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FOR

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## **Senate Bill No. 431**

(By Senator Beach)

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[Originating in the Committee on Finance;  
reported February 19, 2014.]

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A BILL to amend and reenact §17B-2-8, §17B-2-12 and §17B-2-12a of the Code of West Virginia, 1931, as amended, all relating to issuance and renewal of driver's licenses; changing the renewal cycle for driver's licenses from five to eight years; allowing the commissioner to provide a program for online renewal of driver's licenses; providing an additional fee for the issuance of driver's license issued for federal use; permitting more uses for military identification cards; permitting license

expiration notifications by electronic means; and clarifying that a driver's license which is valid for the operation of a commercial motor vehicle shall be issued in accordance with chapter seventeen-e of the West Virginia Code.

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

That §17B-2-8, §17B-2-12 and §17B-2-12a 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-2-8. Issuance and contents of licenses; fees.**

1 (a) The division shall, upon payment of the required fee,  
2 issue to every applicant qualifying therefor a driver's license,  
3 which shall indicate the type or general class or classes of  
4 vehicle or vehicles the licensee may operate in accordance  
5 with this chapter or chapter seventeen-e of this code, or  
6 motorcycle-only license. Each license shall contain a coded  
7 number assigned to the licensee, the full legal name, date of  
8 birth, residence address, a brief description and a color

9 photograph of the licensee and either a facsimile of the  
10 signature of the licensee or a space upon which the signature  
11 of the licensee ~~shall be~~ is written with pen and ink  
12 immediately upon receipt of the license. No license is valid  
13 until it has been so signed by the licensee.

14 (b) A driver's license which is valid for operation of a  
15 motorcycle shall contain a motorcycle endorsement. A  
16 driver's license which is valid for the operation of a  
17 commercial motor vehicle shall be issued in accordance with  
18 chapter seventeen-e of this code.

19 (c) The division shall use such process or processes in the  
20 issuance of licenses that will, insofar as possible, prevent any  
21 identity theft, alteration, counterfeiting, duplication,  
22 reproduction, forging or modification of, or the  
23 superimposition of a photograph on, the license.

24 (d) The fee for the issuance of a Class E driver's license  
25 is ~~two dollars and fifty cents~~ \$2.50 per year for each year the  
26 license is ~~issued to be~~ valid. The fee for issuance of a Class  
27 D driver's license is ~~six dollars and twenty-five cents~~ \$6.25

28 per year for each year the license is ~~issued to be~~ valid. An  
29 additional fee of \$0.50 shall be collected from the applicant  
30 at the time of original issuance or each renewal and the  
31 additional fee shall be deposited in the Combined Voter  
32 Registration and Driver's Licensing Fund established  
33 pursuant to the provisions of section twelve, article two,  
34 chapter three of this code. The additional fee for adding a  
35 motorcycle endorsement to a driver's license is ~~one dollar~~ \$1  
36 per year for each year the license is issued.

37 (e) The fee for issuance of a motorcycle-only license is  
38 ~~two dollars and fifty cents~~ \$2.50 for each year for which the  
39 motorcycle license is ~~to be~~ valid. The fees for the motorcycle  
40 endorsement or motorcycle-only license shall be paid into a  
41 special fund in the State Treasury known as the Motorcycle  
42 Safety Fund as established in section seven, article one-d of  
43 this chapter.

44 (f) The fee for the issuance of either the level one or level  
45 two graduated driver's license as prescribed in section three-a  
46 of this article is ~~five dollars~~ \$5.

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47        (g) The fee for issuance of a federally compliant driver's  
48 license or identification card for federal use is \$10 in addition  
49 to any other fee required by this chapter. Any fees collected  
50 under the provisions of this subsection shall be deposited into  
51 the Motor Vehicle Fees Fund established in accordance with  
52 section twenty-one, article two, chapter seventeen-a of this  
53 code.

54        ~~(g)~~ (h) The division may use an address on the face of the  
55 license other than the applicant's address of residence if:

56        (1) The applicant has a physical address or location that  
57 is not recognized by the post office for the purpose of  
58 receiving mail;

59        (2) The applicant is enrolled in a state address  
60 confidentiality program or the alcohol test and lock program;

61        (3) The applicant's address is entitled to be suppressed  
62 under a state or federal law or suppressed by a court order; or

63        (4) At the discretion of the commissioner, the applicant's  
64 address may be suppressed to provide security for classes of  
65 applicants such as law-enforcement officials, protected

66 witnesses and members of the state and federal judicial  
67 systems.

68 (i) Notwithstanding any provision in this article to the  
69 contrary, a valid military identification card with an  
70 expiration date issued by the United States Department of  
71 Defense for active duty, reserve or retired military personnel  
72 containing a digitized photo and the holder's full legal name  
73 may be used to establish current full legal name and legal  
74 presence. The commissioner may at his or her discretion  
75 expand the use of military identification cards for other uses  
76 as permitted under this code or federal rule.

