

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

Senate Bill 121

**FISCAL
NOTE**

BY SENATORS BEACH AND MILLER

[Introduced January 13, 2016;

Referred to the Committee on Government

Organization; and then to the Committee on Finance.]

1 A BILL to amend and reenact §17A-2-13 of the Code of West Virginia, 1931, as amended; to
 2 amend and reenact §17A-3-4 of said code; to amend and reenact §17A-4-1 and §17A-4-
 3 10 of said code; to amend and reenact §17A-4A-10 of said code; to amend and reenact
 4 §17A-10-3, §17A-10-10 and §17A-10-11 of said code; to amend and reenact §17B-2-1,
 5 §17B-2-3a, §17B-2-6, §17B-2-8 and §17B-2-11 of said code; and to amend and reenact
 6 §17D-2-2 of said code, all relating to increasing fees; increasing fee for vehicle records
 7 and certified record fee; increasing registration fee for Class A motor vehicles; increasing
 8 fee for issuance and duplication of various documents by the division including titles,
 9 registrations, plates and decals; increasing fee for issuance, duplication and renewal of a
 10 driver’s license; requiring payment of fee for each attempt at written and road skills test;
 11 and increasing fee for driving records.

Be it enacted by the Legislature of West Virginia:

1 That §17A-2-13 of the Code of West Virginia, 1931, as amended, be amended and
 2 reenacted; that §17A-3-4 of said code be amended and reenacted; that §17A-4-1 and §17A-4-10
 3 of said code be amended and reenacted; that §17A-4A-10 of said code be amended and
 4 reenacted; that §17A-10-3, §17A-10-10 and §17A-10-11 of said code be amended and reenacted;
 5 that §17B-2-1, §17B-2-3a, §17B-2-6, §17B-2-8 and §17B-2-11 of said code be amended and
 6 reenacted; and that §17D-2-2 of said code be amended and reenacted, all to read as follows:

**CHAPTER 17A. MOTOR VEHICLE ADMINISTRATION,
 REGISTRATION,**

CERTIFICATE OF TITLE, AND ANTITHEFT PROVISIONS.

ARTICLE 2. DIVISION OF MOTOR VEHICLES.

**§17A-2-13. Authority to administer oaths and certify copies of records; information as to
 registration**

1 (a) Officers and employees of the division designated by the commissioner are, for the
2 purpose of administering the motor vehicle laws, authorized to administer oaths and acknowledge
3 signatures, and shall do so without fee.

4 (b) The commissioner and such officers of the division as he or she may designate are
5 hereby authorized to prepare under the seal of the division and deliver upon request in
6 conformance with article two-a of this chapter a certified copy of any record of the division,
7 charging a an additional fee of ~~one dollar~~ \$3 for each document so authenticated, and every such
8 certified copy is admissible in any proceeding in any court in like manner as the original thereof.

9 (c) Subject to the provisions of article two-a of this chapter, the commissioner and such
10 officers of the division as he or she may designate may furnish the requested information to any
11 person making a written request for information regarding the registration of any vehicle at a fee
12 of ~~one dollar~~ \$7 for each registration about which information is furnished.

ARTICLE 3. ORIGINAL AND RENEWAL OF REGISTRATION; ISSUANCE OF CERTIFICATES OF TITLE.

§17A-3-4. Application for certificate of title; fees; abolishing privilege tax; prohibition of issuance of certificate of title without compliance with consumer sales and service tax provisions; exceptions

1 (a) Certificates of registration of any vehicle or registration plates for the vehicle, whether
2 original issues or duplicates, may not be issued or furnished by the Division of Motor Vehicles or
3 any other officer or agent charged with the duty, unless the applicant already has received, or at
4 the same time makes application for and is granted, an official certificate of title of the vehicle in
5 either an electronic or paper format. The application shall be upon a blank form to be furnished
6 by the Division of Motor Vehicles and shall contain a full description of the vehicle, which
7 description shall contain a manufacturer's serial or identification number or other number as

8 determined by the commissioner and any distinguishing marks, together with a statement of the
9 applicant's title and of any liens or encumbrances upon the vehicle, the names and addresses of
10 the holders of the liens and any other information as the Division of Motor Vehicles may require.
11 The application shall be signed and sworn to by the applicant. A duly certified copy of the
12 division's electronic record of a certificate of title is admissible in any civil, criminal or
13 administrative proceeding in this state as evidence of ownership.

14 (b) A tax is imposed upon the privilege of effecting the certification of title of each vehicle
15 in the amount equal to five percent of the value of the motor vehicle at the time of the certification,
16 to be assessed as follows:

17 (1) If the vehicle is new, the actual purchase price or consideration to the purchaser of the
18 vehicle is the value of the vehicle. If the vehicle is a used or secondhand vehicle, the present
19 market value at time of transfer or purchase is the value of the vehicle for the purposes of this
20 section: *Provided*, That so much of the purchase price or consideration as is represented by the
21 exchange of other vehicles on which the tax imposed by this section has been paid by the
22 purchaser shall be deducted from the total actual price or consideration paid for the vehicle,
23 whether the vehicle be new or secondhand. If the vehicle is acquired through gift or by any
24 manner whatsoever, unless specifically exempted in this section, the present market value of the
25 vehicle at the time of the gift or transfer is the value of the vehicle for the purposes of this section.

26 (2) No certificate of title for any vehicle may be issued to any applicant unless the applicant
27 has paid to the Division of Motor Vehicles the tax imposed by this section which is five percent of
28 the true and actual value of the vehicle whether the vehicle is acquired through purchase, by gift
29 or by any other manner whatsoever, except gifts between husband and wife or between parents
30 and children: *Provided*, That the husband or wife, or the parents or children, previously have paid
31 the tax on the vehicles transferred to the State of West Virginia.

32 (3) The Division of Motor Vehicles may issue a certificate of registration and title to an
33 applicant if the applicant provides sufficient proof to the Division of Motor Vehicles that the
34 applicant has paid the taxes and fees required by this section to a motor vehicle dealership that
35 has gone out of business or has filed bankruptcy proceedings in the United States bankruptcy
36 court and the taxes and fees so required to be paid by the applicant have not been sent to the
37 division by the motor vehicle dealership or have been impounded due to the bankruptcy
38 proceedings: *Provided*, That the applicant makes an affidavit of the same and assigns all rights
39 to claims for money the applicant may have against the motor vehicle dealership to the Division
40 of Motor Vehicles.

