

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

Senate Bill 311

FISCAL
NOTE

BY SENATORS TAKUBO, MARONEY, STOLLINGS,
WOELFEL, BALDWIN, CLINE, TARR, AND PREZIOSO

[Introduced January 15, 2019; Referred
to the Committee on Transportation and Infrastructure; and
then to the Committee on Finance]

1 A BILL to amend and reenact §17B-2-6 of the Code of West Virginia, 1931, as amended, relating
2 to requiring applicants for first-time licensing to view a video on the dangers of secondhand
3 smoke.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. ISSUANCE OF LICENSE, EXPIRATION AND RENEWAL.

§17B-2-6. Application for license or instruction permit; fee to accompany application.

1 (a) Every application for an instruction permit or for a driver's license shall be made upon
2 a form furnished by the division. Every application shall be accompanied by the proper fee and
3 payment of the fee entitles an applicant under the age of 18 to not more than two attempts at the
4 written test or not more than one attempt to pass the road skills test. An applicant age 18 years
5 or older is entitled to not more than two attempts at the written test or not more than three attempts
6 to pass the road skills test within a period of 90 days from the date of issuance of the instruction
7 permit. An applicant who fails either the written test or the road skills test may not be tested twice
8 within a period of one week.

9 (b) Any applicant who has not been previously licensed must hold an instruction permit for
10 a minimum of 30 days. For the purposes of this section, the term "previously licensed" means an
11 applicant who has obtained at least a level two graduated license or junior driver's license issued
12 under the provisions of this article or has obtained an equal or greater level of licensure if
13 previously licensed in another state. An applicant who has not been previously licensed is
14 required to watch a brief video regarding the dangers of secondhand smoke in an enclosed space
15 such as a motor vehicle. The Division of Motor Vehicles shall produce and maintain the video.

16 (c) Every application for an instruction permit shall state the full legal name, date of birth,
17 sex, and residence address of the applicant and briefly describe the applicant. the application
18 shall state whether the applicant has theretofore been a licensed driver and, if so, when, and by
19 what state or country and whether his or her license has ever been suspended or revoked within
20 five years of the date of application, or whether an application has ever been refused and, if so,

21 the date of and reason for the suspension, revocation or refusal. The application will indicate
22 whether the applicant desires a notation on the driver's license indicating that the applicant is an
23 organ donor, in accordance with article one-b of this chapter, is diabetic, deaf, or hard of hearing,
24 has any other handicap or disability, or is an honorably discharged veteran of any branch of the
25 Armed Forces of the United States, and such other pertinent information as the commissioner
26 may require.

NOTE: The purpose of this bill is to require all first time driver licensees to view a video on the dangers of secondhand smoke in enclosed places such as a motor vehicle.

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