

1 **SENATE BILL NO. 608**

2 (By Senators Beach, Klempa, Plymale, Tucker and Williams)

3
4 [Originating in the Committee on Transportation and
5 Infrastructure; reported February 23, 2011.]
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8 A BILL to amend and reenact §17A-2-13 of the Code of West Virginia,
9 1931, as amended; to amend and reenact §17A-3-4 of said code;
10 to amend and reenact §17A-4-1 and §17A-4-10 of said code; to
11 amend and reenact §17A-4A-10 of said code; to amend and
12 reenact §17A-10-3, §17A-10-10 and §17A-10-11 of said code; to
13 amend and reenact §17B-2-1, §17B-2-3a, §17B-2-5, §17B-2-6,
14 §17B-2-8 and §17B-2-11 of said code; and to amend and reenact
15 §17D-2-2 of said code, all relating to increasing fees;
16 increasing the fee for vehicle records and the certified
17 record fee; increasing the registration fee for Class A motor
18 vehicles; increasing the fee for the issuance and duplication
19 of various documents by the division including titles,
20 registrations, plates and decals; increasing the fee for
21 issuance, duplication and renewal of a driver's license;
22 requiring the payment of the fee for each attempt at the
23 written and road skills test; and increasing the fee for
24 driving records.

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

1 That §17A-2-13 of the Code of West Virginia, 1931, as amended,
2 be amended and reenacted; that §17A-3-4 of said code be amended and
3 reenacted; that §17A-4-1 and §17A-4-10 of said code be amended and
4 reenacted; that §17A-4A-10 of said code be amended and reenacted;
5 that §17A-10-3, §17A-10-10 and §17A-10-11 of said code be amended
6 and reenacted; that §17B-2-1, §17B-2-3a, §17B-2-5, §17B-2-6, §17B-
7 2-8 and §17B-2-11 of said code be amended and reenacted; and that
8 §17D-2-2 of said code be amended and reenacted, all to read as
9 follows:

10 **CHAPTER 17A. MOTOR VEHICLE ADMINISTRATION, REGISTRATION,**
11 **CERTIFICATE OF TITLE, AND ANTITHEFT PROVISIONS.**

12 **ARTICLE 2. DIVISION OF MOTOR VEHICLES.**

13 **§17A-2-13. Authority to administer oaths and certify copies of**
14 **records; information as to registration.**

15 (a) Officers and employees of the division designated by the
16 commissioner are, for the purpose of administering the motor
17 vehicle laws, authorized to administer oaths and acknowledge
18 signatures, and shall do so without fee.

19 (b) The commissioner and such officers of the division as he
20 or she may designate are hereby authorized to prepare under the
21 seal of the division and deliver upon request in conformance with
22 article two-a of this chapter a certified copy of any record of the
23 division, charging ~~a~~ an additional fee of ~~one dollar~~ \$3 for each
24 document so authenticated, and every such certified copy is
25 admissible in any proceeding in any court in like manner as the

1 original thereof.

2 (c) Subject to the provisions of article two-a of this
3 chapter, the commissioner and such officers of the division as he
4 or she may designate may furnish the requested information to any
5 person making a written request for information regarding the
6 registration of any vehicle at a fee of ~~one-dollar~~ \$7 for each
7 registration about which information is furnished.

8 **ARTICLE 3. ORIGINAL AND RENEWAL OF REGISTRATION; ISSUANCE OF**
9 **CERTIFICATES OF TITLE.**

10 **§17A-3-4. Application for certificate of title; fees; abolishing**
11 **privilege tax; prohibition of issuance of certificate of title**
12 **without compliance with consumer sales and service tax**
13 **provisions; exceptions.**

14 (a) Certificates of registration of any vehicle or
15 registration plates for the vehicle, whether original issues or
16 duplicates, may not be issued or furnished by the Division of Motor
17 Vehicles or any other officer or agent charged with the duty,
18 unless the applicant already has received, or at the same time
19 makes application for and is granted, an official certificate of
20 title of the vehicle in either an electronic or paper format. The
21 application shall be upon a blank form to be furnished by the
22 Division of Motor Vehicles and shall contain a full description of
23 the vehicle, which description shall contain a manufacturer's
24 serial or identification number or other number as determined by
25 the commissioner and any distinguishing marks, together with a

1 statement of the applicant's title and of any liens or encumbrances
2 upon the vehicle, the names and addresses of the holders of the
3 liens and any other information as the Division of Motor Vehicles
4 may require. The application shall be signed and sworn to by the
5 applicant. A duly certified copy of the division's electronic
6 record of a certificate of title is admissible in any civil,
7 criminal or administrative proceeding in this state as evidence of
8 ownership.

9 (b) A tax is imposed upon the privilege of effecting the
10 certification of title of each vehicle in the amount equal to five
11 percent of the value of the motor vehicle at the time of the
12 certification, to be assessed as follows:

13 (1) If the vehicle is new, the actual purchase price or
14 consideration to the purchaser of the vehicle is the value of the
15 vehicle. If the vehicle is a used or secondhand vehicle, the
16 present market value at time of transfer or purchase is the value
17 of the vehicle for the purposes of this section: Provided, That so
18 much of the purchase price or consideration as is represented by
19 the exchange of other vehicles on which the tax imposed by this
20 section has been paid by the purchaser shall be deducted from the
21 total actual price or consideration paid for the vehicle, whether
22 the vehicle be new or secondhand. If the vehicle is acquired
23 through gift or by any manner whatsoever, unless specifically
24 exempted in this section, the present market value of the vehicle
25 at the time of the gift or transfer is the value of the vehicle for
26 the purposes of this section.

1 (2) No certificate of title for any vehicle may be issued to
2 any applicant unless the applicant has paid to the Division of
3 Motor Vehicles the tax imposed by this section which is five
4 percent of the true and actual value of the vehicle whether the
5 vehicle is acquired through purchase, by gift or by any other
6 manner whatsoever, except gifts between husband and wife or between
7 parents and children: Provided, That the husband or wife, or the
8 parents or children, previously have paid the tax on the vehicles
9 transferred to the State of West Virginia.

10 (3) The Division of Motor Vehicles may issue a certificate of
11 registration and title to an applicant if the applicant provides
12 sufficient proof to the Division of Motor Vehicles that the
13 applicant has paid the taxes and fees required by this section to
14 a motor vehicle dealership that has gone out of business or has
15 filed bankruptcy proceedings in the United States bankruptcy court
16 and the taxes and fees so required to be paid by the applicant have
17 not been sent to the division by the motor vehicle dealership or
18 have been impounded due to the bankruptcy proceedings: Provided,
19 That the applicant makes an affidavit of the same and assigns all
20 rights to claims for money the applicant may have against the motor
21 vehicle dealership to the Division of Motor Vehicles.

22 (4) The Division of Motor Vehicles shall issue a certificate
23 of registration and title to an applicant without payment of the
24 tax imposed by this section if the applicant is a corporation,
25 partnership or limited liability company transferring the vehicle
26 to another corporation, partnership or limited liability company

1 when the entities involved in the transfer are members of the same
2 controlled group and the transferring entity has previously paid
3 the tax on the vehicle transferred. For the purposes of this
4 section, control means ownership, directly or indirectly, of stock
5 or equity interests possessing fifty percent or more of the total
6 combined voting power of all classes of the stock of a corporation
7 or equity interests of a partnership or limited liability company
8 entitled to vote or ownership, directly or indirectly, of stock or
9 equity interests possessing fifty percent or more of the value of
10 the corporation, partnership or limited liability company.

