WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2000

ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 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; motorcycle driver license; identification cards; penalty.

(a) No person, except those hereinafter expressly exempted, may drive any motor vehicle 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 the subdivision 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 the 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 classified 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 99-570 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 seventeen-e of this code and federal law or rule and who operates a motor vehicle which is registered or which is required to be registered as a Class A motor vehicle as that term is defined in section one, article ten, chapter seventeen-a of this code with a gross vehicle weight rating of less than eight thousand one pounds, is not required to obtain a Class D license.

(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. The Class E license for any person under the age of eighteen may also be endorsed with the appropriate graduated driver license level in accordance with the provisions of section three-a of this article.
(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 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 the 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 nondriver 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 two years. The division may
also issue a nondriver identification card to a person under the
age of two years for good cause shown;

(D) Has paid the required fee of two dollars and fifty cents
per year for each year the identification card is issued to be
valid: Provided, That the 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 the identification card shall be clearly marked as identification card. However, the division may issue an identification card with less information to persons under the age of sixteen. It may be renewed on application and payment of the fee required by this section.

(A) Every identification card issued to persons who have attained their twenty-first birthday shall expire on the day of the month designated by the commissioner 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) or (C) of this subdivision, no identification card may be issued for less than three years nor more than seven years 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 day of the month designated by the commissioner in the year in which the applicant attains the age of twenty-one years.

(C) Every identification card issued to persons under the age of sixteen shall expire on the day of the month designated by the commissioner in which the applicant’s birthday occurs and shall be issued for a period of two 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
§17B-2-1a. Surrender of license from other state or jurisdiction prior to receipt of license from this state; examination; fees required.

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

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

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

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

The following persons are exempt from license hereunder:
(1) Any person while operating a motor vehicle in the armed services of the United States while in the performance of his official duties;

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

(3) A nonresident who is at least sixteen years of age, who has in the person’s immediate possession a valid driver’s license issued to the person in the person’s home state or country and who is employed in this state, or owns, maintains or operates a place or places of business in this state, or engages in any trade, profession or occupation in this state, in addition to the driving privileges extended under subdivision (2) of this section, unless the commissioner determines the person’s home state or country does not extend the same privileges to a resident of this state, may operate a motor vehicle in this state only as a noncommercial driver in traveling to and from the person’s place or places of employment, place or places of business or place or places at which the person engages in the trade, profession or occupation and in the discharge of the duties of the person’s employment, business, trade, profession or occupation if the duties are such that, if performed by a resident of the state of West Virginia over the age of eighteen years of age, the resident would not be required under the provisions of this chapter to obtain a Class A, B, C or D driver’s license. However, this subsection shall not exempt any person who is required to obtain a West Virginia driver’s license in accordance with the provisions of section one-a of this article;
(4) A nonresident who is at least eighteen years of age and who has in his or her immediate possession a valid commercial driver’s license issued to the person in his or her home state or country and which meets the requirements of the federal commercial motor vehicle act of 1986, Title XI of public law 99-570 and unless the commissioner determines the person’s home state or country does not extend the same privilege to a resident of this state may operate a motor vehicle in this state either as a commercial driver subject to the age limits applicable to commercial driver in this state, or as a noncommercial driver subject to the limitations imposed on nonresident drivers in subdivisions (2) and (3) of this section;

(5) Any person who is a student, properly enrolled and registered in an accredited school, college or university in this state, who is at least sixteen years of age and who has in his or her immediate possession a valid driver’s license issued to the person in the person’s home state, notwithstanding the limitations of subdivisions (2) and (3) of this section may operate a motor vehicle in this state only as noncommercial driver: Provided, That the state of which the person is a resident shall extend the same privileges to residents of this state. This exemption shall be cancelled immediately when the student is graduated from school, college or university or is expelled or ceases to be a student.

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

The division may not issue any license hereunder:

(1) To any person who is under the age of eighteen years: Provided, That the division may issue a junior driver’s license or on or after the first day of January, two thousand and one, a graduated driver’s license, to a person under the age of eighteen years in accordance with the provisions of section three-a of this article;
(2) To any person, as a Class A, B, C or D driver, who is under the age of eighteen years;

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

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

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

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

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

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

(a) In accordance with rules established by the commissioner and with the provisions hereinafter set forth in this section, a junior driver’s license may be issued to any person between the ages of sixteen and eighteen years, if the person is in compliance with section eleven, article eight, chapter eighteen of this code and is not otherwise disqualified by law. Application for a junior driver’s license shall be on a form prescribed by the commissioner. A junior driver’s license may
be issued upon the applicant’s successful completion of all examinations and driving tests required by law for the issuance of a driver’s license to a person eighteen years of age or older. The commissioner may impose reasonable conditions or restrictions on the operation of a motor vehicle by a person holding a junior driver’s license and the conditions or restrictions shall be printed on the license. After the thirty-first day of December, two thousand, the division shall not issue a junior driver’s license to any person. However, any junior driver’s license issued before the first day of January, two thousand one, unless otherwise suspended, revoked or canceled will continue to be valid, and under the same restrictions, until the licensee’s eighteenth birthday.

