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**H. B. 2495**

(By Delegates Gearheart and Hamrick)  
[By request of the Division of Motor Vehicles]  
[Introduced January 29, 2015; referred to the  
Committee on Roads and Transportation then the Judiciary.]

A BILL to amend and reenact §17B-2-7 of the Code of West Virginia, 1931, as amended, relating to the written examination of applicants for a license to operate a motor vehicle; and requiring information on the dangers of distracted driving to be included on the examination.

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

That §17B-2-7 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

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

**§17B-2-7. Examination of applicants.**

(a) Upon the presentment of the applicant’s certified copy of the birth certificate issued by a state or other governmental entity responsible for vital records or a valid and unexpired passport issued by the United States government, as evidence that the applicant is of lawful age and verifiable identity, the Division of Motor Vehicles shall examine every applicant for a license to operate a motor vehicle in this state, except as otherwise provided in this section. The examination shall

1 include a test of the applicant's eyesight, the applicant's ability to read and understand highway signs  
2 regulating, warning, and directing traffic, the applicant's knowledge of the traffic laws of this state,  
3 and the applicant's knowledge of the effects of alcohol upon persons and the dangers of driving a  
4 motor vehicle under the influence of alcohol. The examination shall also include an actual  
5 demonstration of ability to exercise ordinary and reasonable control in the operation of a motor  
6 vehicle, and any further physical and mental examination as the Division of Motor Vehicles  
7 considers necessary to determine the applicant's fitness to operate a motor vehicle safely upon the  
8 highways. The examination shall include a test of the applicant's knowledge of the dangers of  
9 distractions while driving or operating a motor vehicle.

10 (b) The commissioner shall propose legislative rules for promulgation in accordance with the  
11 provisions of article three, chapter twenty-nine-a of this code concerning the examination of  
12 applicants for licenses and the qualifications required of applicants, and the examination of  
13 applicants by the division shall be in accordance with the rules. The rules shall provide for the  
14 viewing of educational material or films on the medical, biological, and psychological effects of  
15 alcohol upon persons, the dangers of driving a motor vehicle while under the influence of alcohol  
16 and the criminal penalties and administrative sanctions for alcohol and drug related motor vehicle  
17 violations.

18 (c) After successful completion of the examination required by this section, section three-a,  
19 or section seven-b of this article, and prior to the issuance of a license pursuant to the provisions of  
20 section eight of this article, every applicant for a driver's license, graduated driver's license, or  
21 motorcycle-only license shall attend a mandatory education class on the dangers and social  
22 consequences of driving a motor vehicle while under the influence of alcohol. To the extent

- 1 practicable, the commissioner shall use as lecturers at those classes persons who can relate first-hand
- 2 experiences as victims or family members of victims of alcohol-related accidents or drivers who
- 3 have been involved in alcohol-related accidents which caused serious bodily injury or death.

NOTE: The purpose of this bill is to require information about the dangers of distracted driving to appear on the examination for license to operate a motor vehicle.

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