11 (5) The tax imposed by this section does not apply to vehicles
12 to be registered as Class H vehicles or Class M vehicles, as
13 defined in section one, article ten of this chapter, which are used
14 or to be used in interstate commerce. Nor does the tax imposed by
15 this section apply to the titling of Class B vehicles registered at
16 a gross weight of fifty-five thousand pounds or more, or to the
17 titling of Class C semitrailers, full trailers, pole trailers and
18 converter gear: Provided, That if an owner of a vehicle has
19 previously titled the vehicle at a declared gross weight of
20 fifty-five thousand pounds or more and the title was issued without
21 the payment of the tax imposed by this section, then before the
22 owner may obtain registration for the vehicle at a gross weight
23 less than fifty-five thousand pounds, the owner shall surrender to
24 the commissioner the exempted registration, the exempted
25 certificate of title and pay the tax imposed by this section based
26 upon the current market value of the vehicle: Provided, however,

1 That notwithstanding the provisions of section nine, article
2 fifteen, chapter eleven of this code, the exemption from tax under
3 this section for Class B vehicles in excess of fifty-five thousand
4 pounds and Class C semitrailers, full trailers, pole trailers and
5 converter gear does not subject the sale or purchase of the
6 vehicles to the consumers sales and service tax.

7 (6) The tax imposed by this section does not apply to titling
8 of vehicles leased by residents of West Virginia. A tax is imposed
9 upon the monthly payments for the lease of any motor vehicle leased
10 by a resident of West Virginia, which tax is equal to five percent
11 of the amount of the monthly payment, applied to each payment, and
12 continuing for the entire term of the initial lease period. The
13 tax shall be remitted to the Division of Motor Vehicles on a
14 monthly basis by the lessor of the vehicle.

15 (7) The tax imposed by this section does not apply to titling
16 of vehicles by a registered dealer of this state for resale only,
17 nor does the tax imposed by this section apply to titling of
18 vehicles by this state or any political subdivision thereof, or by
19 any volunteer fire department or duly chartered rescue or ambulance
20 squad organized and incorporated under the laws of this state as a
21 nonprofit corporation for protection of life or property. The
22 total amount of revenue collected by reason of this tax shall be
23 paid into the State Road Fund and expended by the Commissioner of
24 Highways for matching federal funds allocated for West Virginia.
25 In addition to the tax, there is a charge of ~~five dollars~~ \$21 for
26 each original certificate of title or duplicate certificate of

1 title so issued: Provided, That this state or any political
2 subdivision of this state or any volunteer fire department or duly
3 chartered rescue squad is exempt from payment of the charge.

4 (8) The certificate is good for the life of the vehicle, so
5 long as the vehicle is owned or held by the original holder of the
6 certificate and need not be renewed annually, or any other time,
7 except as provided in this section.

8 (9) If, by will or direct inheritance, a person becomes the
9 owner of a motor vehicle and the tax imposed by this section
10 previously has been paid to the Division of Motor Vehicles on that
11 vehicle, he or she is not required to pay the tax.

12 (10) A person who has paid the tax imposed by this section is
13 not required to pay the tax a second time for the same motor
14 vehicle, but is required to pay a charge of ~~five dollars~~ \$21 for
15 the certificate of retitling of that motor vehicle, except that the
16 tax shall be paid by the person when the title to the vehicle has
17 been transferred either in this or another state from the person to
18 another person and transferred back to the person.

19 (11) The tax imposed by this section does not apply to any
20 passenger vehicle offered for rent in the normal course of business
21 by a daily passenger rental car business as licensed under the
22 provisions of article six-d of this chapter. For purposes of this
23 section, a daily passenger car means a Class A motor vehicle having
24 a gross weight of eight thousand pounds or less and is registered
25 in this state or any other state. In lieu of the tax imposed by
26 this section, there is hereby imposed a tax of not less than ~~one~~

1 ~~dollar~~ \$1 nor more than ~~one dollar and fifty cents~~ \$1.50 for each
2 day or part of the rental period. The commissioner shall propose
3 an emergency rule in accordance with the provisions of article
4 three, chapter twenty-nine-a of this code to establish this tax.

5 (12) The tax imposed by this article does not apply to the
6 titling of any vehicle purchased by a senior citizen service
7 organization which is exempt from the payment of income taxes under
8 the United States Internal Revenue Code, § Title 26 U.S.C. §
9 501(c) (3) and which is recognized to be a bona fide senior citizen
10 service organization by the senior services bureau existing under
11 the provisions of article five, chapter sixteen of this code.

12 (13) The tax imposed by this section does not apply to the
13 titling of any vehicle operated by an urban mass transit authority
14 as defined in article twenty-seven, chapter eight of this code or
15 a nonprofit entity exempt from federal and state income tax under
16 the Internal Revenue Code and whose purpose is to provide mass
17 transportation to the public at large designed for the
18 transportation of persons and being operated for the transportation
19 of persons in the public interest.

20 (14) The tax imposed by this section does not apply to the
21 transfer of a title to a vehicle owned and titled in the name of a
22 resident of this state if the applicant:

23 (A) Was not a resident of this state at the time the applicant
24 purchased or otherwise acquired ownership of the vehicle;

25 (B) Presents evidence as the commissioner may require of
26 having titled the vehicle in the applicant's previous state of

1 residence;

2 (C) Has relocated to this state and can present such evidence
3 as the commissioner may require to show bona-fide residency in this
4 state, and

5 ~~(D) Presents an affidavit, completed by the assessor of the~~
6 ~~applicant's county of residence, establishing that the vehicle has~~
7 ~~been properly reported and is on record in the office of the~~
8 ~~assessor as personal property; and~~

9 ~~(E)~~ (D) Makes application to the division for a title and
10 registration, and pays all other fees required by this chapter
11 within thirty days of establishing residency in this state as
12 prescribed in subsection (a), section one-a of this article:

13 Provided, That a period of amnesty of three months be established
14 by the commissioner during the calendar year two thousand seven,
15 during which time any resident of this state, having titled his or
16 her vehicle in a previous state of residence, may pay without
17 penalty any fees required by this chapter and transfer the title of
18 his or her vehicle in accordance with the provisions of this
19 section.

20 (c) Notwithstanding any provisions of this code to the
21 contrary, the owners of trailers, semitrailers, recreational
22 vehicles and other vehicles not subject to the certificate of title
23 tax prior to the enactment of this chapter are subject to the
24 privilege tax imposed by this section: Provided, That the
25 certification of title of any recreational vehicle owned by the
26 applicant on the thirtieth day of June, one thousand nine hundred

1 eighty-nine, is not subject to the tax imposed by this section:
2 Provided, however, That mobile homes, manufactured homes, modular
3 homes and similar nonmotive propelled vehicles, except recreational
4 vehicles and house trailers, susceptible of being moved upon the
5 highways but primarily designed for habitation and occupancy,
6 rather than for transporting persons or property, or any vehicle
7 operated on a nonprofit basis and used exclusively for the
8 transportation of mentally retarded or physically handicapped
9 children when the application for certificate of registration for
10 the vehicle is accompanied by an affidavit stating that the vehicle
11 will be operated on a nonprofit basis and used exclusively for the
12 transportation of mentally retarded and physically handicapped
13 children, are not subject to the tax imposed by this section, but
14 are taxable under the provisions of articles fifteen and fifteen-a,
15 chapter eleven of this code.