(b) In addition to all other provisions of this chapter for which a driver’s license may be revoked, suspended or canceled, whenever a person holding a junior driver’s license operates a motor vehicle in violation of the conditions or restrictions set forth on the license, or has a record of two convictions for moving violations of the traffic regulations and laws of the road, which convictions have become final, the junior driver’s license of the person shall be permanently revoked, with like effect as if the person had never held a junior driver’s license: Provided, That a junior driver’s license shall be revoked upon one final conviction for any offense described in section five, article three of this chapter. Under no circumstances shall such a license be revoked for convictions of offenses in violation of any regulation or law governing the standing or parking of motor vehicles.

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

(d) A person whose junior driver’s license has been revoked, or has been suspended without reinstatement, shall not
thereafter receive a junior driver's license, but the person, upon
attaining the age of eighteen, shall be eligible, unless otherwise
disqualified by law, for examination and driver testing for a
regular driver's license. If a person has had his or her junior
driver’s license revoked for a violation pursuant to section one
or two, article five-a, chapter seventeen-c of this code or any
offense specified in subsection (6), section five, article three of
this chapter, or has been adjudicated delinquent upon a charge
which would be a crime under the provisions of section two,
article five, chapter seventeen-c of this code if committed by an
adult, the person shall be disqualified for examination and
driver testing for a regular driver’s license until that person: (1)
Has attained the age of eighteen years; (2) has successfully
completed the safety and treatment program provided for in
section three, article five-a, chapter seventeen-c of this code;
and (3) has had his or her junior driver’s license revoked or
suspended for the applicable statutory period of revocation or
suspension or a period of time equal to the period of revocation
or suspension which would have been imposed pursuant to
section two of said article if the person had a regular driver’s
license at the time of the violation.

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

(f) Upon attaining the age of eighteen years, a person
holding an unrevoked, unsuspended or reinstated junior driver’s
license shall be entitled to exercise all the privileges of a regular
driver’s license without further examination or driver testing.
(g) On and after the first day of January, two thousand one, any person under the age of eighteen who does not possess a junior or regular driver's license may not operate a motor vehicle unless he or she has obtained a graduated driver's license in accordance with the three level graduated driver's license system described in the following provisions.

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

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

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

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

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

(C) Passes the vision and written knowledge examination, and completes the driving under the influence awareness program, as prescribed in section seven of this article;
(D) Presents a current school enrollment form or otherwise shows compliance with the provisions of section eleven, article eight, chapter eighteen of this code; and

(E) Pays a fee of five dollars.

(2) Terms and conditions of instruction permit. — A level one instruction permit issued under the provisions of this section is valid for a period of fourteen months and is not renewable. However, any permit holder who allows his or her permit to expire prior to successfully passing the road skills portion of the driver examination, and who has not committed any offense which requires the suspension, revocation or cancellation of the instruction permit, may reapply for a new instruction permit. The division shall immediately revoke the permit upon receipt of a second conviction for a moving violation of traffic regulations and laws of the road or violation of the terms and conditions of a level one instruction permit, which convictions have become final unless a greater penalty is required by this section or any other provision of this code.

Any person whose instruction permit has been revoked is disqualified from retesting for a period of ninety days. However, after the expiration of ninety days, the person may retest if otherwise eligible. In addition to all other provisions of this code for which a driver’s license may be restricted, suspended, revoked or canceled, the holder of a level one instruction permit may only operate a motor vehicle under the following conditions:

(A) Under the direct supervision of a licensed driver, twenty-one years of age or older, or a driver’s education or driving school instructor who is acting in an official capacity as an instructor, who is fully alert and unimpaired, and the only other occupant of the front seat. The vehicle may be operated with no more than two additional passengers, unless the passengers are family members;
(B) Between the hours of five a.m. and eleven p.m.;

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

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

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

(j) Level Two Intermediate Driver's License. — An applicant sixteen years of age or older, meeting all other requirements of the code, may be issued a level two intermediate driver's license.

