

**WEST VIRGINIA
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OFFICE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: WEST VIRGINIA DIVISION OF REHABILITATION SERVICES TITLE NUMBER: 130

CITE AUTHORITY: W. Va. Code §17B-2B-10

AMENDMENT TO AN EXISTING RULE: YES ☐ NO ☒

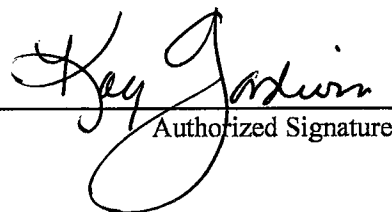
IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 3

TITLE OF RULE BEING PROPOSED: LOW VISION DRIVER TRAINING PROGRAM

THE ABOVE PROPOSED LEGISLATIVE RULES, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE, IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.


Authorized Signature

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TITLE 130
LEGISLATIVE RULE
WEST VIRGINIA DIVISION OF REHABILITATION SERVICES

OFFICE WEST VIRGINIA
SECRETARY OF STATE

SERIES 3
LOW VISION DRIVER TRAINING PROGRAM

§130-3-1. General.

3.1. Scope – The West Virginia Division Rehabilitation Services is responsible for developing and overseeing a Low Vision Driver Training Program that allows qualified individuals with low vision to utilize bioptic telescopic devices to drive in West Virginia. This rule establishes the criteria, including visual standards, required for acceptance into a Low Vision Driver Training Program. The rule also establishes curriculum requirements for the Low Vision Driver Training Program and sets standards for the successful completion of the Low Vision Driver Training Program provided by the Division of Rehabilitation Services.

3.2. Authority. – W. Va. Code §17B-2B-10.

3.3. Filing Date. –

3.4. Effective Date –

§130-3-2. Definitions.

2.1. "Bioptic telescopic device" means a two focus optical system used to magnify distant objects by including a small telescope that is mounted in a spectacle lens so as to allow an unobstructed view of the horizontal visual field through normal distance corrective lenses.

2.2. "Commissioner" means the Commissioner of the West Virginia Division of Motor Vehicles.

2.3. "Division" means the West Virginia Division of Rehabilitation Services.

2.4. "Experienced Driver" means someone who has been previously licensed through the Division of Motor Vehicles.

2.5. "Novice Driver" means a person with little or no driving experience.

2.6 "Program" means Low Vision Driver Training Program.

2.7. "Restricted out-of-state driver" means a person who has been issued, by another state, a valid driver's license with a restriction requiring the driver to use a bioptic telescopic device.

2.8. "Visual acuity" means the measure of a person's clarity of vision based on the Snellen visual acuity scale.

2.9. "Visual field" means the area of physical space visible to the eye in a given fixed position.

§130-3-3. Low Vision Driver Training Program.

3.1. Criteria for Acceptance into the Program. The criteria for acceptance into the Program provided by the Division are as follows:

3.1.a. General Eligibility Criteria. To be eligible for the Program, an applicant must:

1. Be eligible for services from the Division;
2. Agree to pay the Division for the cost of participating in the Program on a fee for service basis and agree to pay for the cost of the bioptic telescopic device or other equipment necessary to participate in this program; or
3. Secure other funding sources to pay the Division for the cost of participating in the Program on a fee for service basis and to pay for the cost of the bioptic telescopic device or other equipment necessary to participate in this program.

3.1.b. Visual and Physical Criteria.

1. An applicant must have a distance visual acuity between 20/70 and 20/200 inclusive with the best standard spectacle or contact lens correction in the better functioning eye;
2. An applicant must have a visual field of at least 120 degrees horizontally and 80 degrees vertically or better in the same eye used for visual acuity determination;
3. An applicant must have 20/40, or better, distance visual acuity in the better functioning eye using a bioptic telescopic device with no greater than a 4X powered telescope that has been prescribed by a licensed optometrist or ophthalmologist;
4. An applicant must have color vision sufficient to respond correctly to presence or changes in traffic light color, pavement markings, road signs, turn indicators, brake lights, emergency flashers or the presence of other road users including emergency vehicles;
5. An applicant must have normal head, neck and eye movement; and
6. An applicant cannot have an ocular diagnosis that is likely to result in significant deterioration of vision below the protocol levels of visual acuity and visual field.

3.1.c. Other Acceptance Criteria.

1. An applicant must have a licensed optometrist or ophthalmologist provide a complete eye examination and forward the results thereof on a specified form to appropriate Division and Division of Motor Vehicles staff within six months prior to the applicant starting the Program;
2. The applicant must pass the Division of Motor Vehicles required examination for a Class G instructional permit within two weeks prior to enrollment in the Program. The Division will provide the applicant with a certificate of acceptance to present to the Division of Motor Vehicles in order to take the written exam;
3. An applicant must interview with the Program coordinator;

4. An applicant must participate in and pass the following:

- a. a clinical vision evaluation performed by a licensed optometrist or ophthalmologist,
- b. a functional vision evaluation conducted by the Program coordinator or a mobility specialist employed by the Division, and
- c. a behind-the-wheel driving evaluation conducted by a certified driver rehabilitation specialist or driver rehabilitation educator employed by the Division.

5. An applicant must sign the Division's release of information form; and

6. An applicant must understand that acceptance, admission, and completion of the Program does not guarantee acquisition of driving privileges.

