

# **WEST VIRGINIA LEGISLATURE**

## **2017 REGULAR SESSION**

**Introduced**

### **Senate Bill 650**

BY SENATORS SYPOLT AND CLINE

[Introduced March 18, 2017; Referred  
to the Committee on the Judiciary]

1 A BILL to amend and reenact §3-2-3 of the Code of West Virginia, 1931, as amended; and to  
 2 amend and reenact §17B-2-1 of said code, all relating to requiring photo identification on  
 3 voter registration identification cards; and providing that voter registration information may  
 4 also be required on drivers' licenses or state issued identification cards if so determined  
 5 by the Secretary of State in cooperation with the Commissioner of Motor Vehicles.

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

1 That §3-2-3 of the Code of West Virginia, 1931, as amended, be amended and reenacted;  
 2 and that §17B-2-1 of said code be amended and reenacted, all to read as follows:

### **CHAPTER 3. ELECTIONS.**

#### **ARTICLE 2. REGISTRATION OF VOTERS.**

##### **§3-2-3. State authority relating to voter registration; chief election official.**

1 (a) The Secretary of State, as chief election official of the state as provided in section six,  
 2 article one-a of this chapter, ~~shall have~~ has general supervision of the voter registration  
 3 procedures and practices and the maintenance of voter registration records in the state and ~~shall~~  
 4 ~~have authority to~~ may require reports and investigate violations to ensure the proper conduct of  
 5 voter registration throughout the state and all of its subdivisions. Upon written notice to the clerk  
 6 of the county commission of a county of the need for voter registration record maintenance and  
 7 the failure of that clerk to complete such maintenance within ninety days of the notice, the  
 8 Secretary of State may make changes in the voter registration data necessary to comply with list  
 9 maintenance requirements of sections four-a, twenty-three, twenty-five, twenty-six and twenty-  
 10 seven of this article: *Provided*, That the secretary shall send the notice by certified mail, return  
 11 receipt requested.

12 (b) The Secretary of State, as chief election official of the state, is responsible for  
 13 implementing, in a uniform and nondiscriminatory manner, a single, uniform, official, centralized,  
 14 interactive computerized statewide voter registration list defined, maintained and administered at

15 the state level that contains the name and registration information of every legally registered voter  
16 in the state and assigns a unique identifier to each legally registered voter in the state.

17 (c) The Secretary of State is hereby designated as the chief election official responsible  
18 for the coordination of this state's responsibilities under 42 U.S.C. §1973gg, *et seq.*, the "National  
19 Voter Registration Act of 1993". The Secretary of State ~~shall have~~ has general supervision of  
20 voter registration procedures and practices at agencies and locations providing services as  
21 required by the provisions of this article and ~~shall have the authority to~~ may propose procedural,  
22 interpretive and legislative rules for ~~promulgation~~ legislative approval in accordance with the  
23 ~~provisions of~~ article three, chapter twenty-nine-a of this code for application for registration,  
24 transmission of applications, reporting and maintenance of records required by the provisions of  
25 this article and for the development, implementation and application of other provisions of this  
26 article: Provided, That these rules shall include the requirement that all voter registration  
27 identification cards contain a photograph of the voter or that voter registration information such  
28 as county and precinct may also be printed on driver's licenses or state issued identification cards  
29 issued under section one, article two, chapter seventeen-b of this code and that this requirement  
30 is effective beginning January 1, 2018.

31 (d) The Secretary of State in cooperation with the Commissioner of Motor Vehicles may  
32 devise a plan for meeting the requirement that voter registration information such as county and  
33 precinct may be printed on driver's licenses or state issued identification cards issued under  
34 section one, article two, chapter seventeen-b of this code.

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

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

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

1 (a) (1) No person, except those hereinafter expressly exempted, may drive a motor vehicle

2 upon a street or highway in this state or upon a 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  
7 by law, is not required to obtain any other license to exercise the privilege by a 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  
11 law or rule. Licenses shall be issued in different colors for those drivers under age eighteen, those  
12 drivers age eighteen to twenty-one and adult drivers. The commissioner is authorized to select  
13 and assign 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  
16 older 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  
20 year of driving experience who operate motor vehicles other than those types of vehicles which  
21 require the operator to be licensed under the provisions of chapter seventeen-e of this code and  
22 federal law and rule and whose primary function or employment is the transportation of persons  
23 or property for compensation or wages and have paid the required fee. For the purpose of  
24 regulating the operation of motor vehicles, wherever the term "chauffeur's license" is used in this  
25 code, it means the Class A, B, C or D license described in this section or chapter seventeen-e of  
26 this code or federal law or rule: *Provided*, That anyone not required to be licensed under the  
27 provisions of chapter seventeen-e of this code and federal law or rule and who operates a motor

28 vehicle registered or required to be registered as a Class A motor vehicle, as that term is defined  
29 in section one, article ten, chapter seventeen-a of this code, with a gross vehicle weight rating of  
30 less than eight thousand one pounds, is not required to obtain a Class D license.

