

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 3323

By Delegate E. Pritt

[Introduced February 07, 2023; Referred to the
Committee on Technology and Infrastructure then the
Judiciary]

1 A BILL to amend and reenact §17B-2-1 of the Code of West Virginia, 1931, as amended, relating
2 to providing a means by which applicants for driver's licenses or identification certificates
3 who do not have permanent addresses may obtain a driver's license or identification
4 certificate; provide for auditing of the addresses permitted by the Department of Motor
5 Vehicles; listing cancellation standards; and providing a fee waiver for those applicants
6 with no permanent address.

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; permanent address not necessary to obtain driver's license or identification certificate.

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 by
7 law, is not required to obtain any other license to exercise the privilege by a county, municipality, or
8 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 with

16 two years of driving experience who have qualified for the commercial driver's license established
17 by Chapter 17E of this code and the federal Motor Carrier Safety and Improvement Act of 1999
18 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 of
20 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 license
32 and who have paid the required fee. The Class E license may be endorsed under §17B-2-7b of
33 this code for motorcycle operation. The Class E or G license for a person under the age of 18 may
34 also be endorsed with the appropriate graduated driver license level in accordance with §17B-2-
35 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, 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 a
51 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-2-17b
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 §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 this
58 fee every five years on September 1, based on the U.S. Department of Labor, Bureau of Labor
59 Statistics most current Consumer Price Index: *Provided*, That an increase in such fee may not
60 exceed 10 percent of the total fee amount in a single year: *Provided, however*, That no fees or
61 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 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 photograph pursuant to subdivision (4) of this subsection. An
72 identification card may be renewed annually on application and payment of the fee required by this
73 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 this article to the contrary, the division may issue an
88 identification card without a photograph to an applicant who under oath or affirmation affirms,
89 subject to the laws of perjury and on a form supplied by the division, that the applicant is a member
90 of a recognized religious sect that has established tenets and teachings due to which the applicant
91 is conscientiously opposed to posing for a photograph. The form supplied by the division pursuant
92 to this subdivision shall advise the applicant that an identification card without a photograph may
93 not be 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, or meet the requirements of §17B-2-1(i); 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 fraud.

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

113 (1) Proof of identity;

114 (2) Proof of residency, or meet the requirements of §17B-2-1(i);

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) The address requirement for a driver license and identification certificate is:

125 (1) The applicant's West Virginia residence address must be given unless no permanent
126 residence can be established. Applicants may be required by the department to provide proof
127 satisfactory to the department to establish the West Virginia residence address or affidavit of "No
128 Permanent Residence", provided.

129 (A) All documents must be verifiable.

130 (B) An affidavit of "No Permanent Residence" may be obtained from the DMV.

131 (i) An affidavit applicant must swear and affirm that they do not have a permanent
132 residence, and understand that providing false information may result in criminal and civil
133 penalties, including the suspension of driving privileges

134 (ii) An affidavit of "No Permanent Residence" must be signed by an agent of a shelter facility
135 or state registered nonprofit

136 (iii) Affidavit for supporting driving license or identification will be valid for one year from
137 issue to establish a residence.

138 (2) The complete street address including apartment numbers and such terms as street,
139 circle, drive, or court should be used whenever possible. The city, state, zip code, and type of
140 residence must be shown as part of the address on all applications for driver licenses and
141 identification certificates. The zip code may be a five or nine digit number until such time as the
142 nine digit number is required by the department or postal authorities. In rural areas, route number
143 and box number should be given.

144 (3) The application form also provides space for a mailing address. If there is no mail
145 delivery at the address shown, then a post office box number or other mailing address must be

146 shown in conjunction with the West Virginia residence address provided. If an applicant has a
147 mailing address in addition to the West Virginia residence address, which may include post office
148 boxes or other mailing locations, it may be provided in this space.

149 (4) A general delivery address must not be used except in very small communities when no
150 street or route addresses are available.

151 (5) The department has incorporated an address validation program that presents
152 addresses using United States Postal Service (USPS) standards.

153 (A) Standardized addresses will be displayed on licenses and identification certificates and
154 used for mailing purposes.

155 (B) Addresses that do not conform to USPS standards or do not validate may be used if the
156 customer can verify that he and or she receives mail at that address.

157 (6) The department may conduct an audit of driver license and identification certificate
158 address information provided by driver license customers. This audit shall:

159 (A) Validate that the addresses being reviewed are residential addresses; and/or post
160 office box.

161 (B) Determine if the same address has been provided by ten (10) or more driver license or
162 identification certificate holders.

163 (7) The department may require each driver license or identification certificate holder
164 whose address of record is being audited to present documentation.

165 (8) The department may cancel any driver license or identification certificate issued to a
166 person who does not prove that they reside at the address on record or in the case of no
167 permanent residence if they are not maintaining a post office or have had their services terminated
168 by the United States Postal Service.

169 (A) A person who has been issued a driver license or identification card with an alternate
170 address or establishes a permanent residence must notify the department of the change and
171 obtain a duplicate card not later than 30 days after a name change and/or residence address

172 change.

173 (B) An applicant who is eligible to use a no permanent residence address such as shall
174 have the required fees waived. All documents submitted by the applicant must be acceptable to
175 the department. The department has the discretion to reject or require additional evidence for
176 alternate address eligibility.

177 ~~(i)~~ (j) Any person violating the provisions of this section is guilty of a misdemeanor and,
178 upon conviction thereof, shall be fined not more than \$500 and, upon a second or subsequent
179 conviction, shall be fined not more than \$500 or confined in jail not more than six months, or both
180 fined and confined.

NOTE: The purpose of this bill is to allow a person applying for a driver's license or a state-issued identification card who has no permanent address to obtain a license or identification card by verifying that he or she has no permanent address.

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