41 (4) The Division of Motor Vehicles shall issue a certificate of registration and title to an
42 applicant without payment of the tax imposed by this section if the applicant is a corporation,
43 partnership or limited liability company transferring the vehicle to another corporation, partnership
44 or limited liability company when the entities involved in the transfer are members of the same
45 controlled group and the transferring entity has previously paid the tax on the vehicle transferred.
46 For the purposes of this section, control means ownership, directly or indirectly, of stock or equity
47 interests possessing fifty percent or more of the total combined voting power of all classes of the
48 stock of a corporation or equity interests of a partnership or limited liability company entitled to
49 vote or ownership, directly or indirectly, of stock or equity interests possessing fifty percent or
50 more of the value of the corporation, partnership or limited liability company.

51 (5) The tax imposed by this section does not apply to vehicles to be registered as Class
52 H vehicles or Class M vehicles, as defined in section one, article ten of this chapter, which are
53 used or to be used in interstate commerce. Nor does the tax imposed by this section apply to the
54 titling of Class B vehicles registered at a gross weight of fifty-five thousand pounds or more, or to
55 the titling of Class C semitrailers, full trailers, pole trailers and converter gear: *Provided*, That if

56 an owner of a vehicle has previously titled the vehicle at a declared gross weight of fifty-five
57 thousand pounds or more and the title was issued without the payment of the tax imposed by this
58 section, then before the owner may obtain registration for the vehicle at a gross weight less than
59 fifty-five thousand pounds, the owner shall surrender to the commissioner the exempted
60 registration, the exempted certificate of title and pay the tax imposed by this section based upon
61 the current market value of the vehicle: *Provided, however,* That notwithstanding the provisions
62 of section nine, article fifteen, chapter eleven of this code, the exemption from tax under this
63 section for Class B vehicles in excess of fifty-five thousand pounds and Class C semitrailers, full
64 trailers, pole trailers and converter gear does not subject the sale or purchase of the vehicles to
65 the consumers sales and service tax.

66 (6) The tax imposed by this section does not apply to titling of vehicles leased by residents
67 of West Virginia. A tax is imposed upon the monthly payments for the lease of any motor vehicle
68 leased by a resident of West Virginia, which tax is equal to five percent of the amount of the
69 monthly payment, applied to each payment, and continuing for the entire term of the initial lease
70 period. The tax shall be remitted to the Division of Motor Vehicles on a monthly basis by the
71 lessor of the vehicle.

72 (7) The tax imposed by this section does not apply to titling of vehicles by a registered
73 dealer of this state for resale only, nor does the tax imposed by this section apply to titling of
74 vehicles by this state or any political subdivision thereof, or by any volunteer fire department or
75 duly chartered rescue or ambulance squad organized and incorporated under the laws of this
76 state as a nonprofit corporation for protection of life or property. The total amount of revenue
77 collected by reason of this tax shall be paid into the state Road Fund and expended by the
78 Commissioner of Highways for matching federal funds allocated for West Virginia. In addition to
79 the tax, there is a charge of ~~\$5~~ \$21 for each original certificate of title or duplicate certificate of

80 title so issued: *Provided*, That this state or any political subdivision of this state or any volunteer
81 fire department or duly chartered rescue squad is exempt from payment of the charge.

82 (8) The certificate is good for the life of the vehicle, so long as the vehicle is owned or held
83 by the original holder of the certificate and need not be renewed annually, or any other time,
84 except as provided in this section.

85 (9) If, by will or direct inheritance, a person becomes the owner of a motor vehicle and the
86 tax imposed by this section previously has been paid to the Division of Motor Vehicles on that
87 vehicle, he or she is not required to pay the tax.

88 (10) A person who has paid the tax imposed by this section is not required to pay the tax
89 a second time for the same motor vehicle, but is required to pay a charge of ~~\$5~~ \$21 for the
90 certificate of retitle of that motor vehicle, except that the tax shall be paid by the person when the
91 title to the vehicle has been transferred either in this or another state from the person to another
92 person and transferred back to the person.

93 (11) The tax imposed by this section does not apply to any passenger vehicle offered for
94 rent in the normal course of business by a daily passenger rental car business as licensed under
95 the provisions of article six-d of this chapter. For purposes of this section, a daily passenger car
96 means a Class A motor vehicle having a gross weight of eight thousand pounds or less and is
97 registered in this state or any other state. In lieu of the tax imposed by this section, there is hereby
98 imposed a tax of not less than \$1 nor more than \$1.50 for each day or part of the rental period.
99 The commissioner shall propose an emergency rule in accordance with the provisions of article
100 three, chapter twenty-nine-a of this code to establish this tax.

101 (12) The tax imposed by this article does not apply to the titling of any vehicle purchased
102 by a senior citizen service organization which is exempt from the payment of income taxes under
103 the United States Internal Revenue Code, Title 26 U.S.C. §501(c)(3) and which is recognized to

104 be a bona fide senior citizen service organization by the senior services bureau existing under
105 the provisions of article five, chapter sixteen of this code.

106 (13) The tax imposed by this section does not apply to the titling of any vehicle operated
107 by an urban mass transit authority as defined in article twenty-seven, chapter eight of this code
108 or a nonprofit entity exempt from federal and state income tax under the Internal Revenue Code
109 and whose purpose is to provide mass transportation to the public at large designed for the
110 transportation of persons and being operated for the transportation of persons in the public
111 interest.

