

H. B. 2030

(By Delegate Romine)

[Introduced January 14, 2015; referred to the

Committee on Roads and Transportation then the Judiciary.]

**FISCAL
NOTE**

A BILL to amend and reenact §17B-2-3a of the Code of West Virginia, 1931, as amended, relating to requiring the presentation of documents with greater indicia of validity than is currently required for proof of identity prior to the issuance of a driver’s license.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 2. ISSUANCE OF LICENSE, EXPIRATION AND RENEWAL.

§17B-2-3a. Graduated driver’s license.

(a) ~~Any~~ A person under the age of eighteen may not operate a motor vehicle unless he or she has obtained a graduated driver’s license in accordance with the three-level graduated driver’s license system described in the following provisions.

(b) ~~Any~~ A person under the age of twenty-one, regardless of class or level of licensure, who operates a motor vehicle with any measurable alcohol in his or her system is subject to the provisions

1 of section two, article five, chapter seventeen-c of this code and section two, article five-a of said
2 chapter. ~~Any~~ A person under the age of eighteen, regardless of class or licensure level, is subject
3 to the mandatory school attendance and satisfactory academic progress provisions of section eleven,
4 article eight, chapter eighteen of this code.

5 (c) *Level one instruction permit.* — An applicant who is fifteen years or older meeting all
6 other requirements prescribed in this code may be issued a level one instruction permit.

7 (1) *Eligibility.* — The division shall not issue a level one instruction permit unless the
8 applicant:

9 (A) Presents a completed application, as prescribed by the provisions of section six of this
10 article, ~~and~~ which is accompanied by a writing, duly acknowledged, consenting to the issuance of
11 the graduated driver's license and executed by a parent or guardian entitled to custody of the
12 applicant;

13 (B) Presents ~~a certified copy of a birth certificate~~ or a certified copy of a birth certificate
14 issued by a state or other governmental entity responsible for vital records unexpired or a valid and
15 unexpired passport issued by the United States government evidencing that the applicant meets the
16 minimum age requirement and is of verifiable identity;

17 (C) Passes the vision and written knowledge examination and completes the driving under
18 the influence awareness program, as prescribed in section seven of this article;

19 (D) Presents a driver's eligibility certificate or otherwise shows compliance with the
20 provisions of section eleven, article eight, chapter eighteen of this code; and

21 (E) Pays a fee of \$5, which ~~shall permit~~ permits the applicant two attempts at the written
22 knowledge test.

1 (2) *Terms and conditions of instruction permit.* — A level one instruction permit issued under
2 the provisions of this section is valid until thirty days after the date the applicant attains the age of
3 eighteen and is not renewable. ~~However, any~~ A permit holder who allows his or her permit to expire
4 prior to successfully passing the road skills portion of the driver examination, and who has not
5 committed any offense which requires the suspension, revocation or cancellation of the instruction
6 permit, may reapply for a new instruction permit under the provisions of section six of this article.
7 The division shall immediately revoke the permit upon receipt of a second conviction for a moving
8 violation of traffic regulations and laws of the road or violation of the terms and conditions of a level
9 one instruction permit, which convictions have become final unless a greater penalty is required by
10 this section or ~~any~~ other provision of this code. ~~Any~~ A person whose instruction permit has been
11 revoked is disqualified from retesting for a period of ninety days. ~~However,~~ After the expiration of
12 ninety days, the person may retest if otherwise eligible. In addition to all other provisions of this
13 code for which a driver's license may be restricted, suspended, revoked or canceled, the holder of a
14 level one instruction permit may only operate a motor vehicle under the following conditions:

15 (A) Under the direct supervision of a licensed driver, twenty-one years of age or older, or a
16 driver's education or driving school instructor who is acting in an official capacity as an instructor,
17 who is fully alert and unimpaired, and the only other occupant of the front seat. The vehicle may be
18 operated with no more than two additional passengers, unless the passengers are family members;

19 (B) Between the hours of five a.m. and ten p.m.;

20 (C) All occupants must use safety belts in accordance with the provisions of section
21 forty-nine, article fifteen, chapter seventeen-c of this code;

22 (D) Without any measurable blood alcohol content, in accordance with the provisions of

1 subsection (h), section two, article five, chapter seventeen-c of this code; and

2 (E) Maintains current school enrollment and is making satisfactory academic progress or
3 otherwise shows compliance with the provisions of section eleven, article eight, chapter eighteen of
4 this code.

5 (F) A holder of a level one instruction permit who is under the age of eighteen years ~~shall be~~
6 is prohibited from using a wireless communication device while operating a motor vehicle unless
7 the use of the wireless communication device is for contacting a 9-1-1 system. A person violating
8 the provisions of this paragraph is guilty of a misdemeanor and, upon conviction thereof, shall for
9 the first offense be fined \$25; for a second offense be fined \$50; and for a third or subsequent offense
10 be fined \$75.

11 (d) *Level two intermediate driver's license.* — An applicant sixteen years of age or older,
12 meeting all other requirements of the code, may be issued a level two intermediate driver's license.

13 (1) *Eligibility.* — The division shall not issue a level two intermediate driver's license unless
14 the applicant:

15 (A) Presents a completed application as prescribed in section six of this article;

16 (B) Has held the level one instruction permit conviction-free for the one hundred eighty days
17 immediately preceding the date of application for a level two intermediate license;

18 (C) Has completed either a driver's education course approved by the State Department of
19 Education or fifty hours of behind-the-wheel driving experience, including a minimum of ten hours
20 of nighttime driving, certified by a parent or legal guardian or other responsible adult over the age
21 of twenty-one as indicated on the form prescribed by the division. ~~Provided, That nothing in this~~
22 ~~paragraph shall be construed to require any school or any~~ Nothing in this paragraph requires a school

1 or county board of education to provide ~~any~~ a particular number of driver's education courses or to
2 provide driver's education training; ~~to any student;~~

3 (D) Presents a driver's eligibility certificate or otherwise shows compliance with the
4 provisions of section eleven, article eight, chapter eighteen of this code;

5 (E) Passes the road skills examination as prescribed by section seven of this article; and

6 (F) Pays a fee of \$5.

7 (2) *Terms and conditions of a level two intermediate driver's license.* — A level two
8 intermediate driver's license issued under the provisions of this section ~~shall expire~~ expires thirty
9 days after the applicant attains the age of eighteen or until the licensee qualifies for a level three full
10 Class E license, whichever comes first. In addition to all other provisions of this code for which a
11 driver's license may be restricted, suspended, revoked or canceled, the holder of a level two
12 intermediate driver's license may only operate a motor vehicle under the following conditions:

13 (A) Unsupervised between the hours of five a.m. and ten p.m.;

14 (B) Only under the direct supervision of a licensed driver, age twenty-one years or older,
15 between the hours of ten p.m. and five a.m., except when the licensee is going to or returning from:

16 (i) Lawful employment;

17 (ii) A school-sanctioned activity;

18 (iii) A religious event; or

19 (iv) An emergency situation that requires the licensee to operate a motor vehicle to prevent
20 bodily injury or death of another;

21 (C) All occupants shall use safety belts in accordance with the provisions of section
22 forty-nine, article fifteen, chapter seventeen-c of this code;

1 (D) For the first six months after issuance of a level two intermediate driver's license, the
2 licensee may not operate a motor vehicle carrying ~~any~~ passengers less than twenty years old unless
3 these passengers are family members of the licensee and, for the second six months, ~~after issuance~~
4 ~~of a level two intermediate driver's license~~, the licensee may not operate a motor vehicle carrying
5 more than one passenger less than twenty years old unless these passengers are family members; ~~of~~
6 ~~the licensee~~;

7 (E) Without any measurable blood alcohol content in accordance with the provisions of
8 subsection (h), section two, article five, chapter seventeen-c of this code;

9 (F) Maintains current school enrollment and is making satisfactory academic progress or
10 otherwise shows compliance with the provisions of section eleven, article eight, chapter eighteen of
11 this code;

12 (G) A holder of a level two intermediate driver's license who is under the age of eighteen
13 years ~~shall be~~ is prohibited from using a wireless communication device while operating a motor
14 vehicle unless the use of the wireless communication device is for contacting a 9-1-1 system. A
15 person violating the provisions of this paragraph is guilty of a misdemeanor and, upon conviction
16 thereof, shall for the first offense be fined \$25; for a second offense be fined \$50; and for a third or
17 subsequent offense be fined \$75.

