WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1994

ENROLLED

HOUSE BILL No. 4611

(By Delegate Tribett, Yeager, Fragale, Linch, Manuel, Oliverio and Williams)

Passed March 11, 1994

In Effect 90 Days From Passage
ENROLLED

H. B. 4611

(By Delegates Tribett, Yeager, Fragale, Linch, Manuel, Oliverio and L. Williams)

[Passed March 11, 1994; in effect ninety days from passage.]

AN ACT to amend and reenact section one, article two, chapter seventeen-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the issuance of driver's licenses; requiring a Class D commercial driver's license for certain persons whose primary function or employment is the transportation of persons or property for compensation or wages; and creating an exception for operators of Class A motor vehicles with gross vehicle weight ratings of less than eight thousand one pounds.

Be it enacted by the Legislature of West Virginia:

That section one, article two, chapter seventeen-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

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) No person, except those hereinafter expressly exempted, may drive any motor vehicle upon a street or highway in this state or upon any subdivision street, as used in article twenty-four, chapter eight of this code, when the use of such subdivision street is generally used
by the public unless the person has a valid driver's license under the provisions of this code for the type or class of vehicle being driven.

Any person licensed to operate a motor vehicle as provided in this code may exercise the privilege thereby granted as provided in this code and, except as otherwise provided by law, shall not be required to obtain any other license to exercise such privilege by any county, municipality or local board or body having authority to adopt local police regulations.

(b) The division, upon issuing a driver's license shall indicate on the license the type or general class or classes of vehicle or vehicles the licensee may operate in accordance with the provisions of this code, federal law or rule.

(c) Driver's licenses issued by the division shall be classified in the following manner:

(1) Class A, B or C license shall be issued to those persons eighteen years of age or older with two years driving experience and who have qualified for the commercial driver's license established by chapter seventeen-e of this code and the federal commercial motor vehicle safety act of 1986, Title XII of public law 99870 and subsequent rules, and have paid the required fee.

(2) Class D license shall be issued to those persons eighteen years and older with one year driving experience who operate motor vehicles other than those types of vehicles which require the operator to be licensed under the provisions of chapter seventeen-e of this code and federal law and rule and whose primary function or employment is the transportation of persons or property for compensation or wages and have paid the required fee. For the purposes of the regulation of the operation of a motor vehicle, wherever the term chauffeur's license is used in this code, it shall be construed to mean the Class A, B, C or D license described in this section or chapter seventeen-e of this code or federal law or rule: Provided, That anyone who is not required to be licensed under the provisions of
chapter seventeen-e of this code and federal law or rule
and who operates a motor vehicle which is registered or
which is required to be registered as a Class A motor
vehicle as that term is defined in section three, article
ten, chapter seventeen-a of this code with a gross vehicle
weight rating of less than eight thousand one pounds,
is not required to obtain a Class D license.

(3) Class E license shall be issued to those persons who
have qualified under the provisions of this chapter and
who are not required to obtain a Class A, B, C or D
license and who have paid the required fee. The Class
E license may be endorsed under the provisions of
section seven-b, article two of this chapter for motorcy-
icle operation.

(4) Class F license shall be issued to those persons who
successfully complete the motorcycle examination
procedure provided for by this chapter and have paid
the required fee, but who do not possess a Class A, B,
C and D or E driver's license.

(d) No person, except those hereinafter expressly
exempted, shall drive any motorcycle upon a street or
highway in this state or upon any subdivision street, as
used in article twenty-four, chapter eight, when the use
of such subdivision street is generally used by the public
unless the person has a valid motorcycle license or a
valid license which has been endorsed under section
seven-b, article two of this chapter for motorcycle
operation or has a valid motorcycle instruction permit.

(e) (1) A nonoperator identification card may be issued
to any person who:

(A) Is a resident of this state in accordance with the
provisions of section one-a, article three, chapter
seventeen-a of this code;

(B) Does not have a valid driver's license;

(C) Has reached the age of sixteen years;

(D) Has paid the required fee of ten dollars: Provided,
That such fee is not required if the applicant is sixty-
five years or older or is legally blind; and
(E) Presents a birth certificate or other proof of age and identity acceptable to the division with a completed application on a form furnished by the division.

(2) The nondriver identification card shall contain the same information as a driver's license, except that such identification card shall be clearly marked as identification card. The identification card shall expire every four years. It may be renewed on application and payment of the fee required by this section.

(3) The identification card shall be surrendered to the division when the holder is issued a driver's license. The division may issue an identification card to an applicant whose privilege to operate a motor vehicle has been refused, cancelled, suspended or revoked under the provisions of this code.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is approved this the 20th day of March, 1994.

Governor