

Senate Bill No. 535

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

[Introduced February 17, 2011; referred to the Committee on
Transportation and Infrastructure; and then to the Committee on
Finance.]

A BILL to amend and reenact §17B-2-1 of the Code of West Virginia, 1931, as amended, relating to issuance of driver's license; and 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 in accordance with criteria established by the division if the licensee requests this information on the license.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 2. ISSUANCE OF LICENSE, EXPIRATION AND RENEWAL.

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

(a) A person, except those hereinafter expressly exempted, may

1 not drive any motor vehicle upon a street or highway in this state
2 or upon any subdivision street, as used in article twenty-four,
3 chapter eight of this code, when the use of the subdivision street
4 is generally used by the public unless the person has a valid
5 driver's license under the provisions of this code for the type or
6 class of vehicle being driven.

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

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

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

23 (1) Class A, B or C license shall be issued to those persons
24 eighteen years of age or older with two years' driving experience
25 and who have qualified for the commercial driver's license
26 established by chapter seventeen-e of this code and the federal

1 Motor Carrier Safety and Improvement Act of 1999 and subsequent
2 rules, and have paid the required fee.

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

22 (3) Class E license shall be issued to those persons who have
23 qualified under the provisions of this chapter and who are not
24 required to obtain a Class A, B, C or D license and who have paid
25 the required fee. The Class E license may be endorsed under the
26 provisions of section seven-b of this article for motorcycle

1 operation. The Class E license for any person under the age of
2 eighteen may also be endorsed with the appropriate graduated driver
3 license level in accordance with the provisions of section three-a
4 of this article.

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

9 (5) All licenses issued under this section may contain
10 information designating the licensee as a diabetic, organ donor or
11 as deaf or hard of hearing and for other handicapped or disabled
12 persons or person who is an honorably discharged veteran of any
13 branch of the Armed Forces of the United States in accordance with
14 criteria established by the division, if the licensee requests this
15 information on the license.

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

24 (e) (1) An identification card may be issued to any person
25 who:

26 (A) Is a resident of this state in accordance with the

1 provisions of section one-a, article three, chapter seventeen-a of
2 this code;

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

6 (C) Has paid the required fee of \$2.50 per year for each year
7 the identification card is issued to be valid: *Provided*, That the
8 fee is not required if the applicant is sixty-five years or older
9 or is legally blind; and

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

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

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

1 applicant's birthday occurs and in a year in which the applicant's
2 age is evenly divisible by five.

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

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

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

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.