

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 431**

4 (By Senator Beach)

5 _____
6 [Originating in the Committee on Transportation and
7 Infrastructure;
8 reported February 5, 2014.]
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11 A BILL to amend and reenact §17B-2-8, §17B-2-12 and §17B-2-12a of
12 the Code of West Virginia, 1931, as amended, all relating to
13 issuance and renewal of driver's licenses; changing the
14 renewal cycle for driver's licenses from five to eight years;
15 allowing the commissioner to provide a program for online
16 renewal of driver's licenses; providing an additional fee for
17 the issuance of driver's license issued for federal use;
18 permitting more uses for military identification cards;
19 permitting license expiration notifications by electronic
20 means; and clarifying that a driver's license which is valid
21 for the operation of a commercial motor vehicle shall be
22 issued in accordance with chapter seventeen-e of the West
23 Virginia Code.

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

25 That §17B-2-8, §17B-2-12 and §17B-2-12a of the Code of West
26 Virginia, 1931, as amended, be amended and reenacted, all to read

1 as follows:

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

3 **§17B-2-8. Issuance and contents of licenses; fees.**

4 (a) The division shall, upon payment of the required fee,
5 issue to every applicant qualifying therefor a driver's license,
6 which shall indicate the type or general class or classes of
7 vehicle or vehicles the licensee may operate in accordance with
8 this chapter or chapter seventeen-e of this code, or motorcycle-
9 only license. Each license shall contain a coded number assigned
10 to the licensee, the full legal name, date of birth, residence
11 address, a brief description and a color photograph of the licensee
12 and either a facsimile of the signature of the licensee or a space
13 upon which the signature of the licensee ~~shall be~~ is written with
14 pen and ink immediately upon receipt of the license. No license is
15 valid until it has been so signed by the licensee.

16 (b) A driver's license which is valid for operation of a
17 motorcycle shall contain a motorcycle endorsement. A driver's
18 license which is valid for the operation of a commercial motor
19 vehicle shall be issued in accordance with chapter seventeen-e of
20 this code.

21 (c) The division shall use such process or processes in the
22 issuance of licenses that will, insofar as possible, prevent any
23 identity theft, alteration, counterfeiting, duplication,
24 reproduction, forging or modification of, or the superimposition of
25 a photograph on, the license.

26 (d) The fee for the issuance of a Class E driver's license is

1 \$2.50 per year for each year the license is ~~issued to be~~ valid.
2 The fee for issuance of a Class D driver's license is \$6.25 per
3 year for each year the license is ~~issued to be~~ valid. An
4 additional fee of 50¢ shall be collected from the applicant at the
5 time of original issuance or each renewal and the additional fee
6 shall be deposited in the Combined Voter Registration and Driver's
7 Licensing Fund established pursuant to the provisions of section
8 twelve, article two, chapter three of this code. The additional
9 fee for adding a motorcycle endorsement to a driver's license is \$1
10 per year for each year the license is issued.

11 (e) The fee for issuance of a motorcycle-only license is \$2.50
12 for each year for which the motorcycle license is ~~to be~~ valid. The
13 fees for the motorcycle endorsement or motorcycle-only license
14 shall be paid into a special fund in the State Treasury known as
15 the Motorcycle Safety Fund as established in section seven, article
16 one-d of this chapter.

17 (f) The fee for the issuance of either the level one or level
18 two graduated driver's license as prescribed in section three-a of
19 this article is \$5.

20 (g) The fee for issuance of a federally compliant driver's
21 license or identification card for federal use is \$10 in addition
22 to any other fee required by this chapter. Any fees collected
23 under the provisions of this subsection shall be deposited into the
24 Motor Vehicle Fees Fund established in accordance with section
25 twenty-one, article two, chapter seventeen-a of this code.

26 ~~(g)~~ (h) The division may use an address on the face of the

1 license other than the applicant's address of residence if:

2 (1) The applicant has a physical address or location that is
3 not recognized by the post office for the purpose of receiving
4 mail;

5 (2) The applicant is enrolled in a state address
6 confidentiality program or the alcohol test and lock program;

7 (3) The applicant's address is entitled to be suppressed under
8 a state or federal law or suppressed by a court order; or

9 (4) At the discretion of the commissioner, the applicant's
10 address may be suppressed to provide security for classes of
11 applicants such as law-enforcement officials, protected witnesses
12 and members of the state and federal judicial systems.

