

1 COMMITTEE SUBSTITUTE

2 FOR

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4 FOR

5 **Senate Bill No. 431**

6 (By Senator Beach)

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

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

26 That §17B-2-8, §17B-2-12 and §17B-2-12a of the Code of West

1 Virginia, 1931, as amended, be amended and reenacted, all to read  
2 as follows:

3 **ARTICLE 2. ISSUANCE OF LICENSE; EXPIRATION AND RENEWAL.**

4 **§17B-2-8. Issuance and contents of licenses; fees.**

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

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

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

1 (d) The fee for the issuance of a Class E driver's license is  
2 ~~two dollars and fifty cents~~ \$2.50 per year for each year the  
3 license is ~~issued to be~~ valid. The fee for issuance of a Class D  
4 driver's license is ~~six dollars and twenty-five cents~~ \$6.25 per  
5 year for each year the license is ~~issued to be~~ valid. An  
6 additional fee of \$0.50 shall be collected from the applicant at  
7 the time of original issuance or each renewal and the additional  
8 fee shall be deposited in the Combined Voter Registration and  
9 Driver's Licensing Fund established pursuant to the provisions of  
10 section twelve, article two, chapter three of this code. The  
11 additional fee for adding a motorcycle endorsement to a driver's  
12 license is ~~one dollar~~ \$1 per year for each year the license is  
13 issued.

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

20 (f) The fee for the issuance of either the level one or level  
21 two graduated driver's license as prescribed in section three-a of  
22 this article is ~~five dollars~~ \$5.

23 (g) The fee for issuance of a federally compliant driver's  
24 license or identification card for federal use is \$10 in addition  
25 to any other fee required by this chapter. Any fees collected  
26 under the provisions of this subsection shall be deposited into the

1 Motor Vehicle Fees Fund established in accordance with section  
2 twenty-one, article two, chapter seventeen-a of this code.

3 ~~(g)~~ (h) The division may use an address on the face of the  
4 license other than the applicant's address of residence if:

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

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

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

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

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

24 **§17B-2-12. Expiration of licenses.**

25 (a) Except as provided in subsection (c) of this section,  
26 every driver's license ~~shall expire five~~ expires eight years from

1 the date of its issuance.

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

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

18 (3) The driver's license of any person in the armed forces  
19 ~~shall expire~~ expires six months after the date on which the person  
20 is separated from active duty in the armed forces under honorable  
21 circumstances.

22 (c) A license issued to a person who is not a citizen of the  
23 United States may only be issued for the time the person is legally  
24 authorized to be in the United States, not to exceed ~~five~~ eight  
25 years. If the time the person is authorized to be in the United  
26 States is extended, the commissioner may renew the license in

1 accordance with section twelve-a of this article for the time  
2 extended, not to exceed ~~five~~ eight years.

3 **§17B-2-12a. Renewal of driver's license upon expiration; vision**  
4 **screening; renewal fees.**

5 (a) The commissioner shall notify each person who holds a  
6 valid driver's license of the expiration date of the license by  
7 first class mail or by electronic means to the last address known  
8 to the division. The notice shall be mailed at least ninety days  
9 prior to the expiration date of the license and shall include a  
10 renewal application form and instructions for renewal.

11 (b) The commissioner, at his or her discretion, may provide a  
12 program of electronic renewal notices to licensees and an  
13 electronic web-based renewal process. This process may include an  
14 electronic vision screening verification or waiver subject to  
15 processes and restrictions the commissioner considers necessary for  
16 highway safety, secure processing and identity verification. The  
17 online program shall require the applicant to have his or her  
18 digital photo updated at least once every sixteen years.

19 ~~(b)~~ (c) The holder of a valid driver's license may apply to  
20 the division for renewal of the license on the form provided by the  
21 division. To be eligible for license renewal the applicant must:

22 (1) Pay the fee required by section eight of this article;

23 (2) Obtain a new color photograph from the division, except as  
24 provided in subsection (b) of this section; and

25 (3) Pass a vision screening conducted in the manner prescribed  
26 by the division.

1       ~~(c)~~ (d) The commissioner shall assess an additional fee of  
2 ~~five dollars~~ \$5 for every application for renewal submitted after  
3 the expiration of the applicant's license.

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

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

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

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

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

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