112 (14) The tax imposed by this section does not apply to the transfer of a title to a vehicle
113 owned and titled in the name of a resident of this state if the applicant:

114 (A) Was not a resident of this state at the time the applicant purchased or otherwise
115 acquired ownership of the vehicle;

116 (B) Presents evidence as the commissioner may require of having titled the vehicle in the
117 applicant's previous state of residence;

118 (C) Has relocated to this state and can present such evidence as the commissioner may
119 require to show bona-fide residency in this state; and

120 ~~(D) Presents an affidavit, completed by the assessor of the applicant's county of residence,~~
121 ~~establishing that the vehicle has been properly reported and is on record in the office of the~~
122 ~~assessor as personal property; and~~

123 ~~(E)~~ (D) Makes application to the division for a title and registration, and pays all other fees
124 required by this chapter within thirty days of establishing residency in this state as prescribed in
125 subsection (a), section one-a of this article: *Provided*, That a period of amnesty of three months
126 be established by the commissioner during the calendar year two thousand seven, during which
127 time any resident of this state, having titled his or her vehicle in a previous state of residence,

128 may pay without penalty any fees required by this chapter and transfer the title of his or her vehicle
129 in accordance with the provisions of this section.

130 (c) Notwithstanding any provisions of this code to the contrary, the owners of trailers,
131 semitrailers, recreational vehicles and other vehicles not subject to the certificate of title tax prior
132 to the enactment of this chapter are subject to the privilege tax imposed by this section: *Provided,*
133 That the certification of title of any recreational vehicle owned by the applicant on June 30, 1989,
134 is not subject to the tax imposed by this section: *Provided, however,* That mobile homes,
135 manufactured homes, modular homes and similar nonmotive propelled vehicles, except
136 recreational vehicles and house trailers, susceptible of being moved upon the highways but
137 primarily designed for habitation and occupancy, rather than for transporting persons or property,
138 or any vehicle operated on a nonprofit basis and used exclusively for the transportation of mentally
139 retarded or physically handicapped children when the application for certificate of registration for
140 the vehicle is accompanied by an affidavit stating that the vehicle will be operated on a nonprofit
141 basis and used exclusively for the transportation of mentally retarded and physically handicapped
142 children, are not subject to the tax imposed by this section, but are taxable under the provisions
143 of articles fifteen and fifteen-a, chapter eleven of this code.

144 (d) Beginning on July 1, 2008, the tax imposed under this subsection (b) of this section is
145 abolished and after that date no certificate of title for any motor vehicle may be issued to any
146 applicant unless the applicant provides sufficient proof to the Division of Motor Vehicles that the
147 applicant has paid the fees required by this article and the tax imposed under section three-b,
148 article fifteen, chapter eleven of this code.

149 (e) Any person making any affidavit required under any provision of this section who
150 knowingly swears falsely, or any person who counsels, advises, aids or abets another in the
151 commission of false swearing, or any person, while acting as an agent of the Division of Motor

152 Vehicles, issues a vehicle registration without first collecting the fees and taxes or fails to perform
153 any other duty required by this chapter or chapter eleven of this code to be performed before a
154 vehicle registration is issued is, on the first offense, guilty of a misdemeanor and, upon conviction
155 thereof, shall be fined not more than \$500 or be confined in jail for a period not to exceed six
156 months or, in the discretion of the court, both fined and confined. For a second or any subsequent
157 conviction within five years, that person is guilty of a felony and, upon conviction thereof, shall be
158 fined not more than \$5,000 or be imprisoned in a state correctional facility for not less than one
159 year nor more than five years or, in the discretion of the court, both fined and imprisoned.

160 (f) Notwithstanding any other provisions of this section, any person in the military stationed
161 outside West Virginia or his or her dependents who possess a motor vehicle with valid registration
162 are exempt from the provisions of this article for a period of nine months from the date the person
163 returns to this state or the date his or her dependent returns to this state, whichever is later.

164 (g) No person may transfer, purchase or sell a factory-built home without a certificate of
165 title issued by the commissioner in accordance with the provisions of this article:

166 (1) Any person who fails to provide a certificate of title upon the transfer, purchase or sale
167 of a factory-built home is guilty of a misdemeanor and, upon conviction thereof, shall for the first
168 offense be fined not less than \$100 nor more than \$1,000, or be confined in jail for not more than
169 one year, or both fined and confined. For each subsequent offense, the fine may be increased to
170 not more than \$2,000, with confinement in jail not more than one year, or both fined and confined.

171 (2) Failure of the seller to transfer a certificate of title upon sale or transfer of the factory-
172 built home gives rise to a cause of action, upon prosecution thereof, and allows for the recovery
173 of damages, costs and reasonable attorney fees.

174 (3) This subsection does not apply to a mobile or manufactured home for which a
175 certificate of title has been canceled pursuant to section twelve-b of this article.

176 (h) Notwithstanding any other provision to the contrary, whenever reference is made to
177 the application for or issuance of any title or the recordation or release of any lien, it includes the
178 application, transmission, recordation, transfer of ownership and storage of information in an
179 electronic format.

180 (i) Notwithstanding any other provision contained in this section, nothing herein shall be
181 considered to include modular homes as defined in subsection (l), section two, article fifteen,
182 chapter thirty-seven of this code and built to the State Building Code as established by legislative
183 rules promulgated by the State Fire Commission pursuant to section five-b, article three, chapter
184 twenty-nine of this code.

ARTICLE 4. TRANSFERS OF TITLE OR INTEREST.

§17A-4-1. Registration expires on transfer by owner; transfer, surrender or retention of plates.

1 Whenever the owner of a registered vehicle transfers or assigns his or her title, or interest
2 thereto, the registration of such vehicle shall expire: *Provided*, That such owner, if he or she has
3 made application to the department within sixty days from the date of purchase to have said
4 registration plates transferred to be used on another vehicle owned by said owner, may then
5 operate the other vehicle for a period of sixty days, but in no event longer than sixty days from
6 the date of original transfer. Upon such transfer, it shall be the duty of the original owner to retain
7 the registration plates issued therefor and to immediately notify the commissioner of such transfer
8 upon such form as may be provided therefor and to deliver to him or her the certificate of
9 registration, whereupon the commissioner shall, upon the payment of a fee of ~~\$5~~ \$6, issue a new
10 certificate showing the use to be made of such plates. Such plates may then be used by such
11 owner on another vehicle of the same class as the vehicle for which they were originally issued if
12 such other vehicle does not require a greater license fee than was required for such original

13 vehicle. If such other vehicle requires a greater license fee than such original vehicle, then such
14 plates may be used by paying such difference to the commissioner. When such transfer of
15 ownership is made to a licensed dealer in motor vehicles it shall be the duty of such dealer to
16 immediately execute notification of transfer, in triplicate, and to have this notification properly
17 signed by the owner making the transfer. The dealer shall immediately forward to the department
18 the original copy of the notification of transfer. One copy of the notification of transfer shall be
19 given to the owner and one shall be retained by the dealer. The owner shall immediately send to
20 the ~~department~~ division the transfer fee of ~~\$5~~ \$6 with any additional fee that may be required
21 under the terms of this chapter. The owner's copy, properly signed by the dealer, will be the
22 owner's identification until he or she receives a new registration card from the ~~department~~ division.

