

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

Senate Bill 284

BY SENATORS SYPOLT, AZINGER, BOSO, CLEMENTS,

MAYNARD, SMITH, CLINE, TARR, AND MARONEY

[Introduced January 11, 2019; Referred
to the Committee on the Judiciary; and then to the
Committee on Finance]

1 A BILL to amend and reenact §3-2-3 of the Code of West Virginia, 1931, as amended; and to
 2 amend and reenact §17B-2-1 of said code, all relating to permitting photo identification on
 3 voter registration identification cards; and providing that voter registration and designation
 4 information may also be placed on drivers' licenses or state-issued identification cards, if
 5 so determined by the Secretary of State in cooperation with the Commissioner of Motor
 6 Vehicles.

Be it enacted by the Legislature of West Virginia:

CHAPTER 3. ELECTIONS.

ARTICLE 2. REGISTRATION OF VOTERS.

§3-2-3. State authority relating to voter registration; chief election official.

1 (a) The Secretary of State, as chief election official of the state as provided in §3-1A-6 of
 2 this code, ~~shall have~~ has general supervision of the voter registration procedures and practices
 3 and the maintenance of voter registration records in the state and ~~shall have authority to~~ may
 4 require reports and investigate violations to ensure the proper conduct of voter registration
 5 throughout the state and all of its subdivisions. Upon written notice to the clerk of the county
 6 commission of a county of the need for voter registration record maintenance and the failure of
 7 that clerk to complete such maintenance within 90 days of the notice, the Secretary of State may
 8 make changes in the voter registration data necessary to comply with list maintenance
 9 requirements of §3-2-4a, §3-2-23, §3-2-25, §3-2-26 and §3-2-27 of this code: *Provided*, That the
 10 secretary shall send the notice by certified mail, return receipt requested.

11 (b) The Secretary of State, as chief election official of the state, is responsible for
 12 implementing, in a uniform and nondiscriminatory manner, a single, uniform, official, centralized,
 13 interactive computerized statewide voter registration list defined, maintained and administered at
 14 the state level that contains the name and registration information of every legally registered voter
 15 in the state and assigns a unique identifier to each legally registered voter in the state.

16 (c) The Secretary of State is hereby designated as the chief election official responsible
 17 for the coordination of this state's responsibilities under 42 U.S.C. §1973gg, *et seq.*, the “National
 18 Voter Registration Act of 1993”. The Secretary of State ~~shall have~~ has general supervision of
 19 voter registration procedures and practices at agencies and locations providing services as
 20 required by the provisions of this article and ~~shall have the authority to~~ may propose procedural,
 21 interpretive and legislative rules for ~~promulgation~~ legislative approval in accordance with the
 22 ~~provisions of~~ §29A-3-1 *et seq.* of this code for application for registration, transmission of
 23 applications, reporting and maintenance of records required by the provisions of this article and
 24 for the development, implementation and application of other provisions of this article: *Provided,*
 25 That these rules shall include the provision that voter registration identification cards may contain
 26 a photograph of the voter or that voter registration information such as county and precinct may
 27 also be printed on driver’s licenses or state-issued identification cards issued under §17B-2-1 *et*
 28 *seq.* of this code and that this provision is effective beginning January 1, 2020.

29 (d) The Secretary of State in cooperation with the Commissioner of Motor Vehicles may
 30 devise a plan for meeting the requirement that voter registration information such as county and
 31 precinct may be printed on driver’s licenses or state-issued identification cards issued under
 32 §17B-2-1 of this code.

CHAPTER 17B. MOTOR VEHICLE DRIVER'S LICENSES.

ARTICLE 2. ISSUANCE OF LICENSE, EXPIRATION AND RENEWAL.

§17B-2-1. Drivers must be licensed; types of licenses; licensees need not obtain local government license; motorcycle driver license; identification cards.

1 (a) (1) No person, except those hereinafter expressly exempted, may drive 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 18, those
12 drivers age 18 to 21 and adult drivers. The commissioner is authorized to select and assign colors
13 to the licenses of the various age groups.

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

15 (1) A Class A, B or C license shall be issued to those persons 18 years of age or older
16 with two years of driving experience who have qualified for the commercial driver's license
17 established by §17E-1-1 *et seq.* 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 18 years and older with one year
20 of driving experience who operate motor vehicles other than those types of vehicles which require
21 the operator to be licensed under the provisions of §17E-1-1 *et seq.* of this code and federal law
22 and rule and whose primary function or employment is the transportation of persons or property
23 for compensation or wages and have paid the required fee. For the purpose of regulating the
24 operation of motor vehicles, wherever the term "chauffeur's license" is used in this code, it means
25 the Class A, B, C or D license described in this section or §17E-1-1 *et seq.* of this code or federal
26 law or rule: *Provided*, That anyone not required to be licensed under the provisions of §17E-1-1
27 *et seq.* of this code and federal law or rule and who operates a motor vehicle registered or required
28 to be registered as a Class A motor vehicle, as that term is defined in §17A-10-1 of this code, with
29 a gross vehicle weight rating of less than 8,001 pounds, is not required to obtain a Class D license.

