

COMMITTEE SUBSTITUTE

FOR

H. B. 4330

(BY DELEGATES STAGGERS, L. PHILLIPS,
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PAXTON, STOWERS, IAQUINTA AND LONGSTRETH)

(Originating in the House Committee on the Judiciary)
[February 14, 2012]

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 licenses; 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; providing that veterans may renew licenses without cost if not expired; and redefining 'previously licensed' as an applicant who has held at least a level two or similar driver's licensing level or class.

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:

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

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

7 (2) Any person licensed to operate a motor vehicle
8 pursuant to this code may exercise the privilege thereby
9 granted in the manner provided in this code and, except as
10 otherwise provided by law, is not required to obtain any
11 other license to exercise the privilege by any county,
12 municipality or local board or body having authority to adopt
13 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 vehicles the licensee may operate in accordance with this
17 code, federal law or rule. Licenses shall be issued in different
18 colors for those drivers under age eighteen, those drivers age
19 eighteen to twenty-one and adult drivers. The commissioner
20 is authorized to select and assign colors to the licenses of the
21 various age groups.

22 (c) ~~Driver's licenses issued by the division shall be~~
23 ~~classified in the following manner.~~ The following drivers
24 licenses classifications are hereby established:

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

32 (2) A Class D license shall be issued to those persons
33 eighteen years and older with one year of driving experience
34 who operate motor vehicles other than those types of
35 vehicles which require the operator to be licensed under the
36 provisions of chapter seventeen-e of this code and federal
37 law and rule and whose primary function or employment is
38 the transportation of persons or property for compensation or
39 wages and have paid the required fee. For the purpose of
40 regulating the operation of motor vehicles, wherever the term
41 “chauffeur’s license” is used in this code, it shall be
42 construed to mean the Class A, B, C or D license described
43 in this section or chapter seventeen-e of this code or federal
44 law or rule. *Provided*, That anyone Anyone not required to
45 be licensed under the provisions of chapter seventeen-e of
46 this code and federal law or rule and who operates a motor
47 vehicle registered or required to be registered as a Class A
48 motor vehicle, as that term is defined in section one, article
49 ten, chapter seventeen-a of this code, with a gross vehicle

50 weight rating of less than eight thousand one pounds, is not
51 required to obtain a Class D license.

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

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

66 (5) A Class G driver's license or instruction permit shall
67 be issued to a person using bioptic telescopic lenses who has

68 successfully completed an approved driver training program
69 and complied with all other requirements of article two-b of
70 this chapter.

71 (d) All licenses issued under this section may contain
72 information designating the licensee as a diabetic, organ
73 donor, as deaf or hard-of-hearing, or as having any other
74 handicap or disability, or that the licensee is an honorably
75 discharged veteran of any branch of the Armed Forces of the
76 United States according to criteria established by the
77 division, if the licensee requests this information on the
78 license. An honorably discharged veteran may be issued a
79 replacement license without charge if the request is made
80 before the expiration date of the current license and the only
81 purpose for receiving the replacement license is to get the
82 veterans designation placed on the license.

83 (e) No person, except those hereinafter expressly
84 exempted, may drive any motorcycle upon a street or
85 highway in this state or upon any subdivision street used by

86 the public generally unless the person has a valid motorcycle
87 license, a valid license which has been endorsed under
88 section seven-b of this article for motorcycle operation or a
89 valid motorcycle instruction permit.

90 (f) (1) An identification card may be issued to any person
91 who:

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

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

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

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

104 (2) The identification card shall contain the same
105 information as a driver's license except that the identification
106 card shall be clearly marked as an identification card.
107 ~~However, the~~ The division may issue an identification card
108 with less information to persons under the age of sixteen. An
109 identification card may be renewed annually on application
110 and payment of the fee required by this section.

111 (A) Every identification card issued to a person who has
112 attained his or her twenty-first birthday ~~shall expire~~ expires
113 on the licensee's birthday in those years in which the
114 licensee's age is evenly divisible by five. Except as provided
115 in paragraph (B) of this subdivision, no identification card
116 may be issued for less than three years or for more than
117 seven years and expires on the licensee's birthday in those
118 years in which the licensee's age is evenly divisible by five.

119 (B) Every identification card issued to a person who has
120 not attained his or her twenty-first birthday ~~shall expire~~
121 expires thirty days after the licensee's twenty-first birthday.

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

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

130 (g) Any person violating the provisions of this section is
131 guilty of a misdemeanor and, upon conviction, shall be fined
132 not more than five hundred dollars; and upon a second or
133 subsequent conviction, shall be fined not more than five
134 hundred dollars or confined in jail not more than six months,
135 or both fined and confined.

**§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~~ entitles an
5 applicant under the age of eighteen to not more than two
6 attempts at the written test or not more than three attempts to
7 pass the road skills test. An applicant age eighteen years or
8 older is entitled to not more than two attempts at the written
9 test or not more than three attempts to pass the road skills
10 test within a period of ninety days from the date of issuance
11 of 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 days.
16 For the purposes of this section, the term “previously
17 licensed” means an applicant who has obtained at least a
18 level ~~one~~ two graduated license or junior driver’s license
19 issued under the provisions of this article or has obtained an
20 equal or greater level of licensure if previously licensed in
21 another state.

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