WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 2000

ENROLLED

SENATE BILL NO. 558

(By Senator Craigo, et al.)

PASSED March 11, 2000

In Effect ninety days from Passage
ENROLLED

Senate Bill No. 558

(By Senators Craigo, Unger, Walker, Minard and Mitchell)

[Passed March 11, 2000; in effect ninety days from passage.]

AN ACT to amend and reenact section one, article two, chapter seventeen-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended; relating to driver’s licenses; and requiring color coding of licenses according to age of driver and authorizing endorsement of appropriate graduated driver license level.

Be it enacted by the Legislature of West Virginia:

That section one, article two, chapter seventeen-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 2. ISSUANCE OF LICENSE, EXPIRATION AND RENEWAL.

§17B-2-1. Drivers must be licensed; types of licenses; licensees need not obtain local government license; motorcycle driver license; identification cards.
(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, municipal-ity 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. Licenses shall be issued in different colors for those drivers under age eighteen, those drivers age eighteen to twenty-one, and adult drivers. The commissioner is authorized to select and assign colors to the licenses of the various age groups. The commissioner shall implement color-coded licenses on or before the first day of January, two thousand one.

(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 proce-
dure 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 ex-
empted, 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 seven-
teen-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) 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 subsequent conviction, shall be fined not more than five hundred dollars, or confined in the county or regional jail not more than six months, or both.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within...... approved...... this the......

Day of...... 2000.

Governor
PRESENTED TO THE
GOVERNOR
Date 3/3/00
Time 4:10 PM