

**Senate Bill No. 293**

(By Senators Beach, Kessler and Miller)

\_\_\_\_\_

[Introduced January 23, 2015; referred to the Committee on Transportation and Infrastructure;

and then to the Committee on Finance.]

\_\_\_\_\_

**FISCAL  
NOTE**

A BILL to amend and reenact §17A-2-13 of the Code of West Virginia, 1931, as amended; to amend and reenact §17A-3-4 of said code; to amend and reenact §17A-4-1 and §17A-4-10 of said code; to amend and reenact §17A-4A-10 of said code; to amend and reenact §17A-10-3, §17A-10-10 and §17A-10-11 of said code; to amend and reenact §17B-2-1, §17B-2-3a, §17B-2-6, §17B-2-8 and §17B-2-11 of said code; and to amend and reenact §17D-2-2 of said code, all relating to increasing fees; increasing fee for vehicle records and certified record fee; increasing registration fee for Class A motor vehicles; increasing fee for issuance and duplication of various documents by the division including titles, registrations, plates and decals; increasing fee for issuance, duplication and renewal of a driver’s license; requiring payment of fee for each attempt at written and road skills test; and increasing fee for driving records.

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

1 That §17A-2-13 of the Code of West Virginia, 1931, as amended, be amended and reenacted;  
 2 that §17A-3-4 of said code be amended and reenacted; that §17A-4-1 and §17A-4-10 of said code  
 3 be amended and reenacted; that §17A-4A-10 of said code be amended and reenacted; that  
 4 §17A-10-3, §17A-10-10 and §17A-10-11 of said code be amended and reenacted; that §17B-2-1,  
 5 §17B-2-3a, §17B-2-6, §17B-2-8 and §17B-2-11 of said code be amended and reenacted; and that  
 6 §17D-2-2 of said code be amended and reenacted, all to read as follows:

7 **CHAPTER 17A. MOTOR VEHICLE ADMINISTRATION, REGISTRATION,**  
 8 **CERTIFICATE OF TITLE, AND ANTITHEFT PROVISIONS.**

9 **ARTICLE 2. DIVISION OF MOTOR VEHICLES.**

10 **§17A-2-13. Authority to administer oaths and certify copies of records; information as to**  
 11 **registration.**

12 (a) Officers and employees of the division designated by the commissioner are, for the  
 13 purpose of administering the motor vehicle laws, authorized to administer oaths and acknowledge  
 14 signatures, and shall do so without fee.

15 (b) The commissioner and such officers of the division as he or she may designate are hereby  
 16 authorized to prepare under the seal of the division and deliver upon request in conformance with  
 17 article two-a of this chapter a certified copy of any record of the division, charging a an additional  
 18 fee of ~~one dollar~~ \$3 for each document so authenticated, and every such certified copy is admissible  
 19 in any proceeding in any court in like manner as the original thereof.

20 (c) Subject to the provisions of article two-a of this chapter, the commissioner and such  
 21 officers of the division as he or she may designate may furnish the requested information to any

1 person making a written request for information regarding the registration of any vehicle at a fee of  
2 ~~one dollar~~ \$7 for each registration about which information is furnished.

3 **ARTICLE 3. ORIGINAL AND RENEWAL OF REGISTRATION; ISSUANCE OF**  
4 **CERTIFICATES OF TITLE.**

5 **§17A-3-4. Application for certificate of title; fees; abolishing privilege tax; prohibition of**  
6 **issuance of certificate of title without compliance with consumer sales and**  
7 **service tax provisions; exceptions.**

8 (a) Certificates of registration of any vehicle or registration plates for the vehicle, whether  
9 original issues or duplicates, may not be issued or furnished by the Division of Motor Vehicles or  
10 any other officer or agent charged with the duty, unless the applicant already has received, or at the  
11 same time makes application for and is granted, an official certificate of title of the vehicle in either  
12 an electronic or paper format. The application shall be upon a blank form to be furnished by the  
13 Division of Motor Vehicles and shall contain a full description of the vehicle, which description shall  
14 contain a manufacturer's serial or identification number or other number as determined by the  
15 commissioner and any distinguishing marks, together with a statement of the applicant's title and  
16 of any liens or encumbrances upon the vehicle, the names and addresses of the holders of the liens  
17 and any other information as the Division of Motor Vehicles may require. The application shall be  
18 signed and sworn to by the applicant. A duly certified copy of the division's electronic record of a  
19 certificate of title is admissible in any civil, criminal or administrative proceeding in this state as  
20 evidence of ownership.

21 (b) A tax is imposed upon the privilege of effecting the certification of title of each vehicle

1 in the amount equal to five percent of the value of the motor vehicle at the time of the certification,  
2 to be assessed as follows:

3 (1) If the vehicle is new, the actual purchase price or consideration to the purchaser of the  
4 vehicle is the value of the vehicle. If the vehicle is a used or secondhand vehicle, the present market  
5 value at time of transfer or purchase is the value of the vehicle for the purposes of this section:  
6 *Provided*, That so much of the purchase price or consideration as is represented by the exchange of  
7 other vehicles on which the tax imposed by this section has been paid by the purchaser shall be  
8 deducted from the total actual price or consideration paid for the vehicle, whether the vehicle be new  
9 or secondhand. If the vehicle is acquired through gift or by any manner whatsoever, unless  
10 specifically exempted in this section, the present market value of the vehicle at the time of the gift  
11 or transfer is the value of the vehicle for the purposes of this section.

12 (2) No certificate of title for any vehicle may be issued to any applicant unless the applicant  
13 has paid to the Division of Motor Vehicles the tax imposed by this section which is five percent of  
14 the true and actual value of the vehicle whether the vehicle is acquired through purchase, by gift or  
15 by any other manner whatsoever, except gifts between husband and wife or between parents and  
16 children: *Provided*, That the husband or wife, or the parents or children, previously have paid the  
17 tax on the vehicles transferred to the State of West Virginia.

18 (3) The Division of Motor Vehicles may issue a certificate of registration and title to an  
19 applicant if the applicant provides sufficient proof to the Division of Motor Vehicles that the  
20 applicant has paid the taxes and fees required by this section to a motor vehicle dealership that has  
21 gone out of business or has filed bankruptcy proceedings in the United States bankruptcy court and

1 the taxes and fees so required to be paid by the applicant have not been sent to the division by the  
2 motor vehicle dealership or have been impounded due to the bankruptcy proceedings: *Provided,*  
3 That the applicant makes an affidavit of the same and assigns all rights to claims for money the  
4 applicant may have against the motor vehicle dealership to the Division of Motor Vehicles.

5 (4) The Division of Motor Vehicles shall issue a certificate of registration and title to an  
6 applicant without payment of the tax imposed by this section if the applicant is a corporation,  
7 partnership or limited liability company transferring the vehicle to another corporation, partnership  
8 or limited liability company when the entities involved in the transfer are members of the same  
9 controlled group and the transferring entity has previously paid the tax on the vehicle transferred.  
10 For the purposes of this section, control means ownership, directly or indirectly, of stock or equity  
11 interests possessing fifty percent or more of the total combined voting power of all classes of the  
12 stock of a corporation or equity interests of a partnership or limited liability company entitled to vote  
13 or ownership, directly or indirectly, of stock or equity interests possessing fifty percent or more of  
14 the value of the corporation, partnership or limited liability company.

