

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

House Bill 2069

BY DELEGATES J. KELLY AND PYLES

[Introduced January 9, 2019; Referred
to the Committee on Technology and Infrastructure
then the Judiciary.]

1 A BILL to amend and reenact §17B-2-7 of the Code of West Virginia, 1931, as amended, relating
2 to requiring all commercial and professional drivers licensed under this chapter or chapter
3 17E of this code to be fingerprinted and undergo a background check.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. ISSUANCE OF LICENSE, EXPIRATION AND RENEWAL.

§17B-2-7. Examination of applicants; background check, fingerprinting required of professional, commercial drivers.

1 (a) Upon the presentment of the applicant's certified copy of the birth certificate issued by
2 a state or other governmental entity responsible for vital records or a valid and unexpired passport
3 issued by the United States government, as evidence that the applicant is of lawful age and
4 verifiable identity, the Division of Motor Vehicles shall examine every applicant for a license to
5 operate a motor vehicle in this state, except as otherwise provided in this section. The examination
6 shall include a test of the applicant's eyesight, the applicant's ability to read and understand
7 highway signs regulating, warning, and directing traffic, the applicant's knowledge of the traffic
8 laws of this state, and the applicant's knowledge of the effects of alcohol upon persons and the
9 dangers of driving a motor vehicle under the influence of alcohol. The examination shall also
10 include an actual demonstration of ability to exercise ordinary and reasonable control in the
11 operation of a motor vehicle, and any further physical and mental examination as the Division of
12 Motor Vehicles considers necessary to determine the applicant's fitness to operate a motor
13 vehicle safely upon the highways.

14 (b) The commissioner shall propose legislative rules for promulgation in accordance with
15 the provisions of §29A-3-1 *et seq.* of this code concerning the examination of applicants for
16 licenses and the qualifications required of applicants, and the examination of applicants by the
17 division shall be in accordance with the rules. The rules shall provide for the viewing of educational
18 material or films on the medical, biological, and psychological effects of alcohol upon persons,
19 the dangers of driving a motor vehicle while under the influence of alcohol and the criminal

20 penalties and administrative sanctions for alcohol and drug related motor vehicle violations. As
21 part of the examination requirements, each professional or commercial driver, whether employed
22 full-time as a driver, or employed only occasionally to drive for hire, shall be fingerprinted and
23 undergo a background check as a license requirement.

24 (c) After successful completion of the examination required by this section, §17B-2-3a, or
25 §17B-3-7b of this code, and prior to the issuance of a license pursuant to the provisions of §17B-
26 3-8 of this code, every applicant for a driver's license, graduated driver's license, or motorcycle-
27 only license shall attend a mandatory education class on the dangers and social consequences
28 of driving a motor vehicle while under the influence of alcohol. To the extent practicable, the
29 commissioner shall use as lecturers at those classes persons who can relate first-hand
30 experiences as victims or family members of victims of alcohol-related accidents or drivers who
31 have been involved in alcohol-related accidents which caused serious bodily injury or death.

NOTE: The purpose of this bill is to require fingerprinting and background checks for all licensed professional and commercial drivers.

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