

WEST VIRGINIA LEGISLATURE
EIGHTY-FIRST LEGISLATURE
REGULAR SESSION, 2014



ENROLLED

COMMITTEE SUBSTITUTE

FOR

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FOR

Senate Bill No. 431

(SENATOR BEACH, *ORIGINAL SPONSOR*)

[PASSED MARCH 7, 2014; IN EFFECT NINETY DAYS FROM PASSAGE.]

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(SENATOR BEACH, *original sponsor*)

[Passed March 7, 2014; in effect ninety days from passage.]

AN ACT 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 is written with pen and ink immediately upon
12 receipt of the license. No license is valid until it has been so
13 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 \$2.50 per year for each year the license is valid. The fee
26 for issuance of a Class D driver's license is \$6.25 per year for
27 each year the license is valid. An additional fee of \$0.50
28 shall be collected from the applicant at the time of original

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

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

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

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

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

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

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

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

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

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

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

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

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

18 (c) A license issued to a person who is not a citizen of the
19 United States may only be issued for the time the person is
20 legally authorized to be in the United States, not to exceed
21 eight years. If the time the person is authorized to be in the
22 United States is extended, the commissioner may renew the
23 license in accordance with section twelve-a of this article for
24 the time extended, not to exceed 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
13 considers necessary for highway safety, secure processing
14 and identity verification. The online program shall require
15 the applicant to have his or her digital photo updated at least
16 once every sixteen years.

17 (c) The holder of a valid driver's license may apply to the
18 division for renewal of the license on the form provided by

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

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

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

37 (g) The commissioner may not renew the driver's license
38 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 (h) Vision screening conducted pursuant to this section
42 may not be used to collect any type of personal biometric
43 identifying information including, but not limited to, a retinal
44 scan.

45 (i) The commissioner shall propose legislative rules for
46 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.

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

.....
Chairman Senate Committee

.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

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Clerk of the Senate

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Clerk of the House of Delegates

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President of the Senate

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Speaker of the House of Delegates

The within this
the Day of, 2014.

.....
Governor