

HB 4059

FILED

2008 MAR 28 PM 4:28

OFFICE OF THE  
SECRETARY OF STATE

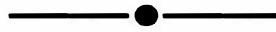
**WEST VIRGINIA LEGISLATURE**  
SECOND REGULAR SESSION, 2008



**ENROLLED**

**COMMITTEE SUBSTITUTE  
FOR  
House Bill No. 4059**

(By Delegates Border, Perdue, Staggers, Long,  
Schadler, Ennis, Moye, Stalnaker and Stephens)



Passed March 8, 2008

In Effect Ninety Days from Passage

**FILED**  
**ENROLLED**  
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COMMITTEE SUBSTITUTE  
FOR  
OFFICE OF THE CLERK OF THE HOUSE OF DELEGATES  
SECURITY OF STATE

**H. B. 4059**

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(BY DELEGATES BORDER, PERDUE, STAGGERS, LONG, SCHADLER,  
ENNIS, MOYE, STALNAKER AND STEPHENS)

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

AN ACT to amend and reenact §18A-2-4 of the Code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to employment of school bus operators issued passenger endorsement on commercial driver license through intrastate waiver program for diabetes; eligibility for employment; conditions; negating negligence for noncompliance.

*Be it enacted by the Legislature of West Virginia:*

That §18A-2-4 of the Code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

**ARTICLE 2. SCHOOL PERSONNEL.**

**§18A-2-4. Commercial driver's license for school personnel; intra state waiver for bus operators diagnosed with diabetes mellitus requiring insulin; reimbursement of electrician's and commercial driver's license when required.**

1 (a) If a commercial driver's license is required as a  
2 condition of employment for any school employee or  
3 qualified applicant who becomes an employee by a county  
4 board of education, the cost shall be paid in full by the  
5 employer.

6 It is unlawful for any county board of education to  
7 require any employee or applicant who becomes an employee  
8 of the board to pay the cost of acquiring a commercial  
9 driver's license as a condition of employment.

10 (b) The division of motor vehicles shall accept the West  
11 Virginia department of education physical and psychomotor  
12 test result forms in lieu of the division of motor vehicles  
13 vision report form.

14 (c) A school bus operator who is currently employed by  
15 a county board of education or who is otherwise subject to  
16 state board rules governing school bus operators and who is  
17 diagnosed with diabetes mellitus requiring insulin is not  
18 ineligible for employment as a school bus operator because  
19 of the diagnosis if the operator is issued a passenger  
20 endorsement for his or her commercial driver license through  
21 the intrastate waiver program pertaining to diabetes of the  
22 West Virginia Division of Motor Vehicles, subject to the  
23 following:

24 (1) A copy of the information required to be submitted to  
25 the Division of Motor Vehicles for waiver application and

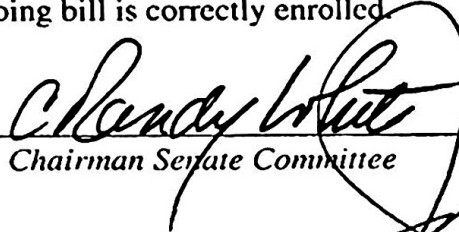
26 proof of passenger endorsement under the waiver program is  
27 submitted to his or her employer; and

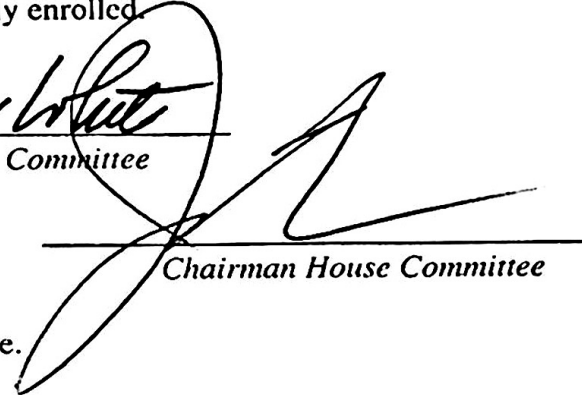
28 (2) The operator remains in compliance with the  
29 stipulations of and grounds for eligibility for the intrastate  
30 waiver.

31 (d) If a county board of education requires of any  
32 employee who is employed as an electrician any license  
33 renewal when the employee is exempt from renewing the  
34 license pursuant to section three, article three-b, chapter  
35 twenty-nine of this code, the cost of such license renewal  
36 shall be paid in full by the county board of education.

37 (e) Compliance with or failure to comply by a health care  
38 provider licensed and authorized pursuant to chapter thirty of  
39 this code, with the reporting requirements of the division of  
40 motor vehicles regarding the provisions of subsection (c) of  
41 this section does not constitute negligence, nor may  
42 compliance or noncompliance with the requirements of this  
43 section be admissible as evidence of negligence in any civil  
44 or criminal action.

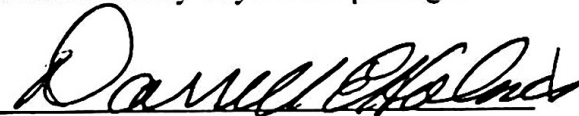
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

  
 \_\_\_\_\_  
 Chairman Senate Committee

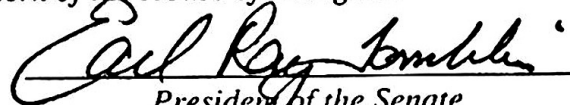
  
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 Chairman House Committee


Originating in the House.

In effect ninety days from passage.

  
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 Clerk of the Senate

  
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 Clerk of the House of Delegates

  
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 President of the Senate

  
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 Speaker of the House of Delegates

The within is approved this the 28<sup>th</sup>  
 day of March, 2008.

  
 \_\_\_\_\_  
 Governor

PRESENTED TO THE  
GOVERNOR

MAR 20 2008

Time 2:10 pm