

1 **H. B. 4590**

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3 (By Delegate J. Miller)

4 [Introduced February 17, 2012; referred to the  
5 Committee on Roads and Transportation then the Judiciary.]  
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10 A BILL to amend and reenact §17B-2B-5 and §17B-2B-7 of the Code of  
11 West Virginia, 1931, as amended, all relating to license to  
12 operate a motor vehicle with bioptic telescope device; renewal  
13 of a Class G license and proof required; and providing that  
14 vision report requirement may be waived when a report has  
15 already been submitted to the commissioner by a vision  
16 specialist on the same licensee within the past twelve months  
17 as part of the requirement for annual anniversary of driver  
18 licensure and renewal period extended.

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

20 That §17B-2B-5 and §17B-2B-7 of the Code of West Virginia,  
21 1931, as amended, be amended and reenacted, all to read as follows:

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

1 **§17B-2B-5. Restrictions on Class G driver's license; removal of**  
2 **daytime driving restriction; waiver.**

3 (a) A Class G driver's license authorizes the licensee to  
4 operate a Class A passenger motor vehicle, weighing eight thousand  
5 pounds or less, subject to the following restrictions:

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

8 (2) Daytime driving restriction; and

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

12 (b) An applicant to whom a Class G driver's license has been  
13 issued may apply to the commissioner for removal of the daytime  
14 driving restriction if the applicant has:

15 (1) Operated a motor vehicle for thirty-six months without an  
16 at-fault accident, moving violation or license suspension;

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

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

1 (4) Passed a comprehensive night driving examination.

2 (c) Waiver: If upon admission to the program a Class G  
3 applicant presents a valid Class E driver's license and proof to  
4 the commissioner of a stable vision condition and no at-fault  
5 accidents and no moving violations for the past three years, the  
6 applicant shall be permitted to participate in an individualized,  
7 competency-based program of instruction that will also include  
8 ancillary classroom, passenger-in-car and behind-the-wheel  
9 instruction and applicable road testing dealing with and requiring  
10 passage of night driving practices, prior to issuance of Class G  
11 driver licensure without daytime only driving restriction.

12 **§17B-2B-7. Renewal of license.**

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

15 (b) To renew a Class G driver's license, the licensee must  
16 submit a report of a comprehensive vision examination by a vision  
17 specialist at least ninety-days prior to expiration of the license  
18 unless an identical report has already been submitted to the  
19 commissioner by a vision specialist on the same licensee within the  
20 past twelve months as part of the requirement for annual  
21 anniversary of driver licensure under the provisions of section  
22 four(d) of this article.

23 (c) If the vision specialist certifies that the conditions  
24 causing the licensee's visual impairment are stable, and the

1 licensee continues to satisfy the commissioner's minimum visual  
2 acuity and visual field standards for licensure, the division ~~shall~~  
3 may renew the license for a period of one year longer than  
4 initially granted, up to a maximum of five years.

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

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

NOTE: The purpose of this bill is to provide that renewal of a Class G license to operate a motor vehicle with bioptic telescope device vision report requirement may be waived when a report has already been submitted to the commissioner by a vision specialist on the same licensee within the past twelve months as part of the requirement for annual anniversary of driver licensure. It also provides that the renewal period may then be extended.

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