

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Committee Substitute

for

Senate Bill 477

BY SENATORS CARMICHAEL (MR. PRESIDENT) AND

PREZIOSO

(BY REQUEST OF THE EXECUTIVE)

[Originating in the Committee on Transportation and

Infrastructure; reported on March 16, 2017]

1 A BILL to amend and reenact §11-14C-5 of the Code of West Virginia, 1931, as amended; to
2 amend and reenact §11-15-18b of said code; to amend and reenact §17A-2-13 of said
3 code; to amend and reenact §17A-3-4 of said code; to amend and reenact §17A-4-1 and
4 §17A-4-10 of said code; to amend and reenact §17A-4A-10 of said code; to amend and
5 reenact §17A-7-2 of said code; to amend and reenact §17A-10-3, §17A-10-10 and §17A-
6 10-11 of said code; to amend said code by adding thereto a new section, designated
7 §17A-10-3c; to amend and reenact §17B-2-1, §17B-2-3a, §17B-2-5, §17B-2-6, §17B-2-8
8 and §17B-2-11 of said code; to amend and reenact §17C-5A-2a of said code; and to
9 amend and reenact §17D-2-2 of said code, all relating generally to increasing the funding
10 for the State Road Fund by increasing Division of Motor Vehicles administrative fees and
11 motor fuel excise taxes; changing the flat rate component of the motor fuel excise tax from
12 20.5 cents to 25 cents per invoiced gallon of motor fuel and on each gallon equivalent for
13 alternative fuel; increasing the minimum average wholesale price of motor fuels for
14 purposes of the five percent variable fuel tax as of specified date; deleting superfluous
15 language relating to floorstocks; increasing Division of Motor Vehicles administrative fees,
16 including increasing fees for various documents, records, registrations, certificates, titles,
17 liens, releases, transfers, cards, stickers, decals, licenses and plates; requiring payment
18 of certain fee for each attempt at the written and road skills test; increasing said
19 administrative Division of Motor Vehicles fees every five years on September 1 based on
20 the U. S. Department of Labor, Bureau of Labor Statistics most current Consumer Price
21 Index; imposing annual registration fee for certain alternative fuel vehicles; and specifying
22 effective dates.

Be it enacted by the Legislature of West Virginia:

23 That §11-14C-5 of the Code of West Virginia, 1931, as amended, be amended and
24 reenacted; that §11-15-18b of said code be amended and reenacted; that §17A-2-13 of said code
25 be amended and reenacted; that §17A-3-4 of said code be amended and reenacted; that §17A-

1 4-1 and §17A-4-10 of said code be amended and reenacted; that §17A-4A-10 of said code be
2 amended and reenacted; that §17A-7-2 of said code be amended and reenacted; that §17A-10-
3 3 of said code be amended and reenacted; that said code be amended by adding thereto a new
4 section, designated §17A-10-3c; that §17A-10-10 and §17A-10-11 of said code be amended and
5 reenacted; that §17B-2-1, §17B-2-3a, §17B-2-5, §17B-2-6, §17B-2-8 and §17B-2-11 of said code
6 be amended and reenacted; that §17C-5A-2a of said code be amended and reenacted; and that
7 §17D-2-2 of said code be amended and reenacted, all to read as follows:

CHAPTER 11. TAXATION.

ARTICLE 14C. MOTOR FUEL EXCISE TAX.

§11-14C-5. Taxes levied; rate.

1 (a) There is hereby levied on all motor fuel an excise tax composed of a flat rate equal to
2 \$.205 per invoiced gallon and, on alternative fuel, on each gallon equivalent: Provided, That on
3 and after July 1, 2017, the flat rate is equal to \$.250 per invoiced gallon of motor fuel and, on
4 alternative fuel, on each gallon equivalent plus a variable component comprised of:

5 (1) On motor fuel other than alternative fuel, either the tax imposed by section eighteen-
6 b, article fifteen of this chapter or the tax imposed under section thirteen-a, article fifteen-a of this
7 chapter, as applicable. ~~Provided, That the motor fuel excise tax shall take effect January 1, 2004:~~
8 ~~Provided, however, That the~~ The variable component shall be equal to five percent of the average
9 wholesale price of the motor fuel: ~~Provided further, That the average wholesale price shall be no~~
10 ~~less than \$.97 per invoiced gallon and is computed as hereinafter prescribed in this section: And~~
11 ~~provided further, That on and after January 1, 2010, the average wholesale price~~ Provided, That
12 on and after January 1, 2010, the average wholesale price shall be not less than \$2.34 per
13 invoiced gallon and is computed as hereinafter prescribed in this section: ~~Provided, however, That~~
14 on and after July 1, 2017, the average wholesale price of motor fuel other than alternative fuel
15 shall be not less than \$3.04 per invoiced gallon and is computed as hereinafter described in this

16 section; and

17 (2) On alternative fuel, either the tax imposed by section eighteen-b, article fifteen of this
18 chapter or the tax imposed under section thirteen-a, article fifteen-a of this chapter, as applicable.
19 The variable component of the tax on alternative fuel ~~takes effect on January 1, 2014, with a~~
20 ~~variable component~~ shall be equal to five percent of the average wholesale price of the alternative
21 fuel.

22 (b) *Determination of average wholesale price.* —

23 (1) To simplify determining the average wholesale price of all motor fuel, the Tax
24 Commissioner shall, effective with the period beginning the first day of the month of the effective
25 date of the tax and each January 1 thereafter, determine the average wholesale price of motor
26 fuel for each annual period on the basis of sales data gathered for the preceding period of July 1
27 through October 31. Notification of the average wholesale price of motor fuel shall be given by
28 the Tax Commissioner at least thirty days in advance of each January 1 by filing notice of the
29 average wholesale price in the State Register and by other means as the Tax Commissioner
30 considers reasonable.