16 (d) Beginning on the first of July, two thousand and eight,
17 the tax imposed under this subsection (b) of this section is
18 abolished and after that date no certificate of title for any motor
19 vehicle may be issued to any applicant unless the applicant
20 provides sufficient proof to the Division of Motor Vehicles that
21 the applicant has paid the fees required by this article and the
22 tax imposed under section three-b, article fifteen, chapter eleven
23 of this code.

24 (e) Any person making any affidavit required under any
25 provision of this section who knowingly swears falsely, or any
26 person who counsels, advises, aids or abets another in the

1 commission of false swearing, or any person, while acting as an
2 agent of the Division of Motor Vehicles, issues a vehicle
3 registration without first collecting the fees and taxes or fails
4 to perform any other duty required by this chapter or chapter
5 eleven of this code to be performed before a vehicle registration
6 is issued is, on the first offense, guilty of a misdemeanor and,
7 upon conviction thereof, shall be fined not more than ~~five hundred~~
8 ~~dollars~~ \$500 or be confined in jail for a period not to exceed six
9 months or, in the discretion of the court, both fined and confined.
10 For a second or any subsequent conviction within five years, that
11 person is guilty of a felony and, upon conviction thereof, shall be
12 fined not more than ~~five thousand dollars~~ \$5,000 or be imprisoned
13 in a state correctional facility for not less than one year nor
14 more than five years or, in the discretion of the court, both fined
15 and imprisoned.

16 (f) Notwithstanding any other provisions of this section, any
17 person in the military stationed outside West Virginia or his or
18 her dependents who possess a motor vehicle with valid registration
19 are exempt from the provisions of this article for a period of nine
20 months from the date the person returns to this state or the date
21 his or her dependent returns to this state, whichever is later.

22 (g) No person may transfer, purchase or sell a factory-built
23 home without a certificate of title issued by the commissioner in
24 accordance with the provisions of this article:

25 (1) Any person who fails to provide a certificate of title
26 upon the transfer, purchase or sale of a factory-built home is

1 guilty of a misdemeanor and, upon conviction thereof, shall for the
2 first offense be fined not less than ~~one hundred dollars~~ \$100 nor
3 more than ~~one thousand dollars~~ \$1,000, or be confined in jail for
4 not more than one year, or both fined and confined. For each
5 subsequent offense, the fine may be increased to not more than ~~two~~
6 ~~thousand dollars~~ \$2,000, with confinement in jail not more than one
7 year, or both fined and confined.

8 (2) Failure of the seller to transfer a certificate of title
9 upon sale or transfer of the factory-built home gives rise to a
10 cause of action, upon prosecution thereof, and allows for the
11 recovery of damages, costs and reasonable attorney fees.

12 (3) This subsection does not apply to a mobile or manufactured
13 home for which a certificate of title has been canceled pursuant to
14 section twelve-b of this article.

15 (h) Notwithstanding any other provision to the contrary,
16 whenever reference is made to the application for or issuance of
17 any title or the recordation or release of any lien, it includes
18 the application, transmission, recordation, transfer of ownership
19 and storage of information in an electronic format.

20 (i) Notwithstanding any other provision contained in this
21 section, nothing herein shall be considered to include modular
22 homes as defined in subsection (i), section two, article fifteen,
23 chapter thirty-seven of this code and built to the State Building
24 Code as established by legislative rules promulgated by the State
25 Fire Commission pursuant to section five-b, article three, chapter
26 twenty-nine of this code.

1 **ARTICLE 4. TRANSFERS OF TITLE OR INTEREST.**

2 **§17A-4-1. Registration expires on transfer by owner; transfer,**
3 **surrender or retention of plates.**

4 Whenever the owner of a registered vehicle transfers or
5 assigns his title, or interest thereto, the registration of such
6 vehicle shall expire: Provided, That such owner, if he has made
7 application to the department within sixty days from the date of
8 purchase to have said registration plates transferred to be used on
9 another vehicle owned by said owner, may then operate the other
10 vehicle for a period of sixty days, but in no event longer than
11 sixty days from the date of original transfer. Upon such transfer,
12 it shall be the duty of the original owner to retain the
13 registration plates issued therefor and to immediately notify the
14 commissioner of such transfer upon such form as may be provided
15 therefor and to deliver to him the certificate of registration,
16 whereupon the commissioner shall, upon the payment of a fee of ~~five~~
17 ~~dollars~~ \$6, issue a new certificate showing the use to be made of
18 such plates. Such plates may then be used by such owner on another
19 vehicle of the same class as the vehicle for which they were
20 originally issued if such other vehicle does not require a greater
21 license fee than was required for such original vehicle. If such
22 other vehicle requires a greater license fee than such original
23 vehicle, then such plates may be used by paying such difference to
24 the commissioner. When such transfer of ownership is made to a
25 licensed dealer in motor vehicles it shall be the duty of such

1 dealer to immediately execute notification of transfer, in
2 triplicate, and to have this notification properly signed by the
3 owner making the transfer. The dealer shall immediately forward to
4 the department the original copy of the notification of transfer.
5 One copy of the notification of transfer shall be given to the
6 owner and one shall be retained by the dealer. The owner shall
7 immediately send to the ~~department~~ division the transfer fee of
8 ~~five dollars~~ \$6 with any additional fee that may be required under
9 the terms of this chapter. The owner's copy, properly signed by
10 the dealer, will be the owner's identification until he receives a
11 new registration card from the ~~department~~ division.

12 The owner of a set of registration plates may surrender them
13 to the commissioner together with the registration card and, upon
14 the payment of ~~five dollars~~ \$6 as an exchange fee and upon the
15 payment of such additional fees as are necessary to equalize the
16 value of the plates surrendered with the value of registration
17 plates desired, receive in exchange a set of plates and
18 registration card for a vehicle of a different class.

19 **§17A-4-10. Salvage certificates for certain wrecked or damaged**
20 **vehicles; fee; penalty.**

21 (a) In the event a motor vehicle is determined to be a total
22 loss or otherwise designated as "totaled" by any insurance company
23 or insurer, and upon payment of a total loss claim to any insured
24 or claimant owner for the purchase of the vehicle, the insurance
25 company or the insurer, as a condition of the payment, shall

1 require the owner to surrender the certificate of title: Provided,
2 That an insured or claimant owner may choose to retain physical
3 possession and ownership of a total loss vehicle. If the vehicle
4 owner chooses to retain the vehicle and the vehicle has not been
5 determined to be a cosmetic total loss in accordance with
6 subsection (d) of this section, the insurance company or insurer
7 shall also require the owner to surrender the vehicle registration
8 certificate. The term "total loss" means a motor vehicle which has
9 sustained damages equivalent to seventy-five percent or more of the
10 market value as determined by a nationally accepted used car value
11 guide or meets the definition of a flood-damaged vehicle as defined
12 in this section.

13 (b) The insurance company or insurer shall, prior to the
14 payment of the total loss claim, determine if the vehicle is
15 repairable, cosmetically damaged or nonrepairable. Within ten days
16 of payment of the total loss claim, the insurance company or
17 insurer shall surrender the certificate of title, a copy of the
18 claim settlement, a completed application on a form prescribed by
19 the commissioner and the registration certificate if the owner has
20 chosen to keep the vehicle to the Division of Motor Vehicles.