15 (5) The tax imposed by this section does not apply to vehicles to be registered as Class H  
16 vehicles or Class M vehicles, as defined in section one, article ten of this chapter, which are used or  
17 to be used in interstate commerce. Nor does the tax imposed by this section apply to the titling of  
18 Class B vehicles registered at a gross weight of fifty-five thousand pounds or more, or to the titling  
19 of Class C semitrailers, full trailers, pole trailers and converter gear: *Provided,* That if an owner of  
20 a vehicle has previously titled the vehicle at a declared gross weight of fifty-five thousand pounds  
21 or more and the title was issued without the payment of the tax imposed by this section, then before

1 the owner may obtain registration for the vehicle at a gross weight less than fifty-five thousand  
2 pounds, the owner shall surrender to the commissioner the exempted registration, the exempted  
3 certificate of title and pay the tax imposed by this section based upon the current market value of the  
4 vehicle: *Provided, however,* That notwithstanding the provisions of section nine, article fifteen,  
5 chapter eleven of this code, the exemption from tax under this section for Class B vehicles in excess  
6 of fifty-five thousand pounds and Class C semitrailers, full trailers, pole trailers and converter gear  
7 does not subject the sale or purchase of the vehicles to the consumers sales and service tax.

8           (6) The tax imposed by this section does not apply to titling of vehicles leased by residents  
9 of West Virginia. A tax is imposed upon the monthly payments for the lease of any motor vehicle  
10 leased by a resident of West Virginia, which tax is equal to five percent of the amount of the monthly  
11 payment, applied to each payment, and continuing for the entire term of the initial lease period. The  
12 tax shall be remitted to the Division of Motor Vehicles on a monthly basis by the lessor of the  
13 vehicle.

14           (7) The tax imposed by this section does not apply to titling of vehicles by a registered dealer  
15 of this state for resale only, nor does the tax imposed by this section apply to titling of vehicles by  
16 this state or any political subdivision thereof, or by any volunteer fire department or duly chartered  
17 rescue or ambulance squad organized and incorporated under the laws of this state as a nonprofit  
18 corporation for protection of life or property. The total amount of revenue collected by reason of this  
19 tax shall be paid into the state Road Fund and expended by the Commissioner of Highways for  
20 matching federal funds allocated for West Virginia. In addition to the tax, there is a charge of ~~\$5~~ \$21  
21 for each original certificate of title or duplicate certificate of title so issued: *Provided,* That this state

1 or any political subdivision of this state or any volunteer fire department or duly chartered rescue  
2 squad is exempt from payment of the charge.

3 (8) The certificate is good for the life of the vehicle, so long as the vehicle is owned or held  
4 by the original holder of the certificate and need not be renewed annually, or any other time, except  
5 as provided in this section.

6 (9) If, by will or direct inheritance, a person becomes the owner of a motor vehicle and the  
7 tax imposed by this section previously has been paid to the Division of Motor Vehicles on that  
8 vehicle, he or she is not required to pay the tax.

9 (10) A person who has paid the tax imposed by this section is not required to pay the tax a  
10 second time for the same motor vehicle, but is required to pay a charge of \$5 \$21 for the certificate  
11 of retitle of that motor vehicle, except that the tax shall be paid by the person when the title to the  
12 vehicle has been transferred either in this or another state from the person to another person and  
13 transferred back to the person.

14 (11) The tax imposed by this section does not apply to any passenger vehicle offered for rent  
15 in the normal course of business by a daily passenger rental car business as licensed under the  
16 provisions of article six-d of this chapter. For purposes of this section, a daily passenger car means  
17 a Class A motor vehicle having a gross weight of eight thousand pounds or less and is registered in  
18 this state or any other state. In lieu of the tax imposed by this section, there is hereby imposed a tax  
19 of not less than \$1 nor more than \$1.50 for each day or part of the rental period. The commissioner  
20 shall propose an emergency rule in accordance with the provisions of article three, chapter  
21 twenty-nine-a of this code to establish this tax.

1           (12) The tax imposed by this article does not apply to the titling of any vehicle purchased by  
2 a senior citizen service organization which is exempt from the payment of income taxes under the  
3 United States Internal Revenue Code, Title 26 U.S.C. §501(c)(3) and which is recognized to be a  
4 bona fide senior citizen service organization by the senior services bureau existing under the  
5 provisions of article five, chapter sixteen of this code.

6           (13) The tax imposed by this section does not apply to the titling of any vehicle operated by  
7 an urban mass transit authority as defined in article twenty-seven, chapter eight of this code or a  
8 nonprofit entity exempt from federal and state income tax under the Internal Revenue Code and  
9 whose purpose is to provide mass transportation to the public at large designed for the transportation  
10 of persons and being operated for the transportation of persons in the public interest.

11           (14) The tax imposed by this section does not apply to the transfer of a title to a vehicle  
12 owned and titled in the name of a resident of this state if the applicant:

13           (A) Was not a resident of this state at the time the applicant purchased or otherwise acquired  
14 ownership of the vehicle;

15           (B) Presents evidence as the commissioner may require of having titled the vehicle in the  
16 applicant's previous state of residence;

17           (C) Has relocated to this state and can present such evidence as the commissioner may  
18 require to show bona-fide residency in this state; and

19           ~~(D) Presents an affidavit, completed by the assessor of the applicant's county of residence,~~  
20 ~~establishing that the vehicle has been properly reported and is on record in the office of the assessor~~  
21 ~~as personal property; and~~



1           ~~(E)~~ (D) Makes application to the division for a title and registration, and pays all other fees  
2 required by this chapter within thirty days of establishing residency in this state as prescribed in  
3 subsection (a), section one-a of this article: *Provided*, That a period of amnesty of three months be  
4 established by the commissioner during the calendar year two thousand seven, during which time  
5 any resident of this state, having titled his or her vehicle in a previous state of residence, may pay  
6 without penalty any fees required by this chapter and transfer the title of his or her vehicle in  
7 accordance with the provisions of this section.

8           (c) Notwithstanding any provisions of this code to the contrary, the owners of trailers,  
9 semitrailers, recreational vehicles and other vehicles not subject to the certificate of title tax prior  
10 to the enactment of this chapter are subject to the privilege tax imposed by this section: *Provided*,  
11 That the certification of title of any recreational vehicle owned by the applicant on June 30, 1989,  
12 is not subject to the tax imposed by this section: *Provided, however*, That mobile homes,  
13 manufactured homes, modular homes and similar nonmotive propelled vehicles, except recreational  
14 vehicles and house trailers, susceptible of being moved upon the highways but primarily designed  
15 for habitation and occupancy, rather than for transporting persons or property, or any vehicle  
16 operated on a nonprofit basis and used exclusively for the transportation of mentally retarded or  
17 physically handicapped children when the application for certificate of registration for the vehicle  
18 is accompanied by an affidavit stating that the vehicle will be operated on a nonprofit basis and used  
19 exclusively for the transportation of mentally retarded and physically handicapped children, are not  
20 subject to the tax imposed by this section, but are taxable under the provisions of articles fifteen and  
21 fifteen-a, chapter eleven of this code.

