

# WEST VIRGINIA LEGISLATURE

## 2016 REGULAR SESSION

Introduced

### House Bill 2030

**FISCAL  
NOTE**

2015 Carryover

(BY DELEGATE ROMINE)

[Introduced January 13, 2016; referred to the  
Committee on Roads and Transportation then the  
Judiciary.]

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

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

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

**ARTICLE 2. ISSUANCE OF LICENSE, EXPIRATION AND RENEWAL.**

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

1 (a) ~~Any~~ A 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~~ A person under the age of twenty-one, regardless of class or level of licensure,  
 5 who 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~~ A person under the age of eighteen, regardless of class or  
 8 licensure 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~~ or a certified copy of a birth certificate  
19 issued by a state or other governmental entity responsible for vital records unexpired or a valid  
20 and unexpired passport issued by the United States government evidencing that the applicant  
21 meets the minimum age requirement and is of verifiable 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~~ permits the applicant two attempts at the written  
27 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~~ A 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~~ A 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  
40 addition to all other provisions of this code for which a driver's license may be restricted,

41 suspended, revoked or canceled, the holder of a level one instruction permit may only operate a  
42 motor vehicle 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  
50 forty-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~~ is prohibited from using a wireless communication device while operating a motor vehicle  
58 unless the use of the wireless communication device is for contacting a 9-1-1 system. A person  
59 violating the provisions of this paragraph is guilty of a misdemeanor and, upon conviction thereof,  
60 shall for the first offense be fined \$25; for a second offense be fined \$50; and for a third or  
61 subsequent offense be fined \$75. (d) *Level two intermediate driver's license.* -- An applicant  
62 sixteen years of age or older, meeting all other requirements of the code, may be issued a level  
63 two intermediate driver's license.

64 (1) *Eligibility.* -- The division shall not issue a level two intermediate driver's license unless

65 the applicant:

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

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

69 (C) Has completed either a driver's education course approved by the State Department  
70 of Education or fifty hours of behind-the-wheel driving experience, including a minimum of ten  
71 hours of nighttime driving, certified by a parent or legal guardian or other responsible adult over  
72 the age of twenty-one as indicated on the form prescribed by the division. ~~Provided, That nothing~~  
73 ~~in this paragraph shall be construed to require any school or any~~ Nothing in this paragraph  
74 requires a school or county board of education to provide ~~any a~~ a particular number of driver's  
75 education courses or to provide driver's education training; ~~to any student;~~

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

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

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

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

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

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

89 from:

90 (i) Lawful employment;

91 (ii) A school-sanctioned activity;

92 (iii) A religious event; or

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

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

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

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

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

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

113 or subsequent offense be fined \$75.

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

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

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

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

136 A level two intermediate licensee whose privilege to operate a motor vehicle has not been

137 suspended, revoked or otherwise canceled and who meets all other requirements of the code  
138 may be issued a level three full Class E license without further examination or road skills testing  
139 if the licensee:

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

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

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

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

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

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

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

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

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

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



161 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.