21 (c) If the insurance company or insurer determines that the
22 vehicle is repairable, the division shall issue a "salvage
23 certificate", on a form prescribed by the commissioner, in the name
24 of the insurance company or the insurer or the vehicle owner if the
25 owner has chosen to retain the vehicle. The certificate shall
26 contain on the reverse thereof spaces for one successive assignment

1 before a new certificate at an additional fee is required. Upon
2 the sale of the vehicle, the insurance company or insurer or the
3 vehicle owner if the owner has chosen to retain the vehicle shall
4 complete the assignment of ownership on the salvage certificate and
5 deliver it to the purchaser. The vehicle shall not be titled or
6 registered for operation on the streets or highways of this state
7 unless there is compliance with subsection (g) of this section.
8 The division shall charge a fee of ~~fifteen dollars~~ \$21 for each
9 salvage title issued.

10 (d) If the insurance company or insurer determines the damage
11 to a totaled vehicle is exclusively cosmetic and no repair is
12 necessary in order to legally and safely operate the motor vehicle
13 on the roads and highways of this state, the insurance company or
14 insurer shall, upon payment of the claim, submit the certificate of
15 title to the division. Neither the insurance company nor the
16 division may require the vehicle owner to surrender the
17 registration certificate in the event of a cosmetic total loss
18 settlement.

19 (1) The division shall, without further inspection, issue a
20 title branded "cosmetic total loss" to the insured or claimant
21 owner if the insured or claimant owner wishes to retain possession
22 of the vehicle, in lieu of a "salvage certificate". The division
23 shall charge a fee of ~~five dollars~~ \$21 for each "cosmetic total
24 loss" title issued. The terms "cosmetically damaged" and "cosmetic
25 total loss" do not include any vehicle which has been damaged by
26 flood or fire. The designation "cosmetic total loss" on a title

1 may not be removed.

2 (2) If the insured or claimant owner elects not to take
3 possession of the vehicle and the insurance company or insurer
4 retains possession, the division shall issue a cosmetic total loss
5 salvage certificate to the insurance company or insurer. The
6 division shall charge a fee of ~~fifteen dollars~~ \$21 for each
7 cosmetic total loss salvage certificate issued. The division
8 shall, upon surrender of the cosmetic total loss salvage
9 certificate issued under the provisions of this paragraph and
10 payment of the five percent ~~privilege tax~~ consumers sales tax on
11 the fair market value of the vehicle as determined by the
12 commissioner, issue a title branded "cosmetic total loss" without
13 further inspection.

14 (e) If the insurance company or insurer determines that the
15 damage to a totaled vehicle renders it nonrepairable, incapable of
16 safe operation for use on roads and highways and which has no
17 resale value except as a source of parts or scrap, the insurance
18 company or vehicle owner shall, in the manner prescribed by the
19 commissioner, request that the division issue a nonrepairable motor
20 vehicle certificate in lieu of a salvage certificate. The division
21 shall issue a nonrepairable motor vehicle certificate without
22 charge.

23 (f) Any owner who scraps, compresses, dismantles or destroys
24 a vehicle for which a certificate of title, nonrepairable motor
25 vehicle certificate or salvage certificate has been issued shall,
26 within twenty days, surrender the certificate of title,

1 nonrepairable motor vehicle certificate or salvage certificate to
2 the division for cancellation. Any person who purchases or
3 acquires a vehicle as salvage or scrap, to be dismantled,
4 compressed or destroyed, shall within twenty days surrender the
5 certificate to the division.

6 (g) If the motor vehicle is a "reconstructed vehicle" as
7 defined in this section or section one, article one of this
8 chapter, it may not be titled or registered for operation until it
9 has been inspected by an official state inspection station and by
10 the Division of Motor Vehicles. Following an approved inspection,
11 an application for a new certificate of title may be submitted to
12 the division; however, the applicant shall be required to retain
13 all receipts for component parts, equipment and materials used in
14 the reconstruction. The salvage certificate shall also be
15 surrendered to the division before a certificate of title may be
16 issued with the appropriate brand.

17 (h) The owner or title holder of any motor vehicle titled in
18 this state which has previously been branded in this state or
19 another state as "salvage", "reconstructed", "cosmetic total loss",
20 "cosmetic total loss salvage", "flood" or "fire" or an equivalent
21 term under another state's laws shall, upon becoming aware of the
22 brand, apply for and receive a title from the Division of Motor
23 Vehicles on which the brand "reconstructed", "salvage", "cosmetic
24 total loss", "cosmetic total loss salvage", "flood" or "fire" is
25 shown. The division shall charge a fee of ~~five dollars~~ \$21 for
26 each title so issued.

1 (i) If application is made for title to a motor vehicle, the
2 title to which has previously been branded "reconstructed",
3 "salvage", "cosmetic total loss", "cosmetic total loss salvage",
4 "flood" or "fire" by the Division of Motor Vehicles under this
5 section and said application is accompanied by a title from another
6 state which does not carry the brand, the division shall, before
7 issuing the title, affix the brand "reconstructed", "cosmetic total
8 loss", "cosmetic total loss salvage", "flood" or "fire" to the
9 title. The ~~privilege~~ consumers sales tax paid on a motor vehicle
10 titled as "reconstructed", "cosmetic total loss", "flood" or "fire"
11 under the provisions of this section shall be based on fifty
12 percent of the fair market value of the vehicle as determined by a
13 nationally accepted used car value guide to be used by the
14 commissioner.

15 (j) The division shall charge a fee of ~~fifteen dollars~~ \$21 for
16 the issuance of each salvage certificate or cosmetic total loss
17 salvage certificate but shall not require the payment of the five
18 percent privilege tax. However, upon application for a certificate
19 of title for a reconstructed, cosmetic total loss, flood- or
20 fire-damaged vehicle, the division shall collect the five percent
21 ~~privilege tax~~ consumers sales tax on the fair market value of the
22 vehicle as determined by the commissioner unless the applicant is
23 otherwise exempt from the payment of such privilege tax. A
24 wrecker/dismantler/rebuilder licensed by the division is exempt
25 from the payment of the five percent ~~privilege tax~~ consumers sales
26 tax upon titling a reconstructed vehicle. The division shall

1 collect a fee of ~~thirty-five dollars~~ \$35 per vehicle for
2 inspections of reconstructed vehicles. These fees shall be
3 deposited in a special fund created in the State Treasurer's office
4 and may be expended by the division to carry out the provisions of
5 this article: Provided, That on and after the first day of July,
6 two thousand seven, any balance in the special fund and all fees
7 collected pursuant to this section shall be deposited in the State
8 Road Fund. Licensed wreckers/dismantlers/rebuilders may charge a
9 fee not to exceed ~~twenty-five dollars~~ \$25 for all vehicles owned by
10 private rebuilders which are inspected at the place of business of
11 a wrecker/dismantler/rebuilder.

12 (k) As used in this section:

13 (1) "Reconstructed vehicle" means the vehicle was totaled
14 under the provisions of this section or by the provisions of
15 another state or jurisdiction and has been rebuilt in accordance
16 with the provisions of this section or in accordance with the
17 provisions of another state or jurisdiction or meets the provisions
18 of subsection (m), section one, article one of this chapter.

19 (2) "Flood-damaged vehicle" means that the vehicle was
20 submerged in water to the extent that water entered the passenger
21 or trunk compartment.

22 (l) Every vehicle owner shall comply with the branding
23 requirements for a totaled vehicle whether or not the owner
24 receives an insurance claim settlement for a totaled vehicle.

25 (m) A certificate of title issued by the division for a
26 reconstructed vehicle shall contain markings in bold print on the

1 face of the title that it is for a reconstructed, flood- or
2 fire-damaged vehicle.

