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# WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2000



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COMMITTEE SUBSTITUTE  
FOR  
**House Bill No. 4324**

(By Delegates Douglas and Warner)



Passed March 9, 2000

In Effect Ninety Days from Passage

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## H. B. 4324

(BY DELEGATES DOUGLAS AND WARNER)

[Passed March 9, 2000; in effect ninety days from passage.]

AN ACT to amend and reenact sections one, one-a, two, three, three-a, five, six, seven, seven-b, eight, eleven 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 sections five and eight, article six, chapter eighteen of said code, all relating to implementing a graduated driver's license program for persons under the age of eighteen; updating sections relating to time frames for new residents to obtain a drivers license; establishing a minimum thirty day instruction period prior to the skills test for adults previously unlicensed; and revising driver license reciprocity provisions to reflect reciprocal agreements with other states and countries.

*Be it enacted by the Legislature of West Virginia:*

That sections one, one-a, two, three, three-a, five, six, seven, seven-b, eight, eleven 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 sections five and eight, article six, chapter eighteen 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; motor-cycle driver license; identification cards; penalty.**

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  
4 twenty-four, chapter eight of this code, when the use of the  
5 subdivision street is generally used by the public unless the  
6 person has a valid driver's license under the provisions of this  
7 code for the 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 the  
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 99-570 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. The Class E license for any person under  
53 the age of eighteen may also be endorsed with the appropriate  
54 graduated driver license level in accordance with the provisions  
55 of section three-a of this article.

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

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

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

71 (e) (1) A nondriver identification card may be issued to any  
72 person who:

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

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

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

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

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

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

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

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

107 (C) Every identification card issued to persons under the  
108 age of sixteen shall expire on the day of the month designated  
109 by the commissioner in which the applicant's birthday occurs  
110 and shall be issued for a period of two years.

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

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

119 subsequent conviction, shall be fined not more than five  
120 hundred dollars, or confined in the county or regional jail not  
121 more than six months, or both.

**§17B-2-1a. Surrender of license from other state or jurisdiction  
prior to receipt of license from this state; exami-  
nation; fees required.**

1 (a) The division of motor vehicles shall not issue a driver's  
2 license to a person who holds a valid license to operate a motor  
3 vehicle issued by another state or jurisdiction unless or until the  
4 applicant shall surrender to the division the foreign license, or  
5 the person has signed and submitted to the division an affidavit  
6 to the effect that the person has surrendered all valid licenses  
7 issued to him or her by other states or jurisdictions. Any  
8 surrendered license issued by any other state or jurisdiction  
9 shall be returned to the division of motor vehicles or similar  
10 agency in that state or jurisdiction together with a notice that  
11 the person who surrendered the license has been licensed in this  
12 state. It shall be unlawful for a person to possess more than one  
13 valid driver's license at any time.

14 (b) Every driver shall, within thirty days after taking up  
15 residence in this state, apply to the division for a driver's  
16 license as prescribed in this article. For the purposes of this  
17 chapter the presumption that a natural person is a resident of  
18 this state is based on the provisions of section one-a, article  
19 three, chapter seventeen-a of this code. The division may assign  
20 the driver's license class, type, endorsements or restrictions  
21 based on the applicant's prior licensing status, age and the type  
22 of licensing system used by the state of prior licensing.

23 (c) All other applicable provisions of this article relating to  
24 issuance, fees, expiration and renewal of licenses, and driver  
25 examination of applicants shall also apply to this section.

**§17B-2-2. Persons exempt from license.**

1 The following persons are exempt from license hereunder:

2 (1) Any person while operating a motor vehicle in the  
3 armed services of the United States while in the performance of  
4 his official duties;

5 (2) A nonresident who is at least sixteen years of age and  
6 who has in his immediate possession a valid driver's license  
7 issued to the person in the person's home state or country  
8 unless the commissioner determines the person's home state or  
9 country does not extend the same privileges to a resident of this  
10 state, may operate a motor vehicle in this state only as a  
11 noncommercial driver for a period not to exceed ninety days in  
12 any one calendar year;

13 (3) A nonresident who is at least sixteen years of age, who  
14 has in the person's immediate possession a valid driver's  
15 license issued to the person in the person's home state or  
16 country and who is employed in this state, or owns, maintains  
17 or operates a place or places of business in this state, or engages  
18 in any trade, profession or occupation in this state, in addition  
19 to the driving privileges extended under subdivision (2) of this  
20 section, unless the commissioner determines the person's home  
21 state or country does not extend the same privileges to a  
22 resident of this state, may operate a motor vehicle in this state  
23 only as a noncommercial driver in traveling to and from the  
24 person's place or places of employment, place or places of  
25 business or place or places at which the person engages in the  
26 trade, profession or occupation and in the discharge of the  
27 duties of the person's employment, business, trade, profession  
28 or occupation if the duties are such that, if performed by a  
29 resident of the state of West Virginia over the age of eighteen  
30 years of age, the resident would not be required under the  
31 provisions of this chapter to obtain a Class A, B, C or D driver's  
32 license. However, this subsection shall not exempt any person  
33 who is required to obtain a West Virginia driver's license in  
34 accordance with the provisions of section one-a of this article;