31 (2) The “average wholesale price” means the single, statewide average per gallon
32 wholesale price, rounded to the third decimal (thousandth of a cent), exclusive of state and federal
33 excise taxes on each gallon of motor fuel or on each gallon equivalent of alternative fuel as
34 determined by the Tax Commissioner from information furnished by suppliers, importers and
35 distributors of motor fuel and alternative-fuel providers, alternative-fuel bulk end users and
36 retailers of alternative fuel in this state, or other information regarding wholesale selling prices as
37 the Tax Commissioner may gather or a combination of information. ~~In no event shall the average~~
38 ~~wholesale price be determined to be less than \$.97 per gallon of motor fuel. For calendar year~~
39 ~~2009, the average wholesale price of motor fuel shall not exceed the average wholesale price of~~
40 ~~motor fuel for calendar year 2008 as determined pursuant to the notice filed by the Tax~~
41 ~~Commissioner with the Secretary of State on November 21, 2007, and published in the State~~

42 ~~Register on November 30, 2007~~ On and after January 1, 2010, in no event shall the average
43 wholesale price be determined to be less than \$2.34 per gallon of motor fuel. On and after ~~January~~
44 ~~1, 2011~~ July 1, 2017, the average wholesale price of motor fuel shall not be less than \$3.04 per
45 invoiced gallon. After July 1, 2017, the average wholesale price shall not vary by more than ten
46 percent from the average wholesale price of motor fuel as determined by the Tax Commissioner
47 for the previous calendar year: Provided, That in no case shall average wholesale price of motor
48 fuel be less than \$3.04 per invoiced gallon. Any limitation on the average wholesale price of motor
49 fuel contained in this subsection shall not be applicable to alternative fuel.

50 (3) All actions of the Tax Commissioner in acquiring data necessary to establish and
51 determine the average wholesale price of motor fuel, in providing notification of his or her
52 determination prior to the effective date of a change in rate, and in establishing and determining
53 the average wholesale price of motor fuel may be made by the Tax Commissioner without
54 compliance with the provisions of article three, chapter twenty-nine-a of this code.

55 (4) In an administrative or court proceeding brought to challenge the average wholesale
56 price of motor fuel as determined by the Tax Commissioner, his or her determination is presumed
57 to be correct and shall not be set aside unless it is clearly erroneous.

58 ~~(c) There is hereby levied a floorstocks tax on motor fuel held in storage outside the bulk~~
59 ~~transfer/terminal system as of the close of the business day preceding January 1, 2004, and upon~~
60 ~~which the tax levied by this section has not been paid. For the purposes of this section, "close of~~
61 ~~the business day" means the time at which the last transaction has occurred for that day. The~~
62 ~~floorstocks tax is payable by the person in possession of the motor fuel on January 1, 2004. The~~
63 ~~amount of the floorstocks tax on motor fuel is equal to the sum of the tax rate specified in~~
64 ~~subsection (a) of this section multiplied by the gallons in storage as of the close of the business~~
65 ~~day preceding January 1, 2004.~~

66 ~~(1) Persons in possession of taxable motor fuel in storage outside the bulk~~
67 ~~transfer/terminal system as of the close of the business day preceding January 1, 2004, shall:~~

68 ~~(A) Take an inventory at the close of the business day preceding January 1, 2004, to~~
69 ~~determine the gallons in storage for purposes of determining the floorstocks tax;~~

70 ~~(B) Report no later than January 1, 2004 the gallons on forms provided by the~~
71 ~~commissioner; and~~

72 ~~(C) Remit the tax levied under this section no later than January 1, 2004.~~

73 ~~(2) In the event the tax due is paid to the commissioner on or before January 1, 2004, the~~
74 ~~person remitting the tax may deduct from their remittance five percent of the tax liability due.~~

75 ~~(3) In the event the tax due is paid to the commissioner after January 1, 2004, the person~~
76 ~~remitting the tax shall pay, in addition to the tax, a penalty in the amount of five percent of the tax~~
77 ~~liability due.~~

78 ~~(4) In determining the amount of floorstocks tax due under this section, the amount of~~
79 ~~motor fuel in dead storage may be excluded. There are two methods for calculating the amount~~
80 ~~of motor fuel in dead storage:~~

81 ~~(A) If the tank has a capacity of less than ten thousand gallons, the amount of motor fuel~~
82 ~~in dead storage is two hundred gallons and if the tank has a capacity of ten thousand gallons or~~
83 ~~more, the amount of motor fuel in dead storage is four hundred gallons; or~~

84 ~~(B) Use the manufacturer's conversion table for the tank after measuring the number of~~
85 ~~inches between the bottom of the tank and the bottom of the mouth of the drainpipe: *Provided,*~~
86 ~~That the distance between the bottom of the tank and the bottom of the mouth of the draw pipe is~~
87 ~~presumed to be six inches.~~

88 ~~(d) (c) Every licensee who, on the effective date of any rate change, has in inventory any~~
89 ~~motor fuel upon which the tax or any portion thereof has been previously paid shall take a physical~~
90 ~~inventory and file a report thereof with the commissioner, in the format as required by the~~
91 ~~commissioner, within thirty days after the effective date of the rate change, and shall pay to the~~
92 ~~commissioner at the time of filing the report any additional tax due under the increased rate.~~

93 ~~(e) (d) The Tax Commissioner shall determine by January 1, 2014, the gasoline gallon~~

94 equivalent for each alternative fuel by filing a notice of the gasoline gallon equivalent in the State
95 Register and by other means that the Tax Commissioner considers reasonable. The Tax
96 Commissioner may redetermine the gasoline gallon equivalent for each alternative fuel by filing a
97 notice of the gasoline gallon equivalent in the State Register at least thirty days in advance of
98 January 1 for the next succeeding tax year. For purposes of this notice, the Tax Commissioner
99 may adopt or incorporate by reference provisions of the National Institute of Standards and
100 Technology, United States Department of Commerce, the Internal Revenue Code, United States
101 Treasury Regulations, the Internal Revenue Service publications or guidelines or other
102 publications or guidelines which may be useful in determining, setting or describing the gasoline
103 gallon equivalent for each alternative fuel used as motor fuel.

ARTICLE 15. CONSUMERS SALES AND SERVICE TAX.

§11-15-18b. Tax on motor fuel.

1 (a) *General.* — All sales of motor fuel and alternative fuel subject to the flat rate of the tax
2 imposed by section five, article fourteen-c of this chapter, are subject to the tax imposed by this
3 article and comprises the variable component of the tax imposed by section five, article fourteen-
4 c of this chapter and is collected and remitted at the time the tax imposed by said section is
5 remitted. Sales of motor fuel and alternative fuel upon which the tax imposed by this article has
6 been paid is not again taxed under the provisions of this article. This section means that all gallons
7 of motor fuel and equivalent gallons of alternative fuel sold and delivered or delivered in this state
8 are taxed one time.

