

COMMITTEE SUBSTITUTE

FOR

**H. B. 4330**

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

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(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.