

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Committee Substitute

for

Senate Bill 306

SENATORS TRUMP, WOELFEL, AND PLYMALE, *original*

sponsors

[Originating in the Committee on Transportation and

Infrastructure; reported on February 12, 2020]

1 A BILL to amend and reenact §17B-2B-3, §17B-2B-4, §17B-2B-5, and §17B-2B-7 of the Code of
2 West Virginia, 1931, as amended, all relating to licensing of drivers utilizing bioptic
3 telescopic devices.

Be it enacted by the Legislature of West Virginia:

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

§17B-2B-3. Class G instruction permit; eligibility criteria; restrictions; duration of permit.

1 (a) An applicant is eligible for a Class G instruction permit if he or she has:

2 (1) Been accepted into and enrolled in an approved bioptic driver training program;

3 (2) Passed a written examination, in the manner prescribed by the commissioner, testing
4 the applicant's:

5 (A) Ability to read and understand highway signs regulating, warning, and directing traffic;

6 and

7 (B) Knowledge of the traffic laws of this state; and

8 (3) Satisfied, at each stage of the licensing process, any additional requirements for an
9 instruction permit required by §17B-2-1 *et seq.* of this code that are not addressed in this article.

10 (b) The commissioner may not issue a Class G instruction permit until the applicant has
11 surrendered any license he or she currently holds to operate a motor vehicle.

12 (c) A Class G instruction permit authorizes the permittee to operate a Class A passenger
13 motor vehicle, weighing 8,000 pounds or less, subject to the following restrictions:

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

15 (2) The applicant is subject to a daytime driving restriction;

16 (3) The applicant may drive only when accompanied by a certified driver rehabilitation
17 specialist, ~~or~~ driver rehabilitation educator, or specially trained driver examiner: *Provided, That*

18 any applicant under the age of 18 who has been certified by the Division of Rehabilitation Services

19 as having successfully completed an approved driver training program may drive only when
20 accompanied by a certified driver rehabilitation specialist, driver rehabilitation educator, specially
21 trained driver examiner, parent, or legal guardian; and

22 (4) Any other conditions or restrictions the commissioner considers necessary to insure
23 ensure the safe operation of the motor vehicle.

24 (d) A Class G instruction permit is valid for up to one year. Upon expiration of the
25 instruction permit, the applicant may reapply for a new instruction permit, provided that he or she
26 is eligible pursuant to subsection (a) of this section.

**§17B-2B-4. Class G driver's license; eligibility criteria; duration of license; surrender of
current license; provisions not applicable to persons already licensed to drive with
bioptic device.**

1 (a) A person who has obtained a Class G instruction permit may obtain a Class G driver's
2 license to operate a motor vehicle if he or she has:

3 (1) Been certified by the Division of Rehabilitation Services as having successfully
4 completed an approved driver training program, along with any agency recommendations
5 regarding license restrictions or modifications, including, but not limited to:

6 (A) Special adaptive equipment;

7 (B) Hours of permitted operation;

8 (C) Types of roads on which the applicant may operate a vehicle; and

9 (D) ~~How far~~ Distance from home the applicant may operate a vehicle;

10 (2) Submitted to the commissioner and to the Director of the Division of Rehabilitation
11 Services, on a form prescribed by the Division of Rehabilitation Services, a report of a clinical low
12 vision examination by a vision specialist, conducted after the applicant completes the approved
13 driver training program certifying that the applicant continues to meet the minimum visual acuity
14 and visual field standards established by the commissioner for licensure to operate a motor
15 vehicle: Provided, That a clinical low vision examination conducted within 90 days prior to

16 satisfactory completion of an approved bioptic driver training program that has already been
17 submitted to the commissioner as part of the requirement for annual visual acuity and visual field
18 standard examination pursuant to §17B-2B-5(b)(2) of this code shall satisfy this requirement;

19 (3) Successfully completed a comprehensive and standardized bioptic on-road skills
20 examination, conducted at a location determined by the commissioner, with a certified driver
21 rehabilitation specialist or driver rehabilitation educator in the test vehicle along with the driving
22 examiner. The comprehensive and standardized bioptic road skills examination shall include, at
23 a minimum:

24 (A) A “passenger in car” test with bioptic telescopic device in place designed to test
25 competency in using the bioptic telescopic device under stationary and dynamic conditions;

26 (B) A maneuverability skills test; and

27 (C) A standardized bioptic on-road test designed to test driving competency of the
28 applicant; and

29 (4) Satisfied, at each stage of the licensing process, any additional requirements for
30 licensure required by §17B-2-1 *et seq.* of this code that are not addressed in this article.

31 (b) If an applicant fails the comprehensive road skills examination three times, he or she
32 is not eligible to retake the examination until he or she has successfully completed additional
33 training in an approved driver training program and been recommended for retesting by the
34 director of the program.

35 (c) An applicant who has a current license to operate a motor vehicle other than a Class
36 G driver’s license must surrender his or her current driver’s license before the commissioner will
37 issue a Class G driver’s license or instruction permit.

38 (d) Every Class G licensee must provide the commissioner with a report of examination
39 by a vision specialist, conducted no more than three months prior to the annual anniversary of
40 the issuance of the license, certifying that the applicant continues to meet the minimum visual
41 acuity and visual field standards established by the commissioner for licensure to operate a motor

42 vehicle. The report shall be submitted on a form prescribed by the commissioner.

§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 8,000 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: Provided, That the commissioner may issue a Class G
5 bioptic driver's license without a daytime only driving restriction to any applicant who held a valid
6 Class E driver's license at the time of application for the Class G instruction permit and who has
7 met all requirements of subdivisions (1) through (4), inclusive, subsection (b) of this section; and

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

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

12 (1) Operated a motor vehicle for 36 months without an at-fault accident, moving violation,
13 or license suspension;

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

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

19 (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 bioptic driver's license, the licensee must submit a report of a
3 comprehensive clinical low vision examination by a vision specialist at least ~~ninety-days~~ 90 days
4 prior to expiration of the license unless an identical report has already been submitted to the

5 commissioner by a vision specialist on the same licensee within the past 12 months as part of the
6 requirement for annual visual acuity and visual field standard examination pursuant to §17B-2B-
7 5(b)(2) of this code.

8 (c) If the vision specialist certifies that the conditions causing the licensee's visual
9 impairment are stable, and the licensee continues to satisfy the commissioner's minimum visual
10 acuity and visual field standards for licensure, the division shall renew the license for a period of
11 one year: Provided, That the commissioner may renew a license for up to four years if the vision
12 specialist certifies that the conditions causing the licensee's visual impairment are stable, if the
13 licensee continues to satisfy the commissioner's minimum visual acuity and visual field standards
14 for licensure, and if the licensee has operated a motor vehicle for 36 months without an at-fault
15 accident, moving violation, or license suspension.

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

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

NOTE: The purpose of this bill is to revise licensing requirements for operating a motor vehicle for vision impaired drivers who utilize bioptic telescopic devices; allowing receipt of a Class G license after completion of training and supervised driving requirements; allowing certain applicants expedited authorization for night driving when they have had previously been licensed, have stable vision, and have completed required instruction; and waiving eye exam requirements when applicants have recently received a vision exam.

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