

# **WEST VIRGINIA LEGISLATURE**

**2018 REGULAR SESSION**

**Committee Substitute**

**for**

**House Bill 2831**

BY DELEGATES GEARHEART AND FRICH

(BY REQUEST OF THE DIVISION OF MOTOR VEHICLES)

[Originating in the Committee on Government

Organization; January 26, 2018.]



1 A BILL to amend and reenact §17B-2-7a of the Code of West Virginia, 1931, as amended, relating  
2 to the reconstitution of the Driver's Licensing Advisory Board; requiring one member of the  
3 board to be a board certified neurologist in this state; requiring the board to respond to  
4 requests of the commissioner when necessary in the discretion of the commissioner; and  
5 striking an outdated sunset provision.

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

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

### **§17B-2-7a. Driver's Licensing Advisory Board.**

1 (a)The Driver's Licensing Advisory Board is hereby continued. The board shall consist of  
2 five members to be appointed by the Governor, by and with the advice and consent of the Senate,  
3 for terms of three years, ~~except~~ commencing July 1, 2018: *Provided,* That as to the members  
4 first appointed, two shall be appointed for a term of three years, two shall be appointed for a term  
5 of two years and one shall be appointed for a term of one year, ~~all from July 1, 1974~~ *Provided,*  
6 *however,* That members who last served as members of the board prior to the reenactment of  
7 this section by the Legislature in the 2018 Regular Session shall continue to serve until their  
8 successors have been appointed. A member shall continue to serve until his or her successor  
9 has been appointed. All vacancies occurring on the board shall be filled by the Governor, by and  
10 with the advice and consent of the Senate. One member of the board shall be an optometrist duly  
11 registered to practice optometry in this state, one member shall be a board certified neurologist  
12 who is licensed to practice medicine in this state, and the other ~~four~~ three members of the board  
13 shall be physicians or surgeons duly licensed to practice medicine or surgery in this state. The  
14 Governor shall appoint persons qualified to serve on the board who, in his or her opinion, will best  
15 serve the work and function of the board.

16 (b)The board shall advise the Commissioner of Motor Vehicles as to vision standards and  
17 all other medical criteria of whatever kind or nature relevant to the licensing of persons to operate  
18 motor vehicles under the provisions of this chapter. The commissioner may, in her or his

19 discretion, request the opinion of the board. The board shall, upon request, advise the  
20 Commissioner of Motor Vehicles as to the mental or physical fitness of an applicant for, or the  
21 holder of, a license to operate a motor vehicle. The board shall furnish the commissioner with all  
22 such medical standards, statistics, data, professional information and advice as he or she may  
23 reasonably request.

24 (c) The members of the board shall receive the same compensation and expense  
25 ~~reimbursement in an amount not to exceed the same compensation and expense reimbursement~~  
26 as is paid to members of the Legislature for their interim duties as recommended by the Citizens  
27 Legislative Compensation Commission and authorized by law, for each day or substantial portion  
28 thereof engaged in the performance of official duties. Each member of the board shall be  
29 reimbursed for his or her actual and necessary expenses for each day or portion thereof engaged  
30 in the discharge of official duties in a manner consistent with guidelines of the Travel Management  
31 Office of the Department Of Administration.

32 ~~Pursuant to the provisions of article ten, chapter four of this code, the driver's licensing~~  
33 ~~advisory board shall continue to exist until July 1, 2009.~~

NOTE: The purpose of this bill is to reconstitute the Driver's Licensing Advisory Board, to require one member of the board to be a licensed neurologist in this state, to require the board to respond to requests of the commissioner when necessary in the discretion of the commissioner, to delete obsolete language.

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