WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1981

ENROLLED

SENATE BILL NO. 654
(Originating in the Committee on Finance)

PASSED

April 11, 1981

In Effect: ninety days from Passage

RECEIVED

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Senate Bill No. 654
(Originating in the Committee on Finance)

[Passed April 11, 1981; in effect ninety days from passage.]

AN ACT to amend and reenact section thirteen, article two, chapter seventeen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to further amend said article by adding thereto a new section, designated section twenty-three; to amend and reenact sections four and fourteen, article three; sections one and five, article four; section ten, article four-a; section fifteen, article six; section seven, article nine; sections ten, eleven and fourteen, article ten, all of said chapter; to amend and reenact sections eight, eleven and twelve, article two and section nine, article three, chapter seventeen-b of said code; and to amend and reenact section two, article two, chapter seventeen-d of said code, all relating to the department of motor vehicles; increasing fees for records of vehicle registration; providing for a fee when checks are dishonored; increasing fees for certificate of title, special registration plates, temporary registration plates, transfers of registration, duplicate registrations, recording of liens, vehicle reinstatements, registration transfers, special registrations, driver's licenses, providing for photographs on driver's licenses, increasing fees for duplicates and late applications therefor, driver's license reinstatement fees and abstracts of operating records.

Be it enacted by the Legislature of West Virginia:
That section thirteen, article two, chapter seventeen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; that said article be further amended by adding thereto a new section, designated section twenty-three; that sections four and fourteen, article three;
sections one and five, article four; section ten, article four-a; section fifteen, article six; section seven, article nine; sections ten, eleven and fourteen, article ten, all of said chapter seventeen-a be amended and reenacted; that sections eight, eleven and twelve, article two and section nine, article three, chapter seventeen-b of said code be amended and reenacted; and that section two, article two, chapter seventeen-d of said code be amended and reenacted, all to read as follows:

CHAPTER 17A. MOTOR VEHICLE ADMINISTRATION, REGISTRATION, CERTIFICATE OF TITLE, AND ANTI-THEFT PROVISIONS.

ARTICLE 2. DEPARTMENT OF MOTOR VEHICLES.

§17A-2-13. Authority to administer oaths and certify copies of records; information as to registration.

(a) Officers and employees of the department designated by the commissioner are, for the purpose of administering the motor vehicle laws, authorized to administer oaths and acknowledge signatures, and shall do so without fee.

(b) The commissioner and such officers of the department as he may designate are hereby authorized to prepare under the seal of the department and deliver upon request a certified copy of any record of the department, charging a fee of one dollar for each document so authenticated, and every such certified copy shall be admissible in any proceeding in any court in like manner as the original thereof.

(c) The commissioner and such officers of the department as he may designate are hereby authorized to furnish to any person requesting same in writing information regarding the registration of any vehicle at a fee of one dollar; for each such registration about which information is furnished.

§17A-2-23. Worthless checks tendered for fees and taxes; penalty.

If a check tendered to the department of motor vehicles is returned to the department unpaid for any reason, there shall be a penalty of ten dollars to be paid to the department in addition to the amount due the department. This penalty applies to checks tendered for any fee or tax authorized to be collected by the department and is in addition to any other penalties imposed in this code: Provided, That in the event a specific penalty is set forth for the nonpayment or late
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payment of fees and taxes, the penalty set forth in this section applies only to the extent that such penalty exceeds any specific penalty for nonpayment or late payment.

The penalty provided in this section shall be used by the department to defray expenses incurred as a result of receiving returned checks and shall be in addition to the regular appropriation made from the state road fund.

ARTICLE 3. ORIGINAL AND RENEWAL OF REGISTRATION; ISSUANCE OF CERTIFICATES OF TITLE.

§17A-3-4. Application for certificate of title; tax for privilege of certification of title; penalty for false swearing.

