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SENATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 2000

ENROLLED

SENATE BILL NO. 558

(By Senator Craig, 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.

1 (a) No person, except those hereinafter expressly ex-
2 empted, may drive any motor vehicle upon a street or
3 highway in this state or upon any subdivision street, as
4 used in article twenty-four, chapter eight of this code,
5 when the use of the subdivision street is generally used by
6 the public unless the person has a valid driver's license
7 under the provisions of this code for the type or class of
8 vehicle being driven.

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

16 (b) The division, upon issuing a driver's license, shall
17 indicate on the license the type or general class or classes
18 of vehicle or vehicles the licensee may operate in accor-
19 dance with the provisions of this code, federal law or rule.
20 Licenses shall be issued in different colors for those drivers
21 under age eighteen, those drivers age eighteen to twenty-
22 one, and adult drivers. The commissioner is authorized to
23 select and assign colors to the licenses of the various age
24 groups. The commissioner shall implement color-coded
25 licenses on or before the first day of January, two thou-
26 sand one.

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

29 (1) Class A, B or C license shall be issued to those
30 persons eighteen years of age or older with two years
31 driving experience and who have qualified for the com-
32 mercial driver's license established by chapter seventeen-e
33 of this code and the federal Commercial Motor Vehicle

34 Safety Act of 1986, Title XII of public law 99-570 and
35 subsequent rules, and have paid the required fee.

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

57 (3) Class E license shall be issued to those persons who
58 have qualified under the provisions of this chapter and
59 who are not required to obtain a Class A, B, C or D license
60 and who have paid the required fee. The Class E license
61 may be endorsed under the provisions of section seven-b of
62 this article for motorcycle operation. The Class E license
63 for any person under the age of eighteen may also be
64 endorsed with the appropriate graduated driver license
65 level in accordance with the provisions of section three-a
66 of this article.

67 (4) Class F license shall be issued to those persons who
68 successfully complete the motorcycle examination proce-

69 dure provided for by this chapter and have paid the
70 required fee, but who do not possess a Class A, B, C and D
71 or E driver's license.

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

75 (d) No person, except those hereinafter expressly ex-
76 empted, shall drive any motorcycle upon a street or
77 highway in this state or upon any subdivision street, as
78 used in article twenty-four, chapter eight of this code,
79 when the use of the subdivision street is generally used by
80 the public unless the person has a valid motorcycle license
81 or a valid license which has been endorsed under section
82 seven-b of this article for motorcycle operation or has a
83 valid motorcycle instruction permit.

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

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

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

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

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

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

101 (2) The nondriver identification card shall contain the
102 same information as a driver's license except that the
103 identification card shall be clearly marked as identifica-
104 tion card. However, the division may issue an identifica-
105 tion card with less information to persons under the age of
106 sixteen. It may be renewed on application and payment of
107 the fee required by this section.

108 (A) Every identification card issued to persons who have
109 attained their twenty-first birthday shall expire on the day
110 of the month designated by the commissioner in which the
111 applicant's birthday occurs in those years in which the
112 applicant's age is evenly divisible by five. Except as
113 provided in paragraph (B) of this subdivision, no identifi-
114 cation card may be issued for less than three years nor
115 more than seven years and shall be valid for a period of
116 five years expiring in the month in which the applicant's
117 birthday occurs and in a year in which the applicant's age
118 is evenly divisible by five.

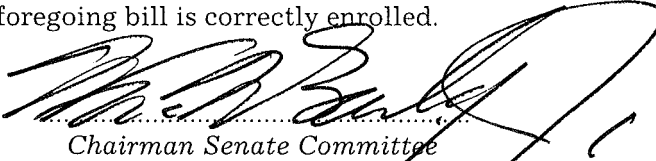
119 (B) Every identification card issued to persons who have
120 not attained their twenty-first birthday shall expire on the
121 day of the month designated by the commissioner in the
122 year in which the applicant attains the age of twenty-one
123 years.

124 (C) Every identification card issued to persons under the
125 age of sixteen shall expire on the day of the month desig-
126 nated by the commissioner in which the applicant's
127 birthday occurs and shall be issued for a period of two
128 years.

129 (3) The identification card shall be surrendered to the
130 division when the holder is issued a driver's license. The
131 division may issue an identification card to an applicant
132 whose privilege to operate a motor vehicle has been
133 refused, canceled, suspended or revoked under the provi-
134 sions of this code.

135 (f) Any person violating the provisions of this section is
136 guilty of a misdemeanor and, upon conviction thereof,
137 shall be fined not more than five hundred dollars; and
138 upon a second or subsequent conviction, shall be fined not
139 more than five hundred dollars, or confined in the county
140 or regional jail not more than six months, or both.

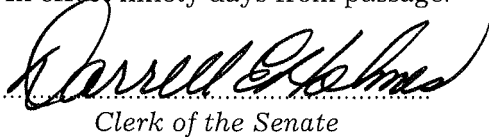
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

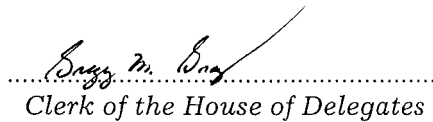

Chairman Senate Committee



Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

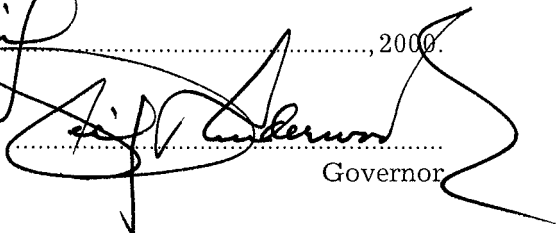

Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker House of Delegates

The within.....*approved*..... this the.....*5th*.....
Day of.....*April*....., 2000.


Governor

PRESENTED TO THE

GOVERNOR

Date 3/31/00

Time 4:10 pm