

HB 4069

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SECRETARY OF STATE

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

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(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.

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

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

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

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

28 **§17B-2-12a. Renewal of driver's license upon expiration;**
29 **vision screening; renewal fees.**

30 (a) The commissioner shall notify each person who holds
31 a valid driver's license of the expiration date of the license by
32 first class mail to the last address known to the division. The
33 notice shall be mailed at least ninety days prior to the
34 expiration date of the license and shall include a renewal
35 application form and instructions for renewal.

36 (b) The holder of a valid driver's license may apply to the
37 division for renewal of the license on the form provided by
38 the division. To be eligible for license renewal the applicant
39 must:

40 (1) Pay the fee required by section eight of this article;

41 (2) Obtain a new color photograph from the division; and

42 (3) Pass a vision screening conducted by the division.

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

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

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

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

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

62 (h) The commissioner shall propose legislative rules for
63 promulgation in accordance with the provisions of article

64 three, chapter twenty-nine-a of this code to implement the
65 provisions of this section.

66 (i) The provisions of this section requiring an applicant
67 for renewal of a driver's license to successfully complete a
68 vision screening as a condition of renewing a driver's license
69 shall become effective on the first day of January, two
70 thousand nine.

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

Randy White
Chairman Senate Committee

[Signature]
Chairman House Committee

Originating in the House.

In effect ninety days from passage.

Russell Holmes
Clerk of the Senate

Buffy M. Bond
Clerk of the House of Delegates

Carl Ray Tomblin
President of the Senate

[Signature]
Speaker of the House of Delegates

The within *is approved* this the *13th*
day of *March*, 2008.

[Signature]
Governor

PRESENTED TO THE
GOVERNOR

MAR 10 2008

Time

4:30 PM