

1 **H. B. 2493**

2
3 (By Delegates Staggers, L. Phillips,
4 Guthrie, Swartzmiller and Stephens)

5 [Introduced February 15, 2013; referred to the
6 Committee on Roads and Transportation then the
7 Judiciary.]

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10 A BILL to amend and reenact §17B-2-2 of the Code of West Virginia,
11 1931, as amended, relating to driver's licensing; providing an
12 exemption from the requirement for a Class D drivers license
13 for certain nonresident drivers.

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

15 That §17B-2-2 of the Code of West Virginia, 1931, as amended,
16 be amended and reenacted to read as follows:

17 **ARTICLE 2. ISSUANCE OF LICENSE, EXPIRATION AND RENEWAL.**

18 **§17B-2-2. Persons exempt from license.**

19 The following persons are exempt from license hereunder:

20 (1) Any person while operating a motor vehicle in the armed
21 services of the United States while in the performance of his or
22 her official duties;

23 (2) A nonresident who is at least sixteen years of age and who

1 has in his or her immediate possession a valid driver's license
2 issued to the person in the person's home state or country unless
3 the commissioner determines the person's home state or country does
4 not extend the same privileges to a resident of this state, may
5 operate a motor vehicle in this state only as a noncommercial
6 driver for a period not to exceed ninety days in any one calendar
7 year;

8 (3) A nonresident who is at least sixteen years of age, who
9 has in the person's immediate possession a valid driver's license
10 issued to the person in the person's home state or country and who
11 is employed in this state, or owns, maintains or operates a place
12 or places of business in this state, or engages in any trade,
13 profession or occupation in this state, in addition to the driving
14 privileges extended under subdivision (2) of this section, unless
15 the commissioner determines the person's home state or country does
16 not extend the same privileges to a resident of this state, may
17 operate a motor vehicle in this state only as a noncommercial
18 driver in traveling to and from the person's place or places of
19 employment, place or places of business or place or places at which
20 the person engages in the trade, profession or occupation and in
21 the discharge of the duties of the person's employment, business,
22 trade, profession or occupation if the duties are such that, if
23 performed by a resident of the State of West Virginia over the age

1 of eighteen years of age, the resident would not be required under
2 the provisions of this chapter to obtain a Class A, B, C or D
3 driver's license: Provided, That a nonresident driver who meets
4 the minimum age and experience requirements for a Class D driver's
5 license pursuant to subdivision (2), subsection (c), section one,
6 article two, chapter seventeen-b of the code who is licensed in a
7 jurisdiction that does not offer an equivalent driver's license may
8 operate a motor vehicle in this state that requires a resident to
9 have a Class D license. However, this subsection shall not exempt
10 any person who is required to obtain a West Virginia driver's
11 license in accordance with the provisions of section one-a of this
12 article;

13 (4) A nonresident who is at least eighteen years of age and
14 who has in his or her immediate possession a valid commercial
15 driver's license issued to the person in his or her home state or
16 country and which meets the requirements of the federal Commercial
17 Motor Vehicle Act of 1986, Title XI of public law 99-570 and unless
18 the commissioner determines the person's home state or country does
19 not extend the same privilege to a resident of this state may
20 operate a motor vehicle in this state either as a commercial driver
21 subject to the age limits applicable to commercial driver in this
22 state, or as a noncommercial driver subject to the limitations
23 imposed on nonresident drivers in subdivisions (2) and (3) of this

1 section;

2 (5) Any person who is a student, properly enrolled and
3 registered in an accredited school, college or university in this
4 state, who is at least sixteen years of age and who has in his or
5 her immediate possession a valid driver's license issued to the
6 person in the person's home state, notwithstanding the limitations
7 of subdivisions (2) and (3) of this section may operate a motor
8 vehicle in this state only as noncommercial driver: *Provided*, That
9 the state of which the person is a resident shall extend the same
10 privileges to residents of this state. This exemption shall be
11 canceled immediately when the student is graduated from school,
12 college or university or is expelled or ceases to be a student.

NOTE: The purpose of this bill is to provide reciprocity to certain nonresidents whose primary occupation is operating motor vehicles which would require a Class D license in this state but do not require an equivalent licence in the nonresident's state. Operation of vehicles requiring a Class D license does not require a commercial driver's license.

This legislation was recommended for passage in the 2013 Regular Session by the Legislative Select Committee on Infrastructure.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.