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

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

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

(C) Has completed either a driver's education course approved by the state department of education or thirty hours of behind the wheel driving experience certified by a parent or legal guardian or other responsible adult over the age of twenty-one as indicated on the form prescribed by the division:

Provided, That nothing in this paragraph shall be construed to require any school or any county board of education to provide any particular number of driver's education courses or to provide driver's education training to any student;
(D) Presents a current school enrollment form or otherwise shows compliance with the provisions of section eleven, article eight, chapter eighteen of this code;

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

(F) Pays a fee of five dollars.

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

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

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

(i) Lawful employment;

(ii) A school sanctioned activity;

(iii) A religious event; or

(iv) An emergency situation that requires the licensee to operate a motor vehicle to prevent bodily injury or death of another;
(C) All occupants shall use safety belts in accordance with the provisions of section forty-nine, article fifteen, chapter seventeen-c of this code;

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

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

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

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

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

(H) Upon the second conviction for a moving traffic violation or a violation of the terms and conditions of the level two intermediate driver’s license, the licensee’s privilege to operate a motor vehicle shall be revoked or suspended for the applicable statutory period or until the licensee’s eighteenth birthday, whichever is longer unless a greater penalty is required by this section or any other provision of this code. Any
person whose driver’s license has been revoked as a level two
intermediate driver, upon reaching the age of eighteen years and
if otherwise eligible may reapply for an instruction permit, then
a driver’s license in accordance with the provisions of sections
five, six and seven of this article.

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

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

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

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

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

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

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

(2) Reaches the age of eighteen years, and
(A) Presents a completed application as prescribed by the provisions of section six of this article; and

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

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

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

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

(2) Any permit issued to a person who has reached the age of eighteen years is valid for a period of sixty days and may be renewed within a period of sixty days without reexamination for an additional period of sixty days or a new permit issued. The fee for the instruction permit is four dollars, one dollar of which shall be paid into the state treasury and credited to the state road fund, and the other three dollars of which shall be paid into the state treasury and credited to the general fund to
be appropriated to the state police for application in the enforcement of the road law.

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

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

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

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

(a) 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 the fee shall entitle an applicant under the

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

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

(c) 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 the 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.

§17B-2-7. Examination of applicants.

(a) Upon the presentment of the applicant’s birth certificate,
or a certified copy of the birth certificate issued by a state or
other governmental entity responsible for vital records, as
evidence that the applicant is of lawful age and verifiable
identity, the division of motor vehicles shall examine every
applicant for a license to operate a motor vehicle in this state, except as otherwise provided in this section. The examination shall include a test of the applicant’s eyesight, the applicant’s ability to read and understand highway signs regulating, warning, and directing traffic, the applicant’s knowledge of the traffic laws of this state, and the applicant’s knowledge of the effects of alcohol upon persons and the dangers of driving a motor vehicle under the influence of alcohol. The examination shall also include an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle, and any further physical and mental examination as the division of motor vehicles considers necessary to determine the applicant’s fitness to operate a motor vehicle safely upon the highways.

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

(c) After successful completion of the examination required by this section, section three-a, or section seven-b of this article, and prior to the issuance of a license pursuant to the provisions of section eight of this article, every applicant for a driver’s license, junior driver’s license, graduated driver’s license, or motorcycle-only license shall attend a mandatory education class on the dangers and social consequences of driving a motor vehicle while under the influence of alcohol. To the extent practicable, the commissioner shall use as lecturers at those
classes persons who can relate first-hand experiences as victims or family members of victims of alcohol-related accidents or drivers who have been involved in alcohol-related accidents which caused serious bodily injury or death.

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

The state police shall administer a separate motorcycle examination for applicants for a license valid for operation of a motorcycle. On and after the first day of July, two thousand, the division of motor vehicles shall administer the examination provided for in this section. Any applicant for a license valid for operation of a motorcycle shall be required to successfully complete the motorcycle examination, which is in addition to the examination administered pursuant to section seven of this article and, if under the age of eighteen, shall be required to complete the requirements for a level two intermediate driver’s license set forth in paragraphs (B), (C), and (D), subdivision (1), subsection (j), section three-a of this article. Provided, That the commissioner may exempt an applicant for a motorcycle driver license or endorsement from all or part of the motorcycle license examination as provided in section six, article one-d of this chapter. The motorcycle examination shall test the applicant’s knowledge of the operation of a motorcycle and of any traffic laws specifically relating to the operation of a motorcycle and shall include an actual demonstration of the ability to exercise ordinary and reasonable control in the operation of a motorcycle. An applicant for a license valid for the operation of only a motorcycle shall be tested as provided in this section and in section seven of this article, but need not demonstrate actual driving ability in any vehicle other than a motorcycle. The examination provided in this section shall not be made a condition upon the renewal of the license of any person under this section. For an applicant who successfully completes the motorcycle examination, upon payment of the required fee, the
division shall issue a motorcycle endorsement on the driver’s license of the applicant, or shall issue a special motorcycle-only license if the applicant does not possess a driver’s license: Provided, however, That any holder of a motorcycle-only license under the age of eighteen shall be subject to the provisions of paragraphs (A), (B), (E), (F), (G) and (H), subdivision (2), subsection (j), section three-a of this article.

