

Senate Bill No. 157

(By Senator Beach)

[Introduced February 14, 2013; referred to the Committee on
Transportation and Infrastructure;
and then to the Committee on the Judiciary.]

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

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 2. ISSUANCE OF LICENSE, EXPIRATION AND RENEWAL.

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

- 1 The following persons are exempt from license
- 2 hereunder:

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

6 (2) A nonresident who is at least sixteen years of age and
7 who has in his or her immediate possession a valid driver's
8 license issued to the person in the person's home state or
9 country, unless the commissioner determines the person's
10 home state or country does not extend the same privileges to
11 a resident of this state, may operate a motor vehicle in this
12 state only as a noncommercial driver for a period not to
13 exceed ninety days in any one calendar year;

14 (3) A nonresident who is at least sixteen years of age who
15 has in the person's immediate possession a valid driver's
16 license issued to the person in the person's home state or
17 country and who is employed in this state, or owns, maintains
18 or operates a place or places of business in this state, or
19 engages in any trade, profession or occupation in this state,
20 in addition to the driving privileges extended under
21 subdivision (2) of this section, unless the commissioner

22 determines the person's home state or country does not
23 extend the same privileges to a resident of this state, may
24 operate a motor vehicle in this state only as a noncommercial
25 driver in traveling to and from the person's place or places of
26 employment, place or places of business or place or places at
27 which the person engages in the trade, profession or
28 occupation and in the discharge of the duties of the person's
29 employment, business, trade, profession or occupation if the
30 duties are such that, if performed by a resident of the State of
31 West Virginia over the age of eighteen years of age, the
32 resident would not be required under the provisions of this
33 chapter to obtain a Class A, B, C or D driver's license:
34 Provided, That a nonresident driver who meets the minimum
35 age and experience requirements for a Class D driver's
36 license pursuant to subdivision (2), subsection (c), section
37 one, article two, chapter seventeen-b of the code who is
38 licensed in a jurisdiction that does not offer an equivalent
39 driver's license may operate a motor vehicle in this state that
40 requires a resident to have a Class D license. However, this

41 subsection shall not exempt any person who is required to
42 obtain a West Virginia driver's license in accordance with the
43 provisions of section one-a of this article;

44 (4) A nonresident who is at least eighteen years of age
45 and who has in his or her immediate possession a valid
46 commercial driver's license issued to the person in his or her
47 home state or country and which meets the requirements of
48 the federal Commercial Motor Vehicle Act of 1986, Title XI
49 of public law 99-570, and unless the commissioner
50 determines the person's home state or country does not
51 extend the same privilege to a resident of this state, may
52 operate a motor vehicle in this state either as a commercial
53 driver subject to the age limits applicable to commercial
54 driver in this state, or as a noncommercial driver subject to
55 the limitations imposed on nonresident drivers in
56 subdivisions (2) and (3) of this section;

57 (5) Any person who is a student, properly enrolled and
58 registered in an accredited school, college or university in
59 this state, who is at least sixteen years of age and who has in

60 his or her immediate possession a valid driver's license
61 issued to the person in the person's home state,
62 notwithstanding the limitations of subdivisions (2) and (3) of
63 this section, may operate a motor vehicle in this state only as
64 a noncommercial driver: *Provided*, That the state of which
65 the person is a resident shall extend the same privileges to
66 residents of this state. This exemption shall be canceled
67 immediately when the student is graduated from school,
68 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.)