

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

House Bill 2935

BY DELEGATES MILEY, C. THOMPSON, ROWE, WALKER,

ROHRBACH AND CAMPBELL

[Introduced February 8, 2019; Referred
to the Committee on Technology and Infrastructure
then the Judiciary.]

1 A BILL to amend and reenact §17B-2B-3, §17B-2B-4, §17B-2B-5, and §17B-2B-7 of the Code of
 2 West Virginia, 1931, as amended, all relating to licensing of drivers utilizing bioptic
 3 telescopic devices.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 2B. LICENSE TO OPERATE A MOTOR VEHICLE WITH BIOPTIC
 TELESCOPIC DEVICE.**

§17B-2B-3. Class G instruction permit; eligibility criteria; restrictions; duration of permit.

1 (a) An applicant is eligible for a Class G instruction permit if he or she has:
 2 (1) Been accepted into and enrolled in an approved bioptic driver training program;
 3 (2) Passed a written examination, in the manner prescribed by the commissioner, testing
 4 the applicant's:

5 (A) Ability to read and understand highway signs regulating, warning and directing traffic;
 6 and
 7 (B) Knowledge of the traffic laws of this state; and

8 (3) Satisfied, at each stage of the licensing process, any additional requirements for an
 9 instruction permit required by §17B-2-1 *et seq.* of this code, excluding having to hold a Class G
 10 instruction permit for 180 days, that are not addressed in this article.

11 (b) The commissioner may not issue a Class G instruction permit until the applicant has
 12 surrendered any license he or she currently holds to operate a motor vehicle.

13 (c) A Class G instruction permit authorizes the permittee to operate a Class A passenger
 14 motor vehicle, weighing eight thousand (8000) pounds or less, subject to the following restrictions:

15 (1) The applicant may drive only while using a bioptic telescopic device;
 16 (2) The applicant is subject to a daytime driving restriction;
 17 (3) The applicant may drive only when accompanied by a certified driver rehabilitation
 18 specialist or driver rehabilitation educator and/or specially trained driver examiner up to

19 satisfactory completion of his or her required 90-hour program of driver's training and Class G on-
20 road driver's license testing; and

21 (4) Any other conditions or restrictions the commissioner considers, or a certified drivers
22 rehabilitation specialist or driver rehabilitation educator recommends, necessary to insure the safe
23 operation of the motor vehicle.

24 (d) A Class G instruction permit is valid for up to one year. Upon expiration of the
25 instruction permit, the applicant may reapply for a new instruction permit, provided that he or she
26 is eligible pursuant to subsection (a) of this section.

**§17B-2B-4. Class G driver's license; eligibility criteria; duration of license; surrender of
current license; provisions not applicable to persons already licensed to drive with
bioptic device.**

1 (a) A person who has obtained a Class G instruction permit may obtain a Class G driver's
2 license to operate a motor vehicle if he or she has:

3 (1) Been certified by the Division of Rehabilitation Services as having successfully
4 completed an approved driver training program, along with any agency recommendations
5 regarding license restrictions or modifications, including, but not limited to:

6 (A) Special adaptive equipment;

7 (B) Hours of permitted operation;

8 (C) Types of roads on which the applicant may operate a vehicle; and

9 (D) Distance ~~how far~~ from home the applicant may operate a vehicle;

10 (2) Submitted to the commissioner and to the Director of the Division of Rehabilitation
11 Services, on a form prescribed by the Division of Rehabilitation Services, a report of clinical low
12 visions examination by a vision specialist, conducted within 90 days prior to satisfactory
13 completion of an approved bioptic driver training program, ~~after the applicant completes the~~
14 ~~approved driver training program~~ certifying that the applicant continues to meet the minimum
15 visual acuity and visual field standards established by the commissioner for licensure to operate

16 a motor vehicle;

17 (3) Successfully completed a comprehensive and standardized bioptic on-road ~~road~~ skills
18 examination, conducted at a location determined by the commissioner, with a certified driver
19 rehabilitation specialist or driver rehabilitation educator in the test vehicle along with the driving
20 examiner. The comprehensive and standardized bioptic road skills examination shall include, at
21 a minimum:

22 (A) A “passenger in car” test with bioptic telescopic device in place designed to test
23 competency in using the bioptic telescopic device under stationary and dynamic conditions;

24 (B) A maneuverability skills test; and

25 (C) A standardized bioptic on-road test designed to test driving competency of the
26 applicant; ~~and~~

27 (4) Following satisfactory completion of bioptic driver training and passage of Class G
28 driver 4 testing (undertaken after completion of bioptic driver’s training), Class G applicants who
29 are 16 or 17 years of age will be issued a Class G driver’s license upon their completion of an
30 additional 20 hours of supervised daytime driving in the accompaniment of a parent, guardian,
31 certified driver rehabilitation specialist or driver rehabilitation educator within 120 days of passing
32 the Class G test. The 20-hour training shall be submitted on a driving log which includes a sworn
33 statement by the supervisor of the daytime driving that the applicant has completed the training.

