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(By Delegates Staggers, L.Phillips,
Lynch, Young, Walker, Stephens, Moye,
D. Poling, Longstreth, P. Smith and
John Shott)
(By request of the Division of Motor Vehicles)

[Introduced January 29, 2014; referred to the
Committee on the Judiciary then Finance.]

**FISCAL
NOTE**

A BILL to amend and reenact §17B-2-8, §17B-2-12 and §17B-2-12a of
the Code of West Virginia, 1931, as amended, all relating to
issuance and renewal of driver's licenses; changing renewal
cycle for driver's licenses from five to eight years; allowing
the commissioner to provide a program for online renewal of
driver's licenses; and providing an additional fee for the
issuance of driver's license issued for federal use.

Be it enacted by the Legislature of West Virginia:

That §17B-2-8, §17B-2-12 and §17B-2-12a 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-2-8. Issuance and contents of licenses; fees.

(a) The division shall, upon payment of the required fee,
issue to every applicant qualifying therefor a driver's license,
which shall indicate the type or general class or classes of
vehicle or vehicles the licensee may operate in accordance with

1 this chapter or chapter seventeen-e of this code, or
2 motorcycle-only license. Each license shall contain a coded number
3 assigned to the licensee, the full legal name, date of birth,
4 residence address, a brief description and a color photograph of
5 the licensee and either a facsimile of the signature of the
6 licensee or a space upon which the signature of the licensee ~~shall~~
7 ~~be~~ is written with pen and ink immediately upon receipt of the
8 license. No license is valid until it has been so signed by the
9 licensee.

10 (b) A driver's license which is valid for operation of a
11 motorcycle shall contain a motorcycle endorsement. A driver's
12 license which is valid for the operation of a commercial motor
13 vehicle shall be issued in accordance with chapter seventeen-e of
14 this code.

15 (c) The division shall use such process or processes in the
16 issuance of licenses that will, insofar as possible, prevent any
17 identity theft, alteration, counterfeiting, duplication,
18 reproduction, forging or modification of, or the superimposition of
19 a photograph on, the license.

20 (d) The fee for the issuance of a Class E driver's license is
21 \$2.50 per year for each year the license is ~~issued to be~~ valid.
22 The fee for issuance of a Class D driver's license is \$6.25 per
23 year for each year the license is ~~issued to be~~ valid. An
24 additional fee of 50¢ shall be collected from the applicant at the

1 time of original issuance or each renewal and the additional fee
2 shall be deposited in the Combined Voter Registration and Driver's
3 Licensing Fund established pursuant to the provisions of section
4 twelve, article two, chapter three of this code. The additional
5 fee for adding a motorcycle endorsement to a driver's license is \$1
6 per year for each year the license is issued.

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

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

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

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

24 (1) The applicant has a physical address or location that is

1 not recognized by the post office for the purpose of receiving
2 mail;

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

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

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

11 **§17B-2-12. Expiration of licenses.**

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

15 (b) (1) Every driver's license issued to a person who has
16 attained his or her twenty-first birthday ~~shall expire~~ expires on
17 the licensee's birthday. ~~in those years in which the licensee's age~~
18 ~~is evenly divisible by five. Except as provided in the following~~
19 ~~subdivisions and in subsection (c) of this section, no driver's~~
20 ~~license may be issued for less than three years or for more than~~
21 ~~seven years and shall be valid for a period of five years, expiring~~
22 ~~on the licensee's birthday in a year in which the licensee's age is~~
23 ~~evenly divisible by five. The commissioner may modify the~~
24 expiration date of any licensee as necessary to effectuate the

1 transition from the five-year renewal cycle to an eight-year
2 renewal cycle as he or she considers necessary.

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

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

11 (c) A license issued to a person who is not a citizen of the
12 United States may only be issued for the time the person is legally
13 authorized to be in the United States, not to exceed ~~five~~ eight
14 years. If the time the person is authorized to be in the United
15 States is extended, the commissioner may renew the license in
16 accordance with section twelve-a of this article for the time
17 extended, not to exceed ~~five~~ eight years.

18 **§17B-2-12a. Renewal of driver's license upon expiration; vision**
19 **screening; renewal fees.**

20 (a) The commissioner shall notify each person who holds a
21 valid driver's license of the expiration date of the license by
22 first class mail or by electronic means to the last address known
23 to the division. The notice shall be mailed at least ninety days
24 prior to the expiration date of the license and shall include a

1 renewal application form and instructions for renewal.

2 (b) The commissioner, at his or her discretion, may provide
3 a program of electronic renewal notices to licensees and an
4 electronic web-based renewal process. This process may include an
5 electronic vision screening verification or waiver subject to
6 processes and restrictions the commissioner considers necessary for
7 highway safety, secure processing and identity verification. The
8 online program shall require the applicant to have his or her
9 digital photo updated at least once every sixteen years.

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

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

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

16 (3) Pass a vision screening conducted in the manner prescribed
17 by the division.

18 ~~(c)~~ (d) The commissioner shall assess an additional fee of \$5
19 for every application for renewal submitted after the expiration of
20 the applicant's license.

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

23 ~~(e)~~ (f) The commissioner shall provide by rule a procedure by
24 which an applicant who does not meet the minimum vision standards

1 for licensure may present evidence to show that his or her vision
2 has been corrected to meet the minimum visual standards and that he
3 or she is capable of safely operating a motor vehicle.

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

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

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

16 ~~(i) The provisions of this section requiring an applicant for
17 renewal of a driver's license to successfully complete a vision
18 screening as a condition of renewing a driver's license shall
19 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 and to provide a \$10 fee for applicants who opt for a federally compliant driver's license or identification card.

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