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SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1995

ENROLLED

SENATE BILL NO. 188

(By Senator MILLER, ET AL)

PASSED MARCH 11 1995
In Effect FLY 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.**

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

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

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

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

23 (1) Class A, B or C license shall be issued to those
24 persons eighteen years of age or older with two years
25 driving experience and who have qualified for the
26 commercial driver's license established by chapter
27 seventeen-e of this code and the federal Commercial
28 Motor Vehicle Safety Act of 1986, Title XII of public law
29 99870 and subsequent rules, and have paid the required
30 fee.

31 (2) Class D license shall be issued to those persons

32 eighteen years and older with one year driving experi-
33 ence who operate motor vehicles other than those types
34 of vehicles which require the operator to be licensed
35 under the provisions of chapter seventeen-e of this code
36 and federal law and rule and whose primary function or
37 employment is the transportation of persons or property
38 for compensation or wages and have paid the required
39 fee. For the purposes of the regulation of the operation
40 of a motor vehicle, wherever the term chauffeur's license
41 is used in this code, it shall be construed to mean the
42 Class A, B, C or D license described in this section or
43 chapter seventeen-e of this code or federal law or rule:
44 *Provided*, That anyone who is not required to be licensed
45 under the provisions of chapter seventeen-e of this code
46 and federal law or rule and who operates a motor vehicle
47 which is registered or which is required to be registered
48 as a Class A motor vehicle as that term is defined in
49 section three, article ten, chapter seventeen-a of this
50 code with a gross vehicle weight rating of less than eight
51 thousand one pounds, is not required to obtain a Class D
52 license.

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

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

65 (d) No person, except those hereinafter expressly
66 exempted, shall drive any motorcycle upon a street or
67 highway in this state or upon any subdivision street, as
68 used in article twenty-four, chapter eight of this code,
69 when the use of such subdivision street is generally used

70 by the public unless the person has a valid motorcycle
71 license or a valid license which has been endorsed under
72 section seven-b, article two of this chapter for motorcy-
73 cle operation or has a valid motorcycle instruction
74 permit.

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

77 (A) Is a resident of this state in accordance with the
78 provisions of section one-a, article three, chapter seven-
79 teen-a of this code;

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

81 (C) Has reached the age of sixteen years;

82 (D) Has paid the required fee of ten dollars: *Provided,*
83 That such fee is not required if the applicant is sixty-five
84 years or older or is legally blind; and

85 (E) Presents a birth certificate or other proof of age
86 and identity acceptable to the division with a completed
87 application on a form furnished by the division.

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

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

106 birthday occurs and in a year in which the applicant's
107 age is evenly divisible by five.

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

112 (3) The identification card shall be surrendered to the
113 division when the holder is issued a driver's license. The
114 division may issue an identification card to an applicant
115 whose privilege to operate a motor vehicle has been
116 refused, cancelled, suspended or revoked under the
117 provisions of this code.

§17B-2-3a. Junior driver's license.

1 (a) In accordance with rules established by the com-
2 missioner and with the provisions hereinafter set forth in
3 this section, a junior driver's license may be issued to
4 any person between the ages of sixteen and eighteen
5 years, if the person is in compliance with section eleven,
6 article eight, chapter eighteen of this code and is not
7 otherwise disqualified by law. Application for a junior
8 driver's license shall be on a form prescribed by the
9 commissioner. A junior driver's license may be issued
10 upon the applicant's successful completion of all exami-
11 nations and driving tests required by law for the issu-
12 ance of a driver's license to a person eighteen years of
13 age or older. The commissioner may impose reasonable
14 conditions or restrictions on the operation of a motor
15 vehicle by a person holding a junior driver's license and
16 the conditions or restrictions shall be printed on the
17 license.

18 (b) In addition to all other provisions of this chapter
19 for which a driver's license may be revoked, suspended
20 or cancelled, whenever a person holding a junior driver's
21 license operates a motor vehicle in violation of the
22 conditions or restrictions set forth on the license, or has
23 a record of two convictions for moving violations of the
24 traffic regulations and laws of the road, which convic-

25 tions have become final, the junior driver's license of the
26 person shall be permanently revoked, with like effect as
27 if the person had never held a junior driver's license:
28 *Provided*, That a junior driver's license shall be revoked
29 upon one final conviction for any offense described in
30 section five, article three of this chapter. Under no
31 circumstances shall such a license be revoked for convic-
32 tions of offenses in violation of any regulation or law
33 governing the standing or parking of motor vehicles.

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

38 (d) A person whose junior driver's license has been
39 revoked, or has been suspended without reinstatement,
40 shall not thereafter receive a junior driver's license, but
41 the person, upon attaining the age of eighteen, shall be
42 eligible, unless otherwise disqualified by law, for exami-
43 nation and driver testing for a regular driver's license.
44 If a person has had his or her junior driver's license
45 revoked for a violation pursuant to section one or two,
46 article five-a, chapter seventeen-c of this code or any
47 offense specified in subsection (6), section five, article
48 three of this chapter, or has been adjudicated delinquent
49 upon a charge which would be crime under the provi-
50 sions of section two, article five, chapter seventeen-c of
51 this code if committed by an adult, the person shall be
52 disqualified for examination and driver testing for a
53 regular driver's license until that person: (1) Has at-
54 tained the age of eighteen years; (2) has successfully
55 completed the safety and treatment program provided
56 for in section three, article five-a, chapter seventeen-c of
57 this code; and (3) has had his or her junior driver's
58 license revoked or suspended for the applicable statutory
59 period of revocation or suspension or a period of time
60 equal to the period of revocation or suspension which
61 would have been imposed pursuant to section two,
62 article five-a of said chapter if the person had a regular
63 driver's license at the time of the violation.