35 (4) A nonresident who is at least eighteen years of age and  
36 who has in his or her immediate possession a valid commercial  
37 driver's license issued to the person in his or her home state or  
38 country and which meets the requirements of the federal  
39 commercial motor vehicle act of 1986, Title XI of public law  
40 99-570 and unless the commissioner determines the person's  
41 home state or country does not extend the same privilege to a  
42 resident of this state may operate a motor vehicle in this state  
43 either as a commercial driver subject to the age limits applica-  
44 ble to commercial driver in this state, or as a noncommercial  
45 driver subject to the limitations imposed on nonresident drivers  
46 in subdivisions (2) and (3) of this section;

47 (5) Any person who is a student, properly enrolled and  
48 registered in an accredited school, college or university in this  
49 state, who is at least sixteen years of age and who has in his or  
50 her immediate possession a valid driver's license issued to the  
51 person in the person's home state, notwithstanding the limita-  
52 tions of subdivisions (2) and (3) of this section may operate a  
53 motor vehicle in this state only as noncommercial driver:  
54 *Provided*, That the state of which the person is a resident shall  
55 extend the same privileges to residents of this state. This  
56 exemption shall be cancelled immediately when the student is  
57 graduated from school, college or university or is expelled or  
58 ceases to be a student.

**§17B-2-3. What persons shall not be licensed; exceptions.**

1 The division may not issue any license hereunder:

2 (1) To any person who is under the age of eighteen years:  
3 *Provided*, That the division may issue a junior driver's license  
4 or on or after the first day of January, two thousand and one, a  
5 graduated driver's license, to a person under the age of eighteen  
6 years in accordance with the provisions of section three-a of  
7 this article;

8 (2) To any person, as a Class A, B, C or D driver, who is  
9 under the age of eighteen years;

10 (3) To any person, whose license has been suspended or  
11 revoked, during the suspension or revocation;

12 (4) To any person who is an habitual drunkard or is  
13 addicted to the use of narcotic drugs;

14 (5) To any person, who has previously been adjudged to be  
15 afflicted with or suffering from any mental disability or disease  
16 and who has not at the time of application been restored to  
17 competency by judicial decree or released from a hospital for  
18 the mentally incompetent upon the certificate of the superinten-  
19 dent of the institution that the person is competent, and not then  
20 unless the commissioner is satisfied that the person is compe-  
21 tent to operate a motor vehicle with a sufficient degree of care  
22 for the safety of persons or property;

23 (6) To any person who is required by this chapter to take an  
24 examination, unless the person has successfully passed the  
25 examination;

26 (7) To any person when the commissioner has good cause  
27 to believe that the operation of a motor vehicle on the highways  
28 by the person would be inimical to public safety or welfare.

**§17B-2-3a. Junior driver's license and graduated driver's license.**

1 (a) In accordance with rules established by the commis-  
2 sioner and with the provisions hereinafter set forth in this  
3 section, a junior driver's license may be issued to any person  
4 between the ages of sixteen and eighteen years, if the person is  
5 in compliance with section eleven, article eight, chapter  
6 eighteen of this code and is not otherwise disqualified by law.  
7 Application for a junior driver's license shall be on a form  
8 prescribed by the commissioner. A junior driver's license may

9 be issued upon the applicant's successful completion of all  
10 examinations and driving tests required by law for the issuance  
11 of a driver's license to a person eighteen years of age or older.  
12 The commissioner may impose reasonable conditions or  
13 restrictions on the operation of a motor vehicle by a person  
14 holding a junior driver's license and the conditions or restric-  
15 tions shall be printed on the license. After the thirty-first day of  
16 December, two thousand, the division shall not issue a junior  
17 driver's license to any person. However, any junior driver's  
18 license issued before the first day of January, two thousand one,  
19 unless otherwise suspended, revoked or canceled will continue  
20 to be valid, and under the same restrictions, until the licensee's  
21 eighteenth birthday.