30 (3) A Class E license shall be issued to persons who have qualified for a driver's license

31 under the provisions of this chapter and who are not required to obtain a Class A, B, C or D license
32 and who have paid the required fee. The Class E license may be endorsed under the provisions
33 of §17B-2-7b of this code for motorcycle operation. The Class E or G license for a person under
34 the age of 18 may also be endorsed with the appropriate graduated driver license level in
35 accordance with the provisions of §17B-2-3a of this code.

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

39 (5) A Class G driver's license or instruction permit shall be issued to a person using bioptic
40 telescopic lenses who has successfully completed an approved driver training program and
41 complied with all other requirements of §17B-2B-1 *et seq.* of this code.

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

50 (e) No person, except those hereinafter expressly exempted, may drive a motorcycle on
51 a street or highway in this state or on a subdivision street used by the public generally unless the
52 person has a valid motorcycle license, a valid license which has been endorsed under §17B-2-7b
53 of this code for motorcycle operation or a valid motorcycle instruction permit.

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

55 (A) Is a resident of this state in accordance with the provisions of §17A-3-1a of this code;

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

57 (C) Has paid the required fee of \$5 per year. The Division of Motor Vehicles may adjust
58 this fee every five years on September 1, based on the U. S. Department of Labor, Bureau of
59 Labor Statistics most current Consumer Price Index: *Provided*, That an increase in such fee may
60 not exceed 10 percent of the total fee amount in a single year: *Provided, however*, That no fees
61 or charges, including renewal fees, are required if the applicant:

62 (i) Is 65 years or older;

63 (ii) Is legally blind; or

64 (iii) Will be at least 18 years of age at the next general, municipal or special election and
65 intends to use this identification card as a form of identification for voting; and

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

68 (2) The identification card shall contain the same information as a driver's license except
69 that the identification card shall be clearly marked as an identification card. The division may issue
70 an identification card with less information to persons under the age of 16. An identification card
71 may be renewed annually on application and payment of the fee required by this section.

72 (A) Every identification card issued to a person who has attained his or her 21st birthday
73 expires on the licensee's birthday in those years in which the licensee's age is evenly divisible by
74 five. Except as provided in paragraph (B) of this subdivision, no identification card may be issued
75 for less than three years or for more than seven years and expires on the licensee's birthday in
76 those years in which the licensee's age is evenly divisible by five.

77 (B) Every identification card issued to a person who has not attained his or her 21st
78 birthday expires 30 days after the licensee's 21st birthday.

79 (C) Every identification card issued to persons under the age of 16 shall be issued for a
80 period of two years and expire on the last day of the month in which the applicant's birthday
81 occurs.

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

83 a motor vehicle has been refused, canceled, suspended or revoked under the provisions of this
84 code.

85 (g) For any person over the age of 50 years who wishes to obtain a driver's license or
86 identification card under the provisions of this section:

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

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

93 (A) Proof of identity;

94 (B) Proof of residency; and

95 (C) A valid Social Security number.

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

98 (A) Change his or her identity;

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

100 (C) Commit a fraud.

101 (h) A person over the age of 70 years, or who is on Social Security disability, who wishes
102 to obtain or renew a driver's license or identification card under the provisions of this section, may
103 not be required to furnish a copy of a birth certificate if they can provide:

104 (1) Proof of identity;

105 (2) Proof of residency;

106 (3) A valid Social Security number; and

107 (4) One of the following identifying items:

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

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

110 (C) School records, including a yearbook;

111 (D) A religious document, that in the judgment of the division is sufficient and authentic to
112 reflect that the person was born in the United States; or

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

115 (i) Any person violating the provisions of this section is guilty of a misdemeanor and, upon
116 conviction, shall be fined not more than \$500 and, upon a second or subsequent conviction, shall
117 be fined not more than \$500 or confined in jail not more than six months, or both fined and
118 confined.

119 (j) The Commissioner of Motor Vehicles in cooperation with the Secretary of State may
120 devise a plan for meeting the requirement that voter registration information such as county and
121 precinct may be printed on driver's licenses or state issued identification cards issued under this
122 section. The commissioner may propose rules for legislative approval in accordance with §29A-
123 3-1 et seq. of this code for the development, implementation and application of this plan as it
124 applies to driver's license and state issued identification cards: *Provided*, That if this plan is
125 approved, this requirement is effective beginning January 1, 2020.

NOTE: The purpose of this bill is to require photo identification on voter registration identification cards. The bill also provides that voter registration information may also be required on drivers' licenses or state issued identification cards if so determined by the Secretary of State in cooperation with the Commissioner of Motor Vehicles.

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