Certificates of registration of any vehicle or registration plates therefor, whether original issues or duplicates, shall not be issued or furnished by the department of motor vehicles or any other officer charged with such duty, unless the applicant therefor already has received, or shall at the same time make application for and be granted, an official certificate of title of such vehicle. Such application shall be upon a blank form to be furnished by the department of motor vehicles and shall contain a full description of the vehicle, which description shall contain a manufacturer's serial or identification number or other number as determined by the commissioner and any distinguishing marks, together with a statement of the applicant's title and of any liens or encumbrances upon such vehicle, the names and addresses of the holders of such liens and such other information as the department of motor vehicles may require. The application shall be signed and sworn to by the applicant.

A tax is hereby imposed upon the privilege of effecting the certification of title of each vehicle in the amount equal to five percent of the value of said motor vehicle at the time of such certification. If the vehicle is new, the actual purchase price or consideration to the purchaser thereof shall be the value of said vehicle; if the vehicle is a used or secondhand vehicle, the present market value at time of transfer or purchase shall be deemed the value thereof for the purpose of this section: Provided, That so much of the purchase price or consideration as is represented by the exchange of other vehicles on which the tax herein imposed has been paid by the purchaser shall be deducted from the total actual price or consideration paid for said vehicle, whether the same be new or secondhand; if the vehicle be acquired through gift, or by
any manner whatsoever, unless specifically exempted in this
section, the present market value of the vehicle at the time of
the gift or transfer shall be deemed the value thereof for the
purposes of this section. No certificate of title for any vehicle
shall be issued to any applicant unless such applicant shall
have paid to the department of motor vehicles the tax
imposed by this section which shall be five percent of the true
and actual value of said vehicle whether the vehicle be
acquired through purchase, by gift, or by any other manner
whatsoever except gifts between husband and wife or
between parents and children: Provided, however, That
husband or wife, or parents or children previously have paid
said tax on the vehicles so transferred to the state of West
Virginia. The tax imposed by this section shall not apply to
vehicles to be registered as Class H vehicles, or Class S
vehicles, as defined in section one, article ten of this chapter,
which are used or to be used in interstate commerce, nor shall
the tax imposed by this section apply to titling of vehicles by
a registered dealer of this state for resale only, nor shall the
tax imposed by this section apply to titling of vehicles by this
state or any political subdivisions thereof, or by any volunteer
fire department or duly chartered rescue or ambulance squad
organized and incorporated under the laws of the state of
West Virginia as a nonprofit corporation for protection of life
or property. The total amount of revenue collected by reason
of this tax shall be paid into the state road fund and expended
by the commissioner of highways for matching federal aid
funds allocated for West Virginia. In addition to said tax,
there shall be a charge of five dollars for each original
certificate of title or duplicate certificate of title so issued:
Provided further, That this state or any political subdivision
thereof, or any such volunteer fire department, or duly
chartered rescue squad, shall be exempted from payment of
such charge.

Such certificate shall be good for the life of the vehicle, so
long as the same is owned or held by the original holder of
such certificate, and need not be renewed annually, or any
other time, except as herein provided.

If, by will or direct inheritance, a person becomes the owner
of a motor vehicle and the tax herein imposed previously has
been paid, to the department of motor vehicles, on that
vehicle, he shall not be required to pay such tax.
A person who has paid the tax imposed by this section shall not be required to pay the tax a second time for the same motor vehicle, but he shall be required to pay a charge of five dollars for the certificate of retitle of that motor vehicle, except that such tax shall be paid by such person when the title to such vehicle has been transferred either in this or another state from such person to another person and transferred back to such person.

Notwithstanding any provisions of this code to the contrary, the owners of trailers, semitrailers and other vehicles not subject to the certificate of title tax prior to the enactment of this chapter shall be subject to the privilege tax imposed by this section: Provided, That mobile homes, house trailers, modular homes and similar nonmotive propelled vehicles susceptible of being moved upon the highways but primarily designed for habitation and occupancy, rather than for transporting persons or property, or any vehicle operated on a nonprofit basis and used exclusively for the transportation of mentally retarded or physically handicapped children when the application for certificate of registration for such vehicle is accompanied by an affidavit stating that such vehicle will be operated on a nonprofit basis and used exclusively for the transportation of mentally retarded and physically handicapped children, shall not be subject to the tax imposed by this section, but shall be taxable under the provisions of articles fifteen and fifteen-a, chapter eleven of this code.