1 (d) Beginning on July 1, 2008, the tax imposed under this subsection (b) of this section is  
2 abolished and after that date no certificate of title for any motor vehicle may be issued to any  
3 applicant unless the applicant provides sufficient proof to the Division of Motor Vehicles that the  
4 applicant has paid the fees required by this article and the tax imposed under section three-b, article  
5 fifteen, chapter eleven of this code.

6 (e) Any person making any affidavit required under any provision of this section who  
7 knowingly swears falsely, or any person who counsels, advises, aids or abets another in the  
8 commission of false swearing, or any person, while acting as an agent of the Division of Motor  
9 Vehicles, issues a vehicle registration without first collecting the fees and taxes or fails to perform  
10 any other duty required by this chapter or chapter eleven of this code to be performed before a  
11 vehicle registration is issued is, on the first offense, guilty of a misdemeanor and, upon conviction  
12 thereof, shall be fined not more than \$500 or be confined in jail for a period not to exceed six months  
13 or, in the discretion of the court, both fined and confined. For a second or any subsequent conviction  
14 within five years, that person is guilty of a felony and, upon conviction thereof, shall be fined not  
15 more than \$5,000 or be imprisoned in a state correctional facility for not less than one year nor more  
16 than five years or, in the discretion of the court, both fined and imprisoned.

17 (f) Notwithstanding any other provisions of this section, any person in the military stationed  
18 outside West Virginia or his or her dependents who possess a motor vehicle with valid registration  
19 are exempt from the provisions of this article for a period of nine months from the date the person  
20 returns to this state or the date his or her dependent returns to this state, whichever is later.

21 (g) No person may transfer, purchase or sell a factory-built home without a certificate of title

1 issued by the commissioner in accordance with the provisions of this article:

2 (1) Any person who fails to provide a certificate of title upon the transfer, purchase or sale  
3 of a factory-built home is guilty of a misdemeanor and, upon conviction thereof, shall for the first  
4 offense be fined not less than \$100 nor more than \$1,000, or be confined in jail for not more than  
5 one year, or both fined and confined. For each subsequent offense, the fine may be increased to not  
6 more than \$2,000, with confinement in jail not more than one year, or both fined and confined.

7 (2) Failure of the seller to transfer a certificate of title upon sale or transfer of the factory-built  
8 home gives rise to a cause of action, upon prosecution thereof, and allows for the recovery of  
9 damages, costs and reasonable attorney fees.

10 (3) This subsection does not apply to a mobile or manufactured home for which a certificate  
11 of title has been canceled pursuant to section twelve-b of this article.

12 (h) Notwithstanding any other provision to the contrary, whenever reference is made to the  
13 application for or issuance of any title or the recordation or release of any lien, it includes the  
14 application, transmission, recordation, transfer of ownership and storage of information in an  
15 electronic format.

16 (I) Notwithstanding any other provision contained in this section, nothing herein shall be  
17 considered to include modular homes as defined in subsection (I), section two, article fifteen, chapter  
18 thirty-seven of this code and built to the State Building Code as established by legislative rules  
19 promulgated by the State Fire Commission pursuant to section five-b, article three, chapter  
20 twenty-nine of this code.

21 **ARTICLE 4. TRANSFERS OF TITLE OR INTEREST.**

1 **§17A-4-1. Registration expires on transfer by owner; transfer, surrender or retention of**  
2 **plates.**

3 Whenever the owner of a registered vehicle transfers or assigns his or her title, or interest  
4 thereto, the registration of such vehicle shall expire: *Provided*, That such owner, if he or she has  
5 made application to the department within sixty days from the date of purchase to have said  
6 registration plates transferred to be used on another vehicle owned by said owner, may then operate  
7 the other vehicle for a period of sixty days, but in no event longer than sixty days from the date of  
8 original transfer. Upon such transfer, it shall be the duty of the original owner to retain the  
9 registration plates issued therefor and to immediately notify the commissioner of such transfer upon  
10 such form as may be provided therefor and to deliver to him or her the certificate of registration,  
11 whereupon the commissioner shall, upon the payment of a fee of \$5 \$6, issue a new certificate  
12 showing the use to be made of such plates. Such plates may then be used by such owner on another  
13 vehicle of the same class as the vehicle for which they were originally issued if such other vehicle  
14 does not require a greater license fee than was required for such original vehicle. If such other  
15 vehicle requires a greater license fee than such original vehicle, then such plates may be used by  
16 paying such difference to the commissioner. When such transfer of ownership is made to a licensed  
17 dealer in motor vehicles it shall be the duty of such dealer to immediately execute notification of  
18 transfer, in triplicate, and to have this notification properly signed by the owner making the transfer.  
19 The dealer shall immediately forward to the department the original copy of the notification of  
20 transfer. One copy of the notification of transfer shall be given to the owner and one shall be  
21 retained by the dealer. The owner shall immediately send to the ~~department~~ division the transfer fee

1 of \$5 \$6 with any additional fee that may be required under the terms of this chapter. The owner's  
2 copy, properly signed by the dealer, will be the owner's identification until he or she receives a new  
3 registration card from the ~~department~~ division.

4 The owner of a set of registration plates may surrender them to the commissioner together  
5 with the registration card and, upon the payment of \$5 as an exchange fee and upon the payment of  
6 such additional fees as are necessary to equalize the value of the plates surrendered with the value  
7 of registration plates desired, receive in exchange a set of plates and registration card for a vehicle  
8 of a different class.

9 **§17A-4-10. Salvage certificates for certain wrecked or damaged vehicles; fee; penalty.**

10 (a) In the event a motor vehicle is determined to be a total loss or otherwise designated as  
11 totaled by an insurance company or insurer, and upon payment of a total loss claim to an insured or  
12 claimant owner for the purchase of the vehicle, the insurance company or the insurer, as a condition  
13 of the payment, shall require the owner to surrender the certificate of title: *Provided*, That an insured  
14 or claimant owner may choose to retain physical possession and ownership of a total loss vehicle.  
15 If the vehicle owner chooses to retain the vehicle and the vehicle has not been determined to be a  
16 cosmetic total loss in accordance with subsection (d) of this section, the insurance company or  
17 insurer shall also require the owner to surrender the vehicle registration certificate. The term “total  
18 loss” means a motor vehicle which has sustained damages equivalent to seventy-five percent or more  
19 of the market value as determined by a nationally accepted used car value guide or meets the  
20 definition of a flood-damaged vehicle as defined in this section.

21 (b) The insurance company or insurer shall, prior to the payment of the total loss claim,

1 determine if the vehicle is repairable, cosmetically damaged or nonrepairable. Within ten days of  
2 payment of the total loss claim, the insurance company or insurer shall surrender the certificate of  
3 title, a copy of the claim settlement, a completed application on a form prescribed by the  
4 commissioner and the registration certificate if the owner has chosen to keep the vehicle to the  
5 Division of Motor Vehicles.

6 (c) If the insurance company or insurer determines that the vehicle is repairable, the division  
7 shall issue a salvage certificate, on a form prescribed by the commissioner, in the name of the  
8 insurance company, the insurer or the vehicle owner if the owner has chosen to retain the vehicle.  
9 The certificate shall contain, on the reverse, spaces for one successive assignment before a new  
10 certificate at an additional fee is required. Upon the sale of the vehicle, the insurance company,  
11 insurer or vehicle owner if the owner has chosen to retain the vehicle, shall complete the assignment  
12 of ownership on the salvage certificate and deliver it to the purchaser. The vehicle may not be titled  
13 or registered for operation on the streets or highways of this state unless there is compliance with  
14 subsection (g) of this section. The division shall charge a fee of ~~\$15~~ \$21 for each salvage title  
15 issued.