22 (b) In addition to all other provisions of this chapter for  
23 which a driver's license may be revoked, suspended or can-  
24 celed, whenever a person holding a junior driver's license  
25 operates a motor vehicle in violation of the conditions or  
26 restrictions set forth on the license, or has a record of two  
27 convictions for moving violations of the traffic regulations and  
28 laws of the road, which convictions have become final, the  
29 junior driver's license of the person shall be permanently  
30 revoked, with like effect as if the person had never held a junior  
31 driver's license: *Provided*, That a junior driver's license shall  
32 be revoked upon one final conviction for any offense described  
33 in section five, article three of this chapter. Under no circum-  
34 stances shall such a license be revoked for convictions of  
35 offenses in violation of any regulation or law governing the  
36 standing or parking of motor vehicles.

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

41 (d) A person whose junior driver's license has been  
42 revoked, or has been suspended without reinstatement, shall not

43 thereafter receive a junior driver's license, but the person, upon  
44 attaining the age of eighteen, shall be eligible, unless otherwise  
45 disqualified by law, for examination and driver testing for a  
46 regular driver's license. If a person has had his or her junior  
47 driver's license revoked for a violation pursuant to section one  
48 or two, article five-a, chapter seventeen-c of this code or any  
49 offense specified in subsection (6), section five, article three of  
50 this chapter, or has been adjudicated delinquent upon a charge  
51 which would be a crime under the provisions of section two,  
52 article five, chapter seventeen-c of this code if committed by an  
53 adult, the person shall be disqualified for examination and  
54 driver testing for a regular driver's license until that person: (1)  
55 Has attained the age of eighteen years; (2) has successfully  
56 completed the safety and treatment program provided for in  
57 section three, article five-a, chapter seventeen-c of this code;  
58 and (3) has had his or her junior driver's license revoked or  
59 suspended for the applicable statutory period of revocation or  
60 suspension or a period of time equal to the period of revocation  
61 or suspension which would have been imposed pursuant to  
62 section two of said article if the person had a regular driver's  
63 license at the time of the violation.

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

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

76 (g) On and after the first day of January, two thousand one,  
77 any person under the age of eighteen who does not possess a  
78 junior or regular driver's license may not operate a motor  
79 vehicle unless he or she has obtained a graduated driver's  
80 license in accordance with the three level graduated driver's  
81 license system described in the following provisions.

82 (h) Any person under the age of twenty-one, regardless of  
83 class or level or licensure, who operates a motor vehicle with  
84 any measurable alcohol in his or her system is subject to the  
85 provisions of section two, article five, and section two, article  
86 five-a both of chapter seventeen-c of this code. Any person  
87 under the age of eighteen, regardless of class or licensure level,  
88 is subject to the mandatory school attendance provisions of  
89 section eleven, article eight, chapter eighteen of this code.

90 (i) *Level One Instruction Permit.* — An applicant who is  
91 fifteen years or older meeting all other requirements prescribed  
92 in this code may be issued a level one instruction permit.

93 (1) *Eligibility.* — The division shall not issue a level one  
94 instruction permit unless the applicant:

95 (A) Presents a completed application, as prescribed by the  
96 provisions of section six of this article, and which is accompa-  
97 nied by a writing, duly acknowledged, consenting to the  
98 issuance of the graduated driver's license and executed by a  
99 parent or guardian entitled to custody of the applicant;

100 (B) Presents a certified birth certificate issued by a state or  
101 other governmental entity responsible for vital records, evi-  
102 dencing that the applicant meets the minimum age requirement;

103 (C) Passes the vision and written knowledge examination,  
104 and completes the driving under the influence awareness  
105 program, as prescribed in section seven of this article;

106 (D) Presents a current school enrollment form or otherwise  
107 shows compliance with the provisions of section eleven, article  
108 eight, chapter eighteen of this code; and

109 (E) Pays a fee of five dollars.

110 (2) *Terms and conditions of instruction permit.* — A level  
111 one instruction permit issued under the provisions of this  
112 section is valid for a period of fourteen months and is not  
113 renewable. However, any permit holder who allows his or her  
114 permit to expire prior to successfully passing the road skills  
115 portion of the driver examination, and who has not committed  
116 any offense which requires the suspension, revocation or  
117 cancellation of the instruction permit, may reapply for a new  
118 instruction permit. The division shall immediately revoke the  
119 permit upon receipt of a second conviction for a moving  
120 violation of traffic regulations and laws of the road or violation  
121 of the terms and conditions of a level one instruction permit,  
122 which convictions have become final unless a greater penalty  
123 is required by this section or any other provision of this code.  
124 Any person whose instruction permit has been revoked is  
125 disqualified from retesting for a period of ninety days. How-  
126 ever, after the expiration of ninety days, the person may retest  
127 if otherwise eligible. In addition to all other provisions of this  
128 code for which a driver's license may be restricted, suspended,  
129 revoked or canceled, the holder of a level one instruction permit  
130 may only operate a motor vehicle under the following condi-  
131 tions:

132 (A) Under the direct supervision of a licensed driver,  
133 twenty-one years of age or older, or a driver's education or  
134 driving school instructor who is acting in an official capacity as  
135 an instructor, who is fully alert and unimpaired, and the only  
136 other occupant of the front seat. The vehicle may be operated  
137 with no more than two additional passengers, unless the  
138 passengers are family members;

139 (B) Between the hours of five a.m. and eleven p.m.;

140 (C) All occupants must use safety belts in accordance with  
141 the provisions of section forty-nine, article fifteen, chapter  
142 seventeen-c of this code;

143 (D) Without any measurable blood alcohol content, in  
144 accordance with the provisions of subsection (h), section two,  
145 article five, chapter seventeen-c of this code; and

146 (E) Maintains current school enrollment or otherwise shows  
147 compliance with the provisions of section eleven, article eight,  
148 chapter eighteen of this code.

149 (j) *Level Two Intermediate Driver's License.* — An  
150 applicant sixteen years of age or older, meeting all other  
151 requirements of the code, may be issued a level two intermedi-  
152 ate driver's license.

153 (1) *Eligibility.* — The division shall not issue a level two  
154 intermediate driver's license unless the applicant:

155 (A) Presents a completed application as prescribed in  
156 section six of this article;

157 (B) Has held the level one instruction permit conviction-free for the one hundred eighty days immediately preced-  
158 ing the date of application for a level two intermediate license;  
159

160 (C) Has completed either a driver's education course  
161 approved by the state department of education or thirty hours of  
162 behind the wheel driving experience certified by a parent or  
163 legal guardian or other responsible adult over the age of twenty-  
164 one as indicated on the form prescribed by the division:  
165 *Provided,* That nothing in this paragraph shall be construed to  
166 require any school or any county board of education to provide  
167 any particular number of driver's education courses or to  
168 provide driver's education training to any student;

169 (D) Presents a current school enrollment form or otherwise  
170 shows compliance with the provisions of section eleven, article  
171 eight, chapter eighteen of this code;

172 (E) Passes the road skills examination as prescribed by  
173 section seven of this article; and

174 (F) Pays a fee of five dollars.

175 (2) *Terms and conditions of a level two intermediate*  
176 *driver's license.* — A level two intermediate driver's license  
177 issued under the provisions of this section shall expire on the  
178 day designated by the commissioner of the month in which the  
179 applicant attains the age of eighteen, or until the licensee  
180 qualifies for a level three full Class E license, whichever comes  
181 first. In addition to all other provisions of this code for which a  
182 driver's license may be restricted, suspended, revoked or  
183 canceled, the holder of a level two intermediate driver's license  
184 may only operate a motor vehicle under the following condi-  
185 tions:

186 (A) Unsupervised between the hours of five a.m. and eleven  
187 p.m.;

188 (B) Only under the direct supervision of a licensed driver,  
189 age twenty-one years or older, between the hours of eleven p.m.  
190 and five a.m. except when the licensee is going to or returning  
191 from:

192 (i) Lawful employment;

193 (ii) A school sanctioned activity;

194 (iii) A religious event; or

195 (iv) An emergency situation that requires the licensee to  
196 operate a motor vehicle to prevent bodily injury or death of  
197 another;



198 (C) All occupants shall use safety belts in accordance with  
199 the provisions of section forty-nine, article fifteen, chapter  
200 seventeen-c of this code;

201 (D) Operates the vehicle with no more than three passen-  
202 gers under the age of nineteen, unless the passengers are family  
203 members, in addition to the driver;

204 (E) Without any measurable blood alcohol content in  
205 accordance with the provisions of subsection (h), section two,  
206 article five, chapter seventeen-c of this code;

207 (F) Maintains current school enrollment or otherwise shows  
208 compliance with the provisions of section eleven, article eight,  
209 chapter eighteen of this code;

210 (G) Upon the first conviction for a moving traffic violation  
211 or a violation of paragraph (A), (B), (C) or (D) of subdivision  
212 one, subsection (j) of this section of the terms and conditions of  
213 a level two intermediate driver's license, the licensee shall  
214 enroll in an approved driver improvement program unless a  
215 greater penalty is required by this section or by any other  
216 provision of this code.

217 At the discretion of the commissioner, completion of an  
218 approved driver improvement program may be used to negate  
219 the effect of a minor traffic violation as defined by the commis-  
220 sioner against the one year conviction free driving criteria for  
221 early eligibility for a level three driver's license; and

222 (H) Upon the second conviction for a moving traffic  
223 violation or a violation of the terms and conditions of the level  
224 two intermediate driver's license, the licensee's privilege to  
225 operate a motor vehicle shall be revoked or suspended for the  
226 applicable statutory period or until the licensee's eighteenth  
227 birthday, whichever is longer unless a greater penalty is  
228 required by this section or any other provision of this code. Any

229 person whose driver's license has been revoked as a level two  
230 intermediate driver, upon reaching the age of eighteen years and  
231 if otherwise eligible may reapply for an instruction permit, then  
232 a driver's license in accordance with the provisions of sections  
233 five, six and seven of this article.

234 (k) *Level Three, Full Class E License.* — The level three  
235 license is valid until the day designated by the commissioner of  
236 the month in which the licensee attains the age of twenty-one.  
237 Unless otherwise provided in this section or any other section  
238 of this code, the holder of a level three full Class E license is  
239 subject to the same terms and conditions as the holder of a  
240 regular Class E driver's license.

241 A level two intermediate licensee whose privilege to  
242 operate a motor vehicle has not been suspended, revoked or  
243 otherwise canceled and who meets all other requirements of the  
244 code, may be issued a level three full Class E license without  
245 further examination or road skills testing, if the licensee:

246 (1) has reached the age of seventeen years, and

247 (A) Presents a completed application as prescribed by the  
248 provisions of section six of this article;

249 (B) Has held the level two intermediate license conviction-  
250 free for the twelve month period immediately preceding the  
251 date of the application;

252 (C) Has completed any driver improvement program  
253 required under paragraph (G), subdivision (2), subsection (j) of  
254 this section; and

255 (D) Pays a fee of two dollars and fifty cents for each year  
256 the license is valid. An additional fee of fifty cents shall be  
257 collected to be deposited in the combined voter registration and  
258 driver's licensing fund established in section twelve, article  
259 two, chapter three of this code; or

260 (2) Reaches the age of eighteen years, and

261 (A) Presents a completed application as prescribed by the  
262 provisions of section six of this article; and

263 (B) Pays a fee of two dollars and fifty cents for each year  
264 the license is valid. An additional fee of fifty cents shall be  
265 collected to be deposited in the combined voter registration and  
266 driver's licensing fund established in section twelve, article  
267 two, chapter three of this code.

**§17B-2-5. Qualifications, issuance and fee for instruction permits.**

1 (a) Any person who is at least fifteen years of age may  
2 apply to the division for an instruction permit. However, any  
3 person who has not attained the age of eighteen shall comply  
4 with the provisions of section three-a of this article. The  
5 division may, in its discretion, after the applicant has success-  
6 fully passed all parts of the examination other than the road  
7 skills test, issue to the applicant an instruction permit which  
8 entitles the applicant while having the permit in his or her  
9 immediate possession to drive a motor vehicle upon the public  
10 highways when accompanied by a licensed driver of at least  
11 twenty-one years of age, a driver's education or driving school  
12 instructor that is acting in an official capacity as an instructor,  
13 who is alert and unimpaired or a certified division license  
14 examiner acting in an official capacity as an examiner, who is  
15 occupying a seat beside the driver.

16 (1) Any instruction permit issued to a person under the age  
17 of eighteen years shall be issued in accordance with the  
18 provisions of section three-a of this article.

19 (2) Any permit issued to a person who has reached the age  
20 of eighteen years is valid for a period of sixty days and may be  
21 renewed within a period of sixty days without reexamination  
22 for an additional period of sixty days or a new permit issued.  
23 The fee for the instruction permit is four dollars, one dollar of  
24 which shall be paid into the state treasury and credited to the  
25 state road fund, and the other three dollars of which shall be  
26 paid into the state treasury and credited to the general fund to

27 be appropriated to the state police for application in the  
28 enforcement of the road law.

29 (b) Any person sixteen years of age or older may apply to  
30 the division for a motorcycle instruction permit. On and after  
31 the first day of January, two thousand one, any person under the  
32 age of eighteen must have first completed the requirements for  
33 a level two intermediate driver's license set forth in paragraphs  
34 (B), (C) and (D), subdivision one, subsection (j), section three-a  
35 of this article, junior driver's license or driver's license before  
36 being eligible for a motorcycle instruction permit.

37 The division may, in its discretion, after the applicant has  
38 successfully passed all parts of the motorcycle examination  
39 other than the driving test, and presented documentation of  
40 compliance with the provisions of section eleven, article eight,  
41 chapter eighteen of this code, issue to the applicant an instruc-  
42 tion permit which entitles the applicant while having the permit  
43 in his or her immediate possession to drive a motorcycle upon  
44 the public streets or highways for a period of ninety days,  
45 during the daylight hours between sunrise and sunset only. No  
46 holder of a motorcycle instruction permit shall operate a  
47 motorcycle while carrying any passenger on the vehicle.

48 A motorcycle instruction permit is not renewable, but a  
49 qualified applicant may apply for a new permit. The fee for a  
50 motorcycle instruction permit is five dollars, which shall be  
51 paid into a special fund in the state treasury known as the  
52 motorcycle license examination fund as established in section  
53 seven-c, article two of this chapter.

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

1 (a) Every application for an instruction permit or for a  
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 the fee shall entitle an applicant under the

5 age of eighteen to not more than three attempts to pass the road  
6 skills test. An applicant age eighteen years or older is entitled  
7 to not more than three attempts to pass the road skills test  
8 within a period of sixty days from the date of issuance of the  
9 instruction permit. An applicant who fails either the written test  
10 or the road skills test may not be tested twice within a period of  
11 one week.

12 (b) Any applicant who has not been previously licensed  
13 must hold an instruction permit for a minimum of thirty days.  
14 For the purposes of this section, the term “previously licensed”  
15 means an applicant who has obtained at least a level two  
16 graduated license or junior driver’s license issued under the  
17 provisions of this article or has obtained an equal or greater  
18 level of licensure if previously licensed in another state.

19 (c) Every said application shall state the full name, date of  
20 birth, sex, and residence address of the applicant, and briefly  
21 describe the applicant, and shall state whether the applicant has  
22 theretofore been a licensed driver, and, if so, when and by what  
23 state or country, and whether any such license has ever been  
24 suspended or revoked within the five years next preceding the  
25 date of application, or whether an application has ever been  
26 refused, and, if so, the date of and reason for the suspension,  
27 revocation or refusal, whether the applicant desires a notation  
28 on the drivers license indicating that the applicant is a diabetic,  
29 and such other pertinent information as the commissioner may  
30 require.

**§17B-2-7. Examination of applicants.**

1 (a) Upon the presentment of the applicant’s birth certificate,  
2 or a certified copy of the birth certificate issued by a state or  
3 other governmental entity responsible for vital records, as  
4 evidence that the applicant is of lawful age and verifiable  
5 identity, the division of motor vehicles shall examine every

6 applicant for a license to operate a motor vehicle in this state,  
7 except as otherwise provided in this section. The examination  
8 shall include a test of the applicant's eyesight, the applicant's  
9 ability to read and understand highway signs regulating,  
10 warning, and directing traffic, the applicant's knowledge of the  
11 traffic laws of this state, and the applicant's knowledge of the  
12 effects of alcohol upon persons and the dangers of driving a  
13 motor vehicle under the influence of alcohol. The examination  
14 shall also include an actual demonstration of ability to exercise  
15 ordinary and reasonable control in the operation of a motor  
16 vehicle, and any further physical and mental examination as the  
17 division of motor vehicles considers necessary to determine the  
18 applicant's fitness to operate a motor vehicle safely upon the  
19 highways.

20 (b) The commissioner shall propose legislative rules for  
21 promulgation in accordance with the provisions of article three,  
22 chapter twenty-nine-a of this code concerning the examination  
23 of applicants for licenses and the qualifications required of  
24 applicants, and the examination of applicants by the division  
25 shall be in accordance with the rules. The rules shall provide for  
26 the viewing of educational material or films on the medical,  
27 biological, and psychological effects of alcohol upon persons,  
28 the dangers of driving a motor vehicle while under the influence  
29 of alcohol and the criminal penalties and administrative  
30 sanctions for alcohol and drug related motor vehicle violations.

31 (c) After successful completion of the examination required  
32 by this section, section three-a, or section seven-b of this article,  
33 and prior to the issuance of a license pursuant to the provisions  
34 of section eight of this article, every applicant for a driver's  
35 license, junior driver's license, graduated driver's license, or  
36 motorcycle-only license shall attend a mandatory education  
37 class on the dangers and social consequences of driving a motor  
38 vehicle while under the influence of alcohol. To the extent  
39 practicable, the commissioner shall use as lecturers at those

40 classes persons who can relate first-hand experiences as victims  
41 or family members of victims of alcohol-related accidents or  
42 drivers who have been involved in alcohol-related accidents  
43 which caused serious bodily injury or death.