If any person making any affidavit required under any provision of this section, shall therein knowingly swear falsely, or if any person shall counsel, advise, aid or abet another in the commission of false swearing, he shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined not more than one hundred dollars or be imprisoned in the county jail for a period not to exceed thirty days, or in the discretion of the court be subject to both such fine and imprisonment.

§17A-3-14. Registration plates to be furnished by the department; special registration plates; permanent registration plates.

The department upon registering a vehicle shall issue to the owner one registration plate for a motorcycle, trailer, semitrailer or other motor vehicle.
Every registration plate shall have displayed upon it the registration number assigned to the vehicle for which it is issued, also the name of this state, which may be abbreviated, and the year number for which it is issued or the date of expiration thereof.

Such registration plate and the required letters and numerals thereon, except the year number for which issued or the date of expiration, shall be of sufficient size to be plainly readable from a distance of one hundred feet during daylight, said registration numbering to begin with number two.

The color of the registration plates shall be blue and gold of reflectorized material.

The department shall not issue, permit to be issued, or distribute any special numbers except as follows:

(a) The governor shall be issued registration plates, on one of which shall be imprinted the numeral one and on the other the word one.

(b) Upon appropriate application, there shall be issued to the secretary of state, state superintendent of free schools, auditor, treasurer, commissioner of agriculture, and the attorney general, the members of both houses of the Legislature, including the clerks thereof, the judges of the supreme court of appeals of West Virginia, the representatives and senators of the state in the Congress of the United States, the judges of the United States district courts for the state of West Virginia and the judges of the United States court of appeals for the fourth circuit, if any of said judges shall be residents of West Virginia, a special registration plate for a motor vehicle owned by him or his wife, but not to exceed one plate for each such official, which plate shall bear the initials of the individual, or any combination of letters not to exceed three, which combination of letters shall be limited to a contraction of the proper name or names of such individual or a familiar form applicable to such names or a name by which the individual is generally known, and shall not include any name that might be construed as a slogan or advertisement which has no relation to the name or names of such individual or to a reasonable name by which he is generally known, together with a designation of his office and which plate shall
supersede, during his term of office and while such motor
vehicle is owned by him or his wife, the regular numbered
plate assigned to him.

(c) Upon appropriate application, any owner of a motor
vehicle subject to Class A registration under the provisions of
this article may request that the department issue to him a
registration plate bearing a maximum of five letters or
numbers. The department shall attempt to comply with such
request wherever possible and shall promulgate appropriate
rules and regulations for the orderly distribution of such
plates: Provided, That for purposes of this subdivision, such
registration plates so requested and issued shall include all
plates bearing the numbers two through two thousand and
shall be subject to the provisions of subdivision (d) of this
section.

(d) Upon appropriate application, there shall be issued to
any disabled veteran, who is exempt from the payment of
registration fees under the provisions of this chapter, a
registration plate which bears the letters “DV” in red, and
also the regular identification numerals in red.

(e) In addition to the regular registration fees set forth in
section three, article ten of this chapter, a fee of forty dollars
shall be paid to the department in each case in which an
application for a special registration plate is made as provided
in subdivisions (a), (b) and (c): Provided, however, That
nothing in this section shall be construed to require a charge
for a free prisoner of war license plate authorized by other
provisions of this code.

Notwithstanding the provisions of this section, or of any
other provision of this chapter, the commissioner may, in his
discretion, issue a type of registration plate suitable for
permanent use on motor vehicles, trailers and semitrailers,
with appropriate devices to be attached thereto to
indicate the year for which such vehicles have been properly
registered or the date of expiration of such registration. The
design of such plates shall be determined by the
commissioner.

ARTICLE 4. TRANSFERS OF TITLE OR INTEREST.

§17A-4-1. Registration expires on transfer by owner; transfer,
surrender or retention of plates.

