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SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1994



ENROLLED

HOUSE BILL No. 4611

(By Delegates Tribett, Yeager, Fragale,
Lynch, Manuel, Oliverio and
L. Williams)

Passed March 11, 1994

In Effect 90 Days From Passage

ENROLLED
H. B. 4611

(By DELEGATES TRIBETT, YEAGER, FRAGALE,
LINCH, MANUEL, OLIVERIO AND L. WILLIAMS)

[Passed March 11, 1994; in effect ninety days from passage.]

AN ACT to amend and reenact section one, article two, chapter seventeen-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the issuance of driver's licenses; requiring a Class D commercial driver's license for certain persons whose primary function or employment is the transportation of persons or property for compensation or wages; and creating an exception for operators of Class A motor vehicles with gross vehicle weight ratings of less than eight thousand one pounds.

Be it enacted by the Legislature of West Virginia:

That section one, article two, chapter seventeen-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

**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) No person, except those hereinafter expressly
- 2 exempted, may drive any motor vehicle upon a street or
- 3 highway in this state or upon any subdivision street, as
- 4 used in article twenty-four, chapter eight of this code,
- 5 when the use of such subdivision street is generally used

6 by the public unless the person has a valid driver's
7 license under the provisions of this code for the type or
8 class of vehicle being driven.

9 Any person licensed to operate a motor vehicle as
10 provided in this code may exercise the privilege thereby
11 granted as provided in this code and, except as other-
12 wise provided by law, shall not be required to obtain any
13 other license to exercise such privilege by any county,
14 municipality or local board or body having authority to
15 adopt local police regulations.

16 (b) The division, upon issuing a driver's license shall
17 indicate on the license the type or general class or
18 classes of vehicle or vehicles the licensee may operate
19 in accordance with the provisions of this code, federal
20 law or rule.

21 (c) Driver's licenses issued by the division shall be
22 classified in the following manner:

23 (1) Class A, B or C license shall be issued to those
24 persons eighteen years of age or older with two years
25 driving experience and who have qualified for the
26 commercial driver's license established by chapter
27 seventeen-e of this code and the federal commercial
28 motor vehicle safety act of 1986, Title XII of public law
29 99870 and subsequent rules, and have paid the required
30 fee.

31 (2) Class D license shall be issued to those persons
32 eighteen years and older with one year driving expe-
33 rience who operate motor vehicles other than those types
34 of vehicles which require the operator to be licensed
35 under the provisions of chapter seventeen-e of this code
36 and federal law and rule and whose primary function
37 or employment is the transportation of persons or
38 property for compensation or wages and have paid the
39 required fee. For the purposes of the regulation of the
40 operation of a motor vehicle, wherever the term
41 chauffeur's license is used in this code, it shall be
42 construed to mean the Class A, B, C or D license
43 described in this section or chapter seventeen-e of this
44 code or federal law or rule: *Provided*, That anyone who
45 is not required to be licensed under the provisions of

46 chapter seventeen-e of this code and federal law or rule
47 and who operates a motor vehicle which is registered or
48 which is required to be registered as a Class A motor
49 vehicle as that term is defined in section three, article
50 ten, chapter seventeen-a of this code with a gross vehicle
51 weight rating of less than eight thousand one pounds,
52 is not required to obtain a Class D license.

53 (3) Class E license shall be issued to those persons who
54 have qualified under the provisions of this chapter and
55 who are not required to obtain a Class A, B, C or D
56 license and who have paid the required fee. The Class
57 E license may be endorsed under the provisions of
58 section seven-b, article two of this chapter for motorcy-
59 cle operation.

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

65 (d) No person, except those hereinafter expressly
66 exempted, shall drive any motorcycle upon a street or
67 highway in this state or upon any subdivision street, as
68 used in article twenty-four, chapter eight, when the use
69 of such subdivision street is generally used by the public
70 unless the person has a valid motorcycle license or a
71 valid license which has been endorsed under section
72 seven-b, article two of this chapter for motorcycle
73 operation or has a valid motorcycle instruction permit.

74 (e) (1) A nonoperator identification card may be issued
75 to any person who:

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

79 (B) Does not have a valid driver's license;

80 (C) Has reached the age of sixteen years;

81 (D) Has paid the required fee of ten dollars: *Provided,*
82 That such fee is not required if the applicant is sixty-
83 five years or older or is legally blind; and

84 (E) Presents a birth certificate or other proof of age
85 and identity acceptable to the division with a completed
86 application on a form furnished by the division.

87 (2) The nondriver identification card shall contain the
88 same information as a driver's license, except that such
89 identification card shall be clearly marked as identifi-
90 cation card. The identification card shall expire every
91 four years. It may be renewed on application and
92 payment of the fee required by this section.

93 (3) The identification card shall be surrendered to the
94 division when the holder is issued a driver's license. The
95 division may issue an identification card to an applicant
96 whose privilege to operate a motor vehicle has been
97 refused, cancelled, suspended or revoked under the
98 provisions of this code.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Handwritten Signature]
.....
Chairman Senate Committee

[Handwritten Signature]
.....
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

[Handwritten Signature]
.....
Clerk of the Senate

[Handwritten Signature]
.....
Clerk of the House of Delegates

[Handwritten Signature]
.....
President of the Senate

[Handwritten Signature]
.....
Speaker of the House of Delegates

The within *is approved* this the *20th*
day of *March* 1994

[Handwritten Signature]
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/28/94

Time 9.30am