**§17B-2-12. Expiration of licenses.**

1 (a) Except as provided in subsection (c) of this section,  
2 every driver's license ~~shall expire five~~ expires eight years  
3 from the date of its issuance.

4 (b)(1) Every driver's license issued to a person who has  
5 attained his or her twenty-first birthday ~~shall expire~~ expires  
6 on the licensee's birthday. ~~in those years in which the~~  
7 ~~licensee's age is evenly divisible by five.~~ Except as provided

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8 ~~in the following subdivisions and in subsection (c) of this~~  
9 ~~section, no driver's license may be issued for less than three~~  
10 ~~years or for more than seven years and shall be valid for a~~  
11 ~~period of five years, expiring on the licensee's birthday in a~~  
12 ~~year in which the licensee's age is evenly divisible by five.~~  
13 The commissioner may modify the expiration date of any  
14 license as necessary to effectuate the transition from the five-  
15 year renewal cycle to an eight-year renewal cycle as he or  
16 she considers necessary.

17 (2) Every driver's license issued to a person who has not  
18 attained his or her twenty-first birthday ~~shall expire~~ expires  
19 thirty days after the licensee's twenty-first birthday, except  
20 as provided in section three-a of this article.

21 (3) The driver's license of any person in the armed forces  
22 ~~shall expire~~ expires six months after the date on which the  
23 person is separated from active duty in the armed forces  
24 under honorable circumstances.

25 (c) A license issued to a person who is not a citizen of the  
26 United States may only be issued for the time the person is

27 legally authorized to be in the United States, not to exceed  
28 ~~five~~ eight years. If the time the person is authorized to be in  
29 the United States is extended, the commissioner may renew  
30 the license in accordance with section twelve-a of this article  
31 for the time extended, not to exceed ~~five~~ eight years.

**§17B-2-12a. Renewal of driver's license upon expiration; vision  
screening; renewal fees.**

1 (a) The commissioner shall notify each person who holds  
2 a valid driver's license of the expiration date of the license by  
3 first class mail or by electronic means to the last address  
4 known to the division. The notice shall be mailed at least  
5 ninety days prior to the expiration date of the license and  
6 shall include a renewal application form and instructions for  
7 renewal.

8 (b) The commissioner, at his or her discretion, may  
9 provide a program of electronic renewal notices to licensees  
10 and an electronic web-based renewal process. This process  
11 may include an electronic vision screening verification or  
12 waiver subject to processes and restrictions the commissioner

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13 considers necessary for highway safety, secure processing  
14 and identity verification. The online program shall require the  
15 applicant to have his or her digital photo updated at least  
16 once every sixteen years.

17 ~~(b)~~ (c) The holder of a valid driver's license may apply to  
18 the division for renewal of the license on the form provided  
19 by the division. To be eligible for license renewal the  
20 applicant must:

21 (1) Pay the fee required by section eight of this article;

22 (2) Obtain a new color photograph from the division,  
23 except as provided in subsection (b) of this section; and

24 (3) Pass a vision screening conducted in the manner  
25 prescribed by the division.

26 ~~(c)~~ (d) The commissioner shall assess an additional fee of  
27 ~~five dollars~~ \$5 for every application for renewal submitted  
28 after the expiration of the applicant's license.

29 ~~(d)~~ (e) The commissioner shall determine whether an  
30 applicant qualifies for a renewed license.

31       ~~(e)~~ (f) The commissioner shall provide by rule a  
32 procedure by which an applicant who does not meet the  
33 minimum vision standards for licensure may present evidence  
34 to show that his or her vision has been corrected to meet the  
35 minimum visual standards and that he or she is capable of  
36 safely operating a motor vehicle.

37       ~~(f)~~ (g) The commissioner may not renew the driver's  
38 license of an applicant whose eyesight cannot be corrected to  
39 conform to the minimum vision standards established by this  
40 code and by the rules of the commissioner.

41       ~~(g)~~ (h) Vision screening conducted pursuant to this  
42 section ~~shall~~ may not be used to collect any type of personal  
43 biometric identifying information including, but not limited  
44 to, a retinal scan.

45       ~~(h)~~ (i) The commissioner shall propose legislative rules  
46 for promulgation in accordance with the provisions of article  
47 three, chapter twenty-nine-a of this code to implement the  
48 provisions of this section.

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49        ~~(i) The provisions of this section requiring an applicant~~  
50 ~~for renewal of a driver's license to successfully complete a~~  
51 ~~vision screening as a condition of renewing a driver's license~~  
52 ~~shall become effective on January 1, 2009.~~