

# **WEST VIRGINIA LEGISLATURE**

## **2019 REGULAR SESSION**

**Introduced**

### **House Bill 2214**

BY DELEGATES ROHRBACH AND PYLES

[Introduced January 10, 2019; Referred  
to the Committee on Technology and Infrastructure  
then Health and Human Resources.]

1 A BILL to amend and reenact §17B-2-6 and §17B-2-12a of the Code of West Virginia, 1931, as  
2 amended, all relating to requiring applicants for new and renewed drivers' licenses to be  
3 asked if they desire to be organ donors.

*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.

14 (c) Every application for an instruction permit shall state the full legal name, date of birth,  
15 sex, and residence address of the applicant and briefly describe the applicant. the application  
16 shall state whether the applicant has theretofore been a licensed driver and, if so, when, and by  
17 what state or country and whether his or her license has ever been suspended or revoked within  
18 five years of the date of application, or whether an application has ever been refused and, if so,  
19 the date of and reason for the suspension, revocation or refusal. The Every applicant shall be  
20 asked if he or she wishes to be designated on the license as an organ donor. If the applicant's

21 answer is in the affirmative, the application will indicate whether the applicant desires a notation  
22 on the driver's license indicating that the applicant is an organ donor, in accordance with §17B-  
23 1B-1 *et seq.* of this code, is diabetic, deaf, or hard of hearing, has any other handicap or disability,  
24 or is an honorably discharged veteran of any branch of the armed forces of the United States,  
25 and such other pertinent information as the commissioner may require.

**§17B-2-12a. Renewal of driver's license upon expiration; vision screening; renewal fees.**

1 (a) The commissioner shall notify each person who holds a valid driver's license of the  
2 expiration date of the license by first class mail or by electronic means to the last address known  
3 to the division. The notice shall be mailed at least 90 days prior to the expiration date of the license  
4 and shall include a renewal application form and instructions for renewal.

5 (b) The commissioner, at his or her discretion, may provide a program of electronic  
6 renewal notices to licensees and an electronic web-based renewal process. This process may  
7 include an electronic vision screening verification or waiver subject to processes and restrictions  
8 the commissioner considers necessary for highway safety, secure processing and identity  
9 verification. The online program shall require the applicant to have his or her digital photo updated  
10 at least once every 16 years.

11 (c) The holder of a valid driver's license may apply to the division for renewal of the license  
12 on the form provided by the division. To be eligible for license renewal the applicant must:

13 (1) Pay the fee required by §17B-2-8 of this code;

14 (2) Obtain a new color photograph from the division, except as provided in subsection (b)  
15 of this section; and

16 (3) Pass a vision screening conducted in the manner prescribed by the division.

17 (d) The commissioner shall assess an additional fee of \$5 for every application for renewal  
18 submitted after the expiration of the applicant's license.

19 (e) The commissioner shall determine whether an applicant qualifies for a renewed  
20 license.

21 (f) The commissioner shall provide by rule a procedure by which an applicant who does  
22 not meet the minimum vision standards for licensure may present evidence to show that his or  
23 her vision has been corrected to meet the minimum visual standards and that he or she is capable  
24 of safely operating a motor vehicle.

25 (g) The commissioner may not renew the driver's license of an applicant whose eyesight  
26 cannot be corrected to conform to the minimum vision standards established by this code and by  
27 the rules of the commissioner.

28 (h) Vision screening conducted pursuant to this section may not be used to collect any  
29 type of personal biometric identifying information including, but not limited to, a retinal scan.

30 (i) At the time of renewal, every applicant shall be asked if he or she wishes to be  
31 designated on the license as an organ donor. If the applicant's answer is in the affirmative, the  
32 application will indicate whether the applicant desires a notation on the driver's license indicating  
33 that the applicant is an organ donor, in accordance with §17B-1B-1 et seq. of this code.

34 ~~(i)~~ (j) The commissioner shall propose legislative rules for promulgation in accordance with  
35 the provisions of §29A-3-1 et seq. of this code to implement the provisions of this section.

NOTE: The purpose of this bill is to require applicants for new and renewed drivers' licenses to be asked if they desire to be organ donors.

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