18 (H) Upon the first conviction for a moving traffic violation or a violation of paragraph (A),
19 (B), (C), (D) or (G), subdivision (1), subsection (d) of this section of the terms and conditions of a
20 level two intermediate driver's license, the licensee shall enroll in an approved driver improvement
21 program unless a greater penalty is required by this section or by ~~any~~ other provision of this code;
22 and

1 At the discretion of the commissioner, completion of an approved driver improvement
2 program may be used to negate the effect of a minor traffic violation as defined by the commissioner
3 against the one year conviction-free driving criteria for early eligibility for a level three driver's
4 license and may also negate the effect of one minor traffic violation for purposes of avoiding a
5 second conviction under paragraph (I) of this subdivision; and

6 (I) Upon the second conviction for a moving traffic violation or a violation of the terms and
7 conditions of the level two intermediate driver's license, the licensee's privilege to operate a motor
8 vehicle shall be revoked or suspended for the applicable statutory period or until the licensee's
9 eighteenth birthday, whichever is longer, unless a greater penalty is required by this section or ~~any~~
10 other provision of this code. ~~Any~~ A person whose driver's license has been revoked as a level two
11 intermediate driver, upon reaching the age of eighteen years and if otherwise eligible, may reapply
12 for an instruction permit, then a driver's license in accordance with the provisions of sections five,
13 six and seven of this article.

14 (e) *Level three, full Class E license.* — The level three license is valid until thirty days after
15 the date the licensee attains his or her twenty-first birthday. Unless otherwise provided in this
16 section or ~~any~~ other section of this code, the holder of a level three full Class E license is subject to
17 the same terms and conditions as the holder of a regular Class E driver's license.

18 A level two intermediate licensee whose privilege to operate a motor vehicle has not been
19 suspended, revoked or otherwise canceled and who meets all other requirements of the code may be
20 issued a level three full Class E license without further examination or road skills testing if the
21 licensee:

22 (1) Has reached the age of seventeen years; and

1 (A) Presents a completed application as prescribed by the provisions of section six of this
2 article;

3 (B) Has held the level two intermediate license conviction free for the twelve-month period
4 immediately preceding the date of the application;

5 (C) Has completed any driver improvement program required under paragraph (G),
6 subdivision (2), subsection (d) of this section; and

7 (D) Pays a fee of \$2.50 for each year the license is valid. An additional fee of \$.50 shall be
8 collected to be deposited in the Combined Voter Registration and Driver's Licensing Fund
9 established in section twelve, article two, chapter three of this code;

10 (E) Presents a driver's eligibility certificate or otherwise shows compliance with the
11 provisions of section eleven, article eight, chapter eighteen of this code; or

12 (2) Reaches the age of eighteen years; and

13 (A) Presents a completed application as prescribed by the provisions of section six of this
14 article; and

15 (B) Pays a fee of \$2.50 for each year the license is valid. An additional fee of \$.50 shall be
16 collected to be deposited in the Combined Voter Registration and Driver's Licensing Fund
17 established in section twelve, article two, chapter three of this code.

18 (f) A person violating the provisions of the terms and conditions of a level one or level two
19 intermediate driver's license is guilty of a misdemeanor and, upon conviction thereof, shall for the
20 first offense be fined \$25; for a second offense be fined \$50; and for a third or subsequent offense
21 be fined \$75.

NOTE: The purpose of this bill is to require the presentation of documents with greater indicia of validity than those which are currently required for proof of identity prior to the issuance of a driver's license.

Strike-throughs indicate language that would be stricken from the present law and underscoring indicates new language that would be added.