

**WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION**

Form #5

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WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

AGENCY: Division of Motor Vehicles TITLE NUMBER: 91

CITE AUTHORITY: WV Code §17A-2-9, §33-20-18

RULE TYPE: PROCEDURAL _____ INTERPRETIVE X

EXEMPT LEGISLATIVE RULE _____

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

AMENDMENT TO AN EXISTING RULE: YES X NO _____

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 19

TITLE OF RULE BEING AMENDED: Approval of Motor Vehicle Accident Prevention Courses

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS MAY 13, 2011

[Signature]
Authorized Signature



WEST VIRGINIA
DEPARTMENT OF TRANSPORTATION
1900 Kanawha Boulevard East • Building Five • Room 109
Charleston, West Virginia 25305-0440 • 304/558-0444

April 6, 2011

The Honorable Natalie Tennant
Secretary of State
State Capitol Building
Charleston, WV 25305

Dear Madam Secretary:

The Commissioner of Motor Vehicles is hereby authorized to file proposed changes to 91 CSR 19 Approval of Motor Vehicle Accident Prevention Courses.

Comments and concerns about the contents of this rule should be directed to the Commissioner of Motor Vehicles. Thank you for your assistance in this matter.

Sincerely

A handwritten signature in black ink that reads "Paul A. Mattox, Jr." with a stylized flourish at the end.

Paul A. Mattox, Jr., P.E.
Secretary of Transportation\
Commissioner of Highways

PAM:sd
Enclosure



WEST VIRGINIA DEPARTMENT OF TRANSPORTATION

Division of Motor Vehicles

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91 CSR 19

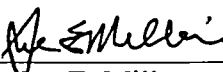
Approval of Motor Vehicle Accident Prevention Courses

Summary Of Rule Changes / Agency Clarification Change to Final Rule

The Motor Vehicle Accident Prevention Program prescribed under West Virginia Code §33-20-18 is administered by the West Virginia Division of Motor Vehicles. Completion of this course provides an opportunity for drivers age 55 and older to obtain a reduction in their motor vehicle insurance premium. The rule being amended at this time provides guidance for providers who offer the program in terms of course approval, content and length.

After three years, the program must be completed again for the driver to keep the discount. The American Association Retired Persons (AARP) has suggested that the Program guidelines be amended to allow providers to offer two versions of the program, one for first time attendees, and another for persons who are repeating the class for continued eligibility for the discount. AARP suggests that the repeat class be only 4 hours and be characterized as a "refresher" class. The Division of Motor Vehicles is of the opinion that reducing the time for the repeat class will increase participation without diluting the benefits of the program. The Division's position is that any incentive to increase the participation in this program benefits highway safety.

One change made by the agency to the final filing clarifies that eligibility for the refresher class is contingent on taking the class within 90 days prior to the expiration of the three year eligibility cycle. In other words, if a participant allows his or her eligibility to lapse, he or she must complete the course designed for first time participants.



Joe E. Miller
Commissioner

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**TITLE 91
INTERPRETIVE RULE
DIVISION OF MOTOR VEHICLES**

CLARENCE M. BROWN, JR.
SECRETARY OF STATE

**SERIES 19
APPROVAL OF MOTOR VEHICLE ACCIDENT PREVENTION COURSES**

§91-19-1. General.

1.1. Scope. -- These interpretive rules relate to the standards for approval of motor vehicle accident prevention courses.

1.2. Authority. -- W. Va. Code §17A-2-9 and §33-20-18(a)

1.3. Filing Date. -- April 13, 2011

1.4. Effective Date. -- April 13, 2011

§91-19-2. Application and Enforcement.

2.1. Application - These interpretive rules apply to any person or organization offering or proposing to offer a motor vehicle accident prevention course for the purposes of motor vehicle liability insurance personal injury protection and collision coverage premium reduction in accordance with the provisions of §33-20-18.

2.2. Enforcement - Enforcement of these interpretive rules is vested with the Commissioner or lawful designee.

§91-19-3. Application for Course Approval.

3.1. Application - An application for course approval shall include the following:

- (1) Name and address of person or organization offering the course,
- (2) Name and address of course administrator,
- (3) Outline of course curriculum,
- (4) Sample certificate of completion,
- (5) Outline of instructor training curriculum,
- (6) Level of compensation for course instructors and,
- (7) Amount of fees to be charged to participant.

3.2. Approval - Upon receiving an application from a person or organization for approval of a motor vehicle accident prevention course, the Commissioner shall review the information submitted, and if approved, shall issue a certificate of approval which shall be valid for a period of two years.