**§17B-2-7b. Separate examination and endorsement for a license  
valid for operation of motorcycle.**

1 The state police shall administer a separate motorcycle  
2 examination for applicants for a license valid for operation of  
3 a motorcycle. On and after the first day of July, two thousand,  
4 the division of motor vehicles shall administer the examination  
5 provided for in this section. Any applicant for a license valid for  
6 operation of a motorcycle shall be required to successfully  
7 complete the motorcycle examination, which is in addition to  
8 the examination administered pursuant to section seven of this  
9 article and, if under the age of eighteen, shall be required to  
10 complete the requirements for a level two intermediate driver's  
11 license set forth in paragraphs (B), (C), and (D), subdivision  
12 (1), subsection (j), section three-a of this article: *Provided*, That  
13 the commissioner may exempt an applicant for a motorcycle  
14 driver license or endorsement from all or part of the motorcycle  
15 license examination as provided in section six, article one-d of  
16 this chapter. The motorcycle examination shall test the appli-  
17 cant's knowledge of the operation of a motorcycle and of any  
18 traffic laws specifically relating to the operation of a motorcy-  
19 cle and shall include an actual demonstration of the ability to  
20 exercise ordinary and reasonable control in the operation of a  
21 motorcycle. An applicant for a license valid for the operation of  
22 only a motorcycle shall be tested as provided in this section and  
23 in section seven of this article, but need not demonstrate actual  
24 driving ability in any vehicle other than a motorcycle. The  
25 examination provided in this section shall not be made a  
26 condition upon the renewal of the license of any person under  
27 this section. For an applicant who successfully completes the  
28 motorcycle examination, upon payment of the required fee, the

29 division shall issue a motorcycle endorsement on the driver's  
30 license of the applicant, or shall issue a special motorcycle-only  
31 license if the applicant does not possess a driver's license:  
32 *Provided*, however, That any holder of a motorcycle-only  
33 license under the age of eighteen shall be subject to the provi-  
34 sions of paragraphs (A), (B), (E), (F), (G) and (H), subdivision  
35 (2), subsection (j), section three-a of this article.

36 Every person, including those holding a valid driver's  
37 license, is required to take the examination specified in this  
38 section to obtain a motorcycle license or endorsement.

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

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



22 (b) The fee for the issuance of a Class E driver's license  
23 shall be two dollars and fifty cents per year for each year the  
24 license is issued to be valid. The fee for issuance of a Class D  
25 driver's license shall be six dollars and twenty-five cents per  
26 year for each year the license is issued to be valid. An addi-  
27 tional fee of fifty cents shall be collected from the applicant at  
28 the time of original issuance or each renewal and the additional  
29 fee shall be deposited in the "combined voter registration and  
30 driver's licensing fund," established pursuant to the provisions  
31 of section twelve, article two, chapter three of this code. The  
32 one-time only additional fee for adding a motorcycle endorse-  
33 ment to a driver's license shall be five dollars.

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

40 (c) On or after the first day of January, two thousand one,  
41 the fee for the issuance of either the level one or level two  
42 graduated driver's license as prescribed in section three-a of  
43 this article is five dollars.

**§17B-2-11. Duplicate permits and licenses.**

1 In the event that an instruction permit or driver's license  
2 issued under the provisions of this chapter is lost or destroyed,  
3 or if the information contained on the license has changed, the  
4 person to whom the permit or license was issued may upon  
5 making proper application and upon payment of a fee of five  
6 dollars obtain a duplicate thereof upon furnishing proof  
7 satisfactory to the division that the permit or license has been  
8 lost or destroyed.

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

13      (2) Every driver's license issued to persons who have not  
14      attained their twenty-first birthday shall expire on the day of the  
15      month designated by the commissioner in the year in which the  
16      applicant attains the age of twenty-one years, except as pro-  
17      vided in section three-a of this article.

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 person  
20      is separated under honorable circumstances from active duty in  
21      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 years  
24      specified in subdivisions (1) and (2) of this subsection to the  
25      day of the month in which the applicant's birthday occurs in  
26      those years. If the commissioner changes the expiration date,  
27      the change may only affect new licenses and renewed licenses.

28      (c) A person who allows his or her driver's license to expire  
29      may apply to the division for renewal of the license. Applica-  
30      tion shall be made upon a form furnished by the division and

31 shall be accompanied by payment of the fee required by section  
32 eight of this article plus an additional fee of five dollars. The  
33 commissioner shall determine whether the person qualifies for  
34 a renewed license and may, in the commissioner's discretion,  
35 renew any expired license without examination of the applicant.

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

## CHAPTER 18. EDUCATION.

### ARTICLE 6. DRIVER EDUCATION.

#### **§18-6-5. Establishment and maintenance of driver education course; who may enroll; exemption from learner's permit requirement.**

1 The state superintendent shall promote and direct the  
2 establishment and maintenance of courses of instruction in  
3 driver education in secondary schools in accordance with the  
4 provisions of this article and the rules that the state board  
5 adopts pursuant to section four of this article. Directors, trustees  
6 or other persons having control or authority over private,  
7 parochial or denominational secondary schools, who establish  
8 and maintain the courses in the schools under their control or  
9 supervision, shall comply with the rules that the state board  
10 adopts pursuant to section four of this article.