9 (b) *Measure of tax.* — The measure of tax imposed by this article is as follows:

10 (1) On sales of motor fuel, the average wholesale price as defined and determined in
11 section five, article fourteen-c of this chapter. For purposes of maintaining revenue for highways,
12 and recognizing that the tax imposed by this article is generally imposed on gross proceeds from
13 sales to ultimate consumers, whereas the tax on motor fuel herein is imposed on the average
14 wholesale price of the motor fuel; in no case, for the purposes of taxation under this article, may

15 the average wholesale price be determined to be less than 97 cents per gallon of motor fuel for
16 all gallons of motor fuel sold during the reporting period, notwithstanding any provision of this
17 article to the contrary. On and after January 1, 2010, for the purpose of taxation under this article,
18 in no case may the average wholesale price be determined to be less than \$2.34 per gallon of
19 motor fuel for all gallons of motor fuel sold during the reporting period notwithstanding any
20 provision of this article to the contrary: Provided, That on and after July 1, 2017, in no case may
21 the average wholesale price be determined to be less than \$3.04 per gallon of motor fuel for all
22 gallons of motor fuel sold during the reporting period notwithstanding any provision of this article
23 to the contrary. Any limitation on the average wholesale price of motor fuel contained in this
24 subsection shall not be applicable to alternative fuel.

25 (2) On sales of alternative fuel, the average wholesale price as defined and determined in
26 section five, article fourteen-c of this chapter.

27 (c) *Definitions.* — For purposes of this article, the terms “gasoline”, “special fuel” and
28 “alternative fuel” are defined as provided in section two, article fourteen-c of this chapter. Other
29 terms used in this section have the same meaning as when used in a similar context in said article.

30 (d) *Tax return and tax due.* —

31 (1) The tax imposed by this article on sales of motor fuel shall be paid by each taxpayer
32 on or before the last day of the calendar month by check, bank draft, certified check or money
33 order payable to the Tax Commissioner for the amount of tax due for the preceding month
34 notwithstanding any provision of this article to the contrary. The commissioner may require all or
35 certain taxpayers to file tax returns and payments electronically. The return required by the
36 commissioner shall accompany the payment of tax. If no tax is due, the return required by the
37 commissioner shall be completed and filed on or before the last day of the month.

38 (2) The tax due under this article comprising the variable component of the tax due under
39 article fourteen-c of this chapter on alternative fuel, is due and shall be collected and remitted at
40 the time the tax imposed by section five of said article is due, collected and remitted.

41 (e) *Compliance.* — To facilitate ease of administration and compliance by taxpayers, the
42 Tax Commissioner shall require persons liable for the tax imposed by this article on sales of motor
43 fuel to file a combined return and make a combined payment of the tax due under this article on
44 sales of motor fuel and the tax due under article fourteen-c of this chapter on motor fuel. In order
45 to encourage use of a combined return each month and the making of a single payment each
46 month for both taxes, the due date of the return and tax due under article fourteen-c of this chapter
47 is the last day of each month notwithstanding any provision in said article to the contrary. The Tax
48 Commissioner may prescribe reporting and payment requirements for tax due under this article
49 on alternative fuel which accommodate the due dates and requirements prescribed in this article
50 and article fourteen-c of this chapter, either under a separate return and payment or a combined
51 return and payment, within the discretion of the Tax Commissioner.

52 (f) *Dedication of tax.* — All tax collected under the provisions of this section, after deducting
53 the amount of refunds lawfully paid, shall be deposited in the road fund in the State Treasurer's
54 office and used only for the purpose of construction, reconstruction, maintenance and repair of
55 highways and payment of principal and interest on state bonds issued for highway purposes.
56 Notwithstanding any provision to the contrary, tax collected on the sale of aviation fuel after
57 deducting the amount of refunds lawfully paid shall be deposited in the State Treasurer's office
58 and transferred to the state Aeronautical Commission to be used for the purpose of matching
59 federal funds available for the reconstruction, maintenance and repair of public airports and airport
60 runways.

61 (g) *Construction.* — This section does not tax a sale of motor fuel which this state is
62 prohibited from taxing under the Constitution of this state or the Constitution or laws of the United
63 States.

64 (h) *Effective date.* — The provisions of this section take effect on January 1, 2004. The
65 provisions of this section enacted during the 2007 legislative session take effect on January 1,
66 2008. The provisions of this section enacted during the 2013 regular legislative session take effect

67 on January 1, 2014. The provisions of this section enacted during the 2017 regular legislative
68 session take effect on July 1, 2017.

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 fee of ~~one dollar~~ \$1.50 for each document so authenticated, and every such certified
8 copy is admissible in any proceeding in any court in like manner as the original thereof. This fee
9 will be increased every five years on September 1 based on the U. S. Department of Labor,
10 Bureau of Labor Statistics most current Consumer Price Index.

11 (c) Subject to the provisions of article two-a of this chapter, the commissioner and such
12 officers of the division as he or she may designate may furnish the requested information to any
13 person making a written request for information regarding the registration of any vehicle at a fee
14 of ~~one dollar~~ \$1.50 for each registration about which information is furnished. This fee will be
15 increased every five years on September 1 based on the U. S. Department of Labor, Bureau of
16 Labor Statistics most current Consumer Price Index.

17 (d) The provisions of this section enacted during the 2017 regular legislative session take
18 effect on July 1, 2017.

**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 consumers 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 division's
12 electronic record of a certificate of title is admissible in any civil, criminal or administrative
13 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 manner
24 whatsoever, unless specifically exempted in this section, the present market value of the vehicle
25 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 an
56 owner of a vehicle has previously titled the vehicle at a declared gross weight of fifty-five thousand
57 pounds or more and the title was issued without the payment of the tax imposed by this section,
58 then before the owner may obtain registration for the vehicle at a gross weight less than fifty-five
59 thousand pounds, the owner shall surrender to the commissioner the exempted registration, the
60 exempted certificate of title and pay the tax imposed by this section based upon the current market
61 value of the vehicle: *Provided, however*, That notwithstanding the provisions of section nine,
62 article fifteen, chapter eleven of this code, the exemption from tax under this section for Class B
63 vehicles in excess of fifty-five thousand pounds and Class C semitrailers, full trailers, pole trailers
64 and converter gear does not subject the sale or purchase of the vehicles to the consumers sales
65 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 lessor
71 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~~ \$10 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. The fee
82 for each original certificate or duplicate certificate of title will be increased every five years on
83 September 1 based on the U. S. Department of Labor, Bureau of Labor Statistics most current
84 Consumer Price Index.

