

1 **ENROLLED**

2 COMMITTEE SUBSTITUTE

3 FOR

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5 FOR

6 **Senate Bill No. 431**

7 (SENATOR BEACH, *original sponsor*)

8 _____
9 [Passed March 7, 2014; in effect ninety days from passage.]
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11
12 AN ACT to amend and reenact §17B-2-8, §17B-2-12 and §17B-2-12a of
13 the Code of West Virginia, 1931, as amended, all relating to
14 issuance and renewal of driver's licenses; changing the
15 renewal cycle for driver's licenses from five to eight years;
16 allowing the commissioner to provide a program for online
17 renewal of driver's licenses; providing an additional fee for
18 the issuance of driver's license issued for federal use;
19 permitting more uses for military identification cards;
20 permitting license expiration notifications by electronic
21 means; and clarifying that a driver's license which is valid
22 for the operation of a commercial motor vehicle shall be
23 issued in accordance with chapter seventeen-e of the West
24 Virginia Code.

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

1 That §17B-2-8, §17B-2-12 and §17B-2-12a of the Code of West
2 Virginia, 1931, as amended, be amended and reenacted, all to read
3 as follows:

4 **ARTICLE 2. ISSUANCE OF LICENSE; EXPIRATION AND RENEWAL.**

5 **§17B-2-8. Issuance and contents of licenses; fees.**

6 (a) The division shall, upon payment of the required fee,
7 issue to every applicant qualifying therefor a driver's license,
8 which shall indicate the type or general class or classes of
9 vehicle or vehicles the licensee may operate in accordance with
10 this chapter or chapter seventeen-e of this code, or motorcycle-
11 only license. Each license shall contain a coded number assigned
12 to the licensee, the full legal name, date of birth, residence
13 address, a brief description and a color photograph of the licensee
14 and either a facsimile of the signature of the licensee or a space
15 upon which the signature of the licensee is written with pen and
16 ink immediately upon receipt of the license. No license is valid
17 until it has been so signed by the licensee.

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

23 (c) The division shall use such process or processes in the
24 issuance of licenses that will, insofar as possible, prevent any
25 identity theft, alteration, counterfeiting, duplication,
26 reproduction, forging or modification of, or the superimposition of

1 a photograph on, the license.

2 (d) The fee for the issuance of a Class E driver's license is
3 \$2.50 per year for each year the license is valid. The fee for
4 issuance of a Class D driver's license is \$6.25 per year for each
5 year the license is valid. An additional fee of \$0.50 shall be
6 collected from the applicant at the time of original issuance or
7 each renewal and the additional fee shall be deposited in the
8 Combined Voter Registration and Driver's Licensing Fund established
9 pursuant to the provisions of section twelve, article two, chapter
10 three of this code. The additional fee for adding a motorcycle
11 endorsement to a driver's license is \$1 per year for each year the
12 license is issued.

13 (e) The fee for issuance of a motorcycle-only license is \$2.50
14 for each year for which the motorcycle license is valid. The fees
15 for the motorcycle endorsement or motorcycle-only license shall be
16 paid into a special fund in the State Treasury known as the
17 Motorcycle Safety Fund as established in section seven, article
18 one-d of this chapter.

19 (f) The fee for the issuance of either the level one or level
20 two graduated driver's license as prescribed in section three-a of
21 this article is \$5.

22 (g) The fee for issuance of a federally compliant driver's
23 license or identification card for federal use is \$10 in addition
24 to any other fee required by this chapter. Any fees collected
25 under the provisions of this subsection shall be deposited into the
26 Motor Vehicle Fees Fund established in accordance with section

1 twenty-one, article two, chapter seventeen-a of this code.

2 (h) The division may use an address on the face of the license
3 other than the applicant's address of residence if:

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

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

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

11 (4) At the discretion of the commissioner, the applicant's
12 address may be suppressed to provide security for classes of
13 applicants such as law-enforcement officials, protected witnesses
14 and members of the state and federal judicial systems.

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

23 **§17B-2-12. Expiration of licenses.**

24 (a) Except as provided in subsection (c) of this section,
25 every driver's license expires eight years from the date of its
26 issuance.

1 (b) (1) Every driver's license issued to a person who has
2 attained his or her twenty-first birthday expires on the licensee's
3 birthday. The commissioner may modify the expiration date of any
4 license as necessary to effectuate the transition from the five-
5 year renewal cycle to an eight-year renewal cycle as he or she
6 considers necessary.

7 (2) Every driver's license issued to a person who has not
8 attained his or her twenty-first birthday expires thirty days after
9 the licensee's twenty-first birthday, except as provided in section
10 three-a of this article.

11 (3) The driver's license of any person in the armed forces
12 expires six months after the date on which the person is separated
13 from active duty in the armed forces under honorable circumstances.

14 (c) A license issued to a person who is not a citizen of the
15 United States may only be issued for the time the person is legally
16 authorized to be in the United States, not to exceed eight years.
17 If the time the person is authorized to be in the United States is
18 extended, the commissioner may renew the license in accordance with
19 section twelve-a of this article for the time extended, not to
20 exceed eight years.

21 **§17B-2-12a. Renewal of driver's license upon expiration; vision**
22 **screening; renewal fees.**

23 (a) The commissioner shall notify each person who holds a
24 valid driver's license of the expiration date of the license by
25 first class mail or by electronic means to the last address known
26 to the division. The notice shall be mailed at least ninety days

1 prior to the expiration date of the license and shall include a
2 renewal application form and instructions for renewal.

3 (b) The commissioner, at his or her discretion, may provide a
4 program of electronic renewal notices to licensees and an
5 electronic web-based renewal process. This process may include an
6 electronic vision screening verification or waiver subject to
7 processes and restrictions the commissioner considers necessary for
8 highway safety, secure processing and identity verification. The
9 online program shall require the applicant to have his or her
10 digital photo updated at least once every sixteen years.

11 (c) The holder of a valid driver's license may apply to the
12 division for renewal of the license on the form provided by the
13 division. To be eligible for license renewal the applicant must:

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

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

17 (3) Pass a vision screening conducted in the manner prescribed
18 by the division.

19 (d) The commissioner shall assess an additional fee of \$5 for
20 every application for renewal submitted after the expiration of the
21 applicant's license.

22 (e) The commissioner shall determine whether an applicant
23 qualifies for a renewed license.

24 (f) The commissioner shall provide by rule a procedure by
25 which an applicant who does not meet the minimum vision standards
26 for licensure may present evidence to show that his or her vision

1 has been corrected to meet the minimum visual standards and that he
2 or she is capable of safely operating a motor vehicle.

3 (g) The commissioner may not renew the driver's license of an
4 applicant whose eyesight cannot be corrected to conform to the
5 minimum vision standards established by this code and by the rules
6 of the commissioner.

7 (h) Vision screening conducted pursuant to this section may
8 not be used to collect any type of personal biometric identifying
9 information including, but not limited to, a retinal scan.

10 (i) The commissioner shall propose legislative rules for
11 promulgation in accordance with the provisions of article three,
12 chapter twenty-nine-a of this code to implement the provisions of
13 this section.