

# **WEST VIRGINIA LEGISLATURE**

## **2023 REGULAR SESSION**

**Introduced**

### **Senate Bill 727**

By Senators Deeds, Woodrum, Barrett, and Hamilton

[Introduced February 20, 2023; referred  
to the Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
 2 designated §17B-3-14, relating to providing reports on mental or physical disabilities, or  
 3 disorders, to the Division of Motor Vehicles to determine an individual's medical  
 4 competency to retain their driver's license; and providing that this section shall be known  
 5 as "McKayla, Miranda, and Philip's Law".

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

**ARTICLE 3. CANCELLATION, SUSPENSION OR REVOCATION OF LICENSES.**

**§17B-3-14. Reports on mental or physical disabilities or disorders to Division.**

1 (a) Short title. – The provisions of this section shall be known as "McKayla, Miranda, and  
 2 Philip's Law".

3 (b) In addition to the provisions of §17B-3-13 of this code otherwise set forth in this article,  
 4 the following shall be considered by the Division of Motor Vehicles in determining the competency  
 5 of an individual to retain their driver's license:

6 (1) Definition of disorders and disabilities. – The Division of Motor Vehicles shall consider  
 7 disorders characterized by lapses of consciousness or other mental or physical disabilities  
 8 affecting the ability of a person to drive safely for the purpose of the reports required by this  
 9 section, as provided by health care providers licensed and authorized pursuant to chapter thirty of  
 10 the code.

11 (2) Reports by health care personnel to DMV. – All physicians, podiatrists, chiropractors,  
 12 physician assistants, certified registered nurse practitioners, and other persons authorized to  
 13 diagnose or treat disorders and disabilities, licensed and authorized pursuant to chapter thirty of  
 14 the code, shall report to the Division of Motor Vehicles, in writing, the full name, date of birth, and  
 15 address of every person over 15 years of age diagnosed as having any specified disorder or  
 16 disability within 10 days.

17 (3) Responsibility of institution heads. – The person in charge of every mental hospital,  
 18 institution or clinic, or any alcohol or drug treatment facility, shall be responsible to assure that

19 reports are filed in accordance with subsection (2) of this section.

20 (4) Confidentiality of reports. – The reports required by this section shall be confidential  
21 and shall be used solely for the purpose of determining the qualifications of any person to drive a  
22 motor vehicle on the highways of this state.

23 (5) Use of report as evidence. – No report forwarded under the provisions of this section  
24 shall be used as evidence in any civil or criminal trial except in any proceeding under a  
25 determination of incompetency.

26 (6) Immunity from civil and criminal liability. – No civil or criminal action may be brought  
27 against any person or agency for providing the information required under this system.

28 (c) The provisions of this section shall become effective July 1, 2023.

NOTE: The purpose of this bill is to provide reports on mental or physical disabilities, or disorders, to the Division of Motor Vehicles to determine an individual's medical competency to retain their driver's license. The bill also provides that this section shall be known as "McKayla, Miranda and Philip's Law".

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