

# **WEST VIRGINIA LEGISLATURE**

## **2021 REGULAR SESSION**

**Introduced**

### **Senate Bill 433**

BY SENATOR SWOPE

[Introduced February 24, 2021; referred  
to the Committee on Transportation and  
Infrastructure]

1 A BILL to amend and reenact §17B-2B-1, §17B-2B-2, §17B-2B-4, and §17B-2B-6 of the Code of  
 2 West Virginia, 1931, as amended, all relating to authorizing the Division of Rehabilitation  
 3 Services to approve acceptable training programs required for low vision individuals to  
 4 obtain a Class G driver’s license.

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

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

**§ 17B-2B-1. Definitions.**

1 For purposes of this article, the following terms have the meaning indicated:

2 (1) “Applicant” means any person applying for a Class G instruction permit or license to  
 3 operate a motor vehicle in this state who must use a bioptic telescopic device to meet the  
 4 commissioner’s minimum visual acuity and visual field standards for licensure.

5 (2) “Approved driver training program” means a program that:

6 (A) Provides and coordinates comprehensive assessment and training of driving skills and  
 7 responses;

8 (B) Emphasizes clinical and functional vision skills, predriver readiness skills and the  
 9 physical, mental and social driving skills of an applicant; and

10 (C) Is approved by the Division of Rehabilitation Services, after consultation with the  
 11 division, ~~and~~

12 ~~(D) Is operated by and under the auspices of the Division of Rehabilitation Services at its~~  
 13 ~~headquarters at Institute, Kanawha County~~

14 (3) “Bioptic telescopic device” means a two focus optical system used to magnify distant  
 15 objects by including a small telescope that is mounted in a spectacle lens so as to allow an  
 16 unobstructed view of the horizontal visual field through normal distance corrective lenses.

17 (4) “Corrective lenses” means eyeglasses, contact lenses, and intraocular lenses, but

18 does not mean a bioptic telescopic device.

19 (5) "Daytime driving restriction" means a limitation on the operation of a motor vehicle to:

20 (A) The period of time between 30 minutes after sunrise and 30 minutes before sunset;

21 and

22 (B) Weather conditions that do not significantly reduce the visibility of the roadway, other  
23 traffic, and traffic control devices.

24 (6) "Field expander" means a device used to compensate for peripheral visual field loss.

25 (7) "Restricted out-of-state driver" means a person who has been issued, by another state,  
26 a valid driver's license with a restriction requiring the driver to use a bioptic telescopic device.

27 (8) "Vision specialist" means a licensed ophthalmologist or optometrist.

28 (9) "Visual acuity" means the measure of a person's clarity of vision based on the Snellen  
29 visual acuity scale.

30 (10) "Visual field" means the area of physical space visible to the eye in a given fixed  
31 position.

**§ 17B-2B-2. Class G instruction permit or driver's license; participation in approved driver training program; eligibility criteria; required curriculum.**

1 (a) A person who does not meet the visual acuity and visual field standards established  
2 by the commissioner for licensure to operate a motor vehicle in this state, but who is able to satisfy  
3 the minimum vision requirements using a bioptic telescopic device is eligible for a Class G  
4 instruction permit or driver's license pursuant to this article if he or she is participating in or has  
5 successfully completed an approved driver training program.

6 (b) An applicant is eligible to participate in an approved driver training program if he or  
7 she:

8 (1) Submits to the commissioner and to the Division of Rehabilitation Services a report of  
9 examination by a vision specialist, on a form prescribed by the Division of Rehabilitation Services,  
10 which certifies that:

11 (A) In the opinion of the vision specialist, the applicant’s vision can be corrected with the  
12 use of a bioptic telescopic device and without field expanders to satisfy the minimum visual acuity  
13 and visual field standards established by the commissioner;

14 (B) No ocular diagnosis or prognosis currently exists or is likely to occur during the period  
15 of licensure which would cause deterioration of the applicant’s visual acuity or visual field to levels  
16 below the commissioner’s minimum visual acuity and visual field standards for licensure; and

17 (C) The applicant is a likely candidate for acceptance into an approved driver training  
18 program; and

19 (2) Satisfies any other criteria for participation established by the Division of Rehabilitation  
20 Services.

21 (c) An approved driver training program shall include, at a minimum:

22 (1) Predriving instruction with regard to highway signs and the rules of the road;

23 (2) Predriving instruction in proper use of bioptic telescopic devices; and

24 (3) At least 30 hours of behind-the-wheel instruction in driving with bioptic telescopic  
25 devices.

26 (d) The Division of Rehabilitation Services, or its approved driver training program, may  
27 waive predriving instruction with regard to highway signs and the rules of the road pursuant to  
28 subdivision (1), subsection (c) of this section if the applicant:

29 (1) Has at least three years of experience driving with an unrestricted license; and

30 (2) Passes the written examination provided in §17B-2B-3(a)(2) of this code.

**§ 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, or its approved driver training

4 program, as having successfully completed an approved driver training program, along with any  
5 agency recommendations regarding license restrictions or modifications, including, but not limited  
6 to:

7 (A) Special adaptive equipment;

8 (B) Hours of permitted operation;

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

10 (D) How far from home the applicant may operate a vehicle;

11 (2) Submitted to the commissioner and to the Director of the Division of Rehabilitation  
12 Services, on a form prescribed by the Division of Rehabilitation Services, a report of examination  
13 by a vision specialist, conducted after the applicant completes the approved driver training  
14 program, certifying that the applicant continues to meet the minimum visual acuity and visual field  
15 standards established by the commissioner for licensure to operate a motor vehicle;

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

20 (A) A "passenger in car" test with bioptic telescopic device in place designed to test  
21 competency in using the bioptic telescopic device under stationary and dynamic conditions;

22 (B) A maneuverability skills test; and

23 (C) A standardized on-road test designed to test driving competency of the applicant; and

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

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

30 (c) An applicant who has a current license to operate a motor vehicle other than a Class  
31 G driver's license must surrender his or her current driver's license before the commissioner will  
32 issue a Class G driver's license or instruction permit.

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

**§17B-2B-6. Restricted out-of-state drivers; required to obtain Class G driver's license;  
surrender of current license; waiver of requirement to participate in an approved  
driver training program.**

1 (a) A restricted out-of-state driver establishing residence in West Virginia must apply for a  
2 Class G driver's license in this state.

3 (b) To obtain a Class G driver's license, the restricted out-of-state driver must:

4 (1) Satisfy all the requirements of licensure contained in sections three and four of this  
5 article;

6 (2) Surrender his or her out-of-state driver's license to the commissioner; and

7 (3) Provide the commissioner with a report of examination by a vision specialist, conducted  
8 no more than 90-days prior to the application, showing that the applicant meets the minimum  
9 vision standards.

10 (c) If, based upon an evaluation of the out-of-state driver's abilities, along with any  
11 recommendations, the Division of Rehabilitation Services, or its approved driver training program,  
12 certifies to the commissioner that the restricted out-of-state driver was required, as a condition of  
13 licensure in the other state, to complete training substantially equivalent to the approved driver  
14 training program required by this article, the commissioner may waive the requirement that the  
15 restricted out-of-state driver complete an approved driver training program in this state prior to

16 licensure.

NOTE: The purpose of this bill is to authorize the Division of Rehabilitation Services to approve training programs acceptable for training low vision individuals to obtain a Class G drivers license. Currently, only the Division of Rehabilitation Services is authorized to provide the training at its facility. Allowing other service providers to be utilized offers more availability for the training within local communities.

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