WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2008

ENROLLED

House Bill No. 4069

(By Delegates Stemple, Brown, Hrutkay,
Kessler, Pino and Overington)

Passed March 5, 2008

In Effect Ninety Days from Passage
AN ACT to amend and reenact §17B-2-12 of the Code of West Virginia, 1931, as amended; and to further amend said article by adding thereto a new section, designated §17B-2-12a, all relating to requiring vision screening for renewal of a driver's license.

Be it enacted by the Legislature of West Virginia:

That §17B-2-12 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that said article be further amended by adding thereto a new section, designated §17B-2-12a, all to read as follows:

ARTICLE 2. ISSUANCE OF LICENSE, EXPIRATION AND RENEWAL.

§17B-2-12. Expiration of licenses.

1 (a) Except as provided in subsection (c) of this section,
2 every driver's license shall expire five years from the date of
3 its issuance.
(b)(1) Every driver's license issued to a person who has attained his or her twenty-first birthday shall expire on the licensee's birthday in those years in which the licensee's age is evenly divisible by five. Except as provided in the following subdivisions and in subsection (c) of this section, no driver's license may be issued for less than three years or for more than seven years and shall be valid for a period of five years, expiring on the licensee's birthday in a year in which the licensee's age is evenly divisible by five.

(2) Every driver's license issued to a person who has not attained his or her twenty-first birthday shall expire thirty days after the licensee's twenty-first birthday, except as provided in section three-a of this article.

(3) The driver's license of any person in the Armed Forces shall expire six months after the date on which the person is separated from active duty in the Armed Forces under honorable circumstances.

(c) A license issued to a person who is not a citizen of the United States may only be issued for the time the person is legally authorized to be in the United States, not to exceed five years. If the time the person is authorized to be in the United States is extended, the commissioner may renew the license in accordance with section twelve-a of this article for the time extended, not to exceed five years.

§17B-2-12a. Renewal of driver's license upon expiration; vision screening; renewal fees.

(a) The commissioner shall notify each person who holds a valid driver's license of the expiration date of the license by first class mail to the last address known to the division. The notice shall be mailed at least ninety days prior to the expiration date of the license and shall include a renewal application form and instructions for renewal.
(b) The holder of a valid driver's license may apply to the division for renewal of the license on the form provided by the division. To be eligible for license renewal the applicant must:

1. Pay the fee required by section eight of this article;
2. Obtain a new color photograph from the division; and
3. Pass a vision screening conducted by the division.

(c) The commissioner shall assess an additional fee of five dollars for every application for renewal submitted after the expiration of the applicant’s license.

(d) The commissioner shall determine whether an applicant qualifies for a renewed license.

(e) The commissioner shall provide by rule a procedure by which an applicant who does not meet the minimum vision standards for licensure may present evidence to show that his or her vision has been corrected to meet the minimum visual standards and that he or she is capable of safely operating a motor vehicle.

(f) The commissioner may not renew the driver’s license of an applicant whose eyesight cannot be corrected to conform to the minimum vision standards established by this code and by the rules of the commissioner.

(g) Vision screening conducted pursuant to this section shall not be used to collect any type of personal biometric identifying information, including but not limited to, a retinal scan.

(h) The commissioner shall propose legislative rules for promulgation in accordance with the provisions of article
three, chapter twenty-nine-a of this code to implement the provisions of this section.

(i) The provisions of this section requiring an applicant for renewal of a driver’s license to successfully complete a vision screening as a condition of renewing a driver’s license shall become effective on the first day of January, two thousand nine.
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 ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

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

Governor