

# **WEST VIRGINIA LEGISLATURE**

## **2020 REGULAR SESSION**

**Introduced**

### **House Bill 4522**

BY DELEGATES BUTLER, PORTERFIELD AND KUMP

(BY REQUEST OF THE DIVISION OF MOTOR VEHICLES)

[Introduced January 23, 2020; Referred to the  
Committee on Technology and Infrastructure then the  
Judiciary]

1 A BILL to amend and reenact §17B-2-8 of the Code of West Virginia, 1931, as amended, relating  
2 to the federal Real ID Act and allowing division to accept documents compliant with Real  
3 ID Act for proof of identity, residency, and lawful presence.

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

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

### **§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 17E of this code, or  
4 motorcycle-only license. Each license shall contain a coded number assigned to the licensee, the  
5 full legal name to be displayed in a manner selected by the applicant when supported by  
6 appropriate documentation and consistent with federal law, subsection (c) of this section and  
7 otherwise approved by the division, date of birth, residence address, a brief description and a  
8 color photograph of the licensee and either a facsimile of the signature of the licensee or a space  
9 upon which the signature of the licensee is written with pen and ink immediately upon receipt of  
10 the license. No license is valid until it has been so signed by the licensee.

11 (b) A driver's license which is valid for operation of a motorcycle shall contain a motorcycle  
12 endorsement. A driver's license which is valid for the operation of a commercial motor vehicle  
13 shall be issued in accordance with chapter 17E of this code.

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

17 (d) The fee for the issuance of a Class E driver's license is \$5 per year for each year the  
18 license is valid. The Division of Motor Vehicles may adjust this fee every five years on September  
19 1, based on the U. S. Department of Labor, Bureau of Labor Statistics most current Consumer  
20 Price Index: *Provided*, That an increase in such fee may not exceed 10 percent of the total fee

21 amount in a single year. The fee for issuance of a Class D driver's license is \$6.25 per year for  
22 each year the license is valid. An additional fee of 50 cents shall be collected from the applicant  
23 at the time of original issuance or each renewal and the additional fee shall be deposited in the  
24 Combined Voter Registration and Driver's Licensing Fund established pursuant to the provisions  
25 of §3-2-12 of this code. The additional fee for adding a motorcycle endorsement to a driver's  
26 license is \$1 per year for each year the license is issued.

27 (e) The fee for issuance of a motorcycle-only license is \$2.50 for each year for which the  
28 motorcycle license is valid. The fees for the motorcycle endorsement or motorcycle-only license  
29 shall be paid into a special fund in the State Treasury known as the Motorcycle Safety Fund as  
30 established in §17B-1D-3a of this chapter.

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

33 (g) The fee for issuance of a federally compliant driver's license or identification card for  
34 federal use is \$10 in addition to any other fee required by this chapter. Any fees collected under  
35 the provisions of this subsection shall be deposited into the Motor Vehicle Fees Fund established  
36 in accordance with §17A-2-21 of this code.

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

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

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

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

45 (4) At the discretion of the commissioner, the applicant's address may be suppressed to  
46 provide security for classes of applicants such as law-enforcement officials, protected witnesses

47 and members of the state and federal judicial systems.

48 (i) Notwithstanding any provision in this article to the contrary, a valid military identification  
49 card with an expiration date issued by the United States Department of Defense for active duty,  
50 reserve or retired military personnel containing a digitized photo and the holder's full legal name  
51 may be used to establish current full legal name and legal presence. The commissioner may at  
52 his or her discretion expand the use of military identification cards for other uses as permitted  
53 under this code or federal rule.

54 (i) The division may accept any document as proof of identity, residency, and lawful  
55 presence that is acceptable under the Real ID Act of 2005, Pub. L. No. 109-13, 119 Stat. 302  
56 (May 11, 2005) or subsequent act established for federally compliant driver's licenses.

NOTE: The purpose of this bill is to allow the division to accept documents compliant with Real ID Act for proof of identity, residency, and lawful presence.

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