23 The owner of a set of registration plates may surrender them to the commissioner together
24 with the registration card and, upon the payment of \$5 as an exchange fee and upon the payment
25 of such additional fees as are necessary to equalize the value of the plates surrendered with the
26 value of registration plates desired, receive in exchange a set of plates and registration card for
27 a vehicle of a different class.

§17A-4-10. Salvage certificates for certain wrecked or damaged vehicles; fee; penalty.

1 (a) In the event a motor vehicle is determined to be a total loss or otherwise designated
2 as totaled by an insurance company or insurer, and upon payment of a total loss claim to an
3 insured or claimant owner for the purchase of the vehicle, the insurance company or the insurer,
4 as a condition of the payment, shall require the owner to surrender the certificate of title: *Provided,*
5 That an insured or claimant owner may choose to retain physical possession and ownership of a
6 total loss vehicle. If the vehicle owner chooses to retain the vehicle and the vehicle has not been
7 determined to be a cosmetic total loss in accordance with subsection (d) of this section, the
8 insurance company or insurer shall also require the owner to surrender the vehicle registration

9 certificate. The term "total loss" means a motor vehicle which has sustained damages equivalent
10 to seventy-five percent or more of the market value as determined by a nationally accepted used
11 car value guide or meets the definition of a flood-damaged vehicle as defined in this section.

12 (b) The insurance company or insurer shall, prior to the payment of the total loss claim,
13 determine if the vehicle is repairable, cosmetically damaged or nonrepairable. Within ten days of
14 payment of the total loss claim, the insurance company or insurer shall surrender the certificate
15 of title, a copy of the claim settlement, a completed application on a form prescribed by the
16 commissioner and the registration certificate if the owner has chosen to keep the vehicle to the
17 Division of Motor Vehicles.

18 (c) If the insurance company or insurer determines that the vehicle is repairable, the
19 division shall issue a salvage certificate, on a form prescribed by the commissioner, in the name
20 of the insurance company, the insurer or the vehicle owner if the owner has chosen to retain the
21 vehicle. The certificate shall contain, on the reverse, spaces for one successive assignment
22 before a new certificate at an additional fee is required. Upon the sale of the vehicle, the insurance
23 company, insurer or vehicle owner if the owner has chosen to retain the vehicle, shall complete
24 the assignment of ownership on the salvage certificate and deliver it to the purchaser. The vehicle
25 may not be titled or registered for operation on the streets or highways of this state unless there
26 is compliance with subsection (g) of this section. The division shall charge a fee of ~~\$15~~ \$21 for
27 each salvage title issued.

28 (d) If the insurance company or insurer determines the damage to a totaled vehicle is
29 exclusively cosmetic and no repair is necessary in order to legally and safely operate the motor
30 vehicle on the roads and highways of this state, the insurance company or insurer shall, upon
31 payment of the claim, submit the certificate of title to the division. Neither the insurance company

32 nor the division may require the vehicle owner to surrender the registration certificate in the event
33 of a cosmetic total loss settlement.

34 (1) The division shall, without further inspection, issue a title branded "cosmetic total loss"
35 to the insured or claimant owner if the insured or claimant owner wishes to retain possession of
36 the vehicle, in lieu of a salvage certificate. The division shall charge a fee of ~~\$5~~ \$21 for each
37 cosmetic total loss title issued. The terms "cosmetically damaged" and "cosmetic total loss" do
38 not include any vehicle which has been damaged by flood or fire. The designation "cosmetic total
39 loss" on a title may not be removed.

40 (2) If the insured or claimant owner elects not to take possession of the vehicle and the
41 insurance company or insurer retains possession, the division shall issue a cosmetic total loss
42 salvage certificate to the insurance company or insurer. The division shall charge a fee of ~~\$15~~
43 \$21 for each cosmetic total loss salvage certificate issued. The division shall, upon surrender of
44 the cosmetic total loss salvage certificate issued under the provisions of this paragraph and
45 payment of the five percent motor vehicle sales tax on the fair market value of the vehicle as
46 determined by the commissioner, issue a title branded "cosmetic total loss" without further
47 inspection.

48 (e) If the insurance company or insurer determines that the damage to a totaled vehicle
49 renders it nonrepairable, incapable of safe operation for use on roads and highways and as having
50 no resale value except as a source of parts or scrap, the insurance company or vehicle owner
51 shall, in the manner prescribed by the commissioner, request that the division issue a
52 nonrepairable motor vehicle certificate in lieu of a salvage certificate. The division shall issue a
53 nonrepairable motor vehicle certificate without charge.

54 (f) Any owner who scraps, compresses, dismantles or destroys a vehicle without further
55 transfer or sale for which a certificate of title, nonrepairable motor vehicle certificate or salvage

56 certificate has been issued shall, within forty-five days, surrender the certificate of title,
57 nonrepairable motor vehicle certificate or salvage certificate to the division for cancellation.

58 (g) Any person who purchases or acquires a vehicle as salvage or scrap, to be dismantled,
59 compressed or destroyed, shall, within forty-five days, surrender to the division the certificate of
60 title, nonrepairable motor vehicle certificate, salvage certificate or a statement of cancellation
61 signed by the seller, on a form prescribed by the commissioner. Subsequent purchasers of
62 salvage or scrap are not required to comply with the notification requirement.