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

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

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

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

51 (e) No person, except those hereinafter expressly exempted, may drive a motorcycle on  
52 a street or highway in this state or on a subdivision street used by the public generally unless the  
53 person has a valid motorcycle license, a valid license which has been endorsed under section

54 seven-b of this article for motorcycle operation or a valid motorcycle instruction permit.

55 (f) (1) An identification card may be issued to a person who:

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

58 (B) Has reached the age of two years or, for good cause shown, under the age of two.

59 (C) Has paid the required fee of \$2.50 per year: *Provided*, That no fees or charges,  
60 including renewal fees, are required if the applicant:

61 (i) Is sixty-five years or older;

62 (ii) Is legally blind; or

63 (iii) Will be at least eighteen years of age at the next general, municipal or special election  
64 and intends to use this identification card as a form of identification for voting; and

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

67 (2) The identification card shall contain the same information as a driver's license except  
68 that the identification card shall be clearly marked as an identification card. The division may issue  
69 an identification card with less information to persons under the age of sixteen. An identification  
70 card may be renewed annually on application and payment of the fee required by this section.

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

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

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

80 occurs.

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

84 (g) For any person over the age of fifty years who wishes to obtain a driver's license or  
85 identification card under the provisions of this section:

86 (1) A raised seal or stamp on the birth certificate or certified copy of the birth certificate is  
87 not required if the issuing jurisdiction does not require one; and

88 (2) If documents are lacking to prove all changes of name in the history of any such  
89 applicant, applicants renewing a driver's license or identification card under the provisions of this  
90 section may complete a Name Variance Approval Document as instituted by the division, so long  
91 as they can provide:

92 (A) Proof of identity;

93 (B) Proof of residency; and

94 (C) A valid Social Security number.

95 (3) The division may waive any documents necessary to prove a match between names,  
96 so long as the division determines the person is not attempting to:

97 (A) Change his or her identity;

98 (B) Assume another person's identity; or

99 (C) Commit a fraud.

100 (h) A person over the age of seventy years, or who is on Social Security disability, who  
101 wishes to obtain or renew a driver's license or identification card under the provisions of this  
102 section, may not be required to furnish a copy of a birth certificate if they can provide:

103 (1) Proof of identity;

104 (2) Proof of residency;

105 (3) A valid Social Security number; and

- 106 (4) One of the following identifying items:
- 107 (A) A form of military identification, including a DD214 or equivalent;
- 108 (B) A U.S. passport, whether valid or expired;
- 109 (C) School records, including a yearbook;
- 110 (D) A religious document, that in the judgment of the Division is sufficient and authentic to
- 111 reflect that the person was born in the United States; or
- 112 (E) An expired driver's license, employment identification card, or other reliable
- 113 identification card with a recognizable photograph of the person.
- 114 (i) Any person violating the provisions of this section is guilty of a misdemeanor and, upon
- 115 conviction, shall be fined not more than \$500 and, upon a second or subsequent conviction, shall
- 116 be fined not more than \$500 or confined in jail not more than six months, or both fined and
- 117 confined.
- 118 (j) The Commissioner of Motor Vehicles in cooperation with the Secretary of State may
- 119 devise a plan for meeting the requirement that voter registration information such as county and
- 120 precinct may be printed on driver's licenses or state issued identification cards issued under this
- 121 section. The commissioner may propose rules for legislative approval in accordance with article
- 122 three, chapter twenty-nine-a of this code for the development, implementation and application of
- 123 this plan as it applies to driver's license and state issued identification cards: *Provided*, That if this
- 124 plan is approved, this requirement is effective beginning January 1, 2018.

NOTE: The purpose of this bill is to require photo identification on voter registration identification cards. The bill also provides that voter registration information may also be required on drivers' licenses or state issued identification cards if so determined by the Secretary of State in cooperation with the Commissioner of Motor Vehicles.

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