

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 602

**FISCAL
NOTE**

By Senators Hamilton, Azinger, Bartlett, Charnock,

Clements, Deeds, Helton, and Roberts

[Introduced January 27, 2026; referred
to the Committee on the Judiciary; and then to the
Committee on Finance]

1 A BILL to amend and reenact §17B-1-1 of the Code of West Virginia, 1931, as amended; to amend
2 the code by adding a new section, designated §17C-5-2c; and to amend the code by
3 adding a new article, designated §17B-8-1, §17B-8-2, §17B-8-3, §17B-8-4, and §17B-8-5,
4 relating to interdicted licenses and identification cards; providing definitions; establishing
5 the application process; creating fees; providing training; providing rule-making authority;
6 and establishing the court's authority.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. WORDS AND PHRASES DEFINED.

§17B-1-1. Definitions.

1 The following words and phrases when used in this chapter, for the purpose of this chapter,
2 have the meanings respectively ascribed to them in this article:

3 *Autocycle.* — Every fully or partially enclosed motorcycle that is equipped with safety belts,
4 rollover protection, a rearview mirror, automotive seating, a steering wheel, and equipment
5 otherwise required on a motorcycle and which has no more than three wheels in contact with the
6 roadway at any one time.

7 *Cancellation.* — Means that a driver's license is annulled and terminated because of some
8 error or defect or because the licensee is no longer entitled to that license, but the cancelation of a
9 license is without prejudice and application for a new license may be made at any time after the
10 cancelation.

11 *Chauffeur.* — Every person who is employed by another for the principal purpose of driving
12 a motor vehicle and every person who drives a school bus transporting school children or any
13 motor vehicle when in use for the transportation of persons or property for compensation.

14 *Commissioner.* — The Commissioner of the Division of Motor Vehicles of this state.

15 *Division.* — The Division of Motor Vehicles of this state acting directly or through its duly
16 authorized officers or agents.

17 *Driver.* — Means any person who drives, operates, or is in physical control of a motor

vehicle, in any place open to the general public for purposes of vehicular traffic, or who is required to hold a driver's license.

Driver's license. — Means any permit or license issued by this state to a person which authorizes the person to drive a motor vehicle of a specific class or classes subject to any restriction or endorsement contained thereon.

Farm tractor. — Every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

Interdicted person. — Means a person to whom the sale, offer for sale, or furnishing of an alcoholic product is prohibited by:

(1) law; or

(2) court order.

"Interdicted person" includes a person who voluntarily obtains an interdicted person license certificate under License notification or an interdicted person identification card.

Interdicted person identification card. — Means an identification card issued under this article that:

(a) Bears the language "No Alcohol Sale"; and

(b) Contains other security features identifying the individual as being restricted from purchasing alcohol, including a prominent red stripe on the front of the identification card.

Interdicted person license certificate. — Means a license certificate issued to an interdicted person that:

(a) Bears the language "No Alcohol Sale"; and

(b) Contains other security features identifying the individual as being restricted from purchasing alcohol, including a prominent red stripe on the front of the license.

Motorcycle. — Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a farm tractor as defined in this section, a moped as defined in §17C-1-5a of this code, a snowmobile as

defined in §17A-1-1(mm) of this code, an all-terrain vehicle as defined in §17A-1-1(ii) of this code, and an electric bicycle as defined in §17C-1-70 of this code.

Motor vehicle. — Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

9-1-1 system. — Means an emergency telephone system or enhanced emergency telephone system as defined in §24-6-2 of this code.

Nonresident. — Every person who is not a resident of this state.

Operator. — Every person, other than a chauffeur, who drives or is in actual physical control of a motor vehicle upon a highway or who is exercising control over or steering a vehicle being towed by a motor vehicle.

Owner. — A person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or if a mortgagor of a vehicle is entitled to possession, then the conditional vendee or lessee or mortgagor is the owner for the purpose of this chapter.

Person. — Every natural person, firm, copartnership, association, or corporation.

Revocation. — Means that the driver's license and privilege to drive a motor vehicle on the public highways are terminated and shall not be renewed or restored, except that an application for a new license may be presented and acted upon by the division after the expiration of at least one year after the date of revocation, except as otherwise provided in §17C-5A-2 of this code.

School bus. — Every motor vehicle owned by a public governmental agency and operated for the transportation of children to or from school or privately owned and operated for compensation for the transportation of children to or from school.

