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OFFICE OF THE  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**  
SECOND REGULAR SESSION, 2008



**ENROLLED**

**House Bill No. 2503**

(By Delegates Boggs, Stemple, and Tansill)



Passed March 4, 2008

In Effect Ninety Days from Passage

HB 2503

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**H. B. 2503**

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[Passed March 4, 2008; in effect ninety days from passage.]

AN ACT to amend and reenact §17B-2-1 of the Code of West Virginia, 1931, as amended, relating to the requirements for obtaining a state-issued identification card; and allowing persons who possess a valid driver's license to also possess an identification card.

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

That §17B-2-1 of the Code of West Virginia, 1931, 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) A person, except those hereinafter expressly  
2 exempted, may not drive any motor vehicle upon a street or  
3 highway in this state or upon any subdivision street, as used  
4 in article twenty-four, chapter eight of this code, when the  
5 use of the subdivision street is generally used by the public

6 unless the person has a valid driver's license under the  
7 provisions of this code for the type or class of vehicle being  
8 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, is not required to obtain any other license to  
13 exercise the privilege by any county, municipality or local  
14 board or body having authority to adopt local police  
15 regulations.

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

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

26 (1) Class A, B or C license shall be issued to those  
27 persons eighteen years of age or older with two years' driving  
28 experience and who have qualified for the commercial  
29 driver's license established by chapter seventeen-e of this  
30 code and the federal Motor Carrier Safety and Improvement  
31 Act of 1999 and subsequent rules, and have paid the required  
32 fee.

33 (2) Class D license shall be issued to those persons  
34 eighteen years and older with one year of driving experience  
35 who operate motor vehicles other than those types of vehicles  
36 which require the operator to be licensed under the provisions

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

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

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

66 (5) All licenses issued under this section may contain  
67 information designating the licensee as a diabetic, organ  
68 donor or as deaf or hard of hearing and for other handicapped  
69 or disabled persons in accordance with criteria established by

70 the division, if the licensee requests this information on the  
71 license.

72 (d) A person, except those hereinafter expressly  
73 exempted, may not drive any motorcycle upon a street or  
74 highway in this state or upon any subdivision street, as used  
75 in article twenty-four, chapter eight of this code, when the  
76 use of the subdivision street is generally used by the public  
77 unless the person has a valid motorcycle license or a valid  
78 license which has been endorsed under section seven-b of  
79 this article for motorcycle operation or has a valid motorcycle  
80 instruction permit.

81 (e)(1) An identification card may be issued to any person  
82 who:

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

86 (B) Has reached the age of two years. The division may  
87 also issue an identification card to a person under the age of  
88 two years for good cause shown;

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

93 (D) Presents a birth certificate or other proof of age and  
94 identity acceptable to the division with a completed  
95 application on a form furnished by the division.

96 (2) The identification card shall contain the same  
97 information as a driver's license except that the identification  
98 card shall be clearly marked as identification card. However,

99 the division may issue an identification card with less  
100 information to persons under the age of sixteen. It may be  
101 renewed on application and payment of the fee required by  
102 this section.

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

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

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

122 (3) The division may issue an identification card to an  
123 applicant whose privilege to operate a motor vehicle has been  
124 refused, canceled, suspended or revoked under the provisions  
125 of this code.

126 (f) Any person violating the provisions of this section is  
127 guilty of a misdemeanor and, upon conviction thereof, shall  
128 be fined not more than five hundred dollars; and upon a

129 second or subsequent conviction, shall be fined not more than  
130 five hundred dollars or confined in jail not more than six  
131 months, or both.

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

Chandy White  
Chairman Senate Committee

[Signature]  
Chairman House Committee

Originating in the House.

In effect ninety days from passage.

[Signature]  
Clerk of the Senate

[Signature]  
Clerk of the House of Delegates

[Signature]  
President of the Senate

[Signature]  
Speaker of the House of Delegates

The within is approved this the 10th  
day of March, 2008.

[Signature]  
Governor

PRESENTED TO THE  
GOVERNOR

MAR 7 X 2008

Time 9:35 AM