16 (d) If the insurance company or insurer determines the damage to a totaled vehicle is  
17 exclusively cosmetic and no repair is necessary in order to legally and safely operate the motor  
18 vehicle on the roads and highways of this state, the insurance company or insurer shall, upon  
19 payment of the claim, submit the certificate of title to the division. Neither the insurance company  
20 nor the division may require the vehicle owner to surrender the registration certificate in the event  
21 of a cosmetic total loss settlement.

1 (1) The division shall, without further inspection, issue a title branded “cosmetic total loss”  
2 to the insured or claimant owner if the insured or claimant owner wishes to retain possession of the  
3 vehicle, in lieu of a salvage certificate. The division shall charge a fee of ~~\$5~~ \$21 for each cosmetic  
4 total loss title issued. The terms "cosmetically damaged" and "cosmetic total loss" do not include  
5 any vehicle which has been damaged by flood or fire. The designation "cosmetic total loss" on a title  
6 may not be removed.

7 (2) If the insured or claimant owner elects not to take possession of the vehicle and the  
8 insurance company or insurer retains possession, the division shall issue a cosmetic total loss salvage  
9 certificate to the insurance company or insurer. The division shall charge a fee of ~~\$15~~ \$21 for each  
10 cosmetic total loss salvage certificate issued. The division shall, upon surrender of the cosmetic total  
11 loss salvage certificate issued under the provisions of this paragraph and payment of the five percent  
12 motor vehicle sales tax on the fair market value of the vehicle as determined by the commissioner,  
13 issue a title branded “cosmetic total loss” without further inspection.

14 (e) If the insurance company or insurer determines that the damage to a totaled vehicle  
15 renders it nonrepairable, incapable of safe operation for use on roads and highways and as having  
16 no resale value except as a source of parts or scrap, the insurance company or vehicle owner shall,  
17 in the manner prescribed by the commissioner, request that the division issue a nonrepairable motor  
18 vehicle certificate in lieu of a salvage certificate. The division shall issue a nonrepairable motor  
19 vehicle certificate without charge.

20 (f) Any owner who scraps, compresses, dismantles or destroys a vehicle without further  
21 transfer or sale for which a certificate of title, nonrepairable motor vehicle certificate or salvage

1 certificate has been issued shall, within forty-five days, surrender the certificate of title,  
2 nonrepairable motor vehicle certificate or salvage certificate to the division for cancellation.

3 (g) Any person who purchases or acquires a vehicle as salvage or scrap, to be dismantled,  
4 compressed or destroyed, shall, within forty-five days, surrender to the division the certificate of title,  
5 nonrepairable motor vehicle certificate, salvage certificate or a statement of cancellation signed by  
6 the seller, on a form prescribed by the commissioner. Subsequent purchasers of salvage or scrap are  
7 not required to comply with the notification requirement.

8 (h) If the motor vehicle is a "reconstructed vehicle" as defined in this section or section one,  
9 article one of this chapter, it may not be titled or registered for operation until it has been inspected  
10 by an official state inspection station and by the Division of Motor Vehicles. Following an approved  
11 inspection, an application for a new certificate of title may be submitted to the division. The  
12 applicant is required to retain all receipts for component parts, equipment and materials used in the  
13 reconstruction. The salvage certificate shall also be surrendered to the division before a certificate  
14 of title may be issued with the appropriate brand.

15 (I) The owner or title holder of a motor vehicle titled in this state which has previously been  
16 branded in this state or another state as salvage, reconstructed, cosmetic total loss, cosmetic total loss  
17 salvage, flood, fire, an equivalent term under another state's laws or a term consistent with the intent  
18 of the National Motor Vehicle Title Information System established pursuant to 49 U. S. C. §30502  
19 shall, upon becoming aware of the brand, apply for and receive a title from the Division of Motor  
20 Vehicles on which the brand "reconstructed", "salvage", "cosmetic total loss", "cosmetic total loss  
21 salvage", "flood", "fire" or other brand is shown. The division shall charge a fee of \$5 for each title



1 so issued.

2 (j) If application is made for title to a motor vehicle, the title to which has previously been  
3 branded reconstructed, salvage, cosmetic total loss, cosmetic total loss salvage, flood, fire or other  
4 brand by the Division of Motor Vehicles under this section and said application is accompanied by  
5 a title from another state which does not carry the brand, the division shall, before issuing the title,  
6 affix the brand "reconstructed", "cosmetic total loss", "cosmetic total loss salvage", "flood", "fire"  
7 or other brand to the title. The motor vehicle sales tax paid on a motor vehicle titled as  
8 reconstructed, cosmetic total loss, flood, fire or other brand under the provisions of this section shall  
9 be based on fifty percent of the fair market value of the vehicle as determined by a nationally  
10 accepted used car value guide to be used by the commissioner.

11 (k) The division shall charge a fee of ~~\$15~~ \$21 for the issuance of each salvage certificate or  
12 cosmetic total loss salvage certificate but shall not require the payment of the five percent motor  
13 vehicle sales tax. However, upon application for a certificate of title for a reconstructed, cosmetic  
14 total loss, flood or fire damaged vehicle or other brand, the division shall collect the five percent  
15 privilege tax on the fair market value of the vehicle as determined by the commissioner unless the  
16 applicant is otherwise exempt from the payment of such privilege tax. A  
17 wrecker/dismantler/rebuilder, licensed by the division, is exempt from the payment of the five  
18 percent privilege tax upon titling a reconstructed vehicle. The division shall collect a fee of \$35 per  
19 vehicle for inspections of reconstructed vehicles. These fees shall be deposited in a special fund  
20 created in the State Treasurer's Office and may be expended by the division to carry out the  
21 provisions of this article: *Provided*, That on and after July 1, 2007, any balance in the special fund

1 and all fees collected pursuant to this section shall be deposited in the State Road Fund. Licensed  
2 wreckers/dismantlers/rebuilders may charge a fee not to exceed \$25 for all vehicles owned by private  
3 rebuilders which are inspected at the place of business of a wrecker/dismantler/rebuilder.

4 (1) As used in this section:

5 (1) "Reconstructed vehicle" means the vehicle was totaled under the provisions of this section  
6 or by the provisions of another state or jurisdiction and has been rebuilt in accordance with the  
7 provisions of this section or in accordance with the provisions of another state or jurisdiction or  
8 meets the provisions of subsection (m), section one, article one of this chapter.

9 (2) "Flood-damaged vehicle" means that the vehicle was submerged in water to the extent  
10 that water entered the passenger or trunk compartment.

11 (3) "Other brand" means a brand consistent with the intent of the National Motor Vehicle  
12 Title Information System established pursuant to 49 U. S. C. §30502 and rules promulgated by the  
13 United States Department of Justice to alert consumers, motor vehicle dealers or the insurance  
14 industry of the history of a vehicle.

15 (m) Every vehicle owner shall comply with the branding requirements for a totaled vehicle  
16 whether or not the owner receives an insurance claim settlement for a totaled vehicle.