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

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

91 (10) A person who has paid the tax imposed by this section is not required to pay the tax
92 a second time for the same motor vehicle, but is required to pay a charge of ~~\$5~~ \$10 for the
93 certificate of retitling of that motor vehicle, except that the tax shall be paid by the person when the
94 title to the vehicle has been transferred either in this or another state from the person to another
95 person and transferred back to the person. The fee for each original certificate of title will be
96 increased every five years on September 1 based on the U. S. Department of Labor, Bureau of
97 Labor Statistics most current Consumer Price Index.

98 (11) The tax imposed by this section does not apply to any passenger vehicle offered for

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

106 (12) The tax imposed by this article does not apply to the titling of any vehicle purchased
107 by a senior citizen service organization which is exempt from the payment of income taxes under
108 the United States Internal Revenue Code, Title 26 U. S. C. §501(c)(3) and which is recognized to
109 be a bona fide senior citizen service organization by the Bureau of Senior Services existing under
110 the provisions of article five, chapter sixteen of this code.

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

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

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

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

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

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

128 (E) Makes application to the division for a title and registration, and pays all other fees
129 required by this chapter within thirty days of establishing residency in this state as prescribed in
130 subsection (a), section one-a of this article: *Provided*, That a period of amnesty of three months
131 be established by the commissioner during the calendar year 2007, during which time any
132 resident of this state, having titled his or her vehicle in a previous state of residence, may pay
133 without penalty any fees required by this chapter and transfer the title of his or her vehicle in
134 accordance with the provisions of this section.

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

149 (d) Beginning on July 1, 2008, the tax imposed under this subsection (b) of this section is
150 abolished and after that date no certificate of title for any motor vehicle may be issued to any

151 applicant unless the applicant provides sufficient proof to the Division of Motor Vehicles that the
152 applicant has paid the fees required by this article and the tax imposed under section three-b,
153 article fifteen, chapter eleven of this code.

154 (e) Any person making any affidavit required under any provision of this section who
155 knowingly swears falsely, or any person who counsels, advises, aids or abets another in the
156 commission of false swearing, or any person, while acting as an agent of the Division of Motor
157 Vehicles, issues a vehicle registration without first collecting the fees and taxes or fails to perform
158 any other duty required by this chapter or chapter eleven of this code to be performed before a
159 vehicle registration is issued is, on the first offense, guilty of a misdemeanor and, upon conviction
160 thereof, shall be fined not more than \$500 or be confined in jail for a period not to exceed six
161 months or, in the discretion of the court, both fined and confined. For a second or any subsequent
162 conviction within five years, that person is guilty of a felony and, upon conviction thereof, shall be
163 fined not more than \$5,000 or be imprisoned in a state correctional facility for not less than one
164 year nor more than five years or, in the discretion of the court, both fined and imprisoned.

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

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

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

176 (2) Failure of the seller to transfer a certificate of title upon sale or transfer of the factory-

177 built home gives rise to a cause of action, upon prosecution thereof, and allows for the recovery
178 of damages, costs and reasonable attorney fees.

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

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

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

190 (j) The provisions of this section enacted during the 2017 regular legislative session take
191 effect on July 1, 2017.

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~~ \$10, issue a
10 new certificate showing the use to be made of such plates. The fee for each new certificate will
11 be increased every five years on September 1 based on the U.S. Department of Labor, Bureau
12 of Labor Statistics most current Consumer Price Index. Such plates may then be used by such
13 owner on another vehicle of the same class as the vehicle for which they were originally issued if
14 such other vehicle does not require a greater license fee than was required for such original
15 vehicle. If such other vehicle requires a greater license fee than such original vehicle, then such
16 plates may be used by paying such difference to the commissioner. When such transfer of
17 ownership is made to a licensed dealer in motor vehicles it shall be the duty of such dealer to
18 immediately execute notification of transfer, in triplicate, and to have this notification properly
19 signed by the owner making the transfer. The dealer shall immediately forward to the department
20 the original copy of the notification of transfer. One copy of the notification of transfer shall be
21 given to the owner and one shall be retained by the dealer. The owner shall immediately send to
22 the department the transfer fee of ~~\$5~~ \$10 with any additional fee that may be required under the
23 terms of this chapter. The owner's copy, properly signed by the dealer, will be the owner's
24 identification until he or she receives a new registration card from the department.

25 The owner of a set of registration plates may surrender them to the commissioner together
26 with the registration card and, upon the payment of ~~\$5~~ \$10 as an exchange fee and upon the
27 payment of such additional fees as are necessary to equalize the value of the plates surrendered
28 with the value of registration plates desired, receive in exchange a set of plates and registration
29 card for 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 \$22.50 for
27 each salvage title issued. The fee for each salvage title will be increased every five years on
28 September 1 based on the U. S. Department of Labor, Bureau of Labor Statistics most current
29 Consumer Price Index.

30 (d) If the insurance company or insurer determines the damage to a totaled vehicle is

31 exclusively cosmetic and no repair is necessary in order to legally and safely operate the motor
32 vehicle on the roads and highways of this state, the insurance company or insurer shall, upon
33 payment of the claim, submit the certificate of title to the division. Neither the insurance company
34 nor the division may require the vehicle owner to surrender the registration certificate in the event
35 of a cosmetic total loss settlement.

36 (1) The division shall, without further inspection, issue a title branded "cosmetic total loss"
37 to the insured or claimant owner if the insured or claimant owner wishes to retain possession of
38 the vehicle, in lieu of a salvage certificate. The division shall charge a fee of ~~\$15~~ \$22.50 for each
39 cosmetic total loss title issued. The terms "cosmetically damaged" and "cosmetic total loss" do
40 not include any vehicle which has been damaged by flood or fire. The designation "cosmetic total
41 loss" on a title may not be removed. The fee for each cosmetic loss title will be increased every
42 five years on September 1 based on the U. S. Department of Labor, Bureau of Labor Statistics
43 most current Consumer Price Index.