64 (e) No person shall receive a junior driver's license
65 unless the application therefor is accompanied by a
66 writing, duly acknowledged, consenting to the issuance
67 of the junior driver's license and executed by the parents
68 of the applicant; or if only one parent is living, then by
69 such parent; or if the parents be living separate and
70 apart, by the one to whom the custody of the applicant
71 was awarded; or if there is a guardian entitled to the
72 custody of the applicant, then by the guardian.

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

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

1 (a) The division shall, upon payment of the required
2 fee, issue to every applicant qualifying therefor a driver's
3 license, which shall indicate the type or general class or
4 classes of vehicle or vehicles the licensee may operate in
5 accordance with this chapter or chapter seventeen-e of
6 this code, or motorcycle-only license. Each license shall
7 contain a coded number assigned to the licensee, the full
8 name, date of birth, residence address, a brief descrip-
9 tion and a color photograph of the licensee and either a
10 facsimile of the signature of the licensee or a space upon
11 which the signature of the licensee shall be written with
12 pen and ink immediately upon receipt of the license. No
13 license shall be valid until it has been so signed by the
14 licensee: *Provided*, That the commissioner may issue a
15 valid without-photo license for applicants temporarily
16 out of state. A driver's license which is valid for opera-
17 tion of a motorcycle shall contain a motorcycle endorse-
18 ment. The division shall use such process or processes in
19 the issuance of licenses that will, insofar as possible,
20 prevent any alteration, counterfeiting, duplication,
21 reproduction, forging or modification of, or the superim-
22 position of a photograph on, such license.

23 (b) The fee for the issuance of a Class E driver's license

24 shall be ten dollars and fifty cents. The fee for issuance
25 of a Class D driver's license shall be twenty-five dollars
26 and fifty cents. Fifty cents of each such fee shall be
27 deposited in the "combined voter registration and
28 driver's licensing fund", established pursuant to the
29 provisions of section twenty-two-a, article two, chapter
30 three of this code. The one-time only additional fee for
31 adding a motorcycle endorsement to a driver's license
32 shall be five dollars. The fee for issuance of a motorcy-
33 cle-only license shall be ten dollars. The fees for the
34 motorcycle endorsement or motorcycle-only license shall
35 be paid into a special fund in the state treasury known as
36 the motorcycle safety fund as established in section
37 seven, article one-d of this chapter.

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

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

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

1 (a) Every driver's license shall expire four years from

2 the date of its issuance, except that the driver's license
3 of any person in the armed forces shall be extended for
4 a period of six months from the date the person is
5 separated under honorable circumstances from active
6 duty in the armed forces.

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

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

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

25 (3) The driver's license of any person in the armed
26 forces shall be extended for a period of six months from
27 the date the person is separated under honorable circum-
28 stances from active duty in the armed forces.

29 (c) A person who allows his or her driver's license to
30 expire may apply to the division for renewal thereof.
31 Application shall be made upon a form furnished by the
32 division and shall be accompanied by payment of the fee
33 required by section eight of this article plus an addi-
34 tional fee of five dollars. The commissioner shall deter-
35 mine whether such person qualifies for a renewed license
36 and may, in the commissioner's discretion, renew any
37 expired license without examination of the applicant.

38 (d) Each renewal of a driver's license shall contain a

39 new color photograph of the licensee. By first class mail
40 to the address last known to the division, the commis-
41 sioner shall notify each person who holds a valid driver's
42 license of the expiration date of the license. The notice
43 shall be mailed at least thirty days prior to the expira-
44 tion date of the license and shall include a renewal
45 application form.

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

ARTICLE 1. COMMERCIAL DRIVER'S LICENSE.

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

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

8 (a) Classifications:

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

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

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

23 (A) Vehicles designed to transport sixteen or more
24 passengers, including the driver; and

25 (B) Vehicles used in the transportation of hazardous
26 materials which requires the vehicle to be placarded
27 under 49 C.F.R., part 172, sub-part F.

28 *(b) Endorsements and restrictions:*

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

35 *(c) Applicant record check.* — Before issuing a com-
36 mercial driver's license, the commissioner must obtain
37 driving record information through the commercial
38 driver's license information system, the national driver
39 register and from each state in which the person has
40 been commercially licensed.

41 *(d) Notification of license issuance.* — Within ten days
42 after issuing a commercial driver's license, the commis-
43 sioner shall notify the commercial driver's license
44 information system of that fact, providing all informa-
45 tion required to ensure identification of the person.

46 *(e) Expiration of license.* —

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

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

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

61 period of five years, expiring in the month in which the
62 applicant's birthday occurs and in a year in which the
63 applicant's age is evenly divisible by five.

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

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

73 (4) Any person applying to renew a commercial driver's
74 license which has been expired for two years or more
75 must follow the procedures for an initial issuance of a
76 commercial driver's license, including the testing provi-
77 sions.

78 (f) *License renewal procedures.* — When applying for
79 renewal of a commercial driver's license, the applicant
80 must complete the application form and provide updated
81 information and required certifications. If the applicant
82 wishes to retain a hazardous materials endorsement, the
83 written test for a hazardous materials endorsement must
84 be taken and passed.

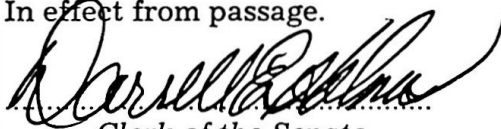
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


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 is approved..... this the 23rd.....

day of March....., 1995.


Governor

PRESENTED TO THE

GOVERNOR

Date 3/22/95

Time 4:42 pm