WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2012

ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 4330

(By Delegates Staggers, L. Phillips, Butcher, Varner, Ferns, Cann, R. Phillips, Paxton, Stowers, Iaguinta and Longstreth)

Passed March 6, 2012

To Take Effect Ninety Days From Passage
AN ACT to amend and reenact §17B-2-1 and §17B-2-6 of the Code of West Virginia, 1931, as amended, all relating to issuance of driver’s licenses; providing that licenses issued under this section may contain information designating the licensee as a person who is an honorably discharged veteran of any branch of the Armed Forces of the United States; providing that veterans may renew licenses without cost if not expired; and redefining ‘previously licensed’ as an applicant who has held at least a level two or similar driver’s licensing level or class.

Be it enacted by the Legislature of West Virginia:

That §17B-2-1 and §17B-2-6 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:
§17B-2-1. Drivers must be licensed; types of licenses; licensees need not obtain local government license; motorcycle driver license; identification cards.

1 (a)(1) No person, except those hereinafter expressly exempted, may drive any motor vehicle upon a street or highway in this state or upon any subdivision street used by the public generally unless the person has a valid driver's license issued pursuant to this code for the type or class of vehicle being driven.

2 (2) Any person licensed to operate a motor vehicle pursuant to this code may exercise the privilege thereby granted in the manner provided in this code and, except as otherwise provided by law, is not required to obtain any other license to exercise the privilege by any county, municipality or local board or body having authority to adopt local police regulations.

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

(c) The following drivers licenses classifications are hereby established:

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

(2) A Class D license shall be issued to those persons eighteen years and older with one year of driving experience who operate motor vehicles other than those types of vehicles which require the operator to be licensed under the provisions of chapter seventeen-e of this code and federal law and rule and whose primary function or employment is the transportation of persons or property for compensation or wages and have paid the required fee. For the purpose of regulating the operation of motor vehicles, wherever the term "chauffeur's license" is used in this code, it shall be construed to mean the Class A, B, C or D license described in this section or chapter seventeen-e of this code or federal law or rule. Provided, That anyone not required to be licensed under the provisions of chapter seventeen-e of this code and federal law or rule and who operates a motor vehicle registered or required to be registered as a Class A motor vehicle, as that term is defined in section one, article ten, chapter seventeen-a of this code, with a gross vehicle weight rating of less than eight thousand one pounds, is not required to obtain a Class D license.

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

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

(5) A Class G driver's license or instruction permit shall
be issued to a person using bioptic telescopic lenses who has
successfully completed an approved driver training program
and complied with all other requirements of article two-b of
this chapter.

(d) All licenses issued under this section may contain
information designating the licensee as a diabetic, organ
donor, as deaf or hard-of-hearing, or as having any other
handicap or disability, or that the licensee is an honorably
discharged veteran of any branch of the Armed Forces of the
United States according to criteria established by the division,
if the licensee requests this information on the license. An
honorably discharged veteran may be issued a replacement
license without charge if the request is made before the
expiration date of the current license and the only purpose for
receiving the replacement license is to get the veteran's
designation placed on the license.

(e) No person, except those hereinafter expressly
exempted, may drive any motorcycle upon a street or
highway in this state or upon any subdivision street used by
the public generally unless the person has a valid motorcycle
license, a valid license which has been endorsed under
section seven-b of this article for motorcycle operation or a
valid motorcycle instruction permit.

(f)(1) An identification card may be issued to any person who:

(A) Is a resident of this state in accordance with the
provisions of section one-a, article three, chapter seventeen-a
of this code;
(B) Has reached the age of two years. The division may also issue an identification card to a person under the age of two years for good cause shown;

(C) Has paid the required fee of two dollars and fifty cents per year: Provided, That the fee is not required if the applicant is sixty-five years or older or is legally blind; and

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

(2) The identification card shall contain the same information as a driver's license except that the identification card shall be clearly marked as an identification card. The division may issue an identification card with less information to persons under the age of sixteen. An identification card may be renewed annually on application and payment of the fee required by this section.

(A) Every identification card issued to a person who has attained his or her twenty-first birthday expires on the licensee's birthday in those years in which the licensee's age is evenly divisible by five. Except as provided in paragraph (B) of this subdivision, no identification card may be issued for less than three years or for more than seven years and expires on the licensee's birthday in those years in which the licensee's age is evenly divisible by five.

(B) Every identification card issued to a person who has not attained his or her twenty-first birthday expires thirty days after the licensee's twenty-first birthday.

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

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

127 (g) Any person violating the provisions of this section is
128 guilty of a misdemeanor and, upon conviction, shall be fined
129 not more than five hundred dollars; and upon a second or
130 subsequent conviction, shall be fined not more than five
131 hundred dollars or confined in jail not more than six months,
132 or both fined and confined.

§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 entitles an applicant under
5 the age of eighteen to not more than two attempts at the
6 written test or not more than three attempts to pass the road
7 skills test. An applicant age eighteen years or older is
8 entitled to not more than two attempts at the written test or
9 not more than three attempts to pass the road skills test within
10 a period of ninety days from the date of issuance of the
11 instruction permit. An applicant who fails either the written
12 test or the road skills test may not be tested twice within a
13 period of one week.

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

(c) Every application for an instruction permit shall state
the full legal name, date of birth, sex, and residence address
of the applicant and briefly describe the applicant. The
application shall state whether the applicant has theretofore
been a licensed driver and, if so, when, and by what state or
country and whether his or her license has ever been
suspended or revoked within five years of the date of
application, or whether an application has ever been refused
and, if so, the date of and reason for the suspension,
revocation or refusal. The application will indicate whether
the applicant desires a notation on the driver's license
indicating that the applicant is an organ donor, in accordance
with article one-b of this chapter, is diabetic, deaf, or hard of
hearing, has any other handicap or disability, or is an
honorably discharged veteran of any branch of the Armed
Forces of the United States, and such other pertinent
information as the commissioner may require.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman, House Committee

Chairman, Senate Committee

Originating in the House.

To take effect ninety days from passage.

Clerk of the House of Delegates

Clerk of the Senate

Speaker of the House of Delegates

President of the Senate

The within is approved this the 15th day of March, 2012.

Governor
PRESENTED TO THE GOVERNOR

MAR 12 2012

Time 10:25 AM