shall be fined not  
24 more than five hundred dollars; and upon a second or subsequent

1 conviction, shall be fined not more than five hundred dollars or  
2 confined in jail not more than six months, or both fined and  
3 confined.

4 **§17B-2-6. Application for license or instruction permit; fee to**  
5 **accompany application.**

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

18 (b) Any applicant who has not been previously licensed must  
19 hold an instruction permit for a minimum of thirty days. For the  
20 purposes of this section, the term "previously licensed" means an  
21 applicant who has obtained at least a level two graduated license  
22 or junior driver's license issued under the provisions of this  
23 article or has obtained an equal or greater level of licensure if  
24 previously licensed in another state.

1 (c) Every application for an instruction permit shall state  
2 the full legal name, date of birth, sex, and residence address of  
3 the applicant and briefly describe the applicant. the application  
4 shall state whether the applicant has theretofore been a licensed  
5 driver and, if so, when, and by what state or country and whether  
6 his or her license has ever been suspended or revoked within five  
7 years of the date of application, or whether an application has  
8 ever been refused and, if so, the date of and reason for the  
9 suspension, revocation or refusal. The application will indicate  
10 whether the applicant desires a notation on the driver's license  
11 indicating that the applicant is an organ donor, in accordance with  
12 article one-b of this chapter, is diabetic, deaf, or hard of  
13 hearing, has any other handicap or disability, or is an honorably  
14 discharged veteran of any branch of the Armed Forces of the United  
15 States, and such other pertinent information as the commissioner  
16 may require.