34 ~~(4)~~ (5) Satisfied, at each stage of the licensing process, any additional requirements for
35 licensure required by article two of this chapter that are not addressed in this article;

36 (b) If an applicant fails the comprehensive road skills examination three times, he or she
37 is not eligible to retake the examination until he or she has successfully completed additional
38 training in an approved driver training program and been recommended for retesting by the
39 director of the program.

40 (c) An applicant who has a current license to operate a motor vehicle other than a Class
41 G driver’s license must surrender his or her current driver’s license before the commissioner will

42 issue a Class G driver's license or instruction permit.

43 (d) Every Class G licensee must provide the commissioner with a report of examination
44 by a vision specialist, conducted no more than three months prior to the annual anniversary of
45 the issuance of the license, certifying that the applicant continues to meet the minimum visual
46 acuity and visual field standards established by the commissioner for licensure to operate a motor
47 vehicle. The report shall be submitted on a form prescribed by the commissioner.

§17B-2B-5. Restrictions on Class G driver's license; removal of daytime driving restriction.

48 (a) A Class G driver's license authorizes the licensee to operate a Class A passenger
49 motor vehicle, weighing 8,000 pounds or less, subject to the following restrictions:

50 (1) The applicant may drive only while using a bioptic telescopic device;

51 (2) Daytime driving restriction; and

52 (3) Any other conditions or restrictions the commissioner considers necessary to insure
53 the safe operation of the motor vehicle.

54 (b) An applicant ~~to~~ that has been issued a Class G driver's license has been issued may
55 apply to the commissioner for removal of the daytime driving restriction if the applicant has:

56 (1) Operated a motor vehicle for 36 months without an at-fault accident, moving violation
57 or license suspension;

58 (2) Submitted a report of a vision examination, conducted not more than six months prior
59 to the application, by a vision specialist showing that the licensee's visual impairment is stable
60 and that he or she can see well enough to operate a vehicle at night;

61 (3) Successfully completed additional evaluation and training, in an approved driver
62 training program, specifically designed for night driving;

63 (4) Passed a comprehensive night driving examination.

64 (c) An applicant who holds a valid Class E driver's license at the time of application to
65 admission to the program to receive a Class G bioptic driver's license, upon providing proof to the
66 commissioner of a stable vision condition and no at-fault accidents and no moving violations for

67 the prior three years, shall be permitted to participate in an individualized, competency-based
68 program of bioptic driver training that will include ancillary classroom, passenger-in-car and
69 behind-the-wheel instruction and applicable road testing for both daytime and night driving, and
70 upon successful completion of the program may be issued a Class G bioptic driver's license
71 without a daytime only driving restriction.

§17B-2B-7. Renewal of license.

1 (a) A Class G driver's license is valid for no more than two years.

2 (b) To renew a Class G bioptic driver's license, the licensee must submit a report of a
3 comprehensive clinical low vision examination by a vision specialist at least ninety-days prior to
4 expiration of the license unless an identical report has already been submitted to the
5 commissioner by a vision specialist on the same licensee within the past twelve months as part
6 of the requirement for annual visual acuity and visual field standard examination pursuant to
7 §17B-2b-5(b)(2) of this code.

8 (c) If the vision specialist certifies that the conditions causing the licensee's visual
9 impairment are stable, and the licensee continues to satisfy the commissioner's minimum visual
10 acuity and visual field standards for licensure, and a Class G licensee's accrued driving record is
11 supportive of extended driving privileges, the division shall renew the driver's license for a period
12 of at least one additional year. The Commissioner may renew a license for up to four years, upon
13 satisfaction of the commissioner that the Class G licensee's vision condition is stable and accrued
14 driving record is supportive of continued driving privileges.

15 (d) If the vision specialist certifies that the conditions causing the licensee's visual
16 impairment are unstable or deteriorating, the commissioner may require the licensee to undergo
17 additional testing or training before deciding whether to renew the license.

18 (e) If any comprehensive vision examination by a vision specialist determines that the
19 licensee no longer satisfies the minimum visual acuity or visual field standards for licensure, the
20 division shall not renew the license.

NOTE: The purpose of this bill is to revise licensing requirements for operating a motor vehicle for vision impaired drivers who utilize bioptic telescopic devices; allowing receipt of a class G license after completion of training and supervised driving requirements; allowing certain applicants expedited authorization for night driving when they have had previously been licensed, have stable vision and have completed required instruction; and waiving eye exam requirements when applicants have recently received a vision exam.

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