17 (n) A certificate of title issued by the division for a reconstructed vehicle shall contain  
18 markings in bold print on the face of the title that it is for a reconstructed, flood- or fire- damaged  
19 vehicle.

20 (o) Any person who knowingly provides false or fraudulent information to the division that  
21 is required by this section in an application for a title, a cosmetic total loss title, a reconstructed

1 vehicle title or a salvage certificate or who knowingly fails to disclose to the division information  
2 required by this section to be included in the application or who otherwise violates the provisions  
3 of this section is guilty of a misdemeanor and, upon conviction thereof, shall for each incident be  
4 fined not less than \$1,000 nor more than \$2,500, or imprisoned in jail for not more than one year,  
5 or both fined and imprisoned.

6 **ARTICLE 4A. LIENS AND ENCUMBRANCES ON VEHICLES TO BE SHOWN ON**  
7 **CERTIFICATE OF TITLE; NOTICE TO CREDITORS AND**  
8 **PURCHASERS.**

9 **§17A-4A-10. Fee for recording and release of lien.**

10 The Division of Motor Vehicles is hereby authorized to charge a fee of ~~\$5~~ \$13 for the  
11 recording of any lien either in an electronic or paper format created by the voluntary act of the owner  
12 and endorsing it upon the title certificate issued pursuant to this article, and the Division of Motor  
13 Vehicles ~~is hereby authorized to~~ shall charge a fee of ~~50¢~~ \$13 for recordation of any release of a lien  
14 created by the voluntary act of the owner: *Provided*, That no charge shall be made for the  
15 endorsement and recordation of liens or releases thereof as provided under section nine of this  
16 article. No charge shall be made for the issuance of a title to the owner of a vehicle upon the receipt  
17 of an electronic release of the final lien.

18 **ARTICLE 10. FEES FOR REGISTRATION, LICENSING, ETC.**

19 **§17A-10-3. Registration fees for vehicles equipped with pneumatic tires.**

20 The following registration fees for the classes indicated shall be paid to the division for the  
21 registration of vehicles subject to registration under this chapter when equipped with pneumatic tires:

1 (a) Registration fees for the following classes shall be paid to the division annually:

2 (1) *Class A.* -- The registration fee for motor vehicles of this class are: ~~is \$28.50: *Provided,*~~  
3 ~~That the~~

4 (A) Thirty-eight dollars, fifty cents for declared gross weights less than four thousand one  
5 pounds; and

6 (B) Fifty-eight dollars, fifty cents for declared gross weights of four thousand one pounds to  
7 eight thousand pounds.

8 The registration fees and any other fees required by this chapter for Class A vehicles under  
9 the optional biennial staggered registration system shall be multiplied by two and paid biennially to  
10 the division.

11 No license fee may be charged for vehicles owned by churches, or by trustees for churches,  
12 which are regularly used for transporting parishioners to and from church services. Notwithstanding  
13 the exemption, the certificate of registration and license plates shall be obtained the same as other  
14 cards and plates under this article.

15 (2) *Class B.* -- The registration fee for all motor vehicles of this class is as follows:

16 (A) For declared gross weights of ten thousand one pounds to sixteen thousand pounds -- \$28  
17 plus \$5 for each one thousand pounds or fraction of one thousand pounds that the gross weight of  
18 the vehicle or combination of vehicles exceeds ten thousand pounds.

19 (B) For declared gross weights greater than sixteen thousand pounds, but less than fifty-five  
20 thousand pounds -- \$78.50 plus \$10 for each one thousand or fraction of one thousand pounds that  
21 the gross weight of the vehicle or combination of vehicles exceeds sixteen thousand pounds.

1 (C) For declared gross weights of fifty-five thousand pounds or more -- \$737.50 plus \$15.75  
2 for each one thousand pounds or fraction of one thousand pounds that the gross weight of the vehicle  
3 or combination of vehicles exceeds fifty-five thousand pounds.

4 (3) *Class G.* -- The registration fee for each motorcycle or parking enforcement vehicle is  
5 \$8: *Provided*, That the registration fee and any other fees required by this chapter for Class G  
6 vehicles shall be for at least one year and under an optional biennial registration system the annual  
7 fee shall be multiplied by two and paid biennially to the division.

8 (4) *Class H.* -- The registration fee for all vehicles for this class operating entirely within the  
9 state is \$5; and for vehicles engaged in interstate transportation of persons, the registration fee is the  
10 amount of the fees provided by this section for Class B, reduced by the amount that the mileage of  
11 the vehicles operated in states other than West Virginia bears to the total mileage operated by the  
12 vehicles in all states under a formula to be established by the Division of Motor Vehicles.

13 (5) *Class J.* -- The registration fee for all motor vehicles of this class is \$85. Ambulances  
14 and hearses used exclusively as ambulances and hearses are exempt from the special fees set forth  
15 in this section.

16 (6) *Class M.* -- The registration fee for all vehicles of this class is \$17.50.

17 (7) *Class X.* -- The registration fee for all motor vehicles of this class is as follows:

18 (A) For farm trucks of declared gross weights of eight thousand one pounds to sixteen  
19 thousand pounds -- \$30.

20 (B) For farm trucks of declared gross weights of sixteen thousand one pounds to twenty-two  
21 thousand pounds -- \$60.

1 (C) For farm trucks of declared gross weights of twenty-two thousand one pounds to  
2 twenty-eight thousand pounds -- \$90.

3 (D) For farm trucks of declared gross weights of twenty-eight thousand one pounds to  
4 thirty-four thousand pounds -- \$115.

5 (E) For farm trucks of declared gross weights of thirty-four thousand one pounds to forty-four  
6 thousand pounds -- \$160.

7 (F) For farm trucks of declared gross weights of forty-four thousand one pounds to fifty-four  
8 thousand pounds -- \$205.

9 (G) For farm trucks of declared gross weights of fifty-four thousand one pounds to eighty  
10 thousand pounds -- \$250: *Provided*, That the provisions of subsection (a), section eight, article one,  
11 chapter seventeen-e of this code do not apply if the vehicle exceeds sixty-four thousand pounds and  
12 is a truck tractor or road tractor.

13 (b) Registration fees for the following classes shall be paid to the division for a maximum  
14 period of three years, or portion of a year based on the number of years remaining in the three-year  
15 period designated by the commissioner:

16 (1) *Class R.* -- The annual registration fee for all vehicles of this class is \$12.

17 (2) *Class T.* -- The annual registration fee for all vehicles of this class is \$8.

18 (c) The fees paid to the division for a multiyear registration provided by this chapter shall be  
19 the same as the annual registration fee established by this section and any other fee required by this  
20 chapter multiplied by the number of years for which the registration is issued.

21 (d) The registration fee for all Class C vehicles is \$50. All Class C trailers shall be registered

1 for the duration of the owner's interest in the trailer and do not expire until either sold or otherwise  
 2 permanently removed from the service of the owner: *Provided*, That a registrant may transfer a Class  
 3 C registration plate from a trailer owned less than thirty days to another Class C trailer titled in the  
 4 name of the registrant upon payment of the transfer fee prescribed in section ten of this article.

