

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 4478

BY DELEGATES BUTLER, FAST, J. JEFFRIES, CADLE,

SYPOLT, BARTLETT, PORTERFIELD AND HARDY

[Passed March 5, 2020; in effect ninety days from
passage.]

FILED

2020 MAR 25 P 4: 32

OFFICE WEST VIRGINIA
SECRETARY OF STATE

HB4478

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SECRETARY OF STATE

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1 AN ACT to amend and reenact §17E-1-13 of the Code of West Virginia, 1931, as amended,
2 relating to the lifetime disqualification without reinstatement from operating a commercial
3 motor vehicle for individuals who use a commercial motor vehicle in committing certain
4 felony acts relating to controlled substance violations or human trafficking violations.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. COMMERCIAL DRIVER'S LICENSE.

§17E-1-13. Disqualification.

1 (a) A person may not operate a commercial motor vehicle if his or her privilege to operate
2 a commercial motor vehicle is disqualified under the provisions of the Federal Motor Carrier Safety
3 Improvement Act of 1999, 49 C. F. R. Part §383, Subpart D (2004) or in accordance with the
4 provisions of this section.

5 (1) For the purposes of determining first and subsequent violations of the offenses listed
6 in this section, each conviction resulting from a separate incident includes convictions for offenses
7 committed in a commercial motor vehicle or a noncommercial motor vehicle.

8 (2) Any person disqualified from operating a commercial motor vehicle for life under the
9 provisions of this chapter for offenses described in subdivisions (1), (2), (3), (4) and (6), subsection
10 (b) of this section is eligible for reinstatement of privileges to operate a commercial motor vehicle
11 after 10 years and after completion of the Safety and Treatment Program or other appropriate
12 program prescribed by the division. Any person whose lifetime disqualification has been amended
13 under the provisions of this subdivision, and who is subsequently convicted of a disqualifying
14 offense described in subdivisions (1) through (7), inclusive, subsection (b) of this section, is not
15 eligible for reinstatement. Any person disqualified from operating a commercial motor vehicle for
16 life under subsection (n) of this section is not eligible for reinstatement.

17 (3) Any person who committed a disqualifying offense contained in paragraph (B) or (E),
18 subdivision (1), subsection (b) of this section prior to obtaining a commercial driver's license, and
19 who committed the disqualifying offense more than 10 years before he or she applied for a

20 commercial driver's license, and who has completed the Safety and Treatment Program or other
21 appropriate program prescribed by the division, shall be considered to have served the period of
22 disqualification and is eligible to obtain a commercial driver's license so long as all other eligibility
23 requirements contained in §17E-1-9 and §17E-1-10 of this code are satisfied.

24 (4) Any disqualification imposed by this section is in addition to any action to suspend,
25 revoke, or cancel the driver's license or driving privileges if suspension, revocation, or cancellation
26 is required under another provision of this code.

27 (5) The provisions of this section apply to any person operating a commercial motor
28 vehicle and to any person holding a commercial driver's license.

29 (b) Any person is disqualified from driving a commercial motor vehicle for the following
30 offenses and time periods if convicted of:

31 (1) Driving a motor vehicle under the influence of alcohol or a controlled substance;

32 (A) For a first conviction or for refusal to submit to any designated secondary chemical
33 test while operating a commercial motor vehicle, a driver is disqualified from operating a
34 commercial motor vehicle for a period of one year.

35 (B) For a first conviction or for refusal to submit to any designated secondary chemical
36 test while operating a noncommercial motor vehicle, a commercial driver's license holder is
37 disqualified from operating a commercial motor vehicle for a period of one year.

38 (C) For a first conviction or for refusal to submit to any designated secondary chemical
39 test while operating a commercial motor vehicle transporting hazardous materials required to be
40 placarded under 49 C. F. R. Part §172, Subpart F, a driver is disqualified from operating a
41 commercial motor vehicle for a period of three years.

42 (D) For a second conviction or for refusal to submit to any designated secondary chemical
43 test in a separate incident of any combination of offenses in this subsection while operating a
44 commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for
45 life.

46 (E) For a second conviction or refusal to submit to any designated secondary chemical
47 test in a separate incident of any combination of offenses in this subsection while operating a
48 noncommercial motor vehicle, a commercial motor vehicle license holder is disqualified from
49 operating a commercial motor vehicle for life.

50 (2) Driving a commercial motor vehicle while the person's alcohol concentration of the
51 person's blood, breath, or urine is four hundredths of one percent or more, by weight;

52 (A) For a first conviction or for refusal to submit to any designated secondary chemical
53 test while operating a commercial motor vehicle, a driver is disqualified from operating a
54 commercial motor vehicle for one year.

55 (B) For a first conviction or for refusal to submit to any designated secondary chemical
56 test while operating a commercial motor vehicle transporting hazardous materials required to be
57 placarded under 49 C. F. R. Part §172, Subpart F, a driver is disqualified from operating a
58 commercial motor vehicle for three years.

59 (C) For a second conviction or refusal to submit to any designated secondary chemical
60 test in a separate incident of any combination of offenses in this subsection while operating a
61 commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for
62 life.

63 (3) Refusing to submit to any designated secondary chemical test required by the
64 provisions of this code or the provisions of 49 C. F. R. §383.72 (2004);

65 (A) For the first conviction or refusal to submit to any designated secondary chemical test
66 while operating a commercial motor vehicle, a driver is disqualified from operating a commercial
67 motor vehicle for one year.

68 (B) For the first conviction or refusal to submit to any designated secondary chemical test
69 while operating a noncommercial motor vehicle, a commercial driver's license holder
70 is disqualified from operating a commercial motor vehicle for one year.

71 (C) For the first conviction or for refusal to submit to any designated secondary chemical
72 test while operating a commercial motor vehicle transporting hazardous materials required to be
73 placarded under 49 C. F. R. Part §172, Subpart F (2004), a driver is disqualified from operating a
74 commercial motor vehicle for a period of three years.

75 (D) For a second conviction or refusal to submit to any designated secondary chemical
76 test in a separate incident of any combination of offenses in this subsection while operating a
77 commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for
78 life.

79 (E) For a second conviction or refusal to submit to any designated secondary chemical
80 test in a separate incident of any combination of offenses in this subsection while operating a
81 noncommercial motor vehicle, a commercial driver's license holder is disqualified from operating
82 a commercial motor vehicle for life.

83 (4) Leaving the scene of an accident;

84 (A) For the first conviction while operating a commercial motor vehicle, a driