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**Senate Bill No. 416**

(By Senators Beach, Klempa, Laird and Wills)

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[Introduced January 25, 2012; referred to the Committee on  
Transportation and Infrastructure; and then to the Committee on  
Government Organization.]

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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; 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**

1           **need not obtain local government license; motorcycle**  
2           **driver license; identification cards.**

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

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

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

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

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

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

1 as a Class A motor vehicle as that term is defined in section one,  
2 article ten, chapter seventeen-a of this code with a gross vehicle  
3 weight rating of less than eight thousand one pounds, is not  
4 required to obtain a Class D license.

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

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

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

1 this information on the license.

2 (d) A person, except those hereinafter expressly exempted, may  
3 not drive any motorcycle upon a street or highway in this state or  
4 upon any subdivision street, as used in article twenty-four,  
5 chapter eight of this code, when the use of the subdivision street  
6 is generally used by the public unless the person has a valid  
7 motorcycle license or a valid license which has been endorsed under  
8 section seven-b of this article for motorcycle operation or has a  
9 valid motorcycle instruction permit.

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

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

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

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

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

1           (2) The identification card shall contain the same information  
2 as a driver's license except that the identification card shall be  
3 clearly marked as identification card. ~~However,~~ The division may  
4 issue an identification card with less information to persons under  
5 the age of sixteen ~~it~~ which may be renewed on application and  
6 payment of the fee required by this section.

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

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

21           (C) Every identification card issued to persons under the age  
22 of sixteen ~~shall expire~~ expires on the day of the month designated  
23 by the commissioner in which the applicant's birthday occurs and

1 shall be issued for a period of two years.

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

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

11 **§17B-2-6. Application for license or instruction permit; fee to**  
12 **accompany application.**

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

1 may not be tested twice within a period of one week.

2 (b) Any applicant who has not been previously licensed must  
3 hold an instruction permit for a minimum of thirty days. For the  
4 purposes of this section, the term "previously licensed" means an  
5 applicant who has obtained at least a level ~~one~~ two graduated  
6 license or junior driver's license issued under the provisions of  
7 this article or has obtained an equal or greater level of licensure  
8 if previously licensed in another state.

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



1 veteran of any branch of the Armed Forces of the United States and  
2 such other pertinent 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.