

HB 2274

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WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 1999



ENROLLED

House Bill No. 2274

(By Delegates Williams, Everson, Stalnaker,
Willison, Warner, Houston and Marshall)



Passed February 22, 1999

In Effect Ninety Days from Passage

ENROLLED
H. B. 2274

(BY DELEGATES WILLIAMS, EVERSON, STALNAKER,
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-

4 four, chapter eight of this code, when the use of such subdivi-
5 sion street is generally used by the public unless the person has
6 a valid driver's license under the provisions of this code for the
7 type or class of vehicle being driven.

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

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

18 (c) Driver's licenses issued by the division shall be classi-
19 fied in the following manner:

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

27 (2) Class D license shall be issued to those persons eighteen
28 years and older with one year driving experience who operate
29 motor vehicles other than those types of vehicles which require
30 the operator to be licensed under the provisions of chapter
31 seventeen-e of this code and federal law and rule and whose
32 primary function or employment is the transportation of persons
33 or property for compensation or wages and have paid the
34 required fee. For the purposes of the regulation of the operation
35 of a motor vehicle, wherever the term chauffeur's license is
36 used in this code, it shall be construed to mean the Class A, B,
37 C or D license described in this section or chapter seventeen-e
38 of this code or federal law or rule: *Provided*, That anyone who
39 is not required to be licensed under the provisions of chapter

40 seventeen-e of this code and federal law or rule and who
41 operates a motor vehicle which is registered or which is
42 required to be registered as a Class A motor vehicle as that term
43 is defined in section one, article ten, chapter seventeen-a of this
44 code with a gross vehicle weight rating of less than eight
45 thousand one pounds, is not required to obtain a Class D
46 license.

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

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

57 (5) All licenses issued under this section may contain
58 information designating the licensee as a diabetic, if the
59 licensee requests this information to be on the license.

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

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

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

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

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

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

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

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

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

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

102 (3) The identification card shall be surrendered to the
103 division when the holder is issued a driver's license. The
104 division may issue an identification card to an applicant whose
105 privilege to operate a motor vehicle has been refused, canceled,
106 suspended or revoked under the provisions of this code.

107 (f) Any person violating the provisions of this section is
108 guilty of a misdemeanor and, upon conviction thereof, shall be
109 fined not more than five hundred dollars; and upon a second or
110 subsequent conviction, shall be fined not more than five

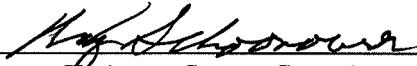
111 hundred dollars, or confined in the county or regional jail not
112 more than six months, or both.

§17B-2-6. Application for license or instruction permit; fee to accompany application.

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

8 Every said application shall state the full name, date of
9 birth, sex, and residence address of the applicant, and briefly
10 describe the applicant, and shall state whether the applicant has
11 theretofore been a licensed driver, and, if so, when and by what
12 state or country, and whether any such license has ever been
13 suspended or revoked within the five years next preceding the
14 date of application, or whether an application has ever been
15 refused, and, if so, the date of and reason for such suspension,
16 revocation or refusal, whether the applicant desires a notation
17 on the drivers license indicating that the applicant is a diabetic,
18 and such other pertinent information as the commissioner may
19 require.

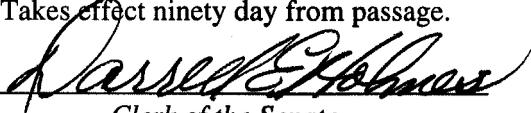
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

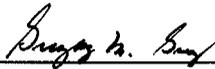

Chairman Senate Committee

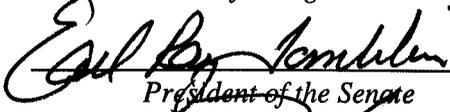

Chairman House Committee

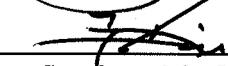
Originating in the House.

Takes effect ninety day from passage.

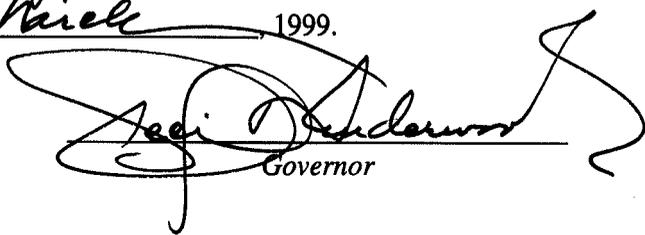

Clerk of the Senate


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 3/4/99

Time 9:55 am