5 **§17A-10-10. Fees upon transfer of registration and issuance of certificates of title.**

6 A fee of \$5 \$6 shall be paid for a transfer of registration by an owner from one vehicle to  
 7 another vehicle of the same class or for surrender of registration of one vehicle in exchange for  
 8 registration of a vehicle of a different class in addition to the payment of any difference in fees as  
 9 provided in section one, article four of this chapter.

10 A fee of \$5 \$6 shall be paid for the transfer of registration from a deceased person to his or  
 11 her legal heir or legatee as provided in section five, article four of this chapter.

12 A fee of \$5 \$21 shall be paid for the issuance of a certificate of title.

13 **§17A-10-11. Fees for duplicate registration plates, registration cards and certificates of title.**

14 A fee of \$5 shall be paid for the issuance of duplicate or substitute ~~registration plates,~~  
 15 ~~registration cards. or certificates of title.~~ A fee of \$15 shall be paid for the issuance of duplicate or  
 16 substitute registration plates or decals. A fee of \$21 shall be paid for the issuance of duplicate  
 17 certificates of title.

18 **CHAPTER 17B. MOTOR VEHICLE DRIVER'S LICENSES.**

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

20 **§17B-2-1. Drivers must be licensed; types of licenses; licensees need not obtain local**  
 21 **government license; motorcycle driver license; identification cards.**

1           (a) (1) No person, except those hereinafter expressly exempted, may drive any motor vehicle  
2 upon a street or highway in this state or upon any subdivision street used by the public generally  
3 unless the person has a valid driver's license issued pursuant to this code for the type or class of  
4 vehicle being driven.

5           (2) Any person licensed to operate a motor vehicle pursuant to this code may exercise the  
6 privilege thereby granted in the manner provided in this code and, except as otherwise provided by  
7 law, is not required to obtain any other license to exercise the privilege by any county, municipality  
8 or local board or body having authority to adopt local police regulations.

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

14           (c) The following drivers licenses classifications are hereby established:

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

19           (2) A Class D license shall be issued to those persons eighteen years and older with one year  
20 of driving experience who operate motor vehicles other than those types of vehicles which require  
21 the operator to be licensed under the provisions of chapter seventeen-e of this code and federal law



1 and rule and whose primary function or employment is the transportation of persons or property for  
2 compensation or wages and have paid the required fee. For the purpose of regulating the operation  
3 of motor vehicles, wherever the term "chauffeur's license" is used in this code, it shall be construed  
4 to mean the Class A, B, C or D license described in this section or chapter seventeen-e of this code  
5 or federal law or rule: *Provided*, That anyone not required to be licensed under the provisions of  
6 chapter seventeen-e of this code and federal law or rule and who operates a motor vehicle registered  
7 or required to be registered as a Class A motor vehicle, as that term is defined in section one, article  
8 ten, chapter seventeen-a of this code, with a gross vehicle weight rating of less than eight thousand  
9 one pounds, is not required to obtain a Class D license.

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

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

19 (5) A Class G driver's license or instruction permit shall be issued to a person using bioptic  
20 telescopic lenses who has successfully completed an approved driver training program and complied  
21 with all other requirements of article two-b of this chapter.

1 (d) All licenses issued under this section may contain information designating the licensee  
2 as a diabetic, organ donor, as deaf or hard-of-hearing, or as having any other handicap or disability,  
3 or that the licensee is an honorably discharged veteran of any branch of the Armed Forces of the  
4 United States according to criteria established by the division, if the licensee requests this  
5 information on the license. An honorably discharged veteran may be issued a replacement license  
6 without charge if the request is made before the expiration date of the current license and the only  
7 purpose for receiving the replacement license is to get the veterans designation placed on the license.

8 (e) No person, except those hereinafter expressly exempted, may drive any motorcycle upon  
9 a street or highway in this state or upon any subdivision street used by the public generally unless  
10 the person has a valid motorcycle license, a valid license which has been endorsed under section  
11 seven-b of this article for motorcycle operation or a valid motorcycle instruction permit.

12 (f) (1) An identification card may be issued to any person who:

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

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

17 (C) Has paid the required fee of ~~two dollars and fifty cents~~ \$6.50 per year: *Provided*, That  
18 the fee is not required if the applicant is sixty-five years or older or is legally blind; and

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

21 (2) The identification card shall contain the same information as a driver's license except that

1 the identification card shall be clearly marked as an identification card. The division may issue an  
2 identification card with less information to persons under the age of sixteen. An identification card  
3 may be renewed annually on application and payment of the fee required by this section.

4 (A) Every identification card issued to a person who has attained his or her twenty-first  
5 birthday expires on the licensee's birthday in those years in which the licensee's age is evenly  
6 divisible by five. Except as provided in paragraph (B) of this subdivision, no identification card may  
7 be issued for less than three years or for more than seven years and expires on the licensee's birthday  
8 in those years in which the licensee's age is evenly divisible by five.

9 (B) Every identification card issued to a person who has not attained his or her twenty-first  
10 birthday expires thirty days after the licensee's twenty-first birthday.

11 ~~(C) Every identification card issued to persons under the age of sixteen shall be issued for~~  
12 ~~a period of two years and shall expire on the last day of the month in which the applicant's birthday~~  
13 ~~occurs.~~

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

16 (g) Any person violating the provisions of this section is guilty of a misdemeanor and, upon  
17 conviction, shall be fined not more than \$500; and upon a second or subsequent conviction, shall be  
18 fined not more than \$500 or confined in jail not more than six months, or both fined and confined.

19 **§17B-2-3a. Graduated driver's license.**

20 (a) Any person under the age of eighteen may not operate a motor vehicle unless he or she  
21 has obtained a graduated driver's license in accordance with the three-level graduated driver's

1 license system described in the following provisions.

2 (b) Any person under the age of twenty-one, regardless of class or level of licensure, who  
3 operates a motor vehicle with any measurable alcohol in his or her system is subject to the provisions  
4 of section two, article five, chapter seventeen-c of this code and section two, article five-a of said  
5 chapter. Any person under the age of eighteen, regardless of class or licensure level, is subject to  
6 the mandatory school attendance and satisfactory academic progress provisions of section eleven,  
7 article eight, chapter eighteen of this code.

8 (c) *Level one instruction permit.* -- An applicant who is fifteen years or older meeting all  
9 other requirements prescribed in this code may be issued a level one instruction permit.

10 (1) *Eligibility.* -- The division shall not issue a level one instruction permit unless the  
11 applicant:

12 (A) Presents a completed application, as prescribed by the provisions of section six of this  
13 article, and which is accompanied by a writing, duly acknowledged, consenting to the issuance of  
14 the graduated driver's license and executed by a parent or guardian entitled to custody of the  
15 applicant;

16 (B) Presents a certified copy of a birth certificate issued by a state or other governmental  
17 entity responsible for vital records unexpired, or a valid passport issued by the United States  
18 government evidencing that the applicant meets the minimum age requirement and is of verifiable  
19 identity;

20 (C) Passes the vision and written knowledge examination and completes the driving under  
21 the influence awareness program, as prescribed in section seven of this article;

1 (D) Presents a driver's eligibility certificate or otherwise shows compliance with the  
2 provisions of section eleven, article eight, chapter eighteen of this code; and

3 (E) Pays a fee of \$5, which shall permit the applicant ~~two attempts~~ one attempt at the written  
4 knowledge test.