Whenever the owner of a registered vehicle transfers or
assigns his title, or interest thereto, the registration of such
vehicle shall expire: Provided, however, That such owner, if he has made application to the department to have said registration plates transferred to be used on another vehicle owned by said owner, may then operate the other vehicle for a period of forty days, but in no event longer than forty days from the date of original transfer. Upon such transfer, it shall be the duty of the original owner to retain the registration plates issued therefor and to immediately notify the commissioner of such transfer upon such form as may be provided therefor and to deliver to him the certificate of registration, whereupon the commissioner shall, upon the payment of a fee of five dollars, issue a new certificate showing the use to be made of such plates. Such plates may then be used by such owner on another vehicle of the same class as the vehicle for which they were originally issued if such other vehicle does not require a greater license fee than was required for such original vehicle. If such other vehicle requires a greater license fee than such original vehicle, then such plates may be used by paying such difference to the commissioner. When such transfer of ownership is made to a licensed dealer in motor vehicles it shall be the duty of such dealer to immediately execute notification of transfer, in triplicate, and to have this notification properly signed by the owner making the transfer. The dealer shall immediately forward to the department the original copy of the notification of transfer. One copy of the notification of transfer shall be given to the owner and one shall be retained by the dealer. The owner shall immediately send to the department the transfer fee of five dollars with any additional fee that may be required under the terms of this chapter. The owner's copy, properly signed by the dealer, will be the owner's identification until he receives a new registration card from the department.

The owner of a set of registration plates may surrender them to the commissioner together with the registration card and, upon the payment of five dollars as an exchange fee and upon the payment of such additional fees as are necessary to equalize the value of the plates surrendered with the value of registration plates desired, receive in exchange a set of plates and registration card for a vehicle of a different class.

§17A-4-5. Transfer by operation of law.

Whenever the title or interest of an owner in or to a
registered vehicle shall pass to another otherwise than by voluntary transfer, the registration thereof shall expire and the vehicle shall not be operated upon the highways unless and until the person entitled to possession of such vehicle shall apply for and obtain the registration thereof, except that such vehicle may be operated by the person entitled to its possession or his legal representative upon the highways for a distance not exceeding seventy-five miles upon displaying upon such vehicle the registration plates issued to the former owner, or in the event title has become vested in the person holding a lien or encumbrance upon said vehicle such person may apply to the department for and obtain special plates as may be issued under this chapter to dealers and may operate any said repossessed vehicle under such special plates only for purposes of transporting the same to a garage or warehouse or for purposes of demonstrating or selling the same: Provided, That the commissioner is authorized to transfer the plates of a deceased person to his legal heir or legatee upon payment of a transfer fee of five dollars.

Provided, however, That no charge shall be made for the endorsement and recordation of liens or releases thereof as provided under section nine of this article.

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

§17A-4A-10. Fee for recording and release of lien.

The department of motor vehicles is hereby authorized to charge a fee of five dollars for the recording of any lien created by the voluntary act of the owner and endorsing it upon such title certificate issued pursuant to this article, and the department of motor vehicles is hereby authorized to charge a fee of fifty cents for recordation of any release of a lien created by the voluntary act of the owner: Provided, however, That no charge shall be made for the endorsement and recordation of liens or releases thereof as provided under section nine of this article.
ARTICLE 6. LICENSING OF DEALERS AND WRECKERS OR DISMANTLERS; SPECIAL PLATES; TEMPORARY PLATES OR MARKERS, ETC.