13 (i) Notwithstanding any provision in this article to the
14 contrary, a valid military identification card with an expiration
15 date issued by the United States Department of Defense for active
16 duty, reserve or retired military personnel containing a digitized
17 photo and the holder's full legal name may be used to establish
18 current full legal name and legal presence. The Commissioner may
19 at his or her discretion expand the use of military identification
20 cards for other uses as permitted under this code or federal rule.

21 **§17B-2-12. Expiration of licenses.**

22 (a) Except as provided in subsection (c) of this section,
23 every driver's license ~~shall expire five~~ expires eight years from
24 the date of its issuance.

25 (b) (1) Every driver's license issued to a person who has
26 attained his or her twenty-first birthday ~~shall expire~~ expires on

1 the licensee's birthday. ~~in those years in which the licensee's age~~
2 ~~is evenly divisible by five. Except as provided in the following~~
3 ~~subdivisions and in subsection (c) of this section, no driver's~~
4 ~~license may be issued for less than three years or for more than~~
5 ~~seven years and shall be valid for a period of five years, expiring~~
6 ~~on the licensee's birthday in a year in which the licensee's age is~~
7 ~~evenly divisible by five. The commissioner may modify the~~
8 ~~expiration date of any license as necessary to effectuate the~~
9 ~~transition from the five-year renewal cycle to a eight-year renewal~~
10 ~~cycle as he or she considers necessary.~~

11 (2) Every driver's license issued to a person who has not
12 attained his or her twenty-first birthday ~~shall expire~~ expires
13 thirty days after the licensee's twenty-first birthday, except as
14 provided in section three-a of this article.

15 (3) The driver's license of any person in the Armed Forces
16 ~~shall expire~~ expires six months after the date on which the person
17 is separated from active duty in the Armed Forces under honorable
18 circumstances.

19 (c) A license issued to a person who is not a citizen of the
20 United States may only be issued for the time the person is legally
21 authorized to be in the United States, not to exceed ~~five~~ eight
22 years. If the time the person is authorized to be in the United
23 States is extended, the commissioner may renew the license in
24 accordance with section twelve-a of this article for the time
25 extended, not to exceed ~~five~~ eight years.

26 **§17B-2-12a. Renewal of driver's license upon expiration; vision**

1 ~~(d)~~ (e) The commissioner shall determine whether an applicant
2 qualifies for a renewed license.

3 ~~(e)~~ (f) The commissioner shall provide by rule a procedure by
4 which an applicant who does not meet the minimum vision standards
5 for licensure may present evidence to show that his or her vision
6 has been corrected to meet the minimum visual standards and that he
7 or she is capable of safely operating a motor vehicle.

8 ~~(f)~~ (g) The commissioner may not renew the driver's license of
9 an applicant whose eyesight cannot be corrected to conform to the
10 minimum vision standards established by this code and by the rules
11 of the commissioner.

12 ~~(g)~~ (h) Vision screening conducted pursuant to this section
13 ~~shall~~ may not be used to collect any type of personal biometric
14 identifying information including, but not limited to, a retinal
15 scan.

16 ~~(h)~~ (i) The commissioner shall propose legislative rules for
17 promulgation in accordance with the provisions of article three,
18 chapter twenty-nine-a of this code to implement the provisions of
19 this section.

20 ~~(i) The provisions of this section requiring an applicant for~~
21 ~~renewal of a driver's license to successfully complete a vision~~
22 ~~screening as a condition of renewing a driver's license shall~~
23 ~~become effective on January 1, 2009.~~

NOTE: The purpose of this bill is to extend the renewal cycle

of drivers' licenses from five years to eight years, provide an option to renew driver's licenses and identification cards on-line without requiring an in-person appearance, to provide a \$10 fee for applicants who opt for a federally compliant driver's license or identification card, and to permit additional uses for military identification cards.

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