63 (h) If the motor vehicle is a "reconstructed vehicle" as defined in this section or section
64 one, article one of this chapter, it may not be titled or registered for operation until it has been
65 inspected by an official state inspection station and by the Division of Motor Vehicles. Following
66 an approved inspection, an application for a new certificate of title may be submitted to the
67 division. The applicant is required to retain all receipts for component parts, equipment and
68 materials used in the reconstruction. The salvage certificate shall also be surrendered to the
69 division before a certificate of title may be issued with the appropriate brand.

70 (i) The owner or title holder of a motor vehicle titled in this state which has previously been
71 branded in this state or another state as salvage, reconstructed, cosmetic total loss, cosmetic
72 total loss salvage, flood, fire, an equivalent term under another state's laws or a term consistent
73 with the intent of the National Motor Vehicle Title Information System established pursuant to 49
74 U. S. C. §30502 shall, upon becoming aware of the brand, apply for and receive a title from the
75 Division of Motor Vehicles on which the brand "reconstructed", "salvage", "cosmetic total loss",
76 "cosmetic total loss salvage", "flood", "fire" or other brand is shown. The division shall charge a
77 fee of \$5 for each title so issued.

78 (j) If application is made for title to a motor vehicle, the title to which has previously been
79 branded reconstructed, salvage, cosmetic total loss, cosmetic total loss salvage, flood, fire or

80 other brand by the Division of Motor Vehicles under this section and said application is
81 accompanied by a title from another state which does not carry the brand, the division shall, before
82 issuing the title, affix the brand "reconstructed", "cosmetic total loss", "cosmetic total loss salvage",
83 "flood", "fire" or other brand to the title. The motor vehicle sales tax paid on a motor vehicle titled
84 as reconstructed, cosmetic total loss, flood, fire or other brand under the provisions of this section
85 shall be based on fifty percent of the fair market value of the vehicle as determined by a nationally
86 accepted used car value guide to be used by the commissioner.

87 (k) The division shall charge a fee of ~~\$15~~ \$21 for the issuance of each salvage certificate
88 or cosmetic total loss salvage certificate but shall not require the payment of the five percent motor
89 vehicle sales tax. However, upon application for a certificate of title for a reconstructed, cosmetic
90 total loss, flood or fire damaged vehicle or other brand, the division shall collect the five percent
91 privilege tax on the fair market value of the vehicle as determined by the commissioner unless
92 the applicant is otherwise exempt from the payment of such privilege tax. A
93 wrecker/dismantler/rebuilder, licensed by the division, is exempt from the payment of the five
94 percent privilege tax upon titling a reconstructed vehicle. The division shall collect a fee of \$35
95 per vehicle for inspections of reconstructed vehicles. These fees shall be deposited in a special
96 fund created in the State Treasurer's Office and may be expended by the division to carry out the
97 provisions of this article: *Provided*, That on and after July 1, 2007, any balance in the special fund
98 and all fees collected pursuant to this section shall be deposited in the State Road Fund. Licensed
99 wreckers/dismantlers/rebuilders may charge a fee not to exceed \$25 for all vehicles owned by
100 private rebuilders which are inspected at the place of business of a wrecker/dismantler/rebuilder.

101 (l) As used in this section:

102 (1) "Reconstructed vehicle" means the vehicle was totaled under the provisions of this
103 section or by the provisions of another state or jurisdiction and has been rebuilt in accordance

104 with the provisions of this section or in accordance with the provisions of another state or
105 jurisdiction or meets the provisions of subsection (m), section one, article one of this chapter.

106 (2) "Flood-damaged vehicle" means that the vehicle was submerged in water to the extent
107 that water entered the passenger or trunk compartment.

108 (3) "Other brand" means a brand consistent with the intent of the National Motor Vehicle
109 Title Information System established pursuant to 49 U. S. C. §30502 and rules promulgated by
110 the United States Department of Justice to alert consumers, motor vehicle dealers or the
111 insurance industry of the history of a vehicle.

112 (m) Every vehicle owner shall comply with the branding requirements for a totaled vehicle
113 whether or not the owner receives an insurance claim settlement for a totaled vehicle.

114 (n) A certificate of title issued by the division for a reconstructed vehicle shall contain
115 markings in bold print on the face of the title that it is for a reconstructed, flood- or fire- damaged
116 vehicle.

117 (o) Any person who knowingly provides false or fraudulent information to the division that
118 is required by this section in an application for a title, a cosmetic total loss title, a reconstructed
119 vehicle title or a salvage certificate or who knowingly fails to disclose to the division information
120 required by this section to be included in the application or who otherwise violates the provisions
121 of this section is guilty of a misdemeanor and, upon conviction thereof, shall for each incident be
122 fined not less than \$1,000 nor more than \$2,500, or imprisoned in jail for not more than one year,
123 or both fined and imprisoned.

**ARTICLE 4A. LIENS AND ENCUMBRANCES ON VEHICLES TO BE SHOWN ON
CERTIFICATE OF TITLE; NOTICE TO CREDITORS AND PURCHASERS.**

§17A-4A-10. Fee for recording and release of lien.

1 The Division of Motor Vehicles is hereby authorized to charge a fee of ~~\$5~~ \$13 for the
2 recording of any lien either in an electronic or paper format created by the voluntary act of the
3 owner and endorsing it upon the title certificate issued pursuant to this article, and the Division of
4 Motor Vehicles ~~is hereby authorized to~~ shall charge a fee of ~~50¢~~ \$13 for recordation of any release
5 of a lien created by the voluntary act of the owner: *Provided*, That no charge shall be made for
6 the endorsement and recordation of liens or releases thereof as provided under section nine of
7 this article. No charge shall be made for the issuance of a title to the owner of a vehicle upon the
8 receipt of an electronic release of the final lien.

ARTICLE 10. FEES FOR REGISTRATION, LICENSING, ETC.

§17A-10-3. Registration fees for vehicles equipped with pneumatic tires.