44 (2) If the insured or claimant owner elects not to take possession of the vehicle and the
45 insurance company or insurer retains possession, the division shall issue a cosmetic total loss
46 salvage certificate to the insurance company or insurer. The division shall charge a fee of ~~\$15~~
47 \$22.50 for each cosmetic total loss salvage certificate issued. The fee for each cosmetic total loss
48 salvage certificate will be increased every five years on September 1 based on the U. S.
49 Department of Labor, Bureau of Labor Statistics most current Consumer Price Index. The division
50 shall, upon surrender of the cosmetic total loss salvage certificate issued under the provisions of
51 this subsection and payment of the five percent motor vehicle sales tax on the fair market value
52 of the vehicle as determined by the commissioner, issue a title branded "cosmetic total loss"
53 without further inspection.

54 (e) If the insurance company or insurer determines that the damage to a totaled vehicle
55 renders it nonrepairable, incapable of safe operation for use on roads and highways and as having
56 no resale value except as a source of parts or scrap, the insurance company or vehicle owner

57 shall, in the manner prescribed by the commissioner, request that the division issue a
58 nonrepairable motor vehicle certificate in lieu of a salvage certificate. The division shall issue a
59 nonrepairable motor vehicle certificate without charge.

60 (f) Any owner who scraps, compresses, dismantles or destroys a vehicle without further
61 transfer or sale for which a certificate of title, nonrepairable motor vehicle certificate or salvage
62 certificate has been issued shall, within forty-five days, surrender the certificate of title,
63 nonrepairable motor vehicle certificate or salvage certificate to the division for cancellation.

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

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

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

83 fee of ~~\$5~~ \$10 for each title so issued. The fee for each reconstructed, salvage or cosmetic total
84 loss title issued will be increased every five years on September 1 based on the U. S. Department
85 of Labor, Bureau of Labor Statistics most current Consumer Price Index.

86 (j) If application is made for title to a motor vehicle, the title to which has previously been
87 branded reconstructed, salvage, cosmetic total loss, cosmetic total loss salvage, flood, fire or
88 other brand by the Division of Motor Vehicles under this section and said application is
89 accompanied by a title from another state which does not carry the brand, the division shall, before
90 issuing the title, affix the brand "reconstructed", "cosmetic total loss", "cosmetic total loss salvage",
91 "flood", "fire" or other brand to the title. The motor vehicle sales tax paid on a motor vehicle titled
92 as reconstructed, cosmetic total loss, flood, fire or other brand under the provisions of this section
93 shall be based on fifty percent of the fair market value of the vehicle as determined by a nationally
94 accepted used car value guide to be used by the commissioner.

95 (k) The division shall charge a fee of ~~\$15~~ \$22.50 for the issuance of each salvage
96 certificate or cosmetic total loss salvage certificate but shall not require the payment of the five
97 percent motor vehicle sales tax. The fee for each salvage certificate or cosmetic total loss salvage
98 certificate will be increased every five years on September 1 based on the U. S. Department of
99 Labor, Bureau of Labor Statistics most current Consumer Price Index. However, upon application
100 for a certificate of title for a reconstructed, cosmetic total loss, flood or fire damaged vehicle or
101 other brand, the division shall collect the five percent privilege tax on the fair market value of the
102 vehicle as determined by the commissioner unless the applicant is otherwise exempt from the
103 payment of such privilege tax. A wrecker/dismantler/rebuilder, licensed by the division, is exempt
104 from the payment of the five percent privilege tax upon titling a reconstructed vehicle. The division
105 shall collect a fee of \$35 per vehicle for inspections of reconstructed vehicles. These fees shall
106 be deposited in a special fund created in the State Treasurer's Office and may be expended by
107 the division to carry out the provisions of this article: *Provided*, That on and after July 1, 2007, any
108 balance in the special fund and all fees collected pursuant to this section shall be deposited in the

109 State Road Fund. Licensed wreckers/dismantlers/rebuilders may charge a fee not to exceed \$25
110 for all vehicles owned by private rebuilders which are inspected at the place of business of a
111 wrecker/dismantler/rebuilder.

112 (l) As used in this section:

113 (1) "Reconstructed vehicle" means the vehicle was totaled under the provisions of this
114 section or by the provisions of another state or jurisdiction and has been rebuilt in accordance
115 with the provisions of this section or in accordance with the provisions of another state or
116 jurisdiction or meets the provisions of subsection (m), section one, article one of this chapter.

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

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

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

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

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

135 (p) The provisions of this article enacted during the 2017 regular legislative session take
136 effect on July 1, 2017.

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

§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~~ \$10 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. The fee for each
4 lien recording will be increased every five years on September 1 based on the U. S. Department
5 of Labor, Bureau of Labor Statistics most current Consumer Price Index. ~~and the~~ The Division of
6 Motor Vehicles is hereby authorized to charge a fee of ~~five dollars~~ \$10 for recordation of any
7 release of a lien created by the voluntary act of the owner. The fee for each recording of a lien
8 release will be increased every five years on September 1 based on the U. S. Department of
9 Labor, Bureau of Labor Statistics most current Consumer Price Index: Provided, That no charge
10 shall be made for the endorsement and recordation of liens or releases thereof as provided under
11 section nine of this article. No charge shall be made for the issuance of a title to the owner of a
12 vehicle upon the receipt of an electronic release of the final lien.

13 The provisions of this section enacted during the 2017 regular legislative session take
14 effect on July 1, 2017.

ARTICLE 7. SPECIAL STICKERS.

**§17A-7-2. Operation of motor vehicles by dealers or other persons under special stickers;
application and fees; expiration.**

15 (a) A member of the West Virginia State Police may at any detachment office, upon
16 application therefor on a form prescribed by the commissioner, issue to a licensed dealer or any
17 other person other than those specified in section one of this article, a paper sticker or decal to

1 be affixed to the left side of the rear window of a motor vehicle or to the left rear of a vehicle which
2 is not self-propelled. Such sticker or decal shall be of a size to be designated by the commissioner
3 and shall be serially numbered and shall have provision thereon to indicate the date of issuance
4 thereof.

5 (b) A fee of ~~\$5~~ \$10 per sticker shall be collected. The fee for each sticker will be increased
6 every five years on September 1 based on the U. S. Department of Labor, Bureau of Labor
7 Statistics most current Consumer Price Index. The fees will be ~~and~~ dispersed as follows: ~~\$2.50~~
8 Half shall be deposited in the State Road Fund and ~~\$2.50~~ half shall be deposited in the special
9 revenue account within the Division of Highways for the maintenance of the West Virginia
10 Welcome Centers and rest areas along interstate highways in this state.

