

FILED

2002 APR -3 P 3: 58

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE  
*REGULAR SESSION, 2002*

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**ENROLLED**

*COMMITTEE SUBSTITUTE FOR*  
SENATE BILL NO. 638

(By Senator Tomblin, Mr. President and )  
*Sprouse, By REQUEST OF THE EXECUTIVE*)

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PASSED MARCH 9, 2002

In Effect NINETY DAYS FROM Passage

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**Senate Bill No. 638**

(SENATORS TOMBLIN, MR. PRESIDENT, AND SPROUSE,  
BY REQUEST OF THE EXECUTIVE, *original sponsors*)

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[Passed March 9, 2002; in effect ninety days from passage.]

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AN ACT to amend and reenact sections one and six, article two, chapter seventeen-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to authorizing the division of motor vehicles to add an optional classification on driver's licenses for the deaf or hard of hearing and for other handicapped or disabled drivers.

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

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

**ARTICLE 2. ISSUANCE OF LICENSE, EXPIRATION AND RENEWAL.**

**§17B-2-1. Drivers must be licensed; types of licenses; licensees need not obtain local government license; motorcycle driver license; identification cards.**

1 (a) No person, except those hereinafter expressly 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  
22 twenty-one and adult drivers. The commissioner is  
23 authorized to select and assign colors to the licenses of the  
24 various age groups. The commissioner shall implement  
25 color-coded licenses on or before the first day of January,  
26 two thousand 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 persons  
30 eighteen years of age or older with two years' driving  
31 experience and who have qualified for the commercial  
32 driver's license established by chapter seventeen-e of this

33 code and the federal Commercial Motor Vehicle Safety Act  
34 of 1986, Title XII of public law 99-570 and subsequent  
35 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 of driving experi-  
38 ence 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, D or  
71 E driver's license.

72 (5) All licenses issued under this section may contain  
73 information designating the licensee as a diabetic, or as  
74 deaf or hard of hearing and for other handicapped or  
75 disabled persons in accordance with criteria established by  
76 the division, if the licensee requests this information on  
77 the license.

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

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

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

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

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

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

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

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

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

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

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

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

138 (f) Any person violating the provisions of this section is  
139 guilty of a misdemeanor and, upon conviction thereof,

140 shall be fined not more than five hundred dollars; and  
141 upon a second or subsequent conviction, shall be fined not  
142 more than five hundred dollars or confined in the county  
143 or regional jail not more than six months, or both.

**§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  
4 proper fee and payment of the fee shall entitle an appli-  
5 cant under the age of eighteen to not more than three  
6 attempts to pass the road skills test. An applicant age  
7 eighteen years or older is entitled to not more than three  
8 attempts to pass the road skills test within a period of  
9 sixty days from the date of issuance of the instruction  
10 permit. An applicant who fails either the written test or  
11 the road skills test may not be tested twice within a period  
12 of one week.

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

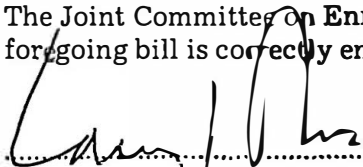
21 (c) Every said application shall state the full name, date  
22 of birth, sex and residence address of the applicant and  
23 briefly describe the applicant and shall state whether the  
24 applicant has theretofore been a licensed driver and, if so,  
25 when and by what state or country and whether any such  
26 license has ever been suspended or revoked within the five  
27 years next preceding the date of application, or whether an  
28 application has ever been refused and, if so, the date of  
29 and reason for the suspension, revocation or refusal,  
30 whether the applicant desires a notation on the driver's

31 license indicating that the applicant is a diabetic, deaf, or  
32 hard of hearing, or has any other handicap or disability  
33 and such other pertinent information as the commissioner  
34 may require.

*[Faint, illegible handwritten text]*



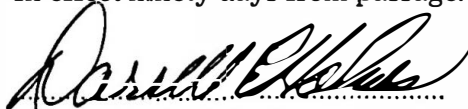
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

  
.....  
Chairman Senate Committee

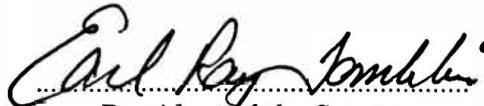
  
.....  
Chairman House Committee

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 is approved this the 3rd  
Day of April, 2002.

  
.....  
Governor

PATIENT'S NAME

ROOM NO.

DATE 3/2/02

TIME 10:00am