§17A-6-15. Temporary registration plates or markers.
(a) In order to permit a vehicle which is sold to a purchaser by a dealer to be operated on the streets and highways pending receipt of the annual registration plate from the department for such vehicle, the commissioner may, subject to the limitations and conditions hereinafter set forth, deliver temporary vehicle registration plates or markers to dealers who in turn may, subject to the limitations and conditions hereinafter set forth, issue the same to purchasers of vehicles, but such purchasers must comply with the pertinent provisions of this section.
(b) Application by a dealer to the commissioner for such temporary registration plates or markers shall be made on the form prescribed and furnished by the commissioner for such purpose and shall be accompanied by a fee of three dollars for each such temporary registration plate or marker. No refund or credit of fees paid by dealers to the commissioner for temporary registration plates or markers shall be allowed, except that in the event the commissioner discontinues the issuance of such temporary plates or markers, dealers returning temporary registration plates or markers to the commissioner may petition for and be entitled to a refund or a credit thereof. No temporary registration plates or markers shall be delivered by the commissioner to any dealer in house trailers only, and no such temporary plates or markers shall be issued for or used on any house trailer for any purpose.
(c) Every dealer who has made application for and received temporary registration plates or markers shall maintain in permanent form a record of all temporary registration plates or markers delivered to him, a record of all temporary registration plates or markers issued by him, and a record of any other information pertaining to the receipt or the issuance of temporary registration plates or markers which the commissioner may require. Each such record shall be kept for a period of at least three years from the date of the making thereof. Every dealer who issues a temporary registration plate or marker shall, within three days after he issues such plate or marker, send to the department a copy of the temporary registration plate or marker certificate properly executed by such dealer and the purchaser. No
temporary registration plates or markers may be delivered to
any dealer until such dealer has fully accounted to the
commissioner for the temporary registration plates or
markers last delivered to such dealer, by showing the number
issued to purchasers by such dealer and any on hand.

(d) A dealer shall not issue, assign, transfer or deliver a
temporary registration plate or marker to anyone other than
the bona fide purchaser of the vehicle to be registered; nor
shall a dealer issue a temporary registration plate or marker to
anyone possessed of an annual registration plate for a vehicle
which has been sold or exchanged, except a dealer may issue
a temporary registration plate or marker to the bona fide
purchaser of a vehicle to be registered who possesses an
annual registration plate of a different class and makes
application to the department to exchange such annual
registration plate of a different class in accordance with the
provisions of section one, article four of this chapter; nor shall
a dealer lend to anyone, or use on any vehicle which he may
own, a temporary registration plate or marker. It shall be
unlawful for any dealer to issue any temporary registration
plate or marker knowingly containing any misstatement of
fact, or knowingly to insert any false information upon the
face thereof.

(e) Every dealer who issues temporary registration plates
or markers shall affix or insert clearly and indelibly on the
face of each temporary registration plate or marker the date of
issuance and expiration thereof, and the make and motor or
serial number of the vehicle for which issued.

(f) If the commissioner finds that the provisions of this
section or his directions are not being complied with by a
dealer, he may suspend the right of such dealer to issue
temporary registration plates or markers.

(g) Every person who is issued a temporary registration
plate or marker shall execute and send an application for an
annual registration plate to the department, previous to or not
later than fifteen days from the day on which the temporary
registration plate or marker is issued to such purchaser.

(h) Every person to whom a temporary registration plate
or marker has been issued shall permanently destroy such
temporary registration plate or marker immediately upon
receiving the annual registration plate for such vehicle from
the department: Provided, That if the annual registration
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82 plate is not received within forty days of the issuance of the
temporary registration plate or marker, the owner shall,
notwithstanding the fact that the annual registration plate has
not been received, immediately and permanently destroy the
temporary registration plate or marker: Provided, however,
That not more than one temporary registration plate or
marker shall be issued to the same bona fide purchaser for the
same vehicle.

87 (i) A temporary registration plate or marker shall expire
and become void upon the receipt of the annual registration
plate from the department or upon the rescission of the
contract to purchase the vehicle in question, or upon the
expiration of forty days from the date of issuance, depending
upon whichever event shall first occur.

ARTICLE 9. OFFENSES AGAINST REGISTRATION LAWS AND SUSPENSION OR REVOCATION OF REGISTRATION.

§17A-9-7. Surrender of evidences of registration, etc., upon
cancellation, suspension or revocation; willful
failure or refusal to surrender; fee for
reinstatement.