11 (c) Such sticker or decal shall be valid for forty-eight hours after its issuance for the
12 operation of a vehicle, whether under its own power or while being towed, one time only over the
13 streets or highways, and upon being once affixed to a vehicle shall become invalid for subsequent
14 use on that or any other vehicle.

15 (d) The provisions of this section enacted during the 2017 regular legislative session take
16 effect on July 1, 2017.

**ARTICLE 10. CLASSIFICATION OF VEHICLES FOR PURPOSES OF
REGISTRATION.**

§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 is ~~\$28.50~~ \$50. The fee
6 for each registration will be increased every five years on September 1 based on the U. S.

7 Department of Labor, Bureau of Labor Statistics most current Consumer Price Index: *Provided,*
8 That the registration fees and any other fees required by this chapter for Class A vehicles under
9 the optional biennial staggered registration system shall be multiplied by two and paid biennially
10 to the division.

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

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

16 (A) For declared gross weights of ten thousand one pounds to sixteen thousand pounds
17 — \$28 plus \$5 for each one thousand pounds or fraction of one thousand pounds that the gross
18 weight of the vehicle or combination of vehicles exceeds ten thousand pounds.

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

23 (C) For declared gross weights of fifty-five thousand pounds or more — \$737.50 plus
24 \$15.75 for each one thousand pounds or fraction of one thousand pounds that the gross weight
25 of the vehicle or combination of vehicles exceeds fifty-five thousand pounds.

26 (3) *Class G.* — The registration fee for each motorcycle or parking enforcement vehicle is
27 \$8: *Provided,* That the registration fee and any other fees required by this chapter for Class G
28 vehicles shall be for at least one year and under an optional biennial registration system the
29 annual fee shall be multiplied by two and paid biennially to the division.

30 (4) *Class H.* — The registration fee for all vehicles for this class operating entirely within
31 the state is \$5; and for vehicles engaged in interstate transportation of persons, the registration
32 fee is the amount of the fees provided by this section for Class B, reduced by the amount that the

33 mileage of the vehicles operated in states other than West Virginia bears to the total mileage
34 operated by the vehicles in all states under a formula to be established by the Division of Motor
35 Vehicles.

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

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

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

41 (A) For farm trucks of declared gross weights of eight thousand one pounds to sixteen
42 thousand pounds — \$30.

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

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

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

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

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

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

57 (b) Registration fees for the following classes shall be paid to the division for a maximum
58 period of three years, or portion of a year based on the number of years remaining in the three-

59 year period designated by the commissioner:

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

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

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

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

§17A-10-3c. Additional registration fees for alternative fuel vehicles.

1 The annual registration fee for a vehicle fueled with hydrogen, natural gas,
2 nonpetrochemical fuels or a combination thereof is \$200. The annual registration fee for a vehicle
3 operating on a combination of electricity and petrochemical fuels is \$100. Such fee is in addition
4 to any other fee set forth in this article.

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

1 A fee of ~~\$5~~ \$10 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. The fee will be increased every five years on
5 September 1 based on the U. S. Department of Labor, Bureau of Labor Statistics most current
6 Consumer Price Index.

7 A fee of ~~\$5~~ \$10 shall be paid for the transfer of registration from a deceased person to his
8 or her legal heir or legatee as provided in section five, article four of this chapter. The fee will be

9 increased every five years on September 1 based on the U. S. Department of Labor, Bureau of
10 Labor Statistics most current Consumer Price Index.

11 A fee of ~~\$5~~ \$10 shall be paid for the issuance of a certificate of title. The fee will be
12 increased every five years on September 1 based on the U. S. Department of Labor, Bureau of
13 Labor Statistics most current Consumer Price Index.

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

1 A fee of ~~\$5~~ \$10 shall be paid for the issuance of duplicate or substitute registration plates,
2 registration cards or certificates of title. The fee will be increased every five years on September
3 1 based on the U. S. Department of Labor, Bureau of Labor Statistics most current Consumer
4 Price Index. The provisions of this article enacted during the 2017 regular legislative session take
5 effect on July 1, 2017.

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's license; identification cards.

1 (a) (1) No person, except those hereinafter expressly exempted, may drive a motor vehicle
2 upon a street or highway in this state or upon a subdivision street used by the public generally
3 unless the person has a valid driver's license issued pursuant to this code for the type or class of
4 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 a county, municipality
8 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 driver's license 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 means the Class A, B, C or D license described in this section or chapter seventeen-e of
26 this code or federal law or rule: *Provided*, That anyone not required to be licensed under the
27 provisions of said chapter and federal law or rule and who operates a motor vehicle registered or
28 required to be registered as a Class A motor vehicle, as that term is defined in section one, article
29 ten, chapter seventeen-a of this code, with a gross vehicle weight rating of less than eight
30 thousand one pounds, is not required to obtain a Class D license.

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

36 level in accordance with the provisions of section three-a of this article.

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

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

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

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

55 (f)(1) An identification card may be issued to a person who:

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

58 (B) Has reached the age of two years or, for good cause shown, under the age of two;

59 (C) Has paid the required fee of ~~\$2.50~~ \$5 per year. The fee will be increased every five
60 years on September 1 based on the U. S. Department of Labor, Bureau of Labor Statistics most
61 current Consumer Price Index: *Provided*, That no fees or charges, including renewal fees, are

62 required if the applicant:

63 (i) Is sixty-five years or older;

64 (ii) Is legally blind; or

65 (iii) Will be at least eighteen years of age at the next general, municipal or special election

66 and intends to use this identification card as a form of identification for voting; and

67 (D) Presents a birth certificate or other proof of age and identity acceptable to the division

68 with a completed application on a form furnished by the division.

69 (2) The identification card shall contain the same information as a driver's license except

70 that the identification card shall be clearly marked as an identification card. The division may

71 issue an identification card with less information to persons under the age of sixteen. An

72 identification card may be renewed annually on application and payment of the fee required by

73 this section.

74 (A) Every identification card issued to a person who has attained his or her twenty-first

75 birthday expires on the licensee's birthday in those years in which the licensee's age is evenly

76 divisible by five. Except as provided in paragraph (B) of this subdivision, no identification card

77 may be issued for less than three years or for more than seven years and expires on the licensee's

78 birthday in those years in which the licensee's age is evenly divisible by five.

79 (B) Every identification card issued to a person who has not attained his or her twenty-first

80 birthday expires thirty days after the licensee's twenty-first birthday.

