

# **WEST VIRGINIA LEGISLATURE**

## **2017 REGULAR SESSION**

### **Committee Substitute**

**for**

### **House Bill 2363**

BY DELEGATES COOPER, HOWELL, AMBLER, ROWAN AND

MOYE

[Introduced February 13, 2017; Referred

to the Committee on Roads and Transportation then the

Judiciary]



1 A BILL to amend and reenact §17E-1-9 of the Code of West Virginia, 1931, as amended, relating  
2 to commercial driver's licenses; and requiring that state, county, city, and other local  
3 government employees with commercial driver's licenses have valid and current medical  
4 evaluation certification statuses and, if applicable, medical waivers.

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

1 That §17E-1-9 of the Code of West Virginia, 1931, as amended, be amended and  
2 reenacted to read as follows:

**ARTICLE 1. COMMERCIAL DRIVER'S LICENSE.**

**§17E-1-9. Commercial driver's license qualification standards.**

1 (a) No person may be issued a commercial driver's license unless that person is a resident  
2 of this state and has passed a knowledge and skills test for driving a commercial motor vehicle  
3 which complies with minimum federal standards established by federal regulations enumerated  
4 in 49 C.F.R. Part § 383, Subparts G and H (2004) and has satisfied all other requirements of the  
5 Federal Motor Carrier Safety Improvement Act of 1999 in addition to other requirements imposed  
6 by state law or federal regulations.

7 (b) Third party testing. The commissioner may authorize a person, including an agency of  
8 this or another state, an employer, private individual or institution, department, agency or  
9 instrumentality of local government, to administer the skills test specified by this section so long  
10 as:

11 (1) The test is the same which would otherwise be administered by the state; and

12 (2) The party has entered into an agreement with the state that complies with the  
13 requirements of 49 C.F.R., part § 383.75.

14 (c) Indemnification of driver examiners. No person who has been officially trained and  
15 certified by the state as a driver examiner, who administers a driving test, and no other person,  
16 firm or corporation by whom or with which that person is employed or is in any way associated,

17 may be criminally liable for the administration of the tests or civilly liable in damages to the person  
18 tested or other persons or property unless for gross negligence or willful or wanton injury.

19 (d) The commissioner may waive the skills test specified in this section for a commercial  
20 driver license applicant who meets the requirements of 49 C.F.R. part § 383.77 and the  
21 requirements specified by the commissioner.

22 (e) A commercial driver's license or commercial driver's instruction permit may not be  
23 issued to a person while the person is subject to a disqualification from driving a commercial motor  
24 vehicle, when the person does not possess a valid or current medical certification status or while  
25 the person's driver's license is suspended, revoked or canceled in any state. A commercial  
26 driver's license may not be issued by any other state unless the person first surrenders all such  
27 licenses to the division.

28 (f) Commercial driver's instruction permit may be issued as follows:

29 (1) To an individual who holds a valid Class E or Class D driver's license and has passed  
30 the vision and written tests required for issuance of a commercial driver's license.

31 (2) The commercial instruction permit may not be issued for a period to exceed six months.  
32 Only one renewal or reissuance may be granted within a two-year period. The holder of a  
33 commercial driver's instruction permit may drive a commercial motor vehicle on a highway only  
34 when accompanied by the holder of a commercial driver's license valid for the type of vehicle  
35 driven, who is twenty-one years of age or older, who is alert and unimpaired and who occupies a  
36 seat beside the individual for the purpose of giving instruction or testing.

37 (3) Only to a person who is at least eighteen years of age and has held a graduated Class  
38 E, Class E or Class D license for at least two years.

39 (4) The applicant for a commercial driver's instruction permit shall also be otherwise  
40 qualified to hold a commercial driver's license.

41           (g) Notwithstanding any provisions of this code to the contrary, all state, county, city and  
42 other local government employees with commercial driver's licenses shall have valid and current  
43 medical evaluation certification statuses and, if applicable, medical waivers.

NOTE: The purpose of this bill is to require that a state employee with a commercial driver's license have a current medical evaluation certification and applicable medical waiver.

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