

1 COMMITTEE SUBSTITUTE

2 FOR

3 **H. B. 4330**

4 (By Delegates Staggers, L. Phillips, Butcher, Varner, Ferns,  
5 Cann, R. Phillips, Paxton, Stowers, Iaquina and Longstreth)  
6

7 (Originating in the House Committee on the Judiciary)

8 [February 14, 2012]

9  
10 A Bill to amend and reenact §17B-2-1 and §17B-2-6 of the Code of  
11 West Virginia, 1931, as amended, all relating to issuance of  
12 driver's licenses; providing that licenses issued under this  
13 section may contain information designating the licensee as a  
14 person who is an honorably discharged veteran of any branch of  
15 the Armed Forces of the United States; providing that veterans  
16 may renew licenses without cost if not expired; and redefining  
17 'previously licensed' as an applicant who has held at least a  
18 level two or similar driver's licensing level or class.

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

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

22 **§17B-2-1. Drivers must be licensed; types of licenses; licensees**  
23 **need not obtain local government license;**  
24 **motorcycle driver license; identification cards.**

25 (a) (1) No person, except those hereinafter expressly exempted,

1 may drive any motor vehicle upon a street or highway in this state  
2 or upon any subdivision street used by the public generally unless  
3 the person has a valid driver's license issued pursuant to this  
4 code for the type or class of vehicle being driven.

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

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

18 (c) ~~Driver's licenses issued by the division shall be~~  
19 ~~classified in the following manner~~ The following drivers licenses  
20 classifications are hereby established:

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

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

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

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

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

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

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

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

1 veterans designation placed on the license.

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

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

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

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

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

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

22 (2) The identification card shall contain the same information  
23 as a driver's license except that the identification card shall be  
24 clearly marked as an identification card. ~~However, the~~ The

1 division may issue an identification card with less information to  
2 persons under the age of sixteen. An identification card may be  
3 renewed annually on application and payment of the fee required by  
4 this section.

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

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

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

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

24 (g) Any person violating the provisions of this section is

1 guilty of a misdemeanor and, upon conviction, shall be fined not  
2 more than five hundred dollars; and upon a second or subsequent  
3 conviction, shall be fined not more than five hundred dollars or  
4 confined in jail not more than six months, or both fined and  
5 confined.

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

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

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

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

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