81 (C) Every identification card issued to persons under the age of sixteen shall be issued for

82 a period of two years and expire on the last day of the month in which the applicant's birthday

83 occurs.

84 (3) The division may issue an identification card to an applicant whose privilege to operate

85 a motor vehicle has been refused, canceled, suspended or revoked under the provisions of this

86 code.

87 (g) For any person over the age of fifty years who wishes to obtain a driver's license or

88 identification card under the provisions of this section:

89 (1) A raised seal or stamp on the birth certificate or certified copy of the birth certificate is
90 not required if the issuing jurisdiction does not require one; and

91 (2) If documents are lacking to prove all changes of name in the history of any such
92 applicant, applicants renewing a driver's license or identification card under the provisions of this
93 section may complete a Name Variance Approval Document as instituted by the division, so long
94 as they can provide:

95 (A) Proof of identity;

96 (B) Proof of residency; and

97 (C) A valid Social Security number.

98 (3) The division may waive any documents necessary to prove a match between names,
99 so long as the division determines the person is not attempting to:

100 (A) Change his or her identity;

101 (B) Assume another person's identity; or

102 (C) Commit a fraud.

103 (h) A person over the age of seventy years, or who is on Social Security disability, who
104 wishes to obtain or renew a driver's license or identification card under the provisions of this
105 section, may not be required to furnish a copy of a birth certificate if they can provide:

106 (1) Proof of identity;

107 (2) Proof of residency;

108 (3) A valid Social Security number; and

109 (4) One of the following identifying items:

110 (A) A form of military identification, including a DD214 or equivalent;

111 (B) A U. S. passport, whether valid or expired;

112 (C) School records, including a yearbook;

113 (D) A religious document, that in the judgment of the division is sufficient and authentic to

114 reflect that the person was born in the United States; or

115 (E) An expired driver's license, employment identification card, or other reliable
116 identification card with a recognizable photograph of the person.

117 (i) Any person violating the provisions of this section is guilty of a misdemeanor and, upon
118 conviction thereof, shall be fined not more than \$500 and, upon a second or subsequent
119 conviction, shall be fined not more than \$500 or confined in jail not more than six months, or both
120 fined and 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~~ \$7.50, which shall permit the applicant ~~two~~ one attempt ~~attempts~~ at
27 the written knowledge test. The fee will be increased every five years on September 1 based on
28 the U. S. Department of Labor, Bureau of Labor Statistics most current Consumer Price Index.

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

44 (A) Under the direct supervision of a licensed driver, twenty-one years of age or older, or

45 a driver's education or driving school instructor who is acting in an official capacity as an instructor,
46 who is fully alert and unimpaired, and the only other occupant of the front seat. The vehicle may
47 be operated with no more than two additional passengers, unless the passengers are family
48 members;

49 (B) Between the hours of 5 a.m. and 10 p.m.;

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

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

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

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

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

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

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

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

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

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

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

81 (F) Pays a fee of ~~\$5~~ \$7.50 for one attempt. The fee will be increased every five years on
82 September 1 based on the U. S. Department of Labor, Bureau of Labor Statistics most current
83 Consumer Price Index.

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

90 (A) Unsupervised between the hours of 5 a.m. and 10 p.m.;

91 (B) Only under the direct supervision of a licensed driver, age twenty-one years or older,
92 between the hours of 10 p.m. and 5 a.m. except when the licensee is going to or returning from:

93 (i) Lawful employment;

94 (ii) A school-sanctioned activity;

95 (iii) A religious event; or

96 (iv) An emergency situation that requires the licensee to operate a motor vehicle to prevent

97 bodily injury or death of another;

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

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

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

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

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

117 (H) Upon the first conviction for a moving traffic violation or a violation of paragraph (A),
118 (B), (C), (D) or (G), subdivision (1), subsection (d) of this section of the terms and conditions of a
119 level two intermediate driver's license, the licensee shall enroll in an approved driver improvement
120 program unless a greater penalty is required by this section or by any other provision of this code.
121 At the discretion of the commissioner, completion of an approved driver improvement program
122 may be used to negate the effect of a minor traffic violation as defined by the commissioner

123 against the one-year conviction-free driving criteria for early eligibility for a level three driver's
124 license and may also negate the effect of one minor traffic violation for purposes of avoiding a
125 second conviction under paragraph (I) of this subdivision; and

126 (I) 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;

149 (D) Pays a fee of \$2.50 for each year the license is valid. An additional fee of 50 cents
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; and

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~~ \$5 for each year the license is valid. The fee will be increased
158 every five years on September 1 based on the U. S. Department of Labor, Bureau of Labor
159 Statistics most current Consumer Price Index. An additional fee of 50 cents shall be collected to
160 be deposited in the Combined Voter Registration and Driver's Licensing Fund established in
161 section twelve, article two, chapter three of this code.

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

§17B-2-5. Qualifications, issuance and fee for instruction permits.

1 (a) Any person who is at least fifteen years of age may apply to the division for an
2 instruction permit. However, any person who has not attained the age of eighteen shall comply
3 with the provisions of section three-a of this article. The division may, in its discretion, after the
4 applicant has successfully passed all parts of the examination other than the road skills test, issue
5 to the applicant an instruction permit which entitles the applicant while having the permit in his or
6 her immediate possession to drive a motor vehicle upon the public highways when accompanied
7 by a licensed driver of at least twenty-one years of age, a driver's education or driving school
8 instructor that is acting in an official capacity as an instructor, who is alert and unimpaired or a

9 certified division license examiner acting in an official capacity as an examiner, who is occupying
10 a seat beside the driver.

11 (1) Any instruction permit issued to a person under the age of eighteen years shall be
12 issued in accordance with the provisions of section three-a of this article.

13 (2) Any permit issued to a person who has reached the age of eighteen years is valid for
14 a period of ninety days. The fee for the instruction permit is ~~\$5~~ \$7.50 for one attempt. The fee will
15 be increased every five years on September 1 based on the U. S. Department of Labor, Bureau
16 of Labor Statistics most current Consumer Price Index.

17 (b) Any person sixteen years of age or older may apply to the division for a motorcycle
18 instruction permit. Any person under the age of eighteen must have first completed the
19 requirements for a level two intermediate driver's license or a Class E driver's license before being
20 eligible for a motorcycle instruction permit.