5 (2) *Terms and conditions of instruction permit.* -- A level one instruction permit issued under  
6 the provisions of this section is valid until thirty days after the date the applicant attains the age of  
7 eighteen and is not renewable. However, any permit holder who allows his or her permit to expire  
8 prior to successfully passing the road skills portion of the driver examination, and who has not  
9 committed any offense which requires the suspension, revocation or cancellation of the instruction  
10 permit, may reapply for a new instruction permit under the provisions of section six of this article.  
11 The division shall immediately revoke the permit upon receipt of a second conviction for a moving  
12 violation of traffic regulations and laws of the road or violation of the terms and conditions of a level  
13 one instruction permit, which convictions have become final unless a greater penalty is required by  
14 this section or any other provision of this code. Any person whose instruction permit has been  
15 revoked is disqualified from retesting for a period of ninety days. However, after the expiration of  
16 ninety days, the person may retest if otherwise eligible. In addition to all other provisions of this  
17 code for which a driver's license may be restricted, suspended, revoked or canceled, the holder of a  
18 level one instruction permit may only operate a motor vehicle under the following conditions:

19 (A) Under the direct supervision of a licensed driver, twenty-one years of age or older, or a  
20 driver's education or driving school instructor who is acting in an official capacity as an instructor,  
21 who is fully alert and unimpaired, and the only other occupant of the front seat. The vehicle may be

1 operated with no more than two additional passengers, unless the passengers are family members;

2 (B) Between the hours of five a.m. and ten p.m.;

3 (C) All occupants must use safety belts in accordance with the provisions of section  
4 forty-nine, article fifteen, chapter seventeen-c of this code;

5 (D) Without any measurable blood alcohol content, in accordance with the provisions of  
6 subsection (h), section two, article five, chapter seventeen-c of this code; and

7 (E) Maintains current school enrollment and is making satisfactory academic progress or  
8 otherwise shows compliance with the provisions of section eleven, article eight, chapter eighteen of  
9 this code.

10 (F) A holder of a level one instruction permit who is under the age of eighteen years shall be  
11 prohibited from using a wireless communication device while operating a motor vehicle, unless the  
12 use of the wireless communication device is for contacting a 9-1-1 system. A person violating the  
13 provisions of this paragraph is guilty of a misdemeanor and, upon conviction thereof, shall for the  
14 first offense be fined \$25; for a second offense be fined \$50; and for a third or subsequent offense  
15 be fined \$75.

16 (d) *Level two intermediate driver's license.* -- An applicant sixteen years of age or older,  
17 meeting all other requirements of the code, may be issued a level two intermediate driver's license.

18 (1) *Eligibility.* -- The division shall not issue a level two intermediate driver's license unless  
19 the applicant:

20 (A) Presents a completed application as prescribed in section six of this article;

21 (B) Has held the level one instruction permit conviction-free for the one hundred eighty days

1 immediately preceding the date of application for a level two intermediate license;

2 (C) Has completed either a driver's education course approved by the state Department of  
3 Education or fifty hours of behind-the-wheel driving experience, including a minimum of ten hours  
4 of nighttime driving, certified by a parent or legal guardian or other responsible adult over the age  
5 of twenty-one as indicated on the form prescribed by the division: *Provided*, That nothing in this  
6 paragraph shall be construed to require any school or any county board of education to provide any  
7 particular number of driver's education courses or to provide driver's education training to any  
8 student;

9 (D) Presents a driver's eligibility certificate or otherwise shows compliance with the  
10 provisions of section eleven, article eight, chapter eighteen of this code;

11 (E) Passes the road skills examination as prescribed by section seven of this article; and

12 (F) Pays a fee of \$5 which shall permit the holder one attempt at the road skills examination.

13 (2) *Terms and conditions of a level two intermediate driver's license.* -- A level two  
14 intermediate driver's license issued under the provisions of this section shall expire thirty days after  
15 the applicant attains the age of eighteen, or until the licensee qualifies for a level three full Class E  
16 license, whichever comes first. In addition to all other provisions of this code for which a driver's  
17 license may be restricted, suspended, revoked or canceled, the holder of a level two intermediate  
18 driver's license may only operate a motor vehicle under the following conditions:

19 (A) Unsupervised between the hours of five a.m. and ten p.m.;

20 (B) Only under the direct supervision of a licensed driver, age twenty-one years or older,  
21 between the hours of ten p.m. and five a.m. except when the licensee is going to or returning from:

- 1 (i) Lawful employment;
- 2 (ii) A school-sanctioned activity;
- 3 (iii) A religious event; or
- 4 (iv) An emergency situation that requires the licensee to operate a motor vehicle to prevent
- 5 bodily injury or death of another;
- 6 (C) All occupants shall use safety belts in accordance with the provisions of section
- 7 forty-nine, article fifteen, chapter seventeen-c of this code;
- 8 (D) For the first six months after issuance of a level two intermediate driver's license, the
- 9 licensee may not operate a motor vehicle carrying any passengers less than twenty years old, unless
- 10 these passengers are family members of the licensee; for the second six months after issuance of a
- 11 level two intermediate driver's license, the licensee may not operate a motor vehicle carrying more
- 12 than one passenger less than twenty years old, unless these passengers are family members of the
- 13 licensee;
- 14 (E) Without any measurable blood alcohol content in accordance with the provisions of
- 15 subsection (h), section two, article five, chapter seventeen-c of this code;
- 16 (F) Maintains current school enrollment and is making satisfactory academic progress or
- 17 otherwise shows compliance with the provisions of section eleven, article eight, chapter eighteen of
- 18 this code;
- 19 (G) A holder of a level two intermediate driver's license who is under the age of eighteen
- 20 years shall be prohibited from using a wireless communication device while operating a motor
- 21 vehicle, unless the use of the wireless communication device is for contacting a 9-1-1 system. A



1 person violating the provisions of this paragraph is guilty of a misdemeanor and, upon conviction  
2 thereof, shall for the first offense be fined \$25; for a second offense be fined \$50; and for a third or  
3 subsequent offense be fined \$75.

4 (H) Upon the first conviction for a moving traffic violation or a violation of paragraph (A),  
5 (B), (C), (D) or (G), subdivision (1), subsection (d) of this section of the terms and conditions of a  
6 level two intermediate driver's license, the licensee shall enroll in an approved driver improvement  
7 program unless a greater penalty is required by this section or by any other provision of this code;  
8 and

9 At the discretion of the commissioner, completion of an approved driver improvement  
10 program may be used to negate the effect of a minor traffic violation as defined by the commissioner  
11 against the one year conviction-free driving criteria for early eligibility for a level three driver's  
12 license and may also negate the effect of one minor traffic violation for purposes of avoiding a  
13 second conviction under paragraph (I) of this subdivision; and

14 (I) Upon the second conviction for a moving traffic violation or a violation of the terms and  
15 conditions of the level two intermediate driver's license, the licensee's privilege to operate a motor  
16 vehicle shall be revoked or suspended for the applicable statutory period or until the licensee's  
17 eighteenth birthday, whichever is longer unless a greater penalty is required by this section or any  
18 other provision of this code. Any person whose driver's license has been revoked as a level two  
19 intermediate driver, upon reaching the age of eighteen years and if otherwise eligible may reapply  
20 for an instruction permit, then a driver's license in accordance with the provisions of sections five,  
21 six and seven of this article.

