

# **WEST VIRGINIA LEGISLATURE**

**2022 REGULAR SESSION**

**Committee Substitute**

**for**

**Senate Bill 423**

BY SENATORS SYPOLT, CLEMENTS, BALDWIN, MARTIN,

AND SMITH

[Originating in the Committee on Transportation and

Infrastructure; reported on January 26, 2022]

1 A BILL to amend and reenact §17B-2-1 of the Code of West Virginia, 1931, as amended, relating  
2 to identification cards without a photo; authorizing the Division of Motor Vehicles to issue  
3 identification cards without a photo; setting forth requirements for a form supplied by the  
4 division; and specifying requirements for applicants of a photo-less identification card.

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

**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,  
8 municipality, or local board or body having authority to adopt local police regulations.

9 (b) The division, upon issuing a driver's license, shall indicate on the license the type or  
10 general class or classes of vehicles the licensee may operate in accordance with this code, federal  
11 law, or rule. Licenses shall be issued in different colors for those drivers under age 18, those  
12 drivers age 18 to 21, and adult drivers. The commissioner is authorized to select and assign  
13 colors to the licenses of the various age groups.

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

15 (1) A Class A, B, or C license shall be issued to those persons 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 chapter 17E of this code and the federal Motor Carrier Safety and Improvement  
18 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 chapter 17E of this code and federal law and  
22 rule and whose primary function or employment is the transportation of persons or property for  
23 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 chapter 17E of this code or federal law  
26 or rule: *Provided*, That anyone not required to be licensed under the provisions of chapter 17E of  
27 this code and federal law or rule and who operates a motor vehicle registered or required to be  
28 registered as a Class A motor vehicle, as that term is defined in §17A-10-1 of this code, with a  
29 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  
32 license and who have paid the required fee. The Class E license may be endorsed under ~~the~~  
33 ~~provisions of §17B-2-7b of this code for motorcycle operation.~~ The Class E or G license for a  
34 person under the age of 18 may also be endorsed with the appropriate graduated driver license  
35 level in 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, an organ donor, as deaf or hard-of-hearing, as having any other handicap or  
44 disability, or that the licensee is an honorably discharged veteran of any branch of the Armed

45 Forces of the United States, according to criteria established by the division, if the licensee  
46 requests this information on the license. An honorably discharged veteran may be issued a  
47 replacement license without charge if the request is made before the expiration date of the current  
48 license and the only purpose for receiving the replacement license is to get the veterans  
49 designation placed on the 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 §17A-2-  
53 17b 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~~ supplied 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. The division may issue

71 an identification card without a photo pursuant to subdivision (4) of this subsection. 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 21st birthday  
75 expires on the licensee's birthday in those years in which the licensee's age is evenly divisible by  
76 five. Except as provided in paragraph (B) of this subdivision, no identification card may be issued  
77 for less than three years or for more than seven years and expires on the licensee's birthday in  
78 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 21st  
80 birthday expires 30 days after the licensee's 21st birthday.

81 (C) Every identification card issued to persons under the age of 16 shall be issued for a  
82 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 (4) Notwithstanding the provisions of §17B-2-8 of this code, the division may issue an  
88 identification card without a photo to an applicant who under oath or affirmation affirms, subject  
89 to the laws of perjury and on a form supplied by the division, that the applicant is a member of a  
90 recognized religious sect that has established tenets and teachings by which the applicant is  
91 conscientiously opposed to posing for a photo. The form supplied by the division pursuant to this  
92 subdivision shall advise the applicant that an identification card without a photo may not be  
93 acceptable for all identification purposes.

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

96 (1) A raised seal or stamp on the birth certificate or certified copy of the birth certificate is

97 not required if the issuing jurisdiction does not require one; and

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

102 (A) Proof of identity;

103 (B) Proof of residency; and

104 (C) A valid Social Security number.

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

107 (A) Change his or her identity;

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

109 (C) Commit a fraud.

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

113 (1) Proof of identity;

114 (2) Proof of residency;

115 (3) A valid Social Security number; and

116 (4) One of the following identifying items:

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

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

119 (C) School records, including a yearbook;

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

122 (E) An expired driver's license, employment identification card, or other reliable

123 identification card with a recognizable photograph of the person.

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

NOTE: The purpose of this bill is to exempt a person with a valid religious objection from the requirement that his or her picture be taken and placed on an identification card issued by the Division of Motor Vehicles.

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