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

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

(a) The division shall, upon payment of the required fee, issue to every applicant qualifying therefor a driver’s license, which shall indicate the type or general class or classes of vehicle or vehicles the licensee may operate in accordance with this chapter or chapter seventeen-e of this code, or motorcycle-only license. Each license shall contain a coded number assigned to the licensee, the full name, date of birth, residence address, a brief description and a color photograph of the licensee and either a facsimile of the signature of the licensee or a space upon which the signature of the licensee shall be written with pen and ink immediately upon receipt of the license. No license shall be valid until it has been so signed by the licensee: Provided, That the commissioner may issue upon proper documentation, a duplicate or renewed valid without-photo license for resident applicants temporarily out of state. A driver’s license which is valid for operation of a motorcycle shall contain a motorcycle endorsement. The division shall use such process or processes in the issuance of licenses that will, insofar as possible, prevent any alteration, counterfeiting, duplication, reproduction, forging or modification of, or the superimposition of a photograph on, the license.
(b) The fee for the issuance of a Class E driver’s license shall be two dollars and fifty cents per year for each year the license is issued to be valid. The fee for issuance of a Class D driver’s license shall be six dollars and twenty-five cents per year for each year the license is issued to be valid. An additional fee of fifty cents shall be collected from the applicant at the time of original issuance or each renewal and the additional fee shall be deposited in the “combined voter registration and driver’s licensing fund,” established pursuant to the provisions of section twelve, article two, chapter three of this code. The one-time only additional fee for adding a motorcycle endorsement to a driver’s license shall be five dollars.

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

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

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

In the event that an instruction permit or driver’s license issued under the provisions of this chapter is lost or destroyed, or if the information contained on the license has changed, the person to whom the permit or license was issued may upon making proper application and upon payment of a fee of five dollars obtain a duplicate thereof upon furnishing proof satisfactory to the division that the permit or license has been lost or destroyed.
§17B-2-12. Expiration of licenses; renewal; renewal fees.

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

(b) (1) Every driver’s license issued to persons who have
attained their twenty-first birthday shall expire on the day of the
month designated by the commissioner 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 the following
subdivisions, no driver’s license may be issued for less than
three years nor more than seven years 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 appli-
cant’s age is evenly divisible by five.

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

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

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

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

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

(d) Each renewal of a driver’s license shall contain a new
color photograph of the licensee. By first class mail to the
address last known to the division, the commissioner shall
notify each person who holds a valid driver’s license of the
expiration date of the license. The notice shall be mailed at least
thirty days prior to the expiration date of the license and shall
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.

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

In the case of a pupil who will not reach the age of fifteen
years before completion of the driver education course in which
enrolled, instruction shall be limited to the classroom. Pupils
who are fifteen years of age and older shall receive instruction
and practical training in the operation of motor vehicles on the 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.

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

On or before December thirty-first, two thousand, any secondary school pupil sixteen years of age or older, but under eighteen years of age, who has successfully completed a driver education course approved by the state board in a public, private, parochial or denominational secondary school within the state or a similar course in a secondary school of another state and accepted by the state board as adequately meeting and complying with the course standards established by the state board, shall, upon proper application and successful completion of all examination and driving tests required by law for issuance of an operator’s license to a person eighteen years of age or older, be issued an operator’s license without any restriction rather than the junior or probationary operator’s license provided for in section three, article two, chapter seventeen-b of this code. On or after the first day of January, two thousand one, any secondary school pupil sixteen years of age or older,
but under eighteen years of age, who has successfully com-
pleted a driver education course approved by the state board in
a public, private, parochial or denominational secondary school
within the state or a similar course in a secondary school of
another state and accepted by the state board as adequately
meeting and complying with the course standards established
by the state board, shall be exempted from submitting a sworn
affidavit certified by the parent, legal guardian, or other
responsible adult over the age of twenty-one that the applicant
has successfully completed the minimum number of hours of
behind-the-wheel training as provided in section three-a, article
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.

In effect 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 2nd day of April, 2000.

Governor
PRESENTED TO THE
GOVERNOR
Date 3/29/00
Time 3:05 PM