

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Committee Substitute

for

House Bill 4315

By Delegate E. Pritt

[Originating in the Committee on the Judiciary;

Reported on January 23, 2024]

1 A BILL to amend §17B-3-13 of the Code of West Virginia, 1931, as amended, relating to requiring
2 reports on diseases, disorders, disabilities or conditions affecting the ability of a person to
3 competently drive a motor vehicle to the Division of Motor Vehicles; clarifying the persons
4 responsible for reports; providing mandatory time frames for reports; providing that
5 noncompliance or compliance is not evidence of negligence; providing definitions; and
6 providing that the amendments to this section shall be known as "McKayla, Miranda, and
7 Philip's Law".

Be it enacted by the Legislature of West Virginia:

ARTICLE 3. CANCELLATION, SUSPENSION OR REVOCATION OF LICENSES.

**§17B-3-13. Reports by health care providers on mental or physical disabilities to Division;
no report to be based upon age; confidentiality of reports; scope of use of reports;
civil and criminal immunity of health care provider for compliance; definitions.**

1 (a) ~~Health~~ Unless contrary to federal law, health care providers, including all physicians,
2 podiatrists, chiropractors, physician assistants, certified registered nurse practitioners, and other
3 persons licensed and authorized pursuant to chapter thirty of the code to diagnose or treat
4 diseases, disorders, disabilities or conditions, ~~may~~ shall notify the division in writing within 10 days
5 of the diagnosis of the full name, date of birth and address of every person ~~fifteen~~ 15 years of age
6 or older who suffers from a physical or mental disease, disorder, disability, condition or symptoms
7 that prevents the person from safely operating motor vehicle, and which is either:

8 (1) Uncontrollable (either through medication, therapy, or surgery; or by driving device or
9 technique);

10 (2) Controllable, but the patient does not comply with the recommendations of the health
11 care provider for treatment or restricted driving; or

12 (3) Undiagnosed but the extent of driver impairment is potentially significant based on the
13 patient's symptoms.

14 (b) Any person in charge of every mental hospital, institution or clinic, or any alcohol or
15 drug treatment facility, shall be considered a health care provider responsible to assure that
16 reports are filed in accordance with this subsection.

17 (c) No such report by a health care provider shall be made solely on the basis of age.

18 ~~(b) (d)~~ Reports, recommendations or opinions, findings or advice received or made by the
19 division for the purpose of determining whether a person is qualified to be licensed to drive are for
20 the confidential use of the division and exempt from provisions of ~~article one, chapter twenty-nine-~~
21 ~~b §29B-1-1 et seq.~~ of this code and may only be admitted in proceedings to either suspend, revoke
22 or impose limitations on the use of a driver's license pursuant to ~~section six, subsection (a)(5),~~
23 ~~article three, chapter seventeen-b §17B-3-6(a)(5)~~ of this code or ~~section seven, article three,~~
24 ~~chapter seventeen-b §17B-3-7~~ of this code, or to reinstate the driver's license.

25 ~~(e) (e)~~ Reports, recommendations, opinions, findings or advice received or made by the
26 division for the purpose of determining whether a person is qualified to be licensed to drive may
27 not be used in any proceedings to establish or prove competencies other than qualifications to
28 operate a vehicle.

29 ~~(d) (f)~~ A health care provider who makes a notification pursuant to subsection (a) shall be
30 immune from any civil, administrative or criminal liability that otherwise might be incurred or
31 imposed because of such notification if the health care provider has:

32 (1) Documented in the patient's record the disease, disorder, disability, condition or
33 symptoms which may impair the patient's ability to drive a motor vehicle to a degree that precludes
34 the safe operation of a motor vehicle;

35 (2) Informed the patient that their disease, disorder, disability, condition or symptoms may
36 impair the patient's ability to drive a motor vehicle to a degree that precludes the safe operation of
37 a motor vehicle;

38 (3) Advised the patient that he or she should not operate a motor vehicle; and

39 (4) Disclosed to the patient that the health care provider ~~may~~ will notify the Commissioner
40 of the patient's condition and of the patient's inability to safely operate a motor vehicle.

41 ~~(e) (g) Compliance with or failure to comply with the requirements of this section does not~~
42 ~~constitute negligence, nor may compliance or noncompliance with the requirements of this section~~
43 ~~be admissible as evidence of negligence in any civil or criminal action. Nothing within this section~~
44 ~~prevents investigation and/or enforcement by any boards or licensure bodies such as for~~
45 ~~professional discipline for noncompliance.~~

46 (h) For purposes of this section, "diseases, disorders, disabilities or conditions" means
47 physical impairments characterized by lapses of consciousness or other cognitive, mental, or
48 physical disabilities affecting the ability of a person to competently drive a motor vehicle.

49 (i) The amendments to this section enacted in the 2024 Regular Session of the Legislature
50 shall be known as "McKayla, Miranda, and Philip's Law".

NOTE: The purpose of this bill is to require reports on diseases, disorders, disabilities or conditions affecting the ability of a person to competently drive a motor vehicle to the Division of Motor Vehicles.

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