3.2. Curriculum for the Program. The curriculum for the Program provided by the Division is as follows:

3.2.a. Novice Drivers. Novice driver applicants are required to participate in a minimum of 30 hours of instruction in each of the following areas:

1. Classroom instruction,
2. Passenger-in-car instruction, and
3. behind-the-wheel instruction (daytime only) while accompanied by a certified driver rehabilitation specialist or driver rehabilitation educator.

3.2.b. Instruction will expose the applicant to and will reinforce the following skills:

1. West Virginia road laws and road signs;
2. Defensive driving skills;
3. Use of bioptic lens systems;
4. Critical object and condition awareness skills;
5. Hazard perception and independent decision-making skills;
6. Dashboard controls;
7. Use of brake, accelerator, steering wheel, gearshift, mirrors (including blindspot checks);
8. Backing and parking skills;

9. Speed and directional control skills;
10. Yielding, merging and turning skills;
11. Changing lanes and passing skills;
12. Automotive maintenance and insurance; and
13. Changing a tire.

3.2.c. Experienced Drivers. Experienced driver applicants will be required to:

1. Pass a written examination testing his/her current knowledge of road laws and road signs and
2. Participate in and satisfactorily complete an approved, yet individualized, competency-based driver training program.

3.2.d. The length of related classroom, passenger-in-car and behind-the-wheel instruction (in contrast to that required of novice driver applicants) will be dependent upon the:

1. Applicant passing a 150 question, multiple-choice, written and/or oral examination covering classroom competencies with a raw score of at least a 70% (105/150).
2. Applicant illustrating functional vision and narrative driving competencies (with bioptic lens system in place) indicating adequate carryover or transfer of classroom knowledge to that as an active passenger-in-car.
3. Applicant's current level of physical, mental and social driving skills under real world driving conditions within a variety of traffic, road and environmental settings.
4. Applicant's years of experience with an unrestricted driver's license. The portion of classroom instruction related to rules of the road and road signs may be waived if an applicant has three or more years of driving experience with an unrestricted driver's license and passes the required examination for a Class G instruction permit.

3.3. Standards for Successful Completion of the Program. In order to show successful completion of the Program, all applicants must:

- 3.3.a. Obtain a passing score of 75% (18/24) on a forty (40) mile in length standardized driver performance measurement (DPM) assessment (minimum of 4 trials) and
- 3.3.b. Obtain written confirmation and signature from the Program coordinator that confirms that the applicant has completed the required number of hours of instruction and has fulfilled the competencies for satisfactory completion of the Program.

3.4. Criteria for Certifying Whether an Out-of-State Driver Training Program is Substantially

Equivalent to the Division's Program.

3.4.a. The following criteria will be used by the Program coordinator to determine if or to what extent the restricted out-of-state driver's former driver training program is equivalent to the Program:

1. The applicant must provide a driver history and a crash history covering the last five years to the Division of Motor Vehicles;
2. The applicant must meet all criteria for acceptance into the Program;
3. The applicant must provide written documentation from the director of the out-of-state bioptic driver training program that indicates: the dates and the total hours of training the driver received from the out-of-state program, the content and type(s) of training received, and verification of restricted out-of-state driver's satisfactory completion of an equivalent approved driver training program; and
4. The applicant must provide verification that he or she has surrendered his/her out-of-state drivers license to the Commissioner of the West Virginia Division of Motor Vehicles.

3.4.b. If the Division's Program coordinator determines that the out-of-state driver's former driver training program is not equivalent to the Division's Program, then the applicant must participate in an approved, yet individualized and competency-based driver training program through the Division. These applicants must meet the same competencies for satisfactory completion of the Division's Program and pass the same comprehensive road skills test prescribed by the Division of Motor Vehicles as all applicants for Class G driving privileges.

3.5. Minimum Requirements for Less Restrictive Driving Privileges. Class G drivers who wish to apply for non-restrictive driving privileges (i.e. day and night driving) or less restrictive driving privileges (i.e. removal of restrictions prohibiting interstate driving, driving within a certain mile radius from home, restricted hours of driving, etc.) shall be required to:

3.5.a. Be accepted into the Program to participate in a minimum of one week of driver's training consisting of at least five hours in each of the following categories of instruction: classroom, passenger-in-car and behind-the-wheel instruction covering the area(s) of restricted driving privileges.

3.5.b. Obtain written confirmation and signature from the Program coordinator that he/she has completed the required number of hours of instruction and has fulfilled the needed competencies in the area(s) of restricted driving privileges from the Program for consideration of removal of restriction(s) by the Commissioner.

3.6. Standards for the Comprehensive Road Skills Test. Upon satisfactory completion of the Program, all applicants for a Class G driver's license will be required to participate in a comprehensive road skills test prescribed by the Division of Motor Vehicles, consisting of competencies in following areas:

3.6.a. Knowledge and correct use of dashboard controls;

- 3.6.b. Knowledge and use of brake, accelerator, steering wheel, gearshift and car mirrors;
- 3.6.c. Starting and stopping a vehicle;
- 3.6.d. Road laws and road signs;
- 3.6.e. Visual search patterns with bioptic lens system in place;
- 3.6.f. Turning a vehicle;
- 3.6.g. Backing a vehicle;
- 3.6.h. Parking a vehicle;
- 3.6.i. Speed control; and
- 3.6.j. Directional control.