WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1995

ENROLLED

SENATE BILL NO. 188

(By Senator MILLER, ET AL.)

PASSED March 11, 1995
In Effect

Passage
ENROLLED

Senate Bill No. 188

(By Senators Miller, Bailey and Love)

(Passed March 11, 1995; in effect from passage.)

AN ACT to amend and reenact sections one, three-a, eight and twelve, article two, chapter seventeen-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend and reenact section twelve, article one, chapter seventeen-e of said code, all relating to changing the driver's license, commercial driver's license and identification card renewal cycle to five years; causing such renewals to expire on the last day of the month in which the licensee's or identification cardholder's birthday occurs; setting fees for original issuance and renewals thereof; and making provisions for operators, junior operators and commercial drivers's licenses.

Be it enacted by the Legislature of West Virginia:

That sections one, three-a, eight and twelve, article two, chapter seventeen-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended be amended and reenacted; and that section twelve, article one, chapter seventeen-e of said code be amended and reenacted, all to read as follows:
CHAPTER 17B. MOTOR VEHICLE DRIVER'S LICENSES.

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.

(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 motorcycle 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 of this code, 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.

(A) After the thirtieth day of June, one thousand nine hundred ninety-six, every identification card issued to persons who have attained their twenty-first birthday shall expire on the last day of the month in which the applicant's birthday occurs in those years in which the applicant's age is evenly divisible by five. Except as provided in paragraph (B) of this subdivision, no identification card may be issued for less than three years nor more than seven years and such identification card shall be renewed in the month in which the applicant's birthday occurs and shall be valid for a period of five years expiring in the month in which the applicant's
birthday occurs and in a year in which the applicant's age is evenly divisible by five.

(B) Every identification card issued to persons who have not attained their twenty-first birthday shall expire on the last day of the month in the year in which the applicant attains the age of twenty-one years.

(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.

§17B-2-3a. Junior driver's license.

(a) In accordance with rules established by the commissioner and with the provisions hereinafter set forth in this section, a junior driver's license may be issued to any person between the ages of sixteen and eighteen years, if the person is in compliance with section eleven, article eight, chapter eighteen of this code and is not otherwise disqualified by law. Application for a junior driver's license shall be on a form prescribed by the commissioner. A junior driver's license may be issued upon the applicant's successful completion of all examinations and driving tests required by law for the issuance of a driver's license to a person eighteen years of age or older. The commissioner may impose reasonable conditions or restrictions on the operation of a motor vehicle by a person holding a junior driver's license and the conditions or restrictions shall be printed on the license.

(b) In addition to all other provisions of this chapter for which a driver's license may be revoked, suspended or cancelled, whenever a person holding a junior driver's license operates a motor vehicle in violation of the conditions or restrictions set forth on the license, or has a record of two convictions for moving violations of the traffic regulations and laws of the road, which convic-
tions have become final, the junior driver's license of the
person shall be permanently revoked, with like effect as
if the person had never held a junior driver's license:
Provided, That a junior driver's license shall be revoked
upon one final conviction for any offense described in
section five, article three of this chapter. Under no
circumstances shall such a license be revoked for convic-
tions of offenses in violation of any regulation or law
governing the standing or parking of motor vehicles.

(c) A junior driver's license shall be suspended for
noncompliance with the provisions of section eleven,
article eight, chapter eighteen of this code, and may be
reinstated upon compliance.

(d) A person whose junior driver's license has been
revoked, or has been suspended without reinstatement,
shall not thereafter receive a junior driver's license, but
the person, upon attaining the age of eighteen, shall be
eligible, unless otherwise disqualified by law, for exami-
nation and driver testing for a regular driver's license.

