WEST VIRGINIA CODE: §17B-2-7

§17B-2-7. Examination of applicants.

(a) Upon the presentment of the applicant's certified copy of the birth certificate issued by a state or other governmental entity responsible for vital records or a valid and unexpired passport issued by the United States government, as evidence that the applicant is of lawful age and verifiable identity, the Division of Motor Vehicles shall examine every applicant for a license to operate a motor vehicle in this state, except as otherwise provided in this section. The examination shall include a test of the applicant's eyesight, the applicant's ability to read and understand highway signs regulating, warning, and directing traffic, the applicant's knowledge of the traffic laws of this state, and the applicant's knowledge of the effects of alcohol upon persons and the dangers of driving a motor vehicle under the influence of alcohol. The examination shall also include an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle, and any further physical and mental examination as the Division of Motor Vehicles considers necessary to determine the applicant's fitness to operate a motor vehicle safely upon the highways.

(b) The commissioner shall propose legislative rules for promulgation pursuant to §29A-3-1 *et seq*. of this code concerning the examination of applicants for licenses and the qualifications required of applicants, and the examination of applicants by the division shall be in accordance with the rules. The rules shall provide for the viewing of educational material or films on the medical, biological, and psychological effects of alcohol upon persons, the dangers of driving a motor vehicle while under the influence of alcohol, and the criminal penalties and administrative sanctions for alcohol and drug related motor vehicle violations. By September 1, 2021, the commissioner shall propose rules for legislative approval and emergency rules pursuant to §29A-3-1 *et seq*. of this code allowing driver education instructors providing instruction pursuant to §18-6-1 *et seq*. of this code, to administer a knowledge test developed by the division. Notwithstanding §18-8-11 of this code, any person successfully completing a test administered by a driver's education instructor pursuant to the rule is exempt from the proof of school enrollment requirements in that code section.

(c) After successful completion of the examination required by this section, §17B-2-3 or §17B-2-7b of this code, and prior to the issuance of a license pursuant to §17B-2-8 of this code, every applicant for a driver's license, graduated driver's license, or motorcycle-only license shall attend a mandatory education class on the dangers and social consequences of driving a motor vehicle while under the influence of alcohol. To the extent practicable, the commissioner shall use as lecturers at those classes persons who can relate first-hand experiences as victims or family members of victims of alcohol-related accidents or drivers who have been involved in alcohol-related accidents which caused serious bodily injury or death.

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