

# **WEST VIRGINIA LEGISLATURE**

**2020 REGULAR SESSION**

**ENROLLED**

**House Bill 4450**

BY DELEGATE BUTLER

(BY REQUEST OF THE DIVISION OF MOTOR VEHICLES)

[Passed March 2, 2020; in effect ninety days from  
passage.]



1 AN ACT to amend and reenact §17B-2-5 of the Code of West Virginia, 1931, as amended, relating  
2 to instruction permits issued by the Division of Motor Vehicles; and changing the expiration  
3 date of instruction permits issued to persons who have reached the age of 18 years from  
4 90 days to six months.

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

**ARTICLE 2. ISSUANCE OF LICENSE, EXPIRATION AND RENEWAL.**

**§17B-2-5. Qualifications, issuance and fee for instruction permits.**

1 (a) Any person who is at least 15 years of age may apply to the division for an instruction  
2 permit. However, any person who has not attained the age of 18 shall comply with the provisions  
3 of §17B-2-3a of this code. The division may, in its discretion, after the applicant has successfully  
4 passed all parts of the examination other than the road skills test, issue to the applicant an  
5 instruction permit which entitles the applicant while having the permit in his or her immediate  
6 possession to drive a motor vehicle upon the public highways when accompanied by a licensed  
7 driver of at least 21 years of age, a driver's education or driving school instructor that is acting in  
8 an official capacity as an instructor, who is alert and unimpaired or a certified division license  
9 examiner acting in an official capacity as an examiner, who is occupying a seat beside the driver.

10 (1) Any instruction permit issued to a person under the age of 18 years shall be issued in  
11 accordance with the provisions of §17B-2-3a of this code.

12 (2) Any permit issued to a person who has reached the age of 18 years is valid for a period  
13 of six months. The fee for the instruction permit is \$7.50 for one attempt. The Division of Motor  
14 Vehicles may adjust this fee every five years on September 1, based on the U. S. Department of  
15 Labor, Bureau of Labor Statistics most current Consumer Price Index: *Provided*, That an increase  
16 in such fee may not exceed 10 percent of the total fee amount in a single year.

17 (b) Any person 16 years of age or older may apply to the division for a motorcycle  
18 instruction permit. Any person under the age of 18 must have first completed the requirements

19 for a level two intermediate driver's license or a Class E driver's license before being eligible for  
20 a motorcycle instruction permit.

21         The division may, in its discretion, after the applicant has successfully passed all parts of  
22 the motorcycle examination other than the driving test, and presented documentation of  
23 compliance with the provisions of §18-8-11 of this code, if applicable, issue to the applicant an  
24 instruction permit which entitles the applicant while having the permit in his or her immediate  
25 possession to drive a motorcycle upon the public streets or highways for a period of six months,  
26 during the daylight hours between sunrise and sunset only. A holder of a motorcycle instruction  
27 permit may not operate a motorcycle while carrying any passenger on the vehicle.

28         A motorcycle instruction permit is not renewable, but a qualified applicant may apply for a  
29 new permit. The fee for a motorcycle instruction permit is \$5, which shall be paid into a special  
30 fund in the State Treasury known as the Motor Vehicle Fees Fund.

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

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*Chairman, House Committee*

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*Chairman, Senate Committee*

Originating in the House.

In effect ninety days from passage.

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*Clerk of the House of Delegates*

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*Clerk of the Senate*

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*Speaker of the House of Delegates*

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*President of the Senate*

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The within ..... this the.....  
day of ....., 2020.

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*Governor*