

# **WEST VIRGINIA LEGISLATURE**

## **2016 REGULAR SESSION**

**Introduced**

### **House Bill 2856**

**2015 Carryover**

(BY DELEGATE FAIRCLOTH)

[Introduced January 13, 2016; referred to the  
Committee on Roads and Transportation then the  
Judiciary.]

1 A BILL to amend and reenact §17B-2B-5 and §17B-2B-7 of the Code of West Virginia, 1931, as  
 2 amended, all relating to revising the requirements for the removal of the daytime driving  
 3 restriction for Class G driver's licenses and changing the renewal of Class G driver's  
 4 licenses to every two years.

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

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

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

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

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

- 3 (1) The applicant may drive only while using a bioptic telescopic device;
- 4 (2) Daytime driving restriction; and
- 5 (3) Any other conditions or restrictions the commissioner considers necessary to insure  
 6 the safe operation of the motor vehicle.

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

- 9 (1) Operated a motor vehicle for thirty-six months without an at-fault accident, two or more  
 10 moving violations or a license suspension;
- 11 (2) Submitted a report of a vision examination, conducted not more than six months prior  
 12 to the application, by a vision specialist showing that the licensee's visual impairment is stable  
 13 and that he or she can see well enough to operate a vehicle at night;

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

16 (4) Passed a comprehensive night driving examination.

**§17B-2B-7. Renewal of license.**

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

2 (b) To renew a Class G driver's license, the licensee must submit a report of a  
3 comprehensive vision examination by a vision specialist annually, at least ninety days prior to the  
4 one year anniversary of issuance and at least ninety-days prior to the expiration of the license.

5 (c) If the vision specialist certifies that the conditions causing the licensee's visual  
6 impairment are stable, and the licensee continues to satisfy the commissioner's minimum visual  
7 acuity and visual field standards for licensure, the division shall renew the license for a period of  
8 ~~one~~ two years.

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

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

NOTE: The purpose of this bill is to revise requirements for Class G driver's licenses and allow driver to apply for removal of daytime driving restriction even if they have a moving violation in the prior 36 months. The bill also allows Class G driver's licenses to be renewed every two years, rather than yearly, provided the driver submit a vision report.

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