ENROLLED

House Bill No. 2274
(By Delegates Williams, Everson, Stainaker, Willison, Warner, Houston and Marshall)

Passed February 22, 1999

In Effect Ninety Days from Passage
AN ACT to amend and reenact sections one and six, article two, chapter seventeen-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating to authorizing the division of motor vehicles to add an optional classification on driver's license for diabetics; and eliminating the jail penalty for driving a motor vehicle without possessing a valid driver's license.

Be it enacted by the Legislature of West Virginia:

That sections one and six, article two, chapter seventeen-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, all 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,  
2 may drive any motor vehicle upon a street or highway in this  
3 state or upon any subdivision street, as used in article twenty-
four, chapter eight of this code, when the use of such subdivi-
sion 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 classi-
ified 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
(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 of this article 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.

(5) All licenses issued under this section may contain information designating the licensee as a diabetic, if the licensee requests this information to be on the 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 of this article 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, canceled, suspended or revoked under the provisions of this code.

(f) Any person violating the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than five hundred dollars; and upon a second or subsequent conviction, shall be fined not more than five
§17B-2-6. Application for license or instruction permit; fee to accompany application.

Every application for an instruction permit or for a driver's license shall be made upon a form furnished by the division. Every application shall be accompanied by the proper fee and payment of such fee shall entitle the applicant to not more than three attempts to pass the examination within a period of sixty days from the date of application, except that no applicant may be examined twice within a period of one week.

Every said application shall state the full name, date of birth, sex, and residence address of the applicant, and briefly describe the applicant, and shall state whether the applicant has theretofore been a licensed driver, and, if so, when and by what state or country, and whether any such license has ever been suspended or revoked within the five years next preceding the date of application, or whether an application has ever been refused, and, if so, the date of and reason for such suspension, revocation or refusal, whether the applicant desires a notation on the driver's license indicating that the applicant is a diabetic, and such other pertinent information as the commissioner may require.
That 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 day from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within approved this the 10th day of March, 1999.

Governor
PRESENTED TO THE
GOVERNOR
Date 3/11/99
Time 9:55 AM