

# WEST VIRGINIA LEGISLATURE

## 2021 REGULAR SESSION

Introduced

### House Bill 2250

FISCAL  
NOTE

BY DELEGATES LINVILLE AND ROHRBACH

[Introduced February 10, 2021; Referred to the  
Committee on Health and Human Resources then  
Finance]

1 A BILL to amend and reenact §17B-2-1 of the Code of West Virginia, 1931, as amended, relating  
2 generally to the issuance of driver licenses; permitting the waiving of certain fees for  
3 individuals who have been diagnosed by a U.S. licensed optometrist or ophthalmologist  
4 as being legally blind; providing that proof that a person seeking a driver's license is a  
5 veteran need only be provided upon the initial application and is not required for  
6 subsequent renewals; and providing that veterans over 65 years of age be granted a  
7 lifetime driver's license subject to an eye examination every five years.

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

## **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 18, those  
12 drivers age 18 to 21 and adult drivers. The commissioner is authorized to select and assign colors  
13 to the licenses of the various age groups.

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

15 (1) A Class A, B or C license shall be issued to those persons 18 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 17E of this code and the federal Motor Carrier Safety and Improvement  
18 Act of 1999 and subsequent rules and have paid the required fee.

19 (2) A Class D license shall be issued to those persons 18 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 17E of this code and federal law and  
22 rule and whose primary function or employment is the transportation of persons or property for  
23 compensation or wages and have paid the required fee. For the purpose of regulating the  
24 operation of motor vehicles, wherever the term "chauffeur's license" is used in this code, it means  
25 the Class A, B, C or D license described in this section or chapter 17E of this code or federal law  
26 or rule: Provided, That anyone not required to be licensed under the provisions of chapter 17E of  
27 this code and federal law or rule and who operates a motor vehicle registered or required to be  
28 registered as a Class A motor vehicle, as that term is defined in §17A-10-1 of this code, with a  
29 gross vehicle weight rating of less than 8001 pounds, is not required to obtain a Class D license.

30 (3) A Class E license shall be issued to persons who have qualified for a driver's license  
31 under the provisions of this chapter and who are not required to obtain a Class A, B, C or D license  
32 and who have paid the required fee. The Class E license may be endorsed under the provisions  
33 of 17B-2-7b of this code for motorcycle operation. The Class E or G license for a person under  
34 the age of 18 may also be endorsed with the appropriate graduated driver license level in  
35 accordance with the provisions of §17B-2-3a of this code.

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

39 (5) A Class G driver's license or instruction permit shall be issued to a person using bioptic  
40 telescopic lenses who has successfully completed an approved driver training program and  
41 complied with all other requirements of §17B-2B-1 et seq. of this code.

42 (d) All licenses issued under this section may contain information designating the licensee  
43 as a diabetic, organ donor, as deaf or hard-of-hearing, as having a visual restriction, as having  
44 any other handicap or disability or that the licensee is an honorably discharged veteran of any  
45 branch of the Armed Forces of the United States, according to criteria established by the division,  
46 if the licensee requests this information on the license: Provided, That proof that the applicant is  
47 a veteran need only be provided upon initial application and is not required for subsequent  
48 renewals. An honorably discharged veteran may be issued a replacement license without charge  
49 if the request is made before the expiration date of the current license and the only purpose for  
50 receiving the replacement license is to get the veterans designation placed on the 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 §17B-2-7b  
54 of this code 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 §17A-3-1a of this code;

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

58 (C) Has paid the required fee of \$5 per year. The Division of Motor Vehicles may adjust  
59 this fee every five years on September 1, based on the U. S. Department of Labor, Bureau of  
60 Labor Statistics most current Consumer Price Index: *Provided*, That an increase in such fee may  
61 not exceed 10 percent of the total fee amount in a single year: *Provided, however*, That no fees  
62 or charges, including renewal fees, are required if the applicant:

63 (i) Is 65 years or older;

64 (ii) Is diagnosed by a U.S. licensed optometrist or ophthalmologist as being legally blind;

65 or

66 (iii) Will be at least 18 years of age at the next general, municipal or special election and  
67 intends to use this identification card as a form of identification for voting; and

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

70 (2) The identification card shall contain the same information as a driver's license except  
71 that the identification card shall be clearly marked as an identification card. The division may  
72 issue an identification card with less information to persons under the age of 16. An identification  
73 card may be renewed annually on application and payment of the fee required by this section.

74 (A) Every identification card issued to a person who has attained his or her 21st birthday  
75 expires on the licensee's birthday in those years in which the licensee's age is evenly divisible by  
76 five. Except as provided in paragraph (B) of this subdivision, no identification card may be issued  
77 for less than three years or for more than seven years and expires on the licensee's birthday in  
78 those years in which the licensee's age is evenly divisible by five.

79 (B) Every identification card issued to a person who has not attained his or her 21st  
80 birthday expires 30 days after the licensee's 21st birthday.

81 (C) Every identification card issued to persons under the age of 16 shall be issued for a  
82 period of two years and expire on the last day of the month in which the applicant's birthday  
83 occurs.

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

87 (g) For any person over the age of 50 years who wishes to obtain a driver's license or  
88 identification card under the provisions of this section:

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

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

94 as they can provide:

95 (A) Proof of identity;

96 (B) Proof of residency; and

97 (C) A valid Social Security number.

98 (3) The division may waive any documents necessary to prove a match between names,

99 so long as the division determines the person is not attempting to:

100 (A) Change his or her identity;

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

102 (C) Commit a fraud.

103 (h) A veteran who is 65 years or older shall be granted a lifetime driver's license for a one-  
104 time fee of \$50, subject only to an eye examination every five years conducted by a U.S. licensed  
105 optometrist or ophthalmologist.

106 ~~(h)~~ (i) A person over the age of 70 years, or who is on Social Security disability, who wishes  
107 to obtain or renew a driver's license or identification card under the provisions of this section, may  
108 not be required to furnish a copy of a birth certificate if they can provide:

109 (1) Proof of identity;

110 (2) Proof of residency;

111 (3) A valid Social Security number; and

112 (4) One of the following identifying items:

113 (A) A form of military identification, including a DD214 or equivalent;

114 (B) A U. S. passport, whether valid or expired;

115 (C) School records, including a yearbook;

116 (D) A religious document, that in the judgment of the Division is sufficient and authentic to  
117 reflect that the person was born in the United States; or

118 (E) An expired driver's license, employment identification card, or other reliable  
119 identification card with a recognizable photograph of the person.

120           ~~(f)~~ (j) Any person violating the provisions of this section is guilty of a misdemeanor and,  
121 upon conviction, shall be fined not more than \$500 and, upon a second or subsequent conviction,  
122 shall be fined not more than \$500 or confined in jail not more than six months, or both fined and  
123 confined.

NOTE: The purpose of this bill is to make certain changes to the requirements for the issuance or renewal of a driver's license. The bill requires that persons seeking the waiving of certain licensing fees by individuals as being legally blind must have been diagnosed as being legally blind by a U.S. licensed optometrist or ophthalmologist. The bill also provides that proof that a person seeking a driver's license is a veteran need only be provided upon the initial application and is not required for subsequent renewals. And, bill further provides that veterans over 65 years of age be granted a lifetime driver's license for a fee of \$50 subject to an eye examination every five years.

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