3 (n) Any person who knowingly provides false or fraudulent
4 information to the division that is required by this section in an
5 application for a title, a cosmetic total loss title, a
6 reconstructed vehicle title or a salvage certificate or who
7 knowingly fails to disclose to the division information required by
8 this section to be included in the application or who otherwise
9 violates the provisions of this section shall be guilty of a
10 misdemeanor and, upon conviction thereof, shall for each incident
11 be fined not less than ~~one thousand dollars~~ \$1,000 nor more than
12 ~~two thousand five hundred dollars~~ \$2,500, or imprisoned in jail for
13 not more than one year, or both fined and imprisoned.

14 **ARTICLE 4A. LIENS AND ENCUMBRANCES ON VEHICLES TO BE SHOWN ON**
15 **CERTIFICATE OF TITLE; NOTICE TO CREDITORS AND PURCHASERS.**

16 **§17A-4A-10. Fee for recording and release of lien.**

17 The Division of Motor Vehicles ~~is hereby authorized to~~ shall
18 charge a fee of ~~five dollars~~ \$13 for the recording of any lien
19 either in an electronic or paper format created by the voluntary
20 act of the owner and endorsing it upon the title certificate issued
21 pursuant to this article, and the Division of Motor Vehicles ~~is~~
22 ~~hereby authorized to~~ shall charge a fee of ~~fifty cents~~ \$13 for
23 recordation of any release of a lien created by the voluntary act
24 of the owner: Provided, That no charge shall be made for the
25 endorsement and recordation of liens or releases thereof as

1 provided under section nine of this article. No charge shall be
2 made for the issuance of a title to the owner of a vehicle upon the
3 receipt of an electronic release of the final lien.

4 **ARTICLE 10. FEES FOR REGISTRATION, LICENSING, ETC.**

5 **§17A-10-3. Registration fees for vehicles equipped with pneumatic**
6 **tires.**

7 The following registration fees for the classes indicated
8 shall be paid to the division for the registration of vehicles
9 subject to registration under this chapter when equipped with
10 pneumatic tires:

11 (a) Registration fees for the following classes shall be paid
12 to the division annually:

13 (1) Class A.--The registration fee for all motor vehicles of
14 this class are ~~is~~ ~~\$28.50~~:

15 (A) \$38.50 for declared gross weights less than 4001 pounds;
16 and

17 (B) \$58.50 for declared gross weights of 4001 pounds to 8000
18 pounds.

19 ~~Provided, That~~ The registration fees and any other fees
20 required by this chapter for Class A vehicles under the optional
21 biennial staggered registration system shall be multiplied by two
22 and paid biennially to the division.

23 No license fee may be charged for vehicles owned by churches,
24 or by trustees for churches, which are regularly used for
25 transporting parishioners to and from church services.

1 Notwithstanding the exemption, the certificate of registration and
2 license plates shall be obtained the same as other cards and plates
3 under this article.

4 (2) Class B.--The registration fee for all motor vehicles of
5 this class is as follows:

6 (A) For declared gross weights of eight thousand one pounds to
7 sixteen thousand pounds--\$28 plus \$5 for each one thousand pounds
8 or fraction of one thousand pounds that the gross weight of the
9 vehicle or combination of vehicles exceeds eight thousand pounds.

10 (B) For declared gross weights greater than sixteen thousand
11 pounds, but less than fifty-five thousand pounds--\$78.50 plus \$10
12 for each one thousand or fraction of one thousand pounds that the
13 gross weight of the vehicle or combination of vehicles exceeds
14 sixteen thousand pounds.

15 (C) For declared gross weights of fifty-five thousand pounds
16 or more--\$737. 50 plus \$15.75 for each one thousand pounds or
17 fraction of one thousand pounds that the gross weight of the
18 vehicle or combination of vehicles exceeds fifty-five thousand
19 pounds.

20 (3) Class G.--The registration fee for each motorcycle or
21 parking enforcement vehicle is \$8: Provided, That the registration
22 fee and any other fees required by this chapter for Class G
23 vehicles shall be for at least one year and under an optional
24 biennial registration system the annual fee shall be multiplied by
25 two and paid biennially to the division.

26 (4) Class H.--The registration fee for all vehicles for this

1 class operating entirely within the state is \$5; and for vehicles
2 engaged in interstate transportation of persons, the registration
3 fee is the amount of the fees provided by this section for Class B,
4 reduced by the amount that the mileage of the vehicles operated in
5 states other than West Virginia bears to the total mileage operated
6 by the vehicles in all states under a formula to be established by
7 the Division of Motor Vehicles.

8 (5) Class J.--The registration fee for all motor vehicles of
9 this class is \$85. Ambulances and hearses used exclusively as
10 ambulances and hearses are exempt from the special fees set forth
11 in this section.

12 (6) Class M.--The registration fee for all vehicles of this
13 class is \$17.50.

14 (7) Class X farm truck.--The registration fee for all motor
15 vehicles of this class is as follows:

16 (A) For farm trucks of declared gross weights of eight
17 thousand one pounds to sixteen thousand pounds--\$30.

18 (B) For farm trucks of declared gross weights of sixteen
19 thousand one pounds to twenty-two thousand pounds--\$60.

20 (C) For farm trucks of declared gross weights of twenty-two
21 thousand one pounds to twenty-eight thousand pounds--\$90.

22 (D) For farm trucks of declared gross weights of twenty-eight
23 thousand one pounds to thirty-four thousand pounds--\$115.

24 (E) For farm trucks of declared gross weights of thirty-four
25 thousand one pounds to forty-four thousand pounds--\$160.

26 (F) For farm trucks of declared gross weights of forty-four

1 thousand one pounds to fifty-four thousand pounds--\$205.

2 (G) For farm trucks of declared gross weights of fifty-four
3 thousand one pounds to eighty thousand pounds--\$250: Provided,
4 That the provisions of subsection (a), section eight, article one,
5 chapter seventeen-e of this code do not apply if the vehicle
6 exceeds sixty-four thousand pounds and is a truck tractor or road
7 tractor.

8 (b) Registration fees for the following classes shall be paid
9 to the division for a maximum period of three years, or portion of
10 a year based on the number of years remaining in the three-year
11 period designated by the commissioner:

12 (1) Class R.--The annual registration fee for all vehicles of
13 this class is \$12.

14 (2) Class T.--The annual registration fee for all vehicles of
15 this class is \$8.

16 (c) The fees paid to the division for a multiyear registration
17 provided by this chapter shall be the same as the annual
18 registration fee established by this section and any other fee
19 required by this chapter multiplied by the number of years for
20 which the registration is issued.

21 (d) The registration fee for all Class C vehicles is \$50. On
22 or before July 1, 2000, all Class C trailers shall be registered
23 for the duration of the owner's interest in the trailer and do not
24 expire until either sold or otherwise permanently removed from the
25 service of the owner: Provided, That a registrant may transfer a
26 Class C registration plate from a trailer owned less than thirty

1 days to another Class C trailer titled in the name of the
2 registrant upon payment of the transfer fee prescribed in section
3 ten of this article.

4 **§17A-10-10. Fees upon transfer of registration and issuance of**
5 **certificates of title.**

6 A fee of ~~five dollars~~ \$6 shall be paid for a transfer of
7 registration by an owner from one vehicle to another vehicle of the
8 same class or for surrender of registration of one vehicle in
9 exchange for registration of a vehicle of a different class in
10 addition to the payment of any difference in fees as provided in
11 section one, article four of this chapter.

12 A fee of ~~five dollars~~ \$6 shall be paid for the transfer of
13 registration from a deceased person to his legal heir or legatee as
14 provided in section five, article four of this chapter.

