

SB 497

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REGULAR SESSION, 1999



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COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 497

(By Senator CRAIG, ET AL)



PASSED MARCH 13, 1999
In Effect NINETY DAYS FROM Passage

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STATE HOUSE

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COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 497

(SENATORS CRAIGO, ANDERSON, BAILEY, BALL, BOLEY, CHAFIN,
DEEM, DITTMAR, EDGELL, FANNING, HELMICK, HUNTER,
JACKSON, KESSLER, LOVE, MCCABE, MCKENZIE, MINARD,
MINEAR, MITCHELL, OLIVERIO, PLYMALE, PREZIOSO, REDD,
ROSS, SCHOONOVER, SHARPE, SNYDER, SPROUSE, UNGER,
WALKER, WOOTON AND TOMBLIN, MR. PRESIDENT,
original sponsors)

[Passed March 13, 1999; in effect ninety days from passage.]

AN ACT to amend and reenact sections one and twelve, article two, chapter seventeen-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the expiration date of driver's licenses; and allowing the commissioner of the division of motor vehicles to change the date that a driver's license expires to the driver's birthday, and providing for lowering the age for nondriver's identification cards.

Be it enacted by the Legislature of West Virginia:

That sections one 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, 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; motor-cycle driver license; identification cards.

1 (a) No person, except those hereinafter expressly ex-
2 empted, 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 license
7 under the provisions of this code for the type or class of
8 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 other
13 license to exercise such privilege by any county, munic-
14 ipality or local board or body having authority to adopt
15 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 rule.

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

22 (1) Class A, B or C license shall be issued to those
23 persons eighteen years of age or older with two years
24 driving experience and who have qualified for the com-
25 mercial driver's license established by chapter seventeen-e
26 of this code and the federal Commercial Motor Vehicle
27 Safety Act of 1986, Title XII of public law 99-570 and
28 subsequent rules, and have paid the required fee.

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

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

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

61 (5) All licenses issued under this section may contain
62 information designating the licensee as a diabetic, if the
63 licensee requests this information on the license.

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

69 by the public unless the person has a valid motorcycle
70 license or a valid license which has been endorsed under
71 section seven-b of this article for motorcycle operation or
72 has a valid motorcycle instruction permit.

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

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

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

79 (C) Has reached the age of two years. The division may
80 also issue a nonoperator identification card to a person
81 under the age of two years for good cause shown;

82 (D) Has paid the required fee of two dollars and fifty
83 cents per year for each year the identification card is
84 issued to be valid: *Provided*, That such fee is not required
85 if the applicant is sixty-five years or older or is legally
86 blind; and

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

90 (2) The nondriver identification card shall contain the
91 same information as a driver's license except that such
92 identification card shall be clearly marked as identifica-
93 tion card. However, the division may issue an identifica-
94 tion card with less information to persons under the age of
95 sixteen. It may be renewed on application and payment of
96 the fee required by this section.

97 (A) Every identification card issued to persons who have
98 attained their twenty-first birthday shall expire on the day
99 of the month designated by the commissioner in which the
100 applicant's birthday occurs in those years in which the
101 applicant's age is evenly divisible by five. Except as
102 provided in paragraph (B) of this subdivision, no identifi-
103 cation card may be issued for less than three years nor
104 more than seven years and shall be valid for a period of
105 five years expiring in the month in which the applicant's

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

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

113 (C) Every identification card issued to persons under the
114 age of sixteen shall expire on the day of the month desig-
115 nated by the commissioner in which the applicant's
116 birthday occurs and shall be issued for a period of two
117 years.

118 (3) The identification card shall be surrendered to the
119 division when the holder is issued a driver's license. The
120 division may issue an identification card to an applicant
121 whose privilege to operate a motor vehicle has been
122 refused, canceled, suspended or revoked under the provi-
123 sions of this code.

124 (f) Any person violating the provisions of this section is
125 guilty of a misdemeanor and, upon conviction thereof,
126 shall be fined not more than five hundred dollars; and
127 upon a second or subsequent conviction, shall be fined not
128 more than five hundred dollars, or confined in the county
129 or regional jail not more than six months, or both.

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

1 (a) Every driver's license shall expire five years from the
2 date of its issuance.

3 (1) Every driver's license issued to persons who have
4 attained their twenty-first birthday shall expire on the day
5 of the month designated by the commissioner in which the
6 applicant's birthday occurs in those years in which the
7 applicant's age is evenly divisible by five. Except as
8 provided in the following subdivisions, no driver's license
9 may be issued for less than three years nor more than
10 seven years and shall be valid for a period of five years,
11 expiring in the month in which the applicant's birthday
12 occurs and in a year in which the applicant's age is evenly
13 divisible by five.

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

18 (3) The driver's license of any person in the armed forces
19 is extended for a period of six months from the date the
20 person is separated under honorable circumstances from
21 active duty in the armed forces.

22 (4) The commissioner may change the date that a driver's
23 license expires from the last day of the month in those
24 years specified in subdivisions (1) and (2) of this subsection
25 to the day of the month in which the applicant's birthday
26 occurs in those years. If the commissioner changes the
27 expiration date, the change may only affect new licenses
28 and renewed licenses.

29 (c) A person who allows his or her driver's license to
30 expire may apply to the division for renewal of the license.
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 additional
34 fee of five dollars. The commissioner shall determine
35 whether the person qualifies for a renewed license and
36 may, in the commissioner's discretion, renew any expired
37 license without examination of the applicant.

38 (d) Each renewal of a driver's license shall contain a new
39 color photograph of the licensee. By first class mail to the
40 address last known to the division, the commissioner shall
41 notify each person who holds a valid driver's license of the
42 expiration date of the license. The notice shall be mailed
43 at least thirty days prior to the expiration date of the
44 license and shall include a renewal application form.

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

[Signature]
.....
Chairman Senate Committee

[Signature]
.....
Chairman House Committee

Originating in the Senate.
In effect ninety days from passage.

[Signature]
.....
Clerk of the Senate

[Signature]
.....
Clerk of the House of Delegates

[Signature]
.....
President of the Senate

[Signature]
.....
Speaker House of Delegates

The within *approved* this the *3/5*
Day of *March*, 199*6*
[Signature]
Governor

PRESENTED TO THE

GOVERNOR

Date 3/30/99

Time 10:50 am