

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Introduced

House Bill 4450

BY DELEGATES ESPINOSA, HOLSTEIN, BARRETT, CRISS,

WESTFALL, CLARK, HOUSEHOLDER, HARDY, HAMRICK

AND HOTT

[Introduced January 31, 2022; referred to
the Committee on Finance]

1 A BILL to repeal §3-2-12 of the Code of West Virginia, 1931, as amended; to amend and reenact
2 §17-3-1 of said code; and to amend and reenact §17B-2-8 of said code, all relating to
3 removing the \$0.50 fee charged and deposited in the Combined Voter Registration and
4 Driver's Licensing Fund for each driver's license issued by the Department of Motor
5 Vehicles, which fees are no longer necessary for affording voter registration costs.

Be it enacted by the Legislature of West Virginia:

CHAPTER 3. ELECTIONS.

ARTICLE 2. REGISTRATION OF VOTERS.

§3-2-12. Combined voter registration and driver licensing fund; transfer of funds.

1 [Repealed].

CHAPTER 17. ROADS AND HIGHWAYS.

ARTICLE 3. STATE ROAD FUND.

§17-3-1. What constitutes fund; payments into fund; use of money in fund.

1 There shall be a State Road Fund, which shall consist of the proceeds of all state license
2 taxes imposed upon automobiles or other motor or steam driven vehicles; the registration fees
3 imposed upon all owners, chauffeurs, operators and dealers in automobiles or other motor driven
4 vehicles; all sums of money which may be donated to such fund; all proceeds derived from the
5 sale of state bonds issued pursuant to any resolution or act of the Legislature carrying into effect
6 the Better Roads Amendment to the Constitution of this state, adopted in November, 1964, except
7 that the proceeds from the sale of these bonds shall be kept in a separate and distinct account in
8 the State Road Fund; all proceeds from the sale of state bonds issued pursuant to any resolution
9 or act of the Legislature carrying into effect the Safe Roads Amendment of 1996 to the
10 Constitution of this state, adopted in November, 1996, except that the proceeds from the sale of
11 these bonds shall be kept in a separate and distinct account in the State Road Fund; all proceeds
12 from the sale of state bonds issued pursuant to any resolution or act of the Legislature carrying

13 into effect the Roads to Prosperity Amendment of 2017 to the Constitution of this state, adopted
14 in October, 2017, except that the proceeds from the sale of these bonds shall be kept in a separate
15 and distinct account in the State Road Fund; all moneys and funds appropriated to it by the
16 Legislature; and all moneys allotted or appropriated by the federal government to this state for
17 road construction and maintenance pursuant to any act of the Congress of the United States; the
18 proceeds of all taxes imposed upon and collected from any person, firm or corporation and of all
19 taxes or charges imposed upon and collected from any county, district or municipality for the
20 benefit of the fund; the proceeds of all judgments, decrees or awards recovered and collected
21 from any person, firm or corporation for damages done to, or sustained by, any of the state roads
22 or parts thereof; all moneys recovered or received by reason of the violation of any contract
23 respecting the building, construction or maintenance of any state road; all penalties and forfeitures
24 imposed, recovered or received by reason thereof; and any and all other moneys and funds
25 appropriated to, imposed and collected for the benefit of such fund, or collected by virtue of any
26 statute and payable to such fund. ~~Provided, That notwithstanding any provisions of this code to~~
27 ~~the contrary, 50 cents of every license fee paid pursuant to the provisions of subdivision (2),~~
28 ~~subsection (a), section eight, article two, chapter seventeen b of this code shall be paid to the~~
29 ~~special fund established pursuant to the provisions of subsection (a), section twelve, article two,~~
30 ~~chapter three of this code~~

31 When any money is collected from any of the sources aforesaid, it shall be paid into the
32 State Treasury by the officer whose duty it is to collect and account for the same, and credited to
33 the State Road Fund, and shall be used only for the purposes named in this chapter, which are:
34 (a) To pay the principal and interest due on all state bonds issued for the benefit of said fund, and
35 any costs related to the issuance thereof, and set aside and appropriated for that purpose; (b) to
36 pay the expenses of the administration of the Division of Highways; and (c) to pay the cost of
37 maintenance, construction, reconstruction and improvement of all state roads.

CHAPTER 17B. MOTOR VEHICLE DRIVER'S LICENSES.

ARTICLE 2. ISSUANCE OF LICENSE, EXPIRATION AND RENEWAL.

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

1 (a) The division shall, upon payment of the required fee, issue to every applicant qualifying
2 therefor a driver's license, which shall indicate the type or general class or classes of vehicle or
3 vehicles the licensee may operate in accordance with this chapter or chapter 17E of this code, or
4 motorcycle-only license. Each license shall contain a coded number assigned to the licensee, the
5 full legal name, to be displayed in a manner selected by the applicant when supported by
6 appropriate documentation and consistent with federal law, this code, and existing system
7 capabilities of the division, date of birth, residence address, a brief description and a color
8 photograph of the licensee, and either a facsimile of the signature of the licensee or a space upon
9 which the signature of the licensee is written with pen and ink immediately upon receipt of the
10 license. No license is valid until it has been so signed by the licensee.

11 (b) A driver's license which is valid for operation of a motorcycle shall contain a motorcycle
12 endorsement. A driver's license which is valid for the operation of a commercial motor vehicle
13 shall be issued in accordance with chapter 17E of this code.

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

17 (d) The fee for the issuance of a Class E driver's license is \$5 per year for each year the
18 license is valid. The Division of Motor Vehicles may adjust this fee every five years on September
19 1, based on the U. S. Department of Labor, Bureau of Labor Statistics most current Consumer
20 Price Index: *Provided*, That an increase in such fee may not exceed 10 percent of the total fee
21 amount in a single year. The fee for issuance of a Class D driver's license is \$6.25 per year for
22 each year the license is valid. ~~An additional fee of 50 cents shall be collected from the applicant~~

23 ~~at the time of original issuance or each renewal, and the additional fee shall be deposited in the~~
24 ~~Combined Voter Registration and Driver's Licensing Fund established pursuant to the provisions~~
25 ~~of §3-2-12 of this code~~ The additional fee for adding a motorcycle endorsement to a driver's
26 license is \$1 per year for each year the license is issued.

27 (e) The fee for issuance of a motorcycle-only license is \$2.50 for each year for which the
28 motorcycle license is valid. The fees for the motorcycle endorsement or motorcycle-only license
29 shall be paid into a special fund in the State Treasury known as the Motorcycle Safety Fund as
30 established in §17B-1D-7 of this code.

31 (f) The fee for the issuance of either the level one or level two graduated driver's license
32 as prescribed in §17B-2-3a of this code is \$5.

33 (g) The fee for issuance of a federally compliant driver's license or identification card for
34 federal use is \$10 in addition to any other fee required by this chapter. Any fees collected under
35 the provisions of this subsection shall be deposited into the Motor Vehicle Fees Fund established
36 in accordance with §17A-2-21 of this code.

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

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

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

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

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

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

54 (j) The division may accept any document as proof of identity, residency, and lawful
55 presence that is acceptable under the Real ID Act of 2005, Pub. L. No. 109-13, 119 Stat. 302
56 (May 11, 2005), 49 U.S.C. §30301 *et seq.*

NOTE: The purpose of this bill is to remove the \$0.50 fee charged and deposited in the Combined Voter Registration and Driver's Licensing Fund for each driver's license issued by the Department 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.