1           (e) *Level three, full Class E license.* -- The level three license is valid until thirty days after  
2 the date the licensee attains his or her twenty-first birthday. Unless otherwise provided in this  
3 section or any other section of this code, the holder of a level three full Class E license is subject to  
4 the same terms and conditions as the holder of a regular Class E driver's license.

5           A level two intermediate licensee whose privilege to operate a motor vehicle has not been  
6 suspended, revoked or otherwise canceled and who meets all other requirements of the code may be  
7 issued a level three full Class E license without further examination or road skills testing if the  
8 licensee:

9           (1) Has reached the age of seventeen years; and

10           (A) Presents a completed application as prescribed by the provisions of section six of this  
11 article;

12           (B) Has held the level two intermediate license conviction free for the twelve-month period  
13 immediately preceding the date of the application;

14           (C) Has completed any driver improvement program required under paragraph (G),  
15 subdivision (2), subsection (d) of this section; and

16           (D) Pays a fee of ~~\$2.50~~ \$6.50 for each year the license is valid. An additional fee of \$.50  
17 shall be collected to be deposited in the Combined Voter Registration and Driver's Licensing Fund  
18 established in section twelve, article two, chapter three of this code;

19           (E) Presents a driver's eligibility certificate or otherwise shows compliance with the  
20 provisions of section eleven, article eight, chapter eighteen of this code; or

21           (2) Reaches the age of eighteen years; and

1 (A) Presents a completed application as prescribed by the provisions of section six of this  
2 article; and

3 (B) Pays a fee of ~~\$2.50~~ \$6.50 for each year the license is valid. An additional fee of \$.50  
4 shall be collected to be deposited in the Combined Voter Registration and Driver's Licensing Fund  
5 established in section twelve, article two, chapter three of this code.

6 (f) A person violating the provisions of the terms and conditions of a level one or level two  
7 intermediate driver's license is guilty of a misdemeanor and, upon conviction thereof, shall for the  
8 first offense be fined \$25; for a second offense be fined \$50; and for a third or subsequent offense  
9 be fined \$75.

10 **§17B-2-6. Application for license or instruction permit; fee to accompany application.**

11 (a) Every application for an instruction permit or for a driver's license shall be made upon  
12 a form furnished by the division. Every application shall be accompanied by the proper fee and  
13 payment of the fee entitles an applicant under the age of eighteen to ~~not more than two attempts~~ one  
14 attempt at the written test or not more than three attempts to pass the road skills test. An applicant  
15 age eighteen years or older is entitled to ~~not more than two attempts~~ one attempt at the written test  
16 or ~~not more than three attempts to pass~~ one attempt at the road skills test ~~within a period of ninety~~  
17 ~~days from the date of issuance of the instruction permit~~ per payment of the proper fee. An applicant  
18 who fails either the written test or the road skills test may not be tested twice within a period of one  
19 week. An instruction permit holder is eligible for additional attempts at passing the written test or  
20 road skills test upon payment of a fee of \$5 for each attempt.

21 (b) Any applicant who has not been previously licensed must hold an instruction permit for

1 a minimum of thirty days. For the purposes of this section, the term "previously licensed" means an  
2 applicant who has obtained at least a level two graduated license or junior driver's license issued  
3 under the provisions of this article or has obtained an equal or greater level of licensure if previously  
4 licensed in another state.

5 (c) Every application for an instruction permit shall state the full legal name, date of birth,  
6 sex, and residence address of the applicant and briefly describe the applicant. the application shall  
7 state whether the applicant has theretofore been a licensed driver and, if so, when, and by what state  
8 or country and whether his or her license has ever been suspended or revoked within five years of  
9 the date of application, or whether an application has ever been refused and, if so, the date of and  
10 reason for the suspension, revocation or refusal. The application will indicate whether the applicant  
11 desires a notation on the driver's license indicating that the applicant is an organ donor, in  
12 accordance with article one-b of this chapter, is diabetic, deaf, or hard of hearing, has any other  
13 handicap or disability, or is an honorably discharged veteran of any branch of the Armed Forces of  
14 the United States, and such other pertinent information as the commissioner may require.

15 **§17B-2-8. Issuance and contents of licenses; fees.**

16 (a) The division shall, upon payment of the required fee, issue to every applicant qualifying  
17 therefor a driver's license, which shall indicate the type or general class or classes of vehicle or  
18 vehicles the licensee may operate in accordance with this chapter or chapter seventeen-e of this code,  
19 or motorcycle-only license. Each license shall contain a coded number assigned to the licensee, the  
20 full legal name, date of birth, residence address, a brief description and a color photograph of the  
21 licensee and either a facsimile of the signature of the licensee or a space upon which the signature

1 of the licensee is written with pen and ink immediately upon receipt of the license. No license is  
2 valid until it has been so signed by the licensee.

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

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

9 (d) The fee for the issuance of a Class E driver's license is ~~\$2.50~~ \$6.50 per year for each year  
10 the license is valid. The fee for issuance of a Class D driver's license is \$6.25 per year for each year  
11 the license is valid. An additional fee of \$0.50 shall be collected from the applicant at the time of  
12 original issuance or each renewal and the additional fee shall be deposited in the Combined Voter  
13 Registration and Driver's Licensing Fund established pursuant to the provisions of section twelve,  
14 article two, chapter three of this code. The additional fee for adding a motorcycle endorsement to  
15 a driver's license is \$1 per year for each year the license is issued.

16 (e) The fee for issuance of a motorcycle-only license is ~~\$2.50~~ \$6.50 for each year for which  
17 the motorcycle license is valid. The fees for the motorcycle endorsement or motorcycle-only license  
18 shall be paid into a special 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 two graduated driver's license as  
21 prescribed in section three-a of this article is \$5.

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

5 (h) The division may use an address on the face of the license other than the applicant's  
6 address of residence if:

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

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

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

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

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

1 **§17B-2-11. Duplicate permits and licenses.**

2 In the event that an instruction permit or driver's license issued under the provisions of this  
 3 chapter is lost or destroyed, or if the information contained on the license has changed, the person  
 4 to whom the permit or license was issued may upon making proper application and upon payment  
 5 of a fee of ~~\$5~~ \$15 obtain a duplicate thereof upon furnishing proof satisfactory to the division that  
 6 the permit or license has been lost or destroyed.

7 **CHAPTER 17D. MOTOR VEHICLE SAFETY RESPONSIBILITY LAW.**

8 **ARTICLE 2. ADMINISTRATION OF LAW.**

9 **§17D-2-2. Commissioner to furnish abstract of operating record; fee for abstract.**

10 The commissioner shall upon request and subject to the provisions of article two-a, chapter  
 11 seventeen-a of this code, furnish any person a certified abstract of the operating record of any person  
 12 subject to the provisions of this chapter, and if there is no record of any conviction of the person of  
 13 a violation of any law relating to the operation of a motor vehicle or of any injury or damage caused  
 14 by the person, the commissioner shall so certify. The commissioner shall collect ~~\$5~~ \$10 for each  
 15 abstract.

NOTE: The purpose of this bill is to increase fees for certain services and documents issued by the Division of Motor Vehicles.

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