

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 535**

4 (By Senators Klempa, Yost, Unger, Wells, Nohe, Boley and Green)

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6 [Originating in the Committee on Transportation and
7 Infrastructure; reported March 1, 2011.]
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11 A BILL to amend and reenact §17B-2-1 and §17B-2-6 of the Code of
12 West Virginia, 1931, as amended, all relating to issuance of
13 driver's license; and providing that licenses issued under
14 this section may contain information designating the licensee
15 as a person who is an honorably discharged veteran of any
16 branch of the armed forces of the United States in accordance
17 with criteria established by the division if the licensee
18 requests this information on the license.

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

20 That §17B-2-1 and §17B-2-6 of the Code of West Virginia, 1931,
21 as amended, be amended and reenacted, all to read as follows:

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

23 **§17B-2-1. Drivers must be licensed; types of licenses; licensees**
24 **need not obtain local government license; motorcycle**
25 **driver license; identification cards.**

26 (a) A person, except those hereinafter expressly exempted, may
27 not drive any motor vehicle upon a street or highway in this state
28 or upon any subdivision street, as used in article twenty-four,

1 chapter eight of this code, when the use of the subdivision street
2 is generally used by the public unless the person has a valid
3 driver's license under the provisions of this code for the type or
4 class of vehicle being driven.

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

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

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

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

27 (2) Class D license shall be issued to those persons eighteen
28 years and older with one year of driving experience who operate

1 motor vehicles other than those types of vehicles which require the
2 operator to be licensed under the provisions of chapter seventeen-e
3 of this code and federal law and rule and whose primary function or
4 employment is the transportation of persons or property for
5 compensation or wages and have paid the required fee. For the
6 purposes of the regulation of the operation of a motor vehicle,
7 wherever the term chauffeur's license is used in this code, it
8 shall be construed to mean the Class A, B, C or D license described
9 in this section or chapter seventeen-e of this code or federal law
10 or rule: *Provided*, That anyone who is not required to be licensed
11 under the provisions of chapter seventeen-e of this code and
12 federal law or rule and who operates a motor vehicle which is
13 registered or which is required to be registered as a Class A motor
14 vehicle as that term is defined in section one, article ten,
15 chapter seventeen-a of this code with a gross vehicle weight rating
16 of less than eight thousand one pounds, is not required to obtain
17 a Class D license.

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

27 (4) Class F license shall be issued to those persons who
28 successfully complete the motorcycle examination procedure provided

1 by this chapter and have paid the required fee, but who do not
2 possess a Class A, B, C, D or E driver's license.

3 (5) All licenses issued under this section may contain
4 information designating the licensee as a diabetic, organ donor or
5 as deaf or hard of hearing and for other handicapped or disabled
6 persons or person who is an honorably discharged veteran of any
7 branch of the armed forces of the United States in accordance with
8 criteria established by the division, if the licensee requests this
9 information on the license.

10 (d) A person, except those hereinafter expressly exempted, may
11 not drive any motorcycle upon a street or highway in this state or
12 upon any subdivision street, as used in article twenty-four,
13 chapter eight of this code, when the use of the subdivision street
14 is generally used by the public unless the person has a valid
15 motorcycle license or a valid license which has been endorsed under
16 section seven-b of this article for motorcycle operation or has a
17 valid motorcycle instruction permit.

18 (e) (1) An identification card may be issued to any person
19 who:

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

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

26 (C) Has paid the required fee of \$2.50 per year for each year
27 the identification card is issued to be valid: *Provided*, That the
28 fee is not required if the applicant is sixty-five years or older

1 or is legally blind; and

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

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

11 (A) Every identification card issued to persons who have
12 attained their twenty-first birthday shall expire on the day of the
13 month designated by the commissioner in which the applicant's
14 birthday occurs in those years in which the applicant's age is
15 evenly divisible by five. Except as provided in paragraph (B) of
16 this subdivision, no identification card may be issued for less
17 than three years nor more than seven years and shall be valid for
18 a period of five years expiring in the month in which the
19 applicant's birthday occurs and in a year in which the applicant's
20 age is evenly divisible by five.

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

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

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

5 (f) Any person violating the provisions of this section is
6 guilty of a misdemeanor and, upon conviction thereof, shall be
7 fined not more than \$500; and upon a second or subsequent
8 conviction, shall be fined not more than \$500 or confined in jail
9 not more than six months, or both.

10 **§17B-2-6. Application for license or instruction permit; fee to**
11 **accompany application.**

12 (a) Every application for an instruction permit or for a
13 driver's license shall be made upon a form furnished by the
14 division. Every application shall be accompanied by the proper fee
15 and payment of the fee shall entitle an applicant under the age of
16 eighteen to not more than two attempts at the written test or not
17 more than three attempts to pass the road skills test. An
18 applicant age eighteen years or older is entitled to not more than
19 two attempts at the written test or not more than three attempts to
20 pass the road skills test. within a period of ninety days from the
21 date of issuance of the instruction permit. An applicant who fails
22 either the written test or the road skills test may not be tested
23 twice within a period of one week.

24 (b) Any applicant who has not been previously licensed must
25 hold an instruction permit for a minimum of thirty days. For the
26 purposes of this section, the term "previously licensed" means an
27 applicant who has obtained at least a level one graduated license
28 or junior driver's license issued under the provisions of this

1 article or has obtained an equal or greater level of licensure if
2 previously licensed in another state.

3 (c) Every said application shall state the full legal name,
4 date of birth, sex, and residence address of the applicant and
5 briefly describe the applicant and shall state whether the
6 applicant has theretofore been a licensed driver and, if so, when,
7 and by what state or country and whether any such license has ever
8 been suspended or revoked within the five years next preceding the
9 date of application, or whether an application has ever been
10 refused and, if so, the date of and reason for the suspension,
11 revocation or refusal, whether the applicant desires a notation on
12 the driver's license indicating that the applicant is an organ
13 donor, in accordance with article one-b of this chapter, a
14 diabetic, deaf, or hard of hearing, or has any other handicap or
15 disability or is an honorably discharged veteran of any branch of
16 the armed forces of the United States and such other pertinent
17 information as the commissioner may require.

(NOTE: The purpose of this bill is to provide that drivers 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 in accordance with criteria established by the division, if the licensee requests this information on the license.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.)