

1 **H. B. 4082**

2
3 (By Delegates Frazier, Longstreth, Crosier,
4 Barill, Doyle, Paxton, Iaquina, White, Michael,
5 Ireland and Rowan)
6

7 [Introduced January 16, 2012; referred to the
8 Committee on Roads and Transportation then Finance.]

**FISCAL
NOTE**

9
10 A BILL to amend and reenact §17B-2-1 of the Code of West Virginia,
11 1931, as amended, relating to permitting a military veteran to
12 be identified as a veteran on a driver's license or
13 identification card issued by the Division of Motor Vehicles;
14 and permitting a veteran to be issued a replacement license or
15 card without charge if the request is made before the
16 expiration date of the current license or card.

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

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

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

21 **§17B-2-1. Drivers must be licensed; types of licenses; licensees**
22 **need not obtain local government license; motorcycle**
23 **driver license; identification cards.**

24 (a) (1) No person, except those hereinafter expressly
25 exempted, may drive any motor vehicle upon a street or highway in

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

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

1 paid the required fee.

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

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

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

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

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

19 (e) No person, except those hereinafter expressly exempted,
20 may drive any motorcycle upon a street or highway in this state or
21 upon any subdivision street used by the public generally unless the
22 person has a valid motorcycle license, a valid license which has
23 been endorsed under section seven-b of this article for motorcycle
24 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 \$2.50 per year: *Provided,*
10 That the fee is not required if the applicant is sixty-five years
11 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

1 evenly divisible by five. Except as provided in paragraph (B) of
2 this subdivision, no identification card may be issued for less
3 than three years or for more than seven years and expires on the
4 licensee's birthday in those years in which the licensee's age is
5 evenly divisible by five.

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

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

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

17 (g) All licenses and identification cards issued under this
18 section may contain information designating the licensee as a
19 military veteran, according to criteria established by the
20 division, if the individual is in fact a veteran and requests this
21 information be included on the license or identification card. In
22 the event a veteran makes this request before the expiration date
23 of his or her current license or card, all fees relating to a
24 replacement of a current license or card otherwise required by this

1 code, including, but not limited to, paragraph (C), subdivision
2 (1), subsection (f) of this section and section eight of this
3 article, are waived.

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

NOTE: The purpose of this bill is to permit licenses and identification cards issued by the Division of Motor Vehicles to identify the individual as a veteran if the individual is in fact a veteran and requests this information be included on the license or identification card. The bill also permits a veteran to be issued a replacement license or card without charge if the request is made before the expiration date of the current license or card.

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