1 The following registration fees for the classes indicated shall be paid to the division for the
2 registration of vehicles subject to registration under this chapter when equipped with pneumatic
3 tires:

4 (a) Registration fees for the following classes shall be paid to the division annually:

5 (1) *Class A.* -- The registration fee for motor vehicles of this class ~~are: is \$28.50: *Provided*,~~
6 ~~That the~~

7 (A) Thirty-eight dollars, fifty cents for declared gross weights less than four thousand one
8 pounds; and

9 (B) Fifty-eight dollars, fifty cents for declared gross weights of four thousand one pounds
10 to eight thousand pounds.

11 The registration fees and any other fees required by this chapter for Class A vehicles
12 under the optional biennial staggered registration system shall be multiplied by two and paid
13 biennially to the division.

14 No license fee may be charged for vehicles owned by churches, or by trustees for
15 churches, which are regularly used for transporting parishioners to and from church services.
16 Notwithstanding the exemption, the certificate of registration and license plates shall be obtained
17 the same as other cards and plates under this article.

18 (2) *Class B.* -- The registration fee for all motor vehicles of this class is as follows:

19 (A) For declared gross weights of ten thousand one pounds to sixteen thousand pounds -
20 - \$28 plus \$5 for each one thousand pounds or fraction of one thousand pounds that the gross
21 weight of the vehicle or combination of vehicles exceeds ten thousand pounds.

22 (B) For declared gross weights greater than sixteen thousand pounds, but less than fifty-
23 five thousand pounds -- \$78.50 plus \$10 for each one thousand or fraction of one thousand
24 pounds that the gross weight of the vehicle or combination of vehicles exceeds sixteen thousand
25 pounds.

26 (C) For declared gross weights of fifty-five thousand pounds or more -- \$737.50 plus
27 \$15.75 for each one thousand pounds or fraction of one thousand pounds that the gross weight
28 of the vehicle or combination of vehicles exceeds fifty-five thousand pounds.

29 (3) *Class G.* -- The registration fee for each motorcycle or parking enforcement vehicle is
30 \$8: *Provided,* That the registration fee and any other fees required by this chapter for Class G
31 vehicles shall be for at least one year and under an optional biennial registration system the
32 annual fee shall be multiplied by two and paid biennially to the division.

33 (4) *Class H.* -- The registration fee for all vehicles for this class operating entirely within
34 the state is \$5; and for vehicles engaged in interstate transportation of persons, the registration
35 fee is the amount of the fees provided by this section for Class B, reduced by the amount that the
36 mileage of the vehicles operated in states other than West Virginia bears to the total mileage

37 operated by the vehicles in all states under a formula to be established by the Division of Motor
38 Vehicles.

39 (5) *Class J.* -- The registration fee for all motor vehicles of this class is \$85. Ambulances
40 and hearses used exclusively as ambulances and hearses are exempt from the special fees set
41 forth in this section.

42 (6) *Class M.* -- The registration fee for all vehicles of this class is \$17.50.

43 (7) *Class X.* -- The registration fee for all motor vehicles of this class is as follows:

44 (A) For farm trucks of declared gross weights of eight thousand one pounds to sixteen
45 thousand pounds -- \$30.

46 (B) For farm trucks of declared gross weights of sixteen thousand one pounds to twenty-
47 two thousand pounds -- \$60.

48 (C) For farm trucks of declared gross weights of twenty-two thousand one pounds to
49 twenty-eight thousand pounds -- \$90.

50 (D) For farm trucks of declared gross weights of twenty-eight thousand one pounds to
51 thirty-four thousand pounds -- \$115.

52 (E) For farm trucks of declared gross weights of thirty-four thousand one pounds to forty-
53 four thousand pounds -- \$160.

54 (F) For farm trucks of declared gross weights of forty-four thousand one pounds to fifty-
55 four thousand pounds -- \$205.

56 (G) For farm trucks of declared gross weights of fifty-four thousand one pounds to eighty
57 thousand pounds -- \$250: *Provided*, That the provisions of subsection (a), section eight, article
58 one, chapter seventeen-e of this code do not apply if the vehicle exceeds sixty-four thousand
59 pounds and is a truck tractor or road tractor.

60 (b) Registration fees for the following classes shall be paid to the division for a maximum
61 period of three years, or portion of a year based on the number of years remaining in the three-
62 year period designated by the commissioner:

63 (1) *Class R.* -- The annual registration fee for all vehicles of this class is \$12.

64 (2) *Class T.* -- The annual registration fee for all vehicles of this class is \$8.

65 (c) The fees paid to the division for a multiyear registration provided by this chapter shall
66 be the same as the annual registration fee established by this section and any other fee required
67 by this chapter multiplied by the number of years for which the registration is issued.

68 (d) The registration fee for all Class C vehicles is \$50. All Class C trailers shall be
69 registered for the duration of the owner's interest in the trailer and do not expire until either sold
70 or otherwise permanently removed from the service of the owner: *Provided*, That a registrant may
71 transfer a Class C registration plate from a trailer owned less than thirty days to another Class C
72 trailer titled in the name of the registrant upon payment of the transfer fee prescribed in section
73 ten of this article.

§17A-10-10. Fees upon transfer of registration and issuance of certificates of title.

1 A fee of ~~\$5~~ \$6 shall be paid for a transfer of registration by an owner from one vehicle to
2 another vehicle of the same class or for surrender of registration of one vehicle in exchange for
3 registration of a vehicle of a different class in addition to the payment of any difference in fees as
4 provided in section one, article four of this chapter.

5 A fee of ~~\$5~~ \$6 shall be paid for the transfer of registration from a deceased person to his
6 or her legal heir or legatee as provided in section five, article four of this chapter.

7 A fee of ~~\$5~~ \$21 shall be paid for the issuance of a certificate of title.

§17A-10-11. Fees for duplicate registration plates, registration cards and certificates of title.

1 A fee of \$5 shall be paid for the issuance of duplicate or substitute ~~registration plates,~~
2 registration cards. ~~or certificates of title.~~ A fee of \$15 shall be paid for the issuance of duplicate
3 or substitute registration plates or decals. A fee of \$21 shall be paid for the issuance of duplicate
4 certificates of title.

CHAPTER 17B. MOTOR VEHICLE DRIVER'S LICENSES.

