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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1991



ENROLLED

Committee Substitute for

SENATE BILL NO. 443

(By Senator Holliday)



PASSED March 9, 1991

In Effect July 1, 1991 ~~Passage~~

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COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 443

(By SENATOR HOLLIDAY, *original sponsor*)

[Passed March 9, 1991; to take effect July 1, 1991.]

AN ACT to amend and reenact section twenty-two, article two, chapter three 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-two-a; to amend and reenact section one, article three, chapter seventeen of said code; and to amend and reenact section eight, article two-b, chapter seventeen-b of said code; all relating to the registration of voters; increasing motor vehicle registration fees; creating the combined voter registration and driver's license fund; specifying how the proceeds of such fund are to be expended; setting forth procedure for registration in the office of the clerk of the county commission; authorizing the clerk to change registration records; establishing duties of clerk during biennial checkups; removing the mandate that clerks establish certain temporary registration offices and the requirements therefor; permitting clerks to establish certain temporary registration offices; clerk to solicit public service advertising of registration offices; when clerk to cancel registrations; certification to the secretary of state; authorizing county commission to

direct clerk to increase availability of registration; requiring the division of motor vehicles and the department of public safety to provide voter registration forms to persons seeking a driver's license, a renewal or a correction thereof; authorizing employees of such division or department to administer oaths; when completed forms to be forwarded to appropriate county clerks; establishing the effective date of registration; authorizing the secretary of state to promulgate rules; requiring that fifty cents of every driver's license fee be paid into the combined voter registration and driver's license fund; and increasing the fee for the issuance of a driver's license by fifty cents.

Be it enacted by the Legislature of West Virginia:

That section twenty-two, article two, chapter three 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-two-a; that section one, article three, chapter seventeen of said code be amended and reenacted; and that section eight, article two-b, chapter seventeen-b of said code be amended and reenacted, all to read as follows:

CHAPTER 3. ELECTIONS.

ARTICLE 2. REGISTRATION OF VOTERS.

§3-2-22. Registration in clerk's office; cancellation of registrations of deceased persons; temporary registration offices.

1 The clerk or any deputy clerk of the county commis-
2 sion shall register any qualified person as a voter. The
3 clerk or deputy shall first require valid identification
4 and proof of age, and inquire and attempt to establish
5 whether the voter resides within the limits of a
6 municipality using the map provided by the munici-
7 pality in accordance with section five, article one of
8 this chapter. The clerk or deputy clerk shall have the
9 person registering fill in and complete the prescribed
10 voter registration form for county-state permanent
11 registration. If the person resides within the limits of

12 a municipality for which a separate registration file is
13 kept, the clerk or deputy shall also have the person
14 complete the form for municipal registration. The
15 registrant shall sign the form or forms under oath or
16 affirmation. The clerk, upon proper proof, may alter,
17 amend, correct or cancel the registration record of any
18 voter. Such registration or alteration, amendment,
19 correction or cancellation of registration records shall
20 be carried on throughout the year.

21 During the biennial checkup period of every even-
22 numbered year, the clerk or deputy clerk shall visit
23 every public or private institution, excluding hospitals,
24 in which reside aged, infirm, disabled or chronically ill
25 persons, and every high school to register qualified
26 voters. The clerk may establish temporary registration
27 offices, to register qualified persons or to alter, amend,
28 correct or cancel such registration records. The clerk
29 of the county commission shall solicit public service
30 advertising of such registration offices and times on
31 radio, television and newspapers serving that county.

32 Within fifteen days following receipt of a death
33 certificate from the state or local registrar of vital
34 statistics or the publication in a newspaper of the
35 county of an obituary clearly identifying a deceased
36 person by name, residence and age, the clerk of the
37 county commission shall cancel the voter registration,
38 if any, of the person shown to be deceased by such
39 certificate or obituary.

40 Sixty days prior to a general election, the clerk of
41 the county commission shall review each death certif-
42 icate received and shall cancel the voter registration,
43 if any, of each deceased person whose voter registra-
44 tion has not previously been canceled. By the forty-
45 fifth day prior to a general election each clerk of a
46 county commission shall certify to the secretary of
47 state that he or she has performed the duty required
48 by this paragraph.

49 If found necessary, the county commission may
50 order and direct the clerk of the county commission to
51 maintain additional office hours in the evening or at

52 other proper times and places for accommodation of
53 voter registration.