15 A fee of ~~five dollars~~ \$21 shall be paid for the issuance of a
16 certificate of title.

17 **§17A-10-11. Fees for duplicate registration plates, registration**
18 **cards and certificates of title.**

19 A fee of ~~five dollars~~ \$5 shall be paid for the issuance of
20 duplicate or substitute ~~registration plates,~~ registration cards.

21 A fee of \$15 shall be paid for the issuance of duplicate or
22 substitute registration plates or decals. ~~or certificates of title.~~

23 A fee of \$21 shall be paid for the issuance of duplicate
24 certificates of title.

25 **CHAPTER 17B. MOTOR VEHICLE DRIVER'S LICENSES.**

1 **ARTICLE TWO. ISSUANCE OF LICENSE; EXPIRATION AND RENEWAL.**

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

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

10 (2) Any person licensed to operate a motor vehicle pursuant to
11 this code may exercise the privilege thereby granted in the manner
12 provided in this code and, except as otherwise provided by law, is
13 not required to obtain any other license to exercise the privilege
14 by any county, municipality or local board or body having authority
15 to adopt local police 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 vehicles the licensee may operate in accordance with this code,
19 federal law or rule. Licenses shall be issued in different colors
20 for those drivers under age eighteen, those drivers age eighteen to
21 twenty-one and adult drivers. The commissioner is authorized to
22 select and assign colors to the licenses of the various age groups.

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

25 (1) A Class A, B or C license shall be issued to those persons

1 eighteen years of age or older with two years of driving experience
2 who have qualified for the commercial driver's license established
3 by chapter seventeen-e of this code and the federal Motor Carrier
4 Safety and Improvement Act of 1999 and subsequent rules, and have
5 paid the required fee.

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

24 (3) A Class E license shall be issued to those persons who
25 have qualified for a driver's license under the provisions of this
26 chapter and who are not required to obtain a Class A, B, C or D

1 license and who have paid the required fee. The Class E license
2 may be endorsed under the provisions of section seven-b of this
3 article for motorcycle operation. The Class E or (G) license for
4 any person under the age of eighteen may also be endorsed with the
5 appropriate graduated driver license level in accordance with the
6 provisions of section three-a of this article.

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

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

16 (d) All licenses issued under this section may contain
17 information designating the licensee as a diabetic, organ donor, as
18 deaf or hard-of-hearing or as having any other handicap or
19 disability, according to criteria established by the division, if
20 the licensee requests this information on the license.

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

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

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

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

9 (C) Has paid the required fee of ~~two dollars and fifty cents~~
10 \$6.50 per year: *Provided*, That the fee is not required if the
11 applicant is sixty-five years or older or is legally blind; and

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

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

22 (A) Every identification card issued to a person who has
23 attained his or her twenty-first birthday shall expire on the
24 licensee's birthday in those years in which the licensee's age is
25 evenly divisible by five. Except as provided in paragraph (B) of
26 this subdivision, no identification card may be issued for less

1 than three years or for more than seven years and expires on the
2 licensee's birthday in those years in which the licensee's age is
3 evenly divisible by five.

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

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

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

15 (g) Any person violating the provisions of this section is
16 guilty of a misdemeanor and, upon conviction, shall be fined not
17 more than ~~five hundred dollars~~ \$500; and upon a second or
18 subsequent conviction, shall be fined not more than ~~five hundred~~
19 ~~dollars~~ \$500 or confined in jail not more than six months, or both.

20 **§17B-2-3a. Graduated driver's license.**

21 (a) Any person under the age of eighteen may not operate a
22 motor vehicle unless he or she has obtained a graduated driver's
23 license in accordance with the three-level graduated driver's
24 license system described in the following provisions.

25 (b) Any person under the age of twenty-one, regardless of
26 class or level of licensure, who operates a motor vehicle with any

1 measurable alcohol in his or her system is subject to the
2 provisions of section two, article five, chapter seventeen-c of
3 this code and section two, article five-a of said chapter. Any
4 person under the age of eighteen, regardless of class or licensure
5 level, is subject to the mandatory school attendance and
6 satisfactory academic progress provisions of section eleven,
7 article eight, chapter eighteen of this code.

8 (c) Level one instruction permit.--An applicant who is fifteen
9 years or older meeting all other requirements prescribed in this
10 code may be issued a level one instruction permit.

11 (1) Eligibility.--The division shall not issue a level one
12 instruction permit unless the applicant:

13 (A) Presents a completed application, as prescribed by the
14 provisions of section six of this article, and which is accompanied
15 by a writing, duly acknowledged, consenting to the issuance of the
16 graduated driver's license and executed by a parent or guardian
17 entitled to custody of the applicant;

18 (B) Presents a certified copy of a birth certificate issued by
19 a state or other governmental entity responsible for vital records
20 unexpired, or a valid passport issued by the United States
21 government evidencing that the applicant meets the minimum age
22 requirement and is of verifiable identity;

23 (C) Passes the vision and written knowledge examination and
24 completes the driving under the influence awareness program, as
25 prescribed in section seven of this article;

26 (D) Presents a driver's eligibility certificate or otherwise

1 shows compliance with the provisions of section eleven, article
2 eight, chapter eighteen of this code; and

3 (E) Pays a fee of \$5 which shall permit the applicant ~~two~~
4 ~~attempts~~ one attempt at the written knowledge test.

5 (2) Terms and conditions of instruction permit.--A level one
6 instruction permit issued under the provisions of this section is
7 valid until thirty days after the date the applicant attains the
8 age of eighteen and is not renewable. However, any permit holder
9 who allows his or her permit to expire prior to successfully
10 passing the road skills portion of the driver examination, and who
11 has not committed any offense which requires the suspension,
12 revocation or cancellation of the instruction permit, may reapply
13 for a new instruction permit under the provisions of section six of
14 this article. The division shall immediately revoke the permit
15 upon receipt of a second conviction for a moving violation of
16 traffic regulations and laws of the road or violation of the terms
17 and conditions of a level one instruction permit, which convictions
18 have become final unless a greater penalty is required by this
19 section or any other provision of this code. Any person whose
20 instruction permit has been revoked is disqualified from retesting
21 for a period of ninety days. However, after the expiration of
22 ninety days, the person may retest if otherwise eligible. In
23 addition to all other provisions of this code for which a driver's
24 license may be restricted, suspended, revoked or canceled, the
25 holder of a level one instruction permit may only operate a motor
26 vehicle under the following conditions:

1 (A) Under the direct supervision of a licensed driver,
2 twenty-one years of age or older, or a driver's education or
3 driving school instructor who is acting in an official capacity as
4 an instructor, who is fully alert and unimpaired, and the only
5 other occupant of the front seat. The vehicle may be operated with
6 no more than two additional passengers, unless the passengers are
7 family members;

8 (B) Between the hours of five a.m. and ten p.m.;

9 (C) All occupants must use safety belts in accordance with the
10 provisions of section forty-nine, article fifteen, chapter
11 seventeen-c of this code;

12 (D) Without any measurable blood alcohol content, in
13 accordance with the provisions of subsection (h), section two,
14 article five, chapter seventeen-c of this code; and

15 (E) Maintains current school enrollment and is making
16 satisfactory academic progress or otherwise shows compliance with
17 the provisions of section eleven, article eight, chapter eighteen
18 of this code.

