

1 **Senate Bill No. 405**

2 (By Senators Williams, Jenkins, Unger, Plymale, Beach and Tucker)

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4 [Introduced January 24, 2012; referred to the Committee on
5 Transportation and Infrastructure; and then to the Committee on
6 Finance.]
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**FISCAL
NOTE**

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

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

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

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

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

1 **driver license; identification cards.**

2 (a) (1) No person, except those hereinafter expressly
3 exempted, may drive any motor vehicle upon a street or highway in
4 this state or upon any subdivision street used by the public
5 generally unless the person has a valid driver's license issued
6 pursuant to this code for the type or class of vehicle being
7 driven.

8 (2) Any person licensed to operate a motor vehicle pursuant to
9 this code may exercise the privilege thereby granted in the manner
10 provided in this code and, except as otherwise provided by law, is
11 not required to obtain any other license to exercise the privilege
12 by any county, municipality or local board or body having authority
13 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 vehicles the licensee may operate in accordance with this code,
17 federal law or rule. Licenses shall be issued in different colors
18 for those drivers under age eighteen, those drivers age eighteen to
19 twenty-one and adult drivers. The commissioner is authorized to
20 select and assign colors to the 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) A Class A, B or C license shall be issued to those persons
24 eighteen years of age or older with two years of driving experience

1 who have qualified for the commercial driver's license established
2 by chapter seventeen-e of this code and the federal Motor Carrier
3 Safety and Improvement Act of 1999 and subsequent rules, and have
4 paid the required fee.

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

23 (3) A Class E license shall be issued to those persons who
24 have qualified for a driver's license under the provisions of this

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

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

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

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

22 (e) No person, except those hereinafter expressly exempted,
23 may drive any motorcycle upon a street or highway in this state or
24 upon any subdivision street used by the public generally unless the

1 person has a valid motorcycle license, a valid license which has
2 been endorsed under section seven-b of this article for motorcycle
3 operation or a valid motorcycle instruction permit.

4 (f) (1) An identification card may be issued to any person
5 who:

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

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

12 (C) Has paid the required fee of \$2.50 per year: *Provided,*
13 That the fee is not required if the applicant is sixty-five years
14 or older or is legally blind; and

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

18 (2) The identification card shall contain the same information
19 as a driver's license except that the identification card shall be
20 clearly marked as an identification card. However, the division
21 may issue an identification card with less information to persons
22 under the age of sixteen. An identification card may be renewed
23 annually on application and payment of the fee required by this
24 section.

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

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

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

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

20 (g) All licenses and identification cards issued under this
21 section may contain information designating the licensee as a
22 military veteran, according to criteria established by the
23 division, if the individual is in fact a veteran and requests this
24 information be included on the license or identification card. In

1 the event a veteran makes this request before the expiration date
2 of his or her current license or card, all fees relating to a
3 replacement of a current license or card otherwise required by this
4 code, including, but not limited to, paragraph (C), subdivision
5 (1), subsection (f) of this section and section eight of this
6 article, are waived.

7 ~~(g)~~ (h) Any person violating the provisions of this section is
8 guilty of a misdemeanor and, upon conviction, shall be fined not
9 more than \$500; and upon a second or subsequent conviction, shall
10 be fined not more than \$500 or confined in jail not more than six
11 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.