ARTICLE 2. ISSUANCE OF LICENSE, EXPIRATION AND RENEWAL.

§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 exempted, may drive any motor
2 vehicle upon a street or highway in this state or upon any subdivision street used by the public
3 generally unless the person has a valid driver's license issued pursuant to this code for the type
4 or class of vehicle being driven.

5 (2) Any person licensed to operate a motor vehicle pursuant to this code may exercise the
6 privilege thereby granted in the manner provided in this code and, except as otherwise provided
7 by law, is not required to obtain any other license to exercise the privilege by any county,
8 municipality or local board or body having authority to adopt local police regulations.

9 (b) The division, upon issuing a driver's license, shall indicate on the license the type or
10 general class or classes of vehicles the licensee may operate in accordance with this code, federal
11 law or rule. Licenses shall be issued in different colors for those drivers under age eighteen,
12 those drivers age eighteen to twenty-one and adult drivers. The commissioner is authorized to
13 select and assign colors to the licenses of the various age groups.

14 (c) The following drivers licenses classifications are hereby established:

15 (1) A Class A, B or C license shall be issued to those persons eighteen years of age or
16 older with two years of driving experience who have qualified for the commercial driver's license

17 established by chapter seventeen-e of this code and the federal Motor Carrier Safety and
18 Improvement Act of 1999 and subsequent rules, and have paid the required fee.

19 (2) A Class D license shall be issued to those persons eighteen years and older with one
20 year of driving experience who operate motor vehicles other than those types of vehicles which
21 require the operator to be licensed under the provisions of chapter seventeen-e of this code and
22 federal law and rule and whose primary function or employment is the transportation of persons
23 or property for compensation or wages and have paid the required fee. For the purpose of
24 regulating the operation of motor vehicles, wherever the term "chauffeur's license" is used in this
25 code, it shall be construed to mean the Class A, B, C or D license described in this section or
26 chapter seventeen-e of this code or federal law or rule: *Provided*, That anyone not required to be
27 licensed under the provisions of chapter seventeen-e of this code and federal law or rule and who
28 operates a motor vehicle registered or required to be registered as a Class A motor vehicle, as
29 that term is defined in section one, article ten, chapter seventeen-a of this code, with a gross
30 vehicle weight rating of less than eight thousand one pounds, is not required to obtain a Class D
31 license.

32 (3) A Class E license shall be issued to those persons who have qualified for a driver's
33 license under the provisions of this chapter and who are not required to obtain a Class A, B, C or
34 D license and who have paid the required fee. The Class E license may be endorsed under the
35 provisions of section seven-b of this article for motorcycle operation. The Class E or (G) license
36 for any person under the age of eighteen may also be endorsed with the appropriate graduated
37 driver license level in accordance with the provisions of section three-a of this article.

38 (4) A Class F license shall be issued to those persons who successfully complete the
39 motorcycle examination procedure provided by this chapter and have paid the required fee, but
40 who do not possess a Class A, B, C, D or E driver's license.

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

44 (d) All licenses issued under this section may contain information designating the licensee
45 as a diabetic, organ donor, as deaf or hard-of-hearing, or as having any other handicap or
46 disability, or that the licensee is an honorably discharged veteran of any branch of the Armed
47 Forces of the United States according to criteria established by the division, if the licensee
48 requests this information on the license. An honorably discharged veteran may be issued a
49 replacement license without charge if the request is made before the expiration date of the current
50 license and the only purpose for receiving the replacement license is to get the veterans
51 designation placed on the license.

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

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

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

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

61 (C) Has paid the required fee of ~~two dollars and fifty cents~~ \$6.50 per year: *Provided*, That
62 the fee is not required if the applicant is sixty-five years or older or is legally blind; and

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

65 (2) The identification card shall contain the same information as a driver's license except
66 that the identification card shall be clearly marked as an identification card. The division may
67 issue an identification card with less information to persons under the age of sixteen. An
68 identification card may be renewed annually on application and payment of the fee required by
69 this section.

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

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

77 ~~(C) Every identification card issued to persons under the age of sixteen shall be issued for~~
78 ~~a period of two years and shall expire on the last day of the month in which the applicant's birthday~~
79 ~~occurs.~~

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

83 (g) Any person violating the provisions of this section is guilty of a misdemeanor and, upon
84 conviction, shall be fined not more than \$500; and upon a second or subsequent conviction, shall
85 be fined not more than \$500 or confined in jail not more than six months, or both fined and
86 confined.

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

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

4 (b) Any person under the age of twenty-one, regardless of class or level of licensure, who
5 operates a motor vehicle with any measurable alcohol in his or her system is subject to the
6 provisions of section two, article five, chapter seventeen-c of this code and section two, article
7 five-a of said chapter. Any person under the age of eighteen, regardless of class or licensure
8 level, is subject to the mandatory school attendance and satisfactory academic progress
9 provisions of section eleven, article eight, chapter eighteen of this code.

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

12 (1) *Eligibility.* -- The division shall not issue a level one instruction permit unless the
13 applicant:

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

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

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

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

26 (E) Pays a fee of \$5, which shall permit the applicant ~~two attempts~~ one attempt at the
27 written knowledge test.

28 (2) *Terms and conditions of instruction permit.* -- A level one instruction permit issued
29 under the provisions of this section is valid until thirty days after the date the applicant attains the
30 age of eighteen and is not renewable. However, any permit holder who allows his or her permit
31 to expire prior to successfully passing the road skills portion of the driver examination, and who
32 has not committed any offense which requires the suspension, revocation or cancellation of the
33 instruction permit, may reapply for a new instruction permit under the provisions of section six of
34 this article. The division shall immediately revoke the permit upon receipt of a second conviction
35 for a moving violation of traffic regulations and laws of the road or violation of the terms and
36 conditions of a level one instruction permit, which convictions have become final unless a greater
37 penalty is required by this section or any other provision of this code. Any person whose
38 instruction permit has been revoked is disqualified from retesting for a period of ninety days.
39 However, after the expiration of ninety days, the person may retest if otherwise eligible. In addition
40 to all other provisions of this code for which a driver's license may be restricted, suspended,
41 revoked or canceled, the holder of a level one instruction permit may only operate a motor vehicle
42 under the following conditions:

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

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

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

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

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

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

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

65 (1) *Eligibility.* -- The division shall not issue a level two intermediate driver's license unless
66 the applicant:

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

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

70 (C) Has completed either a driver's education course approved by the state Department
71 of Education or fifty hours of behind-the-wheel driving experience, including a minimum of ten

72 hours of nighttime driving, certified by a parent or legal guardian or other responsible adult over
73 the age of twenty-one as indicated on the form prescribed by the division: *Provided*, That nothing
74 in this paragraph shall be construed to require any school or any county board of education to
75 provide any particular number of driver's education courses or to provide driver's education
76 training to any student;

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

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

80 (F) Pays a fee of \$5 which shall permit the holder one attempt at the road skills
81 examination.