19 (F) A holder of a level one instruction permit who is under
20 the age of eighteen years shall be prohibited from using a wireless
21 communication device while operating a motor vehicle, unless the
22 use of the wireless communication device is for contacting a 9-1-1
23 system. A person violating the provisions of this paragraph is
24 guilty of a misdemeanor and, upon conviction thereof, shall for the
25 first offense be fined \$25; for a second offense be fined \$50; and
26 for a third or subsequent offense be fined \$75.

1 (d) Level two intermediate driver's license.--An applicant
2 sixteen years of age or older, meeting all other requirements of
3 the code, may be issued a level two intermediate driver's license.

4 (1) Eligibility.--The division shall not issue a level two
5 intermediate driver's license unless the applicant:

6 (A) Presents a completed application as prescribed in section
7 six of this article;

8 (B) Has held the level one instruction permit conviction-free
9 for the one hundred eighty days immediately preceding the date of
10 application for a level two intermediate license;

11 (C) Has completed either a driver's education course approved
12 by the State Department of Education or fifty hours of
13 behind-the-wheel driving experience, including a minimum of ten
14 hours of nighttime driving, certified by a parent or legal guardian
15 or other responsible adult over the age of twenty-one as indicated
16 on the form prescribed by the division: Provided, That nothing in
17 this paragraph shall be construed to require any school or any
18 county board of education to provide any particular number of
19 driver's education courses or to provide driver's education
20 training to any student;

21 (D) Presents a driver's eligibility certificate or otherwise
22 shows compliance with the provisions of section eleven, article
23 eight, chapter eighteen of this code;

24 (E) Passes the road skills examination as prescribed by
25 section seven of this article; and

26 (F) Pays a fee of \$5 which shall permit the holder one attempt

1 at the road skills examination.

2 (2) Terms and conditions of a level two intermediate driver's
3 license.--A level two intermediate driver's license issued under
4 the provisions of this section shall expire thirty days after the
5 applicant attains the age of eighteen, or until the licensee
6 qualifies for a level three full Class E license, whichever comes
7 first. In addition to all other provisions of this code for which
8 a driver's license may be restricted, suspended, revoked or
9 canceled, the holder of a level two intermediate driver's license
10 may only operate a motor vehicle under the following conditions:

11 (A) Unsupervised between the hours of five a. m. and ten p.
12 m.;

13 (B) Only under the direct supervision of a licensed driver,
14 age twenty-one years or older, between the hours of ten p. m. and
15 five a. m. except when the licensee is going to or returning from:

16 (i) Lawful employment;

17 (ii) A school-sanctioned activity;

18 (iii) A religious event; or

19 (iv) An emergency situation that requires the licensee to
20 operate a motor vehicle to prevent bodily injury or death of
21 another;

22 (C) All occupants shall use safety belts in accordance with
23 the provisions of section forty-nine, article fifteen, chapter
24 seventeen-c of this code;

25 (D) For the first six months after issuance of a level two
26 intermediate driver's license, the licensee may not operate a motor

1 vehicle carrying any passengers less than twenty years old, unless
2 these passengers are family members of the licensee; for the second
3 six months after issuance of a level two intermediate driver's
4 license, the licensee may not operate a motor vehicle carrying more
5 than one passenger less than twenty years old, unless these
6 passengers are family members of the licensee;

7 (E) Without any measurable blood alcohol content in accordance
8 with the provisions of subsection (h), section two, article five,
9 chapter seventeen-c of this code;

10 (F) Maintains current school enrollment and is making
11 satisfactory academic progress or otherwise shows compliance with
12 the provisions of section eleven, article eight, chapter eighteen
13 of this code;

14 (G) A holder of a level two intermediate driver's license who
15 is under the age of eighteen years shall be prohibited from using
16 a wireless communication device while operating a motor vehicle,
17 unless the use of the wireless communication device is for
18 contacting a 9-1-1 system. A person violating the provisions of
19 this paragraph is guilty of a misdemeanor and, upon conviction
20 thereof, shall for the first offense be fined \$25; for a second
21 offense be fined \$50; and for a third or subsequent offense be
22 fined \$75.

23 (H) Upon the first conviction for a moving traffic violation
24 or a violation of paragraph (A), (B), (C), (D) or (G), subdivision
25 (1), subsection (d) of this section of the terms and conditions of
26 a level two intermediate driver's license, the licensee shall

1 enroll in an approved driver improvement program unless a greater
2 penalty is required by this section or by any other provision of
3 this code; and

4 At the discretion of the commissioner, completion of an
5 approved driver improvement program may be used to negate the
6 effect of a minor traffic violation as defined by the commissioner
7 against the one year conviction-free driving criteria for early
8 eligibility for a level three driver's license and may also negate
9 the effect of one minor traffic violation for purposes of avoiding
10 a second conviction under paragraph (I) of this subdivision; and

11 (I) Upon the second conviction for a moving traffic violation
12 or a violation of the terms and conditions of the level two
13 intermediate driver's license, the licensee's privilege to operate
14 a motor vehicle shall be revoked or suspended for the applicable
15 statutory period or until the licensee's eighteenth birthday,
16 whichever is longer unless a greater penalty is required by this
17 section or any other provision of this code. Any person whose
18 driver's license has been revoked as a level two intermediate
19 driver, upon reaching the age of eighteen years and if otherwise
20 eligible may reapply for an instruction permit, then a driver's
21 license in accordance with the provisions of sections five, six and
22 seven of this article.

23 (e) Level three, full Class E license.--The level three
24 license is valid until thirty days after the date the licensee
25 attains his or her twenty-first birthday. Unless otherwise
26 provided in this section or any other section of this code, the

1 holder of a level three full Class E license is subject to the same
2 terms and conditions as the holder of a regular Class E driver's
3 license.

4 A level two intermediate licensee whose privilege to operate
5 a motor vehicle has not been suspended, revoked or otherwise
6 canceled and who meets all other requirements of the code may be
7 issued a level three full Class E license without further
8 examination or road skills testing if the licensee:

9 (1) Has reached the age of seventeen years; and

10 (A) Presents a completed application as prescribed by the
11 provisions of section six of this article;

12 (B) Has held the level two intermediate license conviction
13 free for the twelve-month period immediately preceding the date of
14 the application;

15 (C) Has completed any driver improvement program required
16 under paragraph (G), subdivision (2), subsection (d) of this
17 section; and

18 (D) Pays a fee of ~~\$2.50~~ \$6.50 for each year the license is
19 valid. An additional fee of \$.50 shall be collected to be
20 deposited in the Combined Voter Registration and Driver's Licensing
21 Fund established in section twelve, article two, chapter three of
22 this code;

23 (E) Presents a driver's eligibility certificate or otherwise
24 shows compliance with the provisions of section eleven, article
25 eight, chapter eighteen of this code; or

26 (2) Reaches the age of eighteen years; and

1 (A) Presents a completed application as prescribed by the
2 provisions of section six of this article; and

3 (B) Pays a fee of ~~\$2.50~~ \$6.50 for each year the license is
4 valid. An additional fee of \$.50 shall be collected to be
5 deposited in the Combined Voter Registration and Driver's Licensing
6 Fund established in section twelve, article two, chapter three of
7 this code.

8 (f) A person violating the provisions of the terms and
9 conditions of a level one or level two intermediate driver's
10 license is guilty of a misdemeanor and, upon conviction thereof,
11 shall for the first offense be fined \$25; for a second offense be
12 fined \$50; and for a third or subsequent offense be fined \$75.

13 **§17B-2-5. Qualifications, issuance and fee for instruction permits.**

14 (a) Any person who is at least fifteen years of age may apply
15 to the division for an instruction permit. However, any person who
16 has not attained the age of eighteen shall comply with the
17 provisions of section three-a of this article. The division may,
18 in its discretion, after the applicant has successfully passed all
19 parts of the examination other than the road skills test, issue to
20 the applicant an instruction permit which entitles the applicant
21 while having the permit in his or her immediate possession to drive
22 a motor vehicle upon the public highways when accompanied by a
23 licensed driver of at least twenty-one years of age, a driver's
24 education or driving school instructor that is acting in an
25 official capacity as an instructor, who is alert and unimpaired or
26 a certified division license examiner acting in an official

1 capacity as an examiner, who is occupying a seat beside the driver.

2 (1) Any instruction permit issued to a person under the age of
3 eighteen years shall be issued in accordance with the provisions of
4 section three-a of this article.

5 (2) Any permit issued to a person who has reached the age of
6 eighteen years is valid for a period of ninety days. The fee for
7 the instruction permit is ~~five dollars~~ \$5.

8 (b) Any person sixteen years of age or older may apply to the
9 division for a motorcycle instruction permit. Any person under the
10 age of eighteen must have first completed the requirements for a
11 level two intermediate driver's license or a Class E driver's
12 license before being eligible for a motorcycle instruction permit.

13 The division may, in its discretion, after the applicant has
14 successfully passed all parts of the motorcycle examination other
15 than the driving test, and presented documentation of compliance
16 with the provisions of section eleven, article eight, chapter
17 eighteen of this code, if applicable, issue to the applicant an
18 instruction permit which entitles the applicant while having the
19 permit in his or her immediate possession to drive a motorcycle
20 upon the public streets or highways for a period of ninety days,
21 during the daylight hours between sunrise and sunset only. No
22 holder of a motorcycle instruction permit shall operate a
23 motorcycle while carrying any passenger on the vehicle.

24 A motorcycle instruction permit is not renewable, but a
25 qualified applicant may apply for a new permit. The fee for a
26 motorcycle instruction permit is ~~five dollars~~ \$5, which shall be

1 paid into a special fund in the state treasury known as the motor
2 vehicle fees fund.

3 **§17B-2-6. Application for license or instruction permit; fee to**
4 **accompany application.**

5 (a) Every application for an instruction permit or for a
6 driver's license shall be made upon a form furnished by the
7 division. Every application shall be accompanied by the proper fee
8 and payment of the fee shall entitle an applicant under the age of
9 eighteen to ~~not more than two attempts~~ one attempt at the written
10 test or ~~not more than three attempts to pass~~ one attempt at the
11 road skills test. An applicant age eighteen years or older is
12 entitled to ~~not more than two attempts~~ one attempt at the written
13 test or ~~not more than three attempts to pass~~ one attempt at the
14 road skills test per payment of the proper fee. ~~within a period of~~
15 ~~ninety days from the date of issuance of the instruction permit.~~
16 An applicant who fails either the written test or the road skills
17 test may not be tested twice within a period of one week. An
18 instruction permit holder is eligible for additional attempts at
19 passing the written test or road skills test upon payment of a fee
20 of \$5 for each attempt.

21 (b) Any applicant who has not been previously licensed must
22 hold an instruction permit for a minimum of thirty days. For the
23 purposes of this section, the term "previously licensed" means an
24 applicant who has obtained at least a level one graduated license
25 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 and such other pertinent information as the commissioner
16 may require.

17 **§17B-2-8. Issuance and contents of licenses; fees.**

18 (a) The division shall, upon payment of the required fee,
19 issue to every applicant qualifying therefor a driver's license,
20 which shall indicate the type or general class or classes of
21 vehicle or vehicles the licensee may operate in accordance with
22 this chapter or chapter seventeen-e of this code, or
23 motorcycle-only license. Each license shall contain a coded number
24 assigned to the licensee, the full legal name, date of birth,
25 residence address, a brief description and a color photograph of
26 the licensee and either a facsimile of the signature of the

1 licensee or a space upon which the signature of the licensee shall
2 be written with pen and ink immediately upon receipt of the
3 license. No license is valid until it has been so signed by the
4 licensee.

5 (b) A driver's license which is valid for operation of a
6 motorcycle shall contain a motorcycle endorsement.

7 (c) The division shall use such process or processes in the
8 issuance of licenses that will, insofar as possible, prevent any
9 alteration, counterfeiting, duplication, reproduction, forging or
10 modification of, or the superimposition of a photograph on, the
11 license.

12 (d) The fee for the issuance of a Class E driver's license is
13 ~~two dollars and fifty cents~~ \$6.50 per year for each year the
14 license is issued to be valid. The fee for issuance of a Class D
15 driver's license is six dollars and twenty-five cents per year for
16 each year the license is issued to be valid. An additional fee of
17 fifty cents shall be collected from the applicant at the time of
18 original issuance or each renewal and the additional fee shall be
19 deposited in the "combined voter registration and driver's
20 licensing fund," established pursuant to the provisions of section
21 twelve, article two, chapter three of this code. The additional
22 fee for adding a motorcycle endorsement to a driver's license is
23 one dollar per year for each year the license is issued.

24 (e) The fee for issuance of a motorcycle-only license is ~~two~~
25 ~~dollars and fifty cents~~ \$6.50 for each year for which the
26 motorcycle license is to be valid. The fees for the motorcycle

1 endorsement or motorcycle-only license shall be paid into a special
2 fund in the State Treasury known as the Motorcycle Safety Fund as
3 established in section seven, article one-d of this chapter.

4 (f) The fee for the issuance of either the level one or level
5 two graduated driver's license as prescribed in section three-a of
6 this article is ~~five dollars~~ \$5.

7 (g) The division may use an address on the face of the license
8 other than the applicant's address of residence if:

9 (1) The applicant has a physical address or location that is
10 not recognized by the post office for the purpose of receiving
11 mail;

12 (2) The applicant is enrolled in a state address
13 confidentiality program or the alcohol test and lock program;

14 (3) The applicant's address is entitled to be suppressed under
15 a state or federal law or suppressed by a court order; or

16 (4) At the discretion of the commissioner, the applicant's
17 address may be suppressed to provide security for classes of
18 applicants such as law-enforcement officials, protected witnesses
19 and members of the state and federal judicial systems.

20 **§17B-2-11. Duplicate permits and licenses.**

21 In the event that an instruction permit or driver's license
22 issued under the provisions of this chapter is lost or destroyed,
23 or if the information contained on the license has changed, the
24 person to whom the permit or license was issued may upon making
25 proper application and upon payment of a fee of ~~five dollars~~ \$15
26 obtain a duplicate thereof upon furnishing proof satisfactory to

1 the division that the permit or license has been lost or destroyed.

2 **CHAPTER 17D. MOTOR VEHICLE SAFETY RESPONSIBILITY LAW.**

3 **ARTICLE 2. ADMINISTRATION OF LAW.**

4 **§17D-2-2. Commissioner to furnish abstract of operating record;**
5 **fee for abstract.**

6 The commissioner shall upon request and subject to the
7 provisions of article two-a, chapter seventeen-a of this code,
8 furnish any person a certified abstract of the operating record of
9 any person subject to the provisions of this chapter, and if there
10 is no record of any conviction of the person of a violation of any
11 law relating to the operation of a motor vehicle or of any injury
12 or damage caused by the person, the commissioner shall so certify.
13 The commissioner shall collect ~~five dollars~~ \$10 for each abstract.

(NOTE: The purpose of this bill is to increase fees for services and documents issued by the Division of Motor Vehicles.

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