21 The division may, in its discretion, after the applicant has successfully passed all parts of
22 the motorcycle examination other than the driving test, and presented documentation of
23 compliance with the provisions of section eleven, article eight, chapter eighteen of this code, if
24 applicable, issue to the applicant an instruction permit which entitles the applicant while having
25 the permit in his or her immediate possession to drive a motorcycle upon the public streets or
26 highways for a period of ninety days, during the daylight hours between sunrise and sunset only.
27 No holder of a motorcycle instruction permit shall operate a motorcycle while carrying any
28 passenger on the vehicle.

29 A motorcycle instruction permit is not renewable, but a qualified applicant may apply for a
30 new permit. The fee for a motorcycle instruction permit is \$5, which shall be paid into a special
31 fund in the State Treasury known as the Motor Vehicle Fees Fund.

§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 at the written test or not more than ~~three~~ one attempt attempts to pass the road skills test. An
5 applicant age eighteen years or older is entitled to not more than two attempts at the written test
6 or not more than three attempts to pass the road skills test within a period of ninety days from the
7 date of issuance of the instruction permit. An applicant who fails either the written test or the road
8 skills test may not be tested twice within a period of one week.

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

14 (c) Every application for an instruction permit shall state the full legal name, date of birth,
15 sex, and residence address of the applicant and briefly describe the applicant. The application
16 shall state whether the applicant has theretofore been a licensed driver and, if so, when, and by
17 what state or country and whether his or her license has ever been suspended or revoked within
18 five years of the date of application, or whether an application has ever been refused and, if so,
19 the date of and reason for the suspension, revocation or refusal. The application will indicate
20 whether the applicant desires a notation on the driver’s license indicating that the applicant is an
21 organ donor, in accordance with article one-b of this chapter, is diabetic, deaf, or hard of hearing,
22 has any other handicap or disability, or is an honorably discharged veteran of any branch of the
23 Armed Forces of the United States, and such other pertinent information as the commissioner
24 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~~ \$5 per year for each year
16 the license is valid. The fee will be increased every five years on September 1 based on the U. S.
17 Department of Labor, Bureau of Labor Statistics most current Consumer Price Index. The fee for
18 issuance of a Class D driver's license is \$6.25 per year for each year the license is valid. An
19 additional fee of 50 cents shall be collected from the applicant at the time of original issuance or
20 each renewal and the additional fee shall be deposited in the Combined Voter Registration and
21 Driver's Licensing Fund established pursuant to the provisions of section twelve, article two,
22 chapter three of this code. The additional fee for adding a motorcycle endorsement to a driver's
23 license is \$1 per year for each year the license is issued.

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

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

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

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

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

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

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

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

45 (i) Notwithstanding any provision in this article to the contrary, a valid military identification
46 card with an expiration date issued by the United States Department of Defense for active duty,
47 reserve or retired military personnel containing a digitized photo and the holder's full legal name
48 may be used to establish current full legal name and legal presence. The commissioner may at
49 his or her discretion expand the use of military identification cards for other uses as permitted
50 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~~ \$7.50 obtain a duplicate thereof upon furnishing proof satisfactory to the division

5 that the permit or license has been lost or destroyed. The fee will be increased every five years
6 on September 1 based on the U. S. Department of Labor, Bureau of Labor Statistics most current
7 Consumer Price Index. The provisions of this article enacted during the 2017 regular legislative
8 session take effect on July 1, 2017.

CHAPTER 17C. TRAFFIC REGULATIONS AND LAWS OF THE ROAD.

ARTICLE 5A. ADMINISTRATIVE PROCEDURES FOR SUSPENSION AND REVOCATION OF LICENSES FOR DRIVING UNDER THE INFLUENCE OF ALCOHOL, CONTROLLED SUBSTANCES OR DRUGS.

§17C-5A-2a. Assessment of costs; special account created.

1 The Division of Motor Vehicles is hereby authorized and required to assess witness costs
2 at the same rate as witness fees in circuit court and a docket fee of ~~\$40~~ \$15 for each hearing
3 request against any person filing a request for a hearing under section two of this article who fails
4 to appear, fails to have said order rescinded or fails to have said order modified to a lesser period
5 of revocation. The fee will be increased every five years on September 1 based on the U. S.
6 Department of Labor, Bureau of Labor Statistics most current Consumer Price Index.

7 All fees and costs collected hereunder shall be paid into a special revenue account in the
8 State Treasury: *Provided*, That on and after July 1, 2007, any unexpended balance remaining in
9 the special revolving fund shall be transferred to the Motor Vehicle Fees Fund created under the
10 provisions of section twenty-one, article two, chapter seventeen-a of this code and all further fees
11 and costs collected shall be deposited in that fund. A portion of the funds in the Motor Vehicle
12 Fees Fund may be used to pay or reimburse the various law-enforcement agencies at the same
13 rate as witnesses in circuit court for the travel and appearance of its officers before the
14 commissioner or authorized deputy or agent pursuant to a hearing request under the provisions
15 of this article. The department shall authorize payment to the law-enforcement agencies from said
16 account as the fees for a particular hearing request are received from the person against whom

17 the costs were assessed. The department shall authorize transfer to an appropriate agency
18 account from the Motor Vehicle Fees Fund to pay costs of registered and certified mailings and
19 other expenses associated with the conduct of hearings under this article as the docket fee for a
20 particular hearing request is received from the person against whom the costs were assessed.

21 In the event judicial review results in said order being rescinded or modified to a lesser
22 period of revocation the costs assessed shall be discharged.

23 The provisions of this section enacted during the 2017 regular legislative session take
24 effect on July 1, 2017.

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~~ \$7.50 for each abstract. The fee will be increased every five years on September 1
7 based on the U. S. Department of Labor, Bureau of Labor Statistics most current Consumer Price
8 Index. The provisions of this section enacted during the 2017 regular legislative session take
9 effect on July 1, 2017.

NOTE: The purpose of this bill is to increase the State Road Fund by increasing Division of Motor Vehicle administrative fees and motor fuel excise taxes, including titling, registration, driver licensing, identification card issuance and abstract fees. Every five years, the DMV fees will increase based on the U. S. Department of Labor Consumer Price Index. This bill increases the flat rate component of the motor fuel excise tax from 20.5 cents to 25 cents per invoice gallon of motor fuel and upon each gallon equivalent of alternative fuel. This bill also increases the minimum average wholesale sales price of motor fuel from \$2.34 to \$3.04. The bill

also imposes an annual registration fee for alternative fuel vehicles. All changes are effective July 1, 2017.

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