1 Whenever the registration of a vehicle, a certificate of title, a
registration card, registration plate or plates, a temporary
registration plate or marker, the right to issue temporary
registration plates or markers, any nonresident or other
permit, or any license certificate or dealer special plates
issued under the provisions of article six of this chapter, is
cancelled, suspended or revoked as authorized in this
chapter, the owner, holder or other person in possession of
such evidences shall, except as otherwise provided in said
article six, immediately return the evidences of the
registration, title, permit or license so cancelled, suspended,
or revoked, together with any dealer special plates relating to
any such license certificate, or any dealer special plate or
plates if such alone be suspended, to the department:
Provided, That, the owner or holder shall, before such
reinstatement, pay a fee of ten dollars in addition to all other
fees, which sum shall be collected by the department and
credited to the state road fund to be appropriated to the
department for use in enforcement of the provisions of this
code. If any person shall willfully fail or refuse to return to the
department the evidences of the registration, title, permit or
license so cancelled, suspended, or revoked, or any dealer
special plates, when obligated so to do as aforesaid, the
commissioner shall forthwith notify the superintendent of
the department of public safety who shall, as soon as possible,
secure possession thereof and return same to the department.
Said superintendent of the department of public safety shall
make a report in writing to the commissioner, within two
weeks after being so notified by the commissioner, as to the
result of his efforts to secure the possession and return of
such evidences of registration, title, permit or license, or any
dealer special plates. For each registration, certificate of title,
registration card, registration plate or plates, temporary
registration plate or marker, permit, license certificate, or
dealer special plate, which the owner, holder or other person
in possession thereof shall have willfully failed or refused, as
aforesaid, to return to the department within ten days from
the time that such cancellation, suspension or revocation
becomes effective, and which shall have been certified to the
superintendent of the department of public safety as
aforesaid, the owner or holder shall, before the same may be
reinstated, if reinstatement is permitted, in addition to all
other fees and charges, pay a fee of fifteen dollars, which fee
shall be collected by the department of motor vehicles, paid
into the state treasury and credited to the general fund to be
appropriated to the department of public safety for
application in the enforcement of the road laws. A total of
twenty-five dollars may be collected on each such
reinstatement for each vehicle to which any such
cancellation, suspension or revocation relates.

ARTICLE 10. FEES FOR REGISTRATION, LICENSING, ETC.

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

A fee of five dollars shall be paid for a transfer of
registration by an owner from one vehicle to another vehicle
of the same class or for surrender of registration of one
vehicle in exchange for registration of a vehicle of a different
class in addition to the payment of any difference in fees as
provided in section one, article four of this chapter.

A fee of five dollars shall be paid for the transfer of
registration from a deceased person to his legal heir or legatee
as provided in section five, article four of this chapter.

A fee of five dollars shall be paid for the issuance of duplicate or substitute registration plates, registration cards or certificates of title.

§17A-10-14. License plate for amateur radio station operators.

Any owner of a motor vehicle who is a resident of the state of West Virginia, and who holds an unrevoked and unexpired official amateur radio station license and/or amateur class operators’ license issued by the federal communications commission, upon application, accompanied by proof of ownership of such amateur radio station license, complying with the motor vehicle laws of the state relative to registration and licensing of motor vehicles, and upon payment of the registration, license and other fees required by law, and the payment of the additional special fee herein provided, shall be issued a license plate for a private passenger car, upon which, in lieu of the registration number prescribed by law, shall be inscribed the official amateur radio call letters of such applicant as assigned by the federal communications commission.

The special fee that shall be charged each applicant for the issuance of a license plate bearing the official amateur radio call letters, in lieu of a registration number, shall be five dollars, which special fee shall be in addition to all other fees required by law. This special fee is for the purpose of compensating the department of motor vehicles for additional costs and services required in the issuing of such licenses.

The commissioner is authorized to prescribe proper forms to be used in making application for the special license plates authorized by this section.

CHAPTER 17B. MOTOR VEHICLE OPERATORS' AND CHAUFFEURS' LICENSES.

ARTICLE 2. ISSUANCE OF LICENSE, EXPIRATION AND RENEWAL.

§17B-2-8. Issuance and contents of licenses; license fees.

On and after the first day of January, one thousand nine hundred eighty-two, the department shall, upon payment of
the required fee, issue to every applicant qualifying therefor an operator's or chauffeur's license which license shall contain a coded number assigned to the licensee, the full name, date of birth, residence address, a brief description and a color photograph of the licensee and either a facsimile of the signature of the licensee or a space upon which the signature of the licensee shall be written with pen and ink immediately upon receipt of the license. No license shall be valid until it has been so signed by the licensee. The department shall use such process or processes in the issuance of licenses that will, insofar as possible, prevent any alteration, counterfeiting, duplication, reproduction, forging, or modification of, or the superimposition of a photograph on, such license. The color photograph shall be contained on all licenses issued on and after the first day of January, one thousand nine hundred eighty-two, and upon every such license issued under the provisions of section twelve of this article.

