

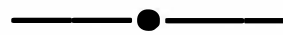
HB 4515

FILED

2008 MAR 31 PM 4:56

OFFICE OF THE
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2008



ENROLLED

**COMMITTEE SUBSTITUTE
FOR
House Bill No. 4515**

(By Delegates Webster, Long, Mahan, Brown,
Hrutkay, Staggers, Varner and Guthrie)



Passed March 8, 2008

In Effect Ninety Days from Passage

E N R O L L E D

FILED

2008 MAR 31 PM 4:56

COMMITTEE SUBSTITUTE

FOR

W. LINDA TINA
SECRETARY OF STATE

H. B. 4515

(BY DELEGATES WEBSTER, LONG, MAHAN, BROWN,
HRUTKAY, STAGGERS, VARNER AND GUTHRIE)

[Passed March 8, 2008; in effect ninety days from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended,
by adding thereto a new section, designated §17B-3-13,
relating to reports by health care providers of persons
incompetent to drive an automobile.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended
by adding thereto a new section, designated §17B-3-13, to read as
follows:

**ARTICLE 3. CANCELLATION, SUSPENSION OR REVOCATION
OF LICENSES.**

§17B-3-13. Reports by health care providers.

1 (a) Health care providers licensed and authorized
2 pursuant to chapter thirty of the code to diagnose or treat
3 diseases, disorders, disabilities or conditions, may notify the
4 division in writing of the full name, date of birth and address
5 of every person fifteen years of age or older who suffers from
6 a physical or mental disease, disorder, disability, condition or
7 symptoms that prevents the person from safely operating
8 motor vehicle, and which is either:

9 (1) Uncontrollable (either through medication, therapy,
10 or surgery; or by driving device or technique)

11 (2) Controllable, but the patient does not comply with the
12 recommendations of the health care provider for treatment or
13 restricted driving; or

14 (3) Undiagnosed but the extent of driver impairment is
15 potentially significant based on the patient's symptoms.

16 (b) Reports, recommendations or opinions, findings or
17 advice received or made by the division for the purpose of
18 determining whether a person is qualified to be licensed to
19 drive are for the confidential use of the division and exempt
20 from provisions of article one, chapter twenty-nine-b of this
21 code and may only be admitted in proceedings to either
22 suspend, revoke or impose limitations on the use of a driver's
23 license pursuant to section six, subsection (a)(5), article three,
24 chapter seventeen-b of this code or section seven, article
25 three, chapter seventeen-b of this code, or to reinstate the
26 driver's license.

27 (c) Reports, recommendations, opinions, findings or
28 advice received or made by the division for the purpose of
29 determining whether a person is qualified to be licensed to
30 drive may not be used in any proceedings to establish or prove
31 competencies other than qualifications to operate a vehicle.

32 (d) A health care provider who makes a notification
33 pursuant to subsection (a) shall be immune from any civil,
34 administrative or criminal liability that otherwise might be
35 incurred or imposed because of such notification if the health
36 care provider has:

37 (1) Documented in the patient's record the disease,
38 disorder, disability, condition or symptoms which may impair
39 the patient's ability to drive a motor vehicle to a degree that
40 precludes the safe operation of a motor vehicle;

41 (2) Informed the patient that their disease, disorder,
42 disability, condition or symptoms may impair the patient's
43 ability to drive a motor vehicle to a degree that precludes the
44 safe operation of a motor vehicle;

45 (3) Advised the patient that he or she should not operate
46 a motor vehicle; and

47 (4) Disclosed to the patient that the health care provider
48 may notify the Commissioner of the patient's condition and
49 of the patient's inability to safely operate a motor vehicle.

50 (e) Compliance with or failure to comply with the
51 requirements of this section does not constitute negligence,
52 nor may compliance or noncompliance with the requirements
53 of this section be admissible as evidence of negligence in any
54 civil or criminal action.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.



Chairman Senate Committee



Chairman House Committee

Originating in the House.

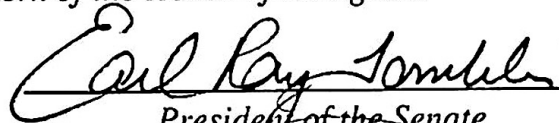
In effect ninety days from passage.



Clerk of the Senate



Clerk of the House of Delegates

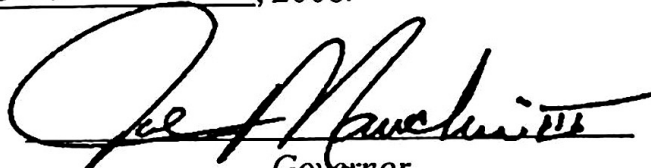


President of the Senate



Speaker of the House of Delegates

The within reapproval this the 31st
day of June, 2008.



Governor

PRESENTED TO THE
GOVERNOR

MAR 25 2008

Time 10:35 am