

# **WEST VIRGINIA LEGISLATURE**

## **2018 REGULAR SESSION**

**Introduced**

### **House Bill 4184**

BY DELEGATE HANSHAW (BY REQUEST)

[Introduced January 18, 2018; Referred  
to the Committee on Roads and Transportation 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 directing the commissioner to amend a current legislative rule relating to the road skills  
 3 examination by removing the reference to parallel parking.

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

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

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

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.

21            (c) The commissioner shall revise legislative rule §91-4-5.2.b. by deleting the reference to  
22 parallel parking, by August 31, 2018.

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

NOTE: The purpose of this bill is to direct the commissioner to amend a current legislative rule relating to the road skills examination.

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