

H. B. 4330

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

[Introduced January 27, 2012; referred to the

Committee on Roads and Transportation then the

Judiciary.]

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 and redefining 'previously licensed' as an applicant who has held at least a level two or similar driver's licensing level or class.

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

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

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

1 (1) Class A, B or C ~~license shall be~~ licenses are issued to
2 those persons eighteen years of age or older with two years' driving
3 experience and who have qualified for the commercial driver's
4 license established by chapter seventeen-e of this code and the
5 federal Motor Carrier Safety and Improvement Act of 1999 and
6 subsequent rules, and have paid the required fee.

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

1 thousand one pounds, is not required to obtain a Class D license.

2 (3) Class E ~~license shall be~~ licenses are issued to those
3 persons who have qualified under the provisions of this chapter and
4 who are not required to obtain a Class A, B, C or D license and who
5 have paid the required fee. The Class E license may be endorsed
6 under the provisions of section seven-b of this article for
7 motorcycle operation. The Class E license for any person under the
8 age of eighteen may also be endorsed with the appropriate graduated
9 driver license level in accordance with the provisions of section
10 three-a of this article.

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

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

22 (d) A person, except those hereinafter expressly exempted, may
23 not drive any motorcycle upon a street or highway in this state or

1 upon any subdivision street, as used in article twenty-four, chapter
2 eight of this code, when the use of the subdivision street is
3 generally used by the public unless the person has a valid
4 motorcycle license or a valid license which has been endorsed under
5 section seven-b of this article for motorcycle operation or has a
6 valid motorcycle instruction permit.

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

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

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

14 (C) Has paid the required fee of \$2.50 per year for each year
15 the identification card is issued to be valid. ~~Provided, That~~ The
16 fee is not required if the applicant is sixty-five years or older
17 or is legally blind; and

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

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

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

4 (A) Every identification card issued to persons who have
5 attained their twenty-first birthday ~~shall expire~~ expires on the day
6 of the month designated by the commissioner in which the applicant's
7 birthday occurs in those years in which the applicant's age is
8 evenly divisible by five. Except as provided in paragraph (B) of
9 this subdivision, no identification card may be issued for less than
10 three years nor more than seven years and ~~shall be~~ is valid for a
11 period of five years expiring in the month in which the applicant's
12 birthday occurs and in a year in which the applicant's age is evenly
13 divisible by five.

14 (B) Every identification card issued to persons who have not
15 attained their twenty-first birthday ~~shall expire~~ expires on the day
16 of the month designated by the commissioner in the year in which the
17 applicant attains the age of twenty-one years.

18 (C) Every identification card issued to persons under the age
19 of sixteen ~~shall expire~~ expires on the day of the month designated
20 by the commissioner in which the applicant's birthday occurs and
21 shall be issued for a period of two years.

22 (3) The division may issue an identification card to an
23 applicant whose privilege to operate a motor vehicle has been

1 refused, canceled, suspended or revoked under the provisions of this
2 code.

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

8 **§17B-2-6. Application for license or instruction permit; fee to**
9 **accompany application.**

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

22 (b) Any applicant who has not been previously licensed must
23 hold an instruction permit for a minimum of thirty days. For the

1 purposes of this section, the term "previously licensed" means an
2 applicant who has obtained at least a level ~~one~~ two graduated
3 license or junior driver's license issued under the provisions of
4 this article or has obtained an equal or greater level of licensure
5 if previously licensed in another state.

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

NOTE: The purpose of this bill is to provide that drivers licenses 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, if requested. The bill also redefines 'previously licensed' as an applicant who has held at least a level two or comparable driver's license.

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