

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 192

(Senator Snyder, *original sponsor*)

[Passed March 14, 2015; in effect from passage.]

AN ACT to amend and reenact article 8, chapter 64 of the Code of West Virginia, 1931, as amended, relating generally to the promulgation of administrative rules by the Department of Transportation; legislative mandate or authorization for the promulgation of certain legislative rules by various executive or administrative agencies of the state; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee and as amended by the Legislature; authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to the examination and issuance of driver's licenses; and authorizing the Office of Administrative Hearings to promulgate a legislative rule relating to appeal procedures.

Be it enacted by the Legislature of West Virginia:

That article 8, chapter 64 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 8. AUTHORIZATION FOR DEPARTMENT OF TRANSPORTATION TO
PROMULGATE LEGISLATIVE RULES.**

§64-8-1. Division of Motor Vehicles.

1 The legislative rule filed in the State Register on August 1, 2014, authorized under the
2 authority of section nine, article two, chapter seventeen-a of this code, modified by the Division of
3 Motor Vehicles to meet the objections of the Legislative Rule-Making Review Committee and
4 refiled in the State Register on December 31, 2014, relating to the Division of Motor Vehicles
5 (examination and issuance of driver's licenses, 91 CSR 4), is authorized with the following
6 amendments:

7 On page 2, subsection 3.1., lines 8 and 9, by striking out “§17B-2-8(I)” and inserting in lieu
8 thereof “§17B-2-8(i)”;

9 On page 6, subdivision 3.11.a., line 6, by striking out “§17B-2-8(I)” and inserting in lieu
10 thereof “§17B-2-8(i)”;

11 On page 7, subsection 3.11, after line 2, by adding a new subdivision 3.11.e to read as
12 follows:

13 "3.11.e In lieu of a social security card as proof of social security number, the following
14 documents may be used to obtain a not for federal use driver’s license or a not for federal use
15 identification card:

16 (i) An original or a copy of a certified Military Discharge Form DD 214 issued by the U.S.
17 Military, with the social security number; or

18 (ii) A Medicare card issued in the applicant’s full name, which contains the applicant’s social
19 security number and the signature of the applicant as the card holder."

20 On page 7, subsection 4.1, line 17, after the word "Commissioner." by adding the following:

21 "The Division shall make available information for driver's license and ID applicants that
22 clearly delineates the requirements for a for federal use driver license or ID and a not for federal use

1 driver's license and ID.";

2 On page 10, subsection 4.1.f, line 5 after the word "commissioner" by adding the following:

3 "which form must require and be accompanied by a certification by a medical doctor of the
4 person's gender."

5 On page 21, subsection 7.2, line 6, after the word "record." by adding the following:

6 "The renewal form shall clearly delineate the requirements for a for federal use driver license
7 or ID and a not for federal use driver's license and ID.";

8 On page 25, line 8, by adding a new subsection 7A.1.c to read as follows:

9 "7A.1.c. The Division's online renewal process shall clearly delineate the requirements for
10 a for federal use driver license or ID and a not for federal use driver's license and ID.";

11 On page 27, subsection 8.2.c, line 1 after the word "commissioner" by adding the following:

12 "which form must require and be accompanied by a certification by a medical doctor of the
13 person's gender."

14 On page 31, subsection 9.5, line 17 after the word "commissioner" by adding the following:

15 "which form must require and be accompanied by a certification by a medical doctor of the
16 person's gender."

17 On page 34, subdivision 11.1.b, lines 17 through 19, by striking out all of subdivision 11.1.b
18 and inserting in lieu thereof the following:

19 "11.1.b. A valid photo driver's license or identification card expired six months or less
20 issued the Division only on a not for federal use driver's license and a not for federal use
21 identification card."

22 And by renumbering the remaining subdivisions;

23 On page 35, subdivision 11.1.d., line one, by striking out "§17B-2-8(I)" and inserting in lieu

1 thereof “§17B-2-8(i), only on a not for federal use driver's license and a not for federal use
2 identification card ”;

3 On page 36, lines 14 and 15, by striking out all of subdivision 12.2.b. and inserting in lieu
4 thereof a new subdivision 12.2.b. to read as follows:

5 "12.2.b. A United States passport or passport card, currently valid or expired less than 2
6 years, only on a not for federal use driver's license and a not for federal use identification card.";

7 On page 47, subdivision 14.7.e, line 15, after the word "endocrinologist" by inserting the
8 words "or primary care physician";

9 On page 52, subsection 14.14, line 3, by striking out the word "two" and inserting in lieu
10 thereof the word "three";

11 And,

12 On page 52, subsection 14.14, line 6, by striking out the word "two" and inserting in lieu
13 thereof the word "three".

14 **§64-8-2. Office of Administrative Hearings.**

15 The legislative rule filed in the State Register on July 31, 2014, authorized under the
16 authority of section four-a, article five-c, chapter seventeen-c of this code, modified by the Office
17 of Administrative Hearings to meet the objections of the Legislative Rule-Making Review
18 Committee and refiled in the State Register on December 23, 2014, relating to the Office of
19 Administrative Hearings (appeal procedures, 105 CSR 1), is authorized with the following
20 amendment:

21 On page 14, subdivision 16.3.1., by changing the period to a colon and adding the following
22 proviso: *Provided*, That if a party prevails in its appeal, the OAH shall refund the \$50 filing fee.