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

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

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

92 (i) Lawful employment;

93 (ii) A school-sanctioned activity;

94 (iii) A religious event; or

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

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

99 (D) For the first six months after issuance of a level two intermediate driver's license, the
100 licensee may not operate a motor vehicle carrying any passengers less than twenty years old,
101 unless these passengers are family members of the licensee; for the second six months after
102 issuance of a level two intermediate driver's license, the licensee may not operate a motor vehicle
103 carrying more than one passenger less than twenty years old, unless these passengers are family
104 members of the licensee;

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

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

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

116 (H) Upon the first conviction for a moving traffic violation or a violation of paragraph (A),
117 (B), (C), (D) or (G), subdivision (1), subsection (d) of this section of the terms and conditions of a
118 level two intermediate driver's license, the licensee shall enroll in an approved driver improvement

119 program unless a greater penalty is required by this section or by any other provision of this code;
120 and

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

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

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

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

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

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

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

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

149 (D) Pays a fee of ~~\$2.50~~ \$6.50 for each year the license is valid. An additional fee of \$.50
150 shall be collected to be deposited in the Combined Voter Registration and Driver's Licensing Fund
151 established in section twelve, article two, chapter three of this code;

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

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

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

157 (B) Pays a fee of ~~\$2.50~~ \$6.50 for each year the license is valid. An additional fee of \$.50
158 shall be collected to be deposited in the Combined Voter Registration and Driver's Licensing Fund
159 established in section twelve, article two, chapter three of this code.

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

§17B-2-6. Application for license or instruction permit; fee to accompany application.

1 (a) Every application for an instruction permit or for a driver's license shall be made upon
2 a form furnished by the division. Every application shall be accompanied by the proper fee and

3 payment of the fee entitles an applicant under the age of eighteen to ~~not more than two attempts~~
4 one attempt at the written test or not more than three attempts to pass the road skills test. An
5 applicant age eighteen years or older is entitled to ~~not more than two attempts~~ one attempt at the
6 written test or ~~not more than three attempts to pass~~ one attempt at the road skills test ~~within a~~
7 ~~period of ninety days from the date of issuance of the instruction permit~~ per payment of the proper
8 fee. An applicant who fails either the written test or the road skills test may not be tested twice
9 within a period of one week. An instruction permit holder is eligible for additional attempts at
10 passing the written test or road skills test upon payment of a fee of \$5 for each attempt.

11 (b) Any applicant who has not been previously licensed must hold an instruction permit for
12 a minimum of thirty days. For the purposes of this section, the term "previously licensed" means
13 an applicant who has obtained at least a level two graduated license or junior driver's license
14 issued under the provisions of this article or has obtained an equal or greater level of licensure if
15 previously licensed in another state.

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

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

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

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

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

15 (d) The fee for the issuance of a Class E driver's license is ~~\$2.50~~ \$6.50 per year for each
16 year the license is valid. The fee for issuance of a Class D driver's license is \$6.25 per year for
17 each year the license is valid. An additional fee of \$0.50 shall be collected from the applicant at
18 the time of original issuance or each renewal and the additional fee shall be deposited in the
19 Combined Voter Registration and Driver's Licensing Fund established pursuant to the provisions
20 of section twelve, article two, chapter three of this code. The additional fee for adding a
21 motorcycle endorsement to a driver's license is \$1 per year for each year the license is issued.

22 (e) The fee for issuance of a motorcycle-only license is ~~\$2.50~~ \$6.50 for each year for which
23 the motorcycle license is valid. The fees for the motorcycle endorsement or motorcycle-only

24 license shall be paid into a special fund in the State Treasury known as the Motorcycle Safety
25 Fund as established in section seven, article one-d of this chapter.

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

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

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

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

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

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

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

43 (i) Notwithstanding any provision in this article to the contrary, a valid military identification
44 card with an expiration date issued by the United States Department of Defense for active duty,
45 reserve or retired military personnel containing a digitized photo and the holder's full legal name
46 may be used to establish current full legal name and legal presence. The commissioner may at

47 his or her discretion expand the use of military identification cards for other uses as permitted
48 under this code or federal rule.

§17B-2-11. Duplicate permits and licenses.

1 In the event that an instruction permit or driver’s license issued under the provisions of this
2 chapter is lost or destroyed, or if the information contained on the license has changed, the person
3 to whom the permit or license was issued may upon making proper application and upon payment
4 of a fee of ~~\$5~~ \$15 obtain a duplicate thereof upon furnishing proof satisfactory to the division that
5 the permit or license has been lost or destroyed.

CHAPTER 17D. MOTOR VEHICLE SAFETY RESPONSIBILITY LAW.

ARTICLE 2. ADMINISTRATION OF LAW

§17D-2-2. Commissioner to furnish abstract of operating record; fee for abstract.

1 The commissioner shall upon request and subject to the provisions of article two-a,
2 chapter seventeen-a of this code, furnish any person a certified abstract of the operating record
3 of any person subject to the provisions of this chapter, and if there is no record of any conviction
4 of the person of a violation of any law relating to the operation of a motor vehicle or of any injury
5 or damage caused by the person, the commissioner shall so certify. The commissioner shall
6 collect ~~\$5~~ \$10 for each abstract.

NOTE: The purpose of this bill is to increase fees for certain services and documents issued by the Division of Motor Vehicles.

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