11 In the case of a pupil who will not reach the age of fifteen  
12 years before completion of the driver education course in which  
13 enrolled, instruction shall be limited to the classroom. Pupils  
14 who are fifteen years of age and older shall receive instruction

15 and practical training in the operation of motor vehicles on the  
16 public streets and highways.

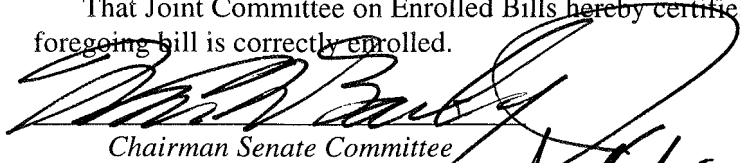
**§18-6-8. Driver education course to be made available to all  
secondary school pupils prior to their graduation;  
exemption; application by pupil for unrestricted  
operator's license.**

1 Before any pupil is graduated from a secondary school after  
2 the first day of September, one thousand nine hundred sev-  
3 enty-five, he or she shall first be provided an opportunity and  
4 encouraged to successfully complete a driver education course  
5 approved by the state board in a public, private, parochial or  
6 denominational secondary school within the state. If a pupil has  
7 successfully completed a similar course in a secondary school  
8 of another state and the course is accepted by the state board as  
9 adequately meeting and complying with the course standards  
10 established by the state board, then the aforementioned require-  
11 ment shall be deemed fulfilled regarding that pupil.

12 On or before December thirty-first, two thousand, any  
13 secondary school pupil sixteen years of age or older, but under  
14 eighteen years of age, who has successfully completed a driver  
15 education course approved by the state board in a public,  
16 private, parochial or denominational secondary school within  
17 the state or a similar course in a secondary school of another  
18 state and accepted by the state board as adequately meeting and  
19 complying with the course standards established by the state  
20 board, shall, upon proper application and successful completion  
21 of all examination and driving tests required by law for issuance  
22 of an operator's license to a person eighteen years of age or  
23 older, be issued an operator's license without any restriction  
24 rather than the junior or probationary operator's license  
25 provided for in section three, article two, chapter seventeen-b  
26 of this code. On or after the first day of January, two thousand  
27 one, any secondary school pupil sixteen years of age or older,

28 but under eighteen years of age, who has successfully com-  
29 pleted a driver education course approved by the state board in  
30 a public, private, parochial or denominational secondary school  
31 within the state or a similar course in a secondary school of  
32 another state and accepted by the state board as adequately  
33 meeting and complying with the course standards established  
34 by the state board, shall be exempted from submitting a sworn  
35 affidavit certified by the parent, legal guardian, or other  
36 responsible adult over the age of twenty-one that the applicant  
37 has successfully completed the minimum number of hours of  
38 behind-the-wheel training as provided in section three-a, article  
39 two, chapter seventeen-b of the code.

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



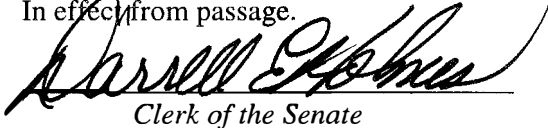
Chairman Senate Committee



Chairman House Committee

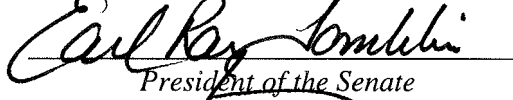
Originating in the House.

*ninety days from*  
In effect from passage.



Clerk of the Senate

*Gregg M. Day*  
Clerk of the House of Delegates

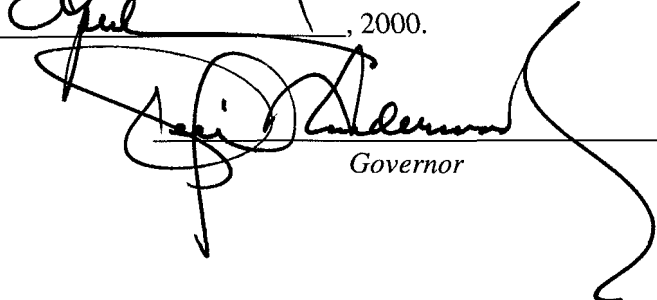


President of the Senate



Speaker of the House of Delegates

The within approved this the 2nd  
day of April, 2000.



Governor

*to  
copy to  
of the  
board  
of the  
state*

PRESENTED TO THE

GOVERNOR

Date 3/29/00

Time 3:05 pm