

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2012



ENROLLED

COMMITTEE SUBSTITUTE

FOR

House Bill No. 4330

(By Delegates Staggers, L. Phillips, Butcher, Varner, Ferns, Cann,
R. Phillips, Paxton, Stowers, Iaguinta and Longstreth)



Passed March 6, 2012

To Take Effect Ninety Days From Passage

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H. B. 4330

(BY DELEGATES STAGGERS, L. PHILLIPS, BUTCHER, VARNER,
FERN, CANN, R. PHILLIPS, PAXTON, STOWERS, IAQUINTA AND
LONGSTRETH)

[Passed March 6, 2012; to take effect ninety days from passage.]

AN ACT 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 other
11 license to exercise the privilege by any county, municipality
12 or local board or body having authority to adopt local police
13 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) The following drivers licenses classifications are
23 hereby established:

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

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

60 (4) A 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) A Class G driver's license or instruction permit shall
65 be issued to a person using bioptic telescopic lenses who has
66 successfully completed an approved driver training program
67 and complied with all other requirements of article two-b of
68 this chapter.

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

81 (e) No person, except those hereinafter expressly
82 exempted, may drive any motorcycle upon a street or
83 highway in this state or upon any subdivision street used by
84 the public generally unless the person has a valid motorcycle
85 license, a valid license which has been endorsed under
86 section seven-b of this article for motorcycle operation or a
87 valid motorcycle instruction permit.

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

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

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

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

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

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

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

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

119 (C) Every identification card issued to persons under the
120 age of sixteen shall be issued for a period of two years and

121 shall expire on the last day of the month in which the
122 applicant's birthday occurs.

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

127 (g) Any person violating the provisions of this section is
128 guilty of a misdemeanor and, upon conviction, shall be fined
129 not more than five hundred dollars; and upon a second or
130 subsequent conviction, shall be fined not more than five
131 hundred dollars or confined in jail not more than six months,
132 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 entitles an applicant under
5 the age of eighteen to not more than two attempts at the
6 written test or not more than three attempts to pass the road
7 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 within
10 a period of ninety days from the date of issuance of the
11 instruction permit. An applicant who fails either the written
12 test or the road skills test may not be tested twice within a
13 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 level

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

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

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman, House Committee

Chairman, Senate Committee

Originating in the House.

To take effect ninety days from passage.

Clerk of the House of Delegates

Clerk of the Senate

Speaker of the House of Delegates

President of the Senate

The within _____ this the _____
day of _____, 2012.

Governor