If a person has had his or her junior driver's license
revoked for a violation pursuant to section one or two,
article five-a, chapter seventeen-c of this code or any
offense specified in subsection (6), section five, article
three of this chapter, or has been adjudicated delinquent
upon a charge which would be crime under the provi-
sions of section two, article five, chapter seventeen-c of
this code if committed by an adult, the person shall be
disqualified for examination and driver testing for a
regular driver's license until that person: (1) Has at-
tained the age of eighteen years; (2) has successfully
completed the safety and treatment program provided
for in section three, article five-a, chapter seventeen-c of
this code; and (3) has had his or her junior driver's
license revoked or suspended for the applicable statutory
period of revocation or suspension or a period of time
equal to the period of revocation or suspension which
would have been imposed pursuant to section two,
article five-a of said chapter if the person had a regular
driver's license at the time of the violation.
(e) No person shall receive a junior driver's license unless the application therefor is accompanied by a writing, duly acknowledged, consenting to the issuance of the junior driver's license and executed by the parents of the applicant; or if only one parent is living, then by such parent; or if the parents be living separate and apart, by the one to whom the custody of the applicant was awarded; or if there is a guardian entitled to the custody of the applicant, then by the guardian.

(f) Upon attaining the age of eighteen years, a person holding an unrevoked, unsuspended or reinstated junior driver's license shall be entitled to exercise all the privileges of a regular driver's license without further examination or driver testing.

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

(a) The division shall, upon payment of the required fee, issue to every applicant qualifying therefor a driver's license, which shall indicate the type or general class or classes of vehicle or vehicles the licensee may operate in accordance with this chapter or chapter seventeen-e of this code, or motorcycle-only license. Each 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: Provided, That the commissioner may issue a valid without-photo license for applicants temporarily out of state. A driver's license which is valid for operation of a motorcycle shall contain a motorcycle endorsement. The division 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.

(b) The fee for the issuance of a Class E driver's license
shall be ten dollars and fifty cents. The fee for issuance of a Class D driver's license shall be twenty-five dollars and fifty cents. Fifty cents of each such fee shall be deposited in the "combined voter registration and driver's licensing fund", established pursuant to the provisions of section twenty-two-a, article two, chapter three of this code. The one-time only additional fee for adding a motorcycle endorsement to a driver's license shall be five dollars. The fee for issuance of a motorcycle-only license shall be ten dollars. The fees for the motorcycle endorsement or motorcycle-only license shall be paid into a special fund in the state treasury known as the motorcycle safety fund as established in section seven, article one-d of this chapter.

(c) After the thirtieth day of June, one thousand nine hundred ninety-six, the fee for the issuance of a Class E driver's license shall be two dollars and fifty cents per year for each year such license is issued to be valid. The fee for issuance of a Class D driver's license shall be six dollars and twenty-five cents per year for each year such license is issued to be valid. An additional fee of fifty cents shall be collected from the applicant at the time of original issuance or each renewal and such additional fee shall be deposited in the "combined voter registration and driver's licensing fund", established pursuant to the provisions of section twenty-two-a, article two, chapter three of this code. The one-time only additional fee for adding a motorcycle endorsement to a driver's license shall be five dollars.

The fee for issuance of a motorcycle-only license shall be two dollars and fifty cents for each year for which the motorcycle license is to be valid. The fees for the motorcycle endorsement or motorcycle-only license shall be paid into a special fund in the state treasury known as the motorcycle safety fund as established in section seven, article one-d of this chapter.

§17B-2-12. Expiration of licenses; renewal; renewal fees.

(a) Every driver's license shall expire four years from
the date of its issuance, except that the driver'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.

(b) After the thirtieth day of June, one thousand nine hundred ninety-six, the following shall apply:

(1) Every driver's license issued to persons who have attained their twenty-first birthday shall expire on the last day of the month in which the applicant's birthday occurs in those years in which the applicant's age is evenly divisible by five. Except as provided in the following subdivisions, no driver's license may be issued for less than three years nor more than seven years and such driver's license shall be renewed in the month in which the applicant's birthday occurs and shall be valid for a period of five years, expiring in the month in which the applicant's birthday occurs and in a year in which the applicant's age is evenly divisible by five.

(2) Every driver's license issued to persons who have not attained their twenty-first birthday shall expire on the last day of the month in the year in which the applicant attains the age of twenty-one years.

(3) The driver'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.