3.3. Approval Withdrawal - The Commissioner may withdraw approval of a course upon receipt of evidence that an approved motor vehicle accident prevention course is being operated contrary to these interpretive rules. The Commissioner shall notify the sponsoring person or organization and course administrator in writing by certified mail, return receipt requested, of approval withdrawal. Upon such notice of approval withdrawal, any certificate of approval issued to such person or organization shall be returned. Upon the effective date of such approval withdrawal, no certificate of completion issued by such person or organization shall be valid for motor vehicle liability insurance personal injury protection and collision coverage premium reduction in accordance with the provisions of §33-20-18.

3.4. Renewal of Approval - At least ninety days prior to the expiration of the certificate of approval, any person or organization wishing to renew a certificate of course approval shall submit the information required by Section 3.1 of these rules.

§91-19-4. Criteria For Course Approval.

4.1. Course Length - A course shall have a minimum of seven (7) hours of classroom instruction. No more than four (4) hours of instruction may be given in any one day.

4.2. Course Curriculum - The curriculum of a course shall include, but not be limited to the following subjects:

4.2.1. Concept of accident preventability, proper following techniques and handling unexpected driving emergencies, driving behavior, emotions, frustrations, attitudes, temporary disabilities, vision, hearing, chronic illness, drugs and alcohol,

4.2.3. Driving strategies, including factors affecting perception, identification and prediction of traffic situations, evaluation of traffic hazards, decision making, and defensive driving, and

4.2.4. West Virginia traffic laws, vehicle dynamic capabilities, limitations and highway environmental factors.

4.3. Enrollment - A course session shall have an enrollment of no more than thirty students.

4.4 Repeat Course Participant- A person or organization may offer a motor vehicle accident prevention course consisting of a minimum of four (4) hours offered on one day to persons who have previously successfully completed the course and who complete the repeat class within ninety days of the expiration of the three year discount eligibility. The refresher course for the repeat participant shall be conducted in accordance with the curriculum designed for repeat participants and as approved by the Commissioner. A participant is not eligible to take the repeat course for the discount eligibility if he or she completes the class after the three year discount eligibility has expired.

§91-19-5. Course Administration.

5.1. Approved Curriculum - The course shall be conducted in accordance with the curriculum approved by the Commissioner.

5.2. Changes - Any substantive additions to, deletions from or changes in an approved course curriculum shall be submitted to the Commissioner for approval prior to implementing any such proposed change.

5.3. Training - The person or organization sponsoring the course shall be responsible for maintaining instructor training standards established at the time of course approval.

5.4. Schedules - The person or organization sponsoring the course or course administrator shall provide the Commissioner with tentative proposed class dates, times and locations on a monthly basis at least ten (10) days prior to the start of the month. The Commissioner shall be notified of any changes to the proposed class schedule as soon as possible.

5.5. Statement - The person or organization sponsoring the course shall provide each participant at the time of enrollment in the course with a printed statement which indicates that completion of the course does not in any way imply that the Division of Motor Vehicles certifies that the participant is a safe or competent driver.

5.6. Certificate of Course Completion - The course sponsor shall issue a certificate of completion to each participant successfully completing a course. This certificate shall be sent to the insurance company by the participant for the purposes of qualifying for premium reduction. The course sponsor shall indicate on the certificate of completion if the participant completed the eight hour or the repeat participant four hour course.

5.7. Record Keeping - The course sponsor shall maintain records for a period of three years, which indicate the name, address and driver's license number of course participants as well as the date, place and name of instructor for all course sessions held.

5.8. Access - The course sponsor shall allow the Commissioner access to all records relating to the operation of the course, and shall allow the Commissioner to monitor and evaluate any and all elements or components of the course at any time.

§91-19-6. Course Approval Withdrawal.

6.1. The Commissioner may, in accordance with Section 4.3, withdraw or refuse to renew course approval for, but not limited to, any of the following reasons:

6.1.1. Material changes to the course which have not been specifically approved by the Commissioner,

6.1.2. A determination that the course is being administered in an unsatisfactory manner,

6.1.3. After a review of comprehensive and qualified statistical data, the course is determined to be ineffective,

6.1.4. The course sponsor fails to comply with any of the provisions these rules, or

6.1.5. Fraud, misrepresentation, or other illegal conduct in the administration of the course.

§91-19-7. Severability.

7.1. In the event any portion of these interpretive rules shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of these rules.