

FILED

2015 MAR 31 A 11: 2

WEST VIRGINIA LEGISLATURE

EIGHTY-SECOND LEGISLATURE

REGULAR SESSION, 2015

OFFICE WEST VIRGINIA
SECRETARY OF STATE

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ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 192

(SENATOR SNYDER, *ORIGINAL SPONSOR*)

[PASSED MARCH 14, 2015; IN EFFECT FROM PASSAGE.]

SB 192

FILED

2015 MAR 31 A 11: 30

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COMMITTEE SUBSTITUTE
FOR

OFFICE WEST VIRGINIA
SECRETARY OF STATE

Senate Bill No. 192

(SENATOR SNYDER, *ORIGINAL SPONSOR*)

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

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

Be it enacted by the Legislature of West Virginia:

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

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

§64-8-1. Division of Motor Vehicles.

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

WBI →

10 On page 2, subsection 3.1., lines 8 and 9, by striking out
11 "§17B-2-8(i)" and inserting in lieu thereof "§17B-2-8(i)";

WBI →

12 On page 6, subdivision 3.11.a., line 6, by striking out
13 "§17B-2-8(i)" and inserting in lieu thereof "§17B-2-8(i)";

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

16 "3.11.e In lieu of a social security card as proof of social
17 security number, the following documents may be used to
18 obtain a not for federal use driver's license or a not for
19 federal use identification card:

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

23 (ii) A Medicare card issued in the applicant's full name,
24 which contains the applicant's social security number and the
25 signature of the applicant as the card holder."

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

28 "The Division shall make available information for
29 driver's license and ID applicants that clearly delineates the
30 requirements for a for federal use driver license or ID and a
31 not for federal use driver's license and ID.";

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

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

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

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

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

43 "7A.1.c. The Division's online renewal process shall
44 clearly delineate the requirements for a for federal use driver
45 license or ID and a not for federal use driver's license and
46 ID.";

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

49 “which form must require and be accompanied by a
50 certification by a medical doctor of the person’s gender.”

51 On page 31, subsection 9.5, line 17 after the word
52 “commissioner” by adding the following:

53 “which form must require and be accompanied by a
54 certification by a medical doctor of the person’s gender.”

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

58 “11.1.b. A valid photo driver’s license or identification
59 card expired six months or less issued the Division only on a
60 not for federal use driver’s license and a not for federal use
61 identification card.”

62 And by renumbering the remaining subdivisions;



63 On page 35, subdivision 11.1.d., line one, by striking out
64 “§17B-2-8(l)” and inserting in lieu thereof “§17B-2-8(i), only
65 on a not for federal use driver’s license and a not for federal
66 use identification card”;

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

70 “12.2.b. A United States passport or passport card,
71 currently valid or expired less than 2 years, only on a not for
72 federal use driver’s license and a not for federal use
73 identification card.”;

74 On page 47, subdivision 14.7.e, line 15, after the word
75 “endocrinologist” by inserting the words “or primary care
76 physician”;

5

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77 On page 52, subsection 14.14, line 3, by striking out the
78 word “two” and inserting in lieu thereof the word “three”;

79 And,

80 On page 52, subsection 14.14, line 6, by striking out the
81 word “two” and inserting in lieu thereof the word “three”.

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

1 The legislative rule filed in the State Register on July 31,
2 2014, authorized under the authority of section four-a, article
3 five-c, chapter seventeen-c of this code, modified by the
4 Office of Administrative Hearings to meet the objections of
5 the Legislative Rule-Making Review Committee and refiled
6 in the State Register on December 23, 2014, relating to the
7 Office of Administrative Hearings (appeal procedures, 105
8 CSR 1), is authorized with the following amendment:

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

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

Paul D. Humphreys
.....
Chairman Senate Committee

John B. H. E.
.....
Chairman House Committee

Originated in the Senate.

In effect from passage.

Clark A. Barnes
.....
Clerk of the Senate

Steph D. Harris
.....
Clerk of the House of Delegates

William P. Adams
.....
President of the Senate

Chris P. Holt
.....
Speaker of the House of Delegates

The within *is approved* this the *3rd*
Day of *March*, 2015.

Earl Ray Tomblin
.....
Governor

PRESENTED TO THE GOVERNOR

MAR 27 2015

Time 3:15 pm