(c) A person who allows his or her driver's license to expire may apply to the division for renewal thereof. Application shall be made upon a form furnished by the division and shall be accompanied by payment of the fee required by section eight of this article plus an additional fee of five dollars. The commissioner shall determine whether such person qualifies for a renewed license and may, in the commissioner's discretion, renew any expired license without examination of the applicant.

(d) Each renewal of a driver's license shall contain a
new color photograph of the licensee. By first class mail to the address last known to the division, the commissioner shall notify each person who holds a valid driver'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.

CHAPTER 17E. UNIFORM COMMERCIAL DRIVER'S LICENSE ACT.

ARTICLE 1. COMMERCIAL DRIVER'S LICENSE.

§17E-1-12. Classifications, endorsements and restrictions.

Commercial driver's licenses may be issued, with the following classifications, endorsements and restrictions; the holder of a valid commercial driver's license may drive all vehicles in the class for which that license is issued, and all lesser classes of vehicles and vehicles which require an endorsement, unless the proper endorsement appears on the license:

(a) Classifications:

(1) Class A - Any combination of vehicles with a gross combined vehicle weight rating of twenty-six thousand one pounds or more, provided the gross vehicle weight rating of the vehicle(s) being towed is in excess of ten thousand pounds.

(2) Class B - Any single vehicle with a gross vehicle weight rating of twenty-six thousand one pounds or more, and any such vehicle towing a vehicle not in excess of ten thousand pounds.

(3) Class C - Any single vehicle or combination vehicle with a gross vehicle weight rating of less than twenty-six thousand one pounds or any such vehicle towing a vehicle with a gross vehicle weight rating not in excess of ten thousand pounds comprising:

(A) Vehicles designed to transport sixteen or more passengers, including the driver; and
(B) Vehicles used in the transportation of hazardous materials which requires the vehicle to be placarded under 49 C.F.R., part 172, sub-part F.

(b) Endorsements and restrictions:

The commissioner upon issuing a commercial driver's license shall have the authority to impose such endorsements or restrictions as the commissioner may determine to be appropriate to assure the safe operation of a motor vehicle, and to comply with the federal Motor Vehicle Act of 1986 and federal rules implementing such act.

(c) Applicant record check. — Before issuing a commercial driver's license, the commissioner must obtain driving record information through the commercial driver's license information system, the national driver register and from each state in which the person has been commercially licensed.

(d) Notification of license issuance. — Within ten days after issuing a commercial driver's license, the commissioner shall notify the commercial driver's license information system of that fact, providing all information required to ensure identification of the person.

(e) Expiration of license. —

(1) The commercial driver's license shall expire four years from date of issuance.

(2) After the thirtieth day of June, one thousand nine hundred ninety-six, the following shall apply:

(A) Every commercial driver's license issued to persons who have attained their twenty-first birthday shall expire on the last day of the month in which the applicant's birthday occurs in those years in which the applicant's age is evenly divisible by five. Except as provided in paragraph (B) of this subdivision, no commercial driver's license may be issued for less than three years nor more than seven years and such commercial driver's license shall be renewed in the month in which the applicant's birthday occurs and shall be valid for a
period of five years, expiring in the month in which the applicant's birthday occurs and in a year in which the applicant's age is evenly divisible by five.

(B) Every commercial driver's license issued to persons who have not attained their twenty-first birthday shall expire on the last day of the month in the year in which the applicant attains the age of twenty-one years.

(3) Commercial driver's licenses held by any person in the armed forces which expire while that person is on active duty shall remain valid for thirty days from the date on which that person reestablishes residence in West Virginia.

(4) Any person applying to renew a commercial driver's license which has been expired for two years or more must follow the procedures for an initial issuance of a commercial driver's license, including the testing provisions.

(f) License renewal procedures. — When applying for renewal of a commercial driver's license, the applicant must complete the application form and provide updated information and required certifications. If the applicant wishes to retain a hazardous materials endorsement, the written test for a hazardous materials endorsement must be taken and passed.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 23rd day of June, 1995.

Governor
PRESENTED TO THE
GOVERNOR
Date 3/28/35
Time 4:42 PM