

# **WEST VIRGINIA LEGISLATURE**

## **2017 REGULAR SESSION**

**Introduced**

### **House Bill 3015**

BY DELEGATES KELLY, LANE, FRICH, PYLES, WILLIAMS,

FLEISCHAUER AND HOLLEN

[Introduced March 14, 2017; 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 requiring all commercial and professional drivers licensed under this chapter or chapter  
 3 seventeen-e of this code to be fingerprinted and undergo a background check.

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

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

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

**§17B-2-7. Examination of applicants; background check, fingerprinting required of professional, commercial drivers.**

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 article three, chapter twenty-nine-a of this code concerning the examination of  
 16 applicants for licenses and the qualifications required of applicants, and the examination of  
 17 applicants by the division shall be in accordance with the rules. The rules shall provide for the

18 viewing of educational material or films on the medical, biological, and psychological effects of  
19 alcohol upon persons, the dangers of driving a motor vehicle while under the influence of alcohol  
20 and the criminal penalties and administrative sanctions for alcohol and drug related motor vehicle  
21 violations. As part of the examination requirements, each professional or commercial driver,  
22 whether employed full-time as a driver, or employed only occasionally to drive for hire, shall be  
23 fingerprinted and undergo a background check as a license requirement.

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

NOTE: The purpose of this bill is to require fingerprinting and background checks for all licensed professional and commercial drivers.

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