§3-2-22a. Registration at driver's license facilities.

1 (a) Commencing on the first day of July, one
2 thousand nine hundred ninety-one, the division of
3 motor vehicles and the department of public safety
4 shall provide each qualified elector who applies in
5 person for the issuance, renewal or correction of any
6 type of driver's license or identification, in accordance
7 with the provisions of article two, chapter seventeen-
8 b of this code, the opportunity to complete a voter
9 registration form regardless of that person's voting
10 precinct or county of residence in the state.

11 (b) For purposes of this section, each employee
12 authorized by the division of motor vehicles or depart-
13 ment of public safety to provide voter registration
14 forms is hereby authorized to administer the oath
15 prescribed on the form.

16 (c) Completed voter registration forms received by
17 the division of motor vehicles or by the department of
18 public safety shall be forwarded to the secretary of
19 state on a weekly basis, and the secretary of state shall
20 then forward the registrations to the appropriate
21 county clerk's office on a weekly basis. Upon receipt of
22 a voter registration form, the county clerk shall
23 determine if the form meets the requirements for
24 registration. If the county clerk finds that the form
25 meets the requirements for registration, the registra-
26 tion shall be deemed to be effective on the date that
27 it was made at the division of motor vehicles or
28 department of public safety. If it does not meet the
29 requirements, the county clerk shall immediately
30 notify the applicant of the information required and
31 the registration shall be deemed to be effective on the
32 date that the additional information is received by the
33 county clerk.

34 (d) Fifty cents of each license fee collected pursuant
35 to the provisions of section one, article three, chapter
36 seventeen of this code shall be paid into the state
37 treasury to the credit of a special revenue fund to be

38 known as the “combined voter registration and driv-
39 er’s licensing fund”, which is hereby created. The
40 moneys so credited to such fund may be used by the
41 secretary of state solely for:

42 (1) Printing and distribution of combined driver’s
43 license application and voter registration forms, or for
44 the printing of voter registration forms to be used in
45 conjunction with driver’s license applications.

46 (2) Postage and mailing costs of returning completed
47 voter registrations to the appropriate state or county
48 election official.

49 (3) Postage and mailing costs incurred by the clerk
50 of the county commission for sending a receipt of
51 voter registration to each person who registers to vote
52 using the combined licensing and voter registration
53 procedure.

54 (4) Employment of personnel solely for the purpose
55 of issuing driver’s licenses and offering voter registra-
56 tion services or the payment of the portion of such
57 personnel costs apportioned to such duties.

58 (5) Start-up costs associated with preparing the
59 computer programming relating to increased licensing
60 fees and the collection thereof.

61 The secretary of state is authorized to expend or
62 distribute funds to the respective agencies and coun-
63 ties for the reimbursement of actual costs incurred for
64 the purposes set forth in this subsection.

65 (e) The secretary of state may promulgate rules
66 pursuant to the provisions of chapter twenty-nine-a of
67 this code to provide for the administration of this
68 registration program.

CHAPTER 17. ROADS AND HIGHWAYS.

ARTICLE 3. STATE ROAD FUND.

§17-3-1. What constitutes fund; payments into fund; use of money in fund.

1 There shall be a state road fund, which shall consist
2 of the proceeds of all state license taxes imposed upon

3 automobiles or other motor or steam driven vehicles;
4 the registration fees imposed upon all owners, chauff-
5 feurs, operators and dealers in automobiles or other
6 motor driven vehicles; all sums of money which may
7 be donated to such fund; all proceeds derived from the
8 sale of state bonds issued pursuant to any resolution or
9 act of the Legislature carrying into effect the "Better
10 Roads Amendment" to the constitution of this state,
11 adopted in the month of November, one thousand nine
12 hundred sixty-four, except that the proceeds from the
13 sale of these bonds shall be kept in a separate and
14 distinct account in the state road fund; all moneys and
15 funds appropriated to it by the Legislature; and all
16 moneys allotted or appropriated by the federal govern-
17 ment to this state for road construction and mainte-
18 nance pursuant to any act of the Congress of the
19 United States; the proceeds of all taxes imposed upon
20 and collected from any person, firm or corporation and
21 of all taxes or charges imposed upon and collected
22 from any county, district or municipality for the
23 benefit of such fund; the proceeds of all judgments,
24 decrees or awards recovered and collected from any
25 person, firm or corporation for damages done to, or
26 sustained by, any of the state roads or parts thereof; all
27 moneys recovered or received by reason of the viola-
28 tion of any contract respecting the building, construc-
29 tion or maintenance of any state road; all penalties and
30 forfeitures imposed, recovered or received by reason
31 thereof; and any and all other moneys and funds
32 appropriated to, imposed and collected for the benefit
33 of such fund, or collected by virtue of any statute and
34 payable to such fund: *Provided*, That notwithstanding
35 any provisions of this code to the contrary, fifty cents
36 of every license fee paid pursuant to the provisions of
37 subdivision (2), subsection (a), section eight, article
38 two, chapter seventeen-b of this code shall be paid to
39 the special fund established pursuant to the provisions
40 of subsection (d), section twenty-two-a, article two,
41 chapter three of this code.