The fee for the issuance of an operator's license shall be ten dollars. The fee for the issuance of a chauffeur's license shall be fifteen dollars.

§17B-2-11. Duplicate permits and licenses.
In the event that an instruction permit, operator’s license or chauffeur's license issued under the provisions of this chapter is lost or destroyed, the person to whom such permit or license was issued may upon making proper application and upon payment of a fee of five dollars obtain a duplicate thereof upon furnishing proof satisfactory to the department that such permit or license has been lost or destroyed.

§17B-2-12. Expiration of licenses; renewal; renewal fees.
On and after the first day of January, one thousand nine hundred eighty-two, every operator's license and every chauffeur's license shall expire four years from the date of its issuance, except that the operator's or chauffeur's license of any person in the armed forces shall be extended for a period of six months from the date the person is separated under honorable circumstances from active duty in the armed forces.

A person who allows his operator's or chauffeur's license to expire may apply to the department for renewal thereof. Application shall be made upon a form furnished by the department and shall be accompanied by payment of the fee


required by section eight of this article plus an additional fee of one dollar and fifty cents. The commissioner shall determine whether such person qualifies for a renewed license and may, in his discretion, renew any expired license without examination of the applicant.

On and after the first day of January, one thousand nine hundred eighty-two, each renewal of an operator's or chauffeur's license shall contain a new color photograph of the licensee. By first class mail to the address last known to the department, the commissioner shall notify each person who holds a valid operator's or chauffeur's license of the expiration date of the license. The notice shall be mailed at least thirty days prior to the expiration date of the license and shall include a renewal application form.

ARTICLE 3. CANCELLATION, SUSPENSION OR REVOCATION OF LICENSES.

§17B-3-9. Surrender and return of license; willful refusal to return; additional fee for reinstatement.

The department upon suspending or revoking a license shall require that such license shall be surrendered to and be retained by the department, except that at the end of the period of suspension such license so surrendered shall be returned to the licensee: Provided, That, before such license may be reinstated, the licensee shall pay a fee of ten dollars, in addition to all other fees and charges, which fee shall be collected by the department and deposited in the state road fund to be appropriated to the department for use in the enforcement of the provisions of this section. If any person shall willfully fail to return to the department such suspended or revoked license, the commissioner shall forthwith notify the superintendent of the department of public safety who shall, as soon as possible, secure possession thereof and return same to the department. Said superintendent of the department of public safety shall make a report in writing to the commissioner, within two weeks after being so notified by the commissioner, as to the result of his efforts to secure the possession and return of such license. For each license which shall have been suspended or revoked and which the holder thereof shall have willfully failed to return to the department within ten days from the time that such suspension or revocation becomes effective and which shall have been certified to the superintendent of the department
of public safety as aforesaid, the holder thereof, before the same may be reinstated, in addition to all other fees and charges, shall pay a fee of fifteen dollars, which shall be collected by the department of motor vehicles and paid into the state treasury and credited to the general fund to be appropriated to the department of public safety for application in the enforcement of the road laws.

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 furnish any person a certified abstract of the operating record of any person subject to the provisions of this chapter, which abstract shall fully designate the vehicles, if any, registered in the name of such person, and if there shall be no record of any conviction of such person of a violation of any law relating to the operation of a motor vehicle or of any injury or damage caused by such person the commissioner shall so certify. The commissioner shall collect three dollars for each abstract.
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The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

R. P. Baylor
Chairman Senate Committee

Tony E. Whitlow
Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

Judd C. Wells
Clerk of the Senate

D.A. Blankenship
Clerk of the House of Delegates

M. D. Rockefeller
President of the Senate

Charles J. Scruggs
Speaker House of Delegates

The within be approved this the 29th day of April, 1981.

John D. Dingell
Governor