Street or highway. — The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

Suspension. — Suspension means that the driver's license and privilege to drive a motor

vehicle on the public highways are temporarily withdrawn but only during the period of the suspension.

Vehicle. — Every device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

Wireless communication device. — Means a handheld device used to access a wireless telephone service or a text messaging device.

ARTICLE 8. INTERDICTED LICENSE AND IDENTIFICATION CARD.

§17B-8-1. License notification.

(a) If the division receives a notification from a court as provided in §17C-5-2c of this code that an individual is an interdicted person, the division:

(1) May accept an application from the individual for a duplicate license that is an interdicted person license certificate and, if the individual submits an application and qualifies for a license certificate, may provide an interdicted person license certificate; or

(2) May accept an application from the individual for an original license that is an interdicted person license certificate; and

(3) If the individual submits an application and qualifies for a license certificate, may provide an interdicted person license certificate.

(b) The term of an interdicted person license certificate shall coincide with the term ordered by the court.

(c) Upon expiration of the term of an interdicted person license certificate, an individual may apply for a duplicate license certificate without the interdiction restriction.

(d)(1) An individual may voluntarily apply for a duplicate or original license that is an interdicted person license certificate.

(2) An individual that voluntarily applies for a duplicate or original interdicted person license certificate may not apply for another duplicate or original license certificate without the interdicted

person restriction for at least 30 days after the application for the interdicted person license certificate.

(e) An individual may not hold an interdicted license certificate while also holding another license certificate.

(f) The division may charge a reasonable fee to an individual to process and provide an interdicted person license certificate.

(g) An individual who is designated as an interdicted person by a court is subject to the duplicate license fee and other fees necessary to administer the interdicted person license certificate.

§17B-8-2. Identification card specifications.

(a) If the division receives a notification from a court as provided in §17C-5-2c of this code that an individual is an interdicted person, the division:

(1) May accept an application from the individual for a duplicate identification card that is an interdicted person identification card; and

(2) If the individual submits an application and qualifies for an identification card, the division shall provide an interdicted person identification card.

(b) The term of an interdicted person identification card shall coincide with the term ordered by the court.

(c) Upon expiration of the term of an interdicted person identification card, an individual may apply for a duplicate identification card without the interdiction restriction.

(d)(1) An individual may voluntarily apply for a duplicate identification card that is an interdicted person identification card.

(2) An individual that voluntarily applies for a duplicate interdicted person identification card may not apply for another duplicate identification card without the interdicted person restriction for at least 30 days after the application for the interdicted person identification card.

(e) An individual may not hold an interdicted identification card while also holding another license certificate or identification card.

(f) The division may charge a reasonable fee to an individual to process and provide an interdicted person identification card.

(g) An individual who is designated as an interdicted person by a court is subject to the duplicate identification card fee and other fees necessary to administer the interdicted person identification card.

§17B-8-3. Fees for licenses.

(a) An interdicted person license or identification card under this article is \$50.

(b) A duplicate interdicted person license or identification card under this article is \$30.

§17B-8-4. Training.

The department shall develop a training program for an authorized person to properly verify whether an individual is an interdicted person.

§17B-8-5. Rules.

This division shall propose rules for legislative approval in accordance with the provisions of §29A-3-1 et seq. of this code to implement the provisions of this section.

ARTICLE 5. SERIOUS TRAFFIC OFFENSES.

§17C-5-2c. Interdicted license and identification card upon conviction of driving under the influence.

(a) After a person pleads to or is found guilty of the offense of driving under the influence as defined in §17C-5-2(e) of this code, as part of a sentence for a first conviction the court may designate the defendant as an interdicted person for a time period the court finds appropriate, and require the individual to surrender the individual's driver license or identification card.

(b) After a person pleads to or is found guilty of the offense of driving under the combined influence of alcohol and any controlled substance or any other drug as defined in §17C 5 2(d) of this code the court may designate the defendant as an interdicted person for a time period the

8 court finds appropriate, and require the individual to surrender the individual's driver license or
9 identification card.

10 (c) If an individual has a prior conviction that is within 10 years of the current conviction the
11 court shall designate the defendant as an interdicted person for a time period the court finds
12 appropriate, and require the individual to surrender the individual's driver license or identification
13 card.

NOTE: The purpose of this bill is to provide that a person convicted of driving under the influence may be designated as an interdicted person and is prohibited from purchasing alcohol for a certain time period.

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