42 When any money is collected from any of the
43 sources aforesaid, it shall be paid into the state
44 treasury by the officer whose duty it is to collect and

45 account for the same, and credited to the state road
46 fund, and shall be used only for the purposes named
47 in this chapter, that is to say: (a) To pay the principal
48 and interest due on all state bonds issued for the
49 benefit of said fund, and set aside and appropriated for
50 that purpose; (b) to pay the expenses of the adminis-
51 tration of the road department; and (c) to pay the cost
52 of maintenance, construction, reconstruction and
53 improvement of all state roads.

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

ARTICLE 2B. ISSUANCE OF LICENSE, EXPIRATION AND RENEWAL.

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

1 (1) The division shall, upon payment of the required
2 fee, issue to every applicant qualifying therefor a
3 driver's license, or motorcycle-only license. Each
4 license shall contain a coded number assigned to the
5 licensee, the full name, date of birth, residence
6 address, a brief description and a color photograph of
7 the licensee and either a facsimile of the signature of
8 the licensee or a space upon which the signature of the
9 licensee shall be written with pen and ink immedi-
10 ately upon receipt of the license. No license shall be
11 valid until it has been so signed by the licensee. A
12 driver's license which is valid for operation of a
13 motorcycle shall contain a motorcycle endorsement.
14 The division shall use such process or processes in the
15 issuance of licenses that will, insofar as possible,
16 prevent any alteration, counterfeiting, duplication,
17 reproduction, forging or modification of, or the super-
18 imposition of a photograph on, such license.

19 (2) The fee for the issuance of a driver's license shall
20 be ten dollars and fifty cents. Fifty cents of each such
21 fee shall be deposited in the "combined voter registra-
22 tion and driver's licensing fund", established pursuant
23 to the provisions of section twenty-two-a, article two,
24 chapter three of this code. The one-time only addi-
25 tional fee for adding a motorcycle endorsement to a
26 driver's license shall be five dollars. The fee for
27 issuance of a motorcycle-only license shall be ten

28 dollars. The fees for the motorcycle endorsement or
29 motorcycle-only license shall be paid into a special
30 fund in the state treasury known as the motorcycle
31 safety fund as established in section seven, article one-
32 d of this chapter.

33 (3) The division of motor vehicles shall mark any
34 license which is reissued following a suspension of a
35 person's license to operate a motor vehicle in this state
36 with the type of violation for which the original
37 license was suspended and shall indicate the date of
38 the violation. For purposes of this section, any convic-
39 tion under the provisions of subsections (a) and (b) of
40 the prior enactment of section two, article five,
41 chapter seventeen-c of this code which offense was
42 committed within a period of five years immediately
43 preceding the effective date of the present section two,
44 article five, chapter seventeen-c of this code, shall be
45 treated as a violation to which this section is applicable
46 and revocations based on such convictions shall be
47 marked on licenses which are hereafter issued.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Somer Leck
.....
Chairman Senate Committee

Ernest C. Moore
.....
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1991.

Harold E. Adams
.....
Clerk of the Senate

Donald L. Kopp
.....
Clerk of the House of Delegates

Wick Sartette
.....
President of the Senate

Bob Zell
.....
Speaker House of Delegates

The within ~~is approved~~ this the ... *2nd*
day of ... *April* 1991.

Markus Rapp
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/20/91

Time 4:35 pm