

COMMITTEE SUBSTITUTE

FOR

## **Senate Bill No. 535**

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

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[Originating in the Committee on Transportation  
and Infrastructure; reported March 1, 2011.]

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A BILL to amend and reenact §17B-2-1 and §17B-2-6 of the Code of West Virginia, 1931, as amended, all relating to issuance of driver's 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 and §17B-2-6 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all 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.**

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

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

14 (b) The division, upon issuing a driver's license, shall  
15 indicate on the license the type or general class or classes of  
16 vehicle or vehicles the licensee may operate in accordance  
17 with the provisions of this code, federal law or rule. Licenses  
18 shall be issued in different colors for those drivers under age

19 eighteen, those drivers age eighteen to twenty-one and adult  
20 drivers. The commissioner is authorized to select and assign  
21 colors to the licenses of the various age groups.

22 (c) Driver's licenses issued by the division shall be classi-  
23 fied in the following manner:

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

31 (2) Class D license shall be issued to those persons eighteen  
32 years and older with one year of driving experience who  
33 operate motor vehicles other than those types of vehicles  
34 which require the operator to be licensed under the provi-  
35 sions of chapter seventeen-e of this code and federal law and  
36 rule and whose primary function or employment is the  
37 transportation of persons or property for compensation or  
38 wages and have paid the required fee. For the purposes of the  
39 regulation of the operation of a motor vehicle, wherever the  
40 term chauffeur's license is used in this code, it shall be

41 construed to mean the Class A, B, C or D license described in  
42 this section or chapter seventeen-e of this code or federal law  
43 or rule: *Provided*, That anyone who is not required to be  
44 licensed under the provisions of chapter seventeen-e of this  
45 code and federal law or rule and who operates a motor  
46 vehicle which is registered or which is required to be  
47 registered as a Class A motor vehicle as that term is defined  
48 in section one, article ten, chapter seventeen-a of this code  
49 with a gross vehicle weight rating of less than eight thousand  
50 one pounds, is not required to obtain a Class D license.

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

60 (4) Class F license shall be issued to those persons who  
61 successfully complete the motorcycle examination procedure

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

64 (5) All licenses issued under this section may contain  
65 information designating the licensee as a diabetic, organ  
66 donor or as deaf or hard of hearing and for other handi-  
67 capped or disabled persons or person who is an honorably  
68 discharged veteran of any branch of the armed forces of the  
69 United States in accordance with criteria established by the  
70 division, if the licensee requests this information on the  
71 license.

72 (d) A person, except those hereinafter expressly exempted,  
73 may not drive any motorcycle upon a street or highway in  
74 this state or upon any subdivision street, as used in article  
75 twenty-four, chapter eight of this code, when the use of the  
76 subdivision street is generally used by the public unless the  
77 person has a valid motorcycle license or a valid license which  
78 has been endorsed under section seven-b of this article for  
79 motorcycle operation or has a valid motorcycle instruction  
80 permit.

81 (e) (1) An identification card may be issued to any person  
82 who:

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

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

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

93 (D) Presents a birth certificate or other proof of age and  
94 identity acceptable to the division with a completed applica-  
95 tion on a form furnished by the division.

96 (2) The identification card shall contain the same informa-  
97 tion as a driver's license except that the identification card  
98 shall be clearly marked as identification card. However, the  
99 division may issue an identification card with less informa-  
100 tion to persons under the age of sixteen. It may be renewed  
101 on application and payment of the fee required by this  
102 section.

103 (A) Every identification card issued to persons who have  
104 attained their twenty-first birthday shall expire on the day

105 of the month designated by the commissioner in which the  
106 applicant's birthday occurs in those years in which the  
107 applicant's age is evenly divisible by five. Except as provided  
108 in paragraph (B) of this subdivision, no identification card  
109 may be issued for less than three years nor more than seven  
110 years and shall be valid for a period of five years expiring in  
111 the month in which the applicant's birthday occurs and in a  
112 year in which the applicant's age is evenly divisible by five.

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

117 (C) Every identification card issued to persons under the  
118 age of sixteen shall expire on the day of the month desig-  
119 nated by the commissioner in which the applicant's birthday  
120 occurs and shall be issued for a period of two years.

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

125 (f) Any person violating the provisions of this section is  
126 guilty of a misdemeanor and, upon conviction thereof, shall

127 be fined not more than \$500; and upon a second or subse-  
128 quent conviction, shall be fined not more than \$500 or  
129 confined in jail not more than six months, or both.

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

1 (a) Every application for an instruction permit or for a  
2 driver's license shall be made upon a form furnished by the  
3 division. Every application shall be accompanied by the  
4 proper fee and payment of the fee shall entitle an applicant  
5 under the age of eighteen to not more than two attempts at  
6 the written test or not more than three attempts to pass the  
7 road skills test. An applicant age eighteen years or older is  
8 entitled to not more than two attempts at the written test or  
9 not more than three attempts to pass the road skills test,  
10 within a period of ninety days from the date of issuance of  
11 the instruction permit. An applicant who fails either the  
12 written test or the road skills test may not be tested twice  
13 within a period of one week.

14 (b) Any applicant who has not been previously licensed  
15 must hold an instruction permit for a minimum of thirty  
16 days. For the purposes of this section, the term "previously  
17 licensed" means an applicant who has obtained at least a



18 level one graduated license or junior driver's license issued  
19 under the provisions of this article or has obtained an equal  
20 or greater level of licensure if previously licensed in another  
21 state.

22 (c) Every said application shall state the full legal name,  
23 date of birth, sex, and residence address of the applicant and  
24 briefly describe the applicant and shall state whether the  
25 applicant has theretofore been a licensed driver and, if so,  
26 when, and by what state or country and whether any such  
27 license has ever been suspended or revoked within the five  
28 years next preceding the date of application, or whether an  
29 application has ever been refused and, if so, the date of and  
30 reason for the suspension, revocation or refusal, whether the  
31 applicant desires a notation on the driver's license indicating  
32 that the applicant is an organ donor, in accordance with  
33 article one-b of this chapter, a diabetic, deaf, or hard of  
34 hearing, or has any other handicap or disability or is an  
35 honorably discharged veteran of any branch of the armed  
36 forces of the United States and such other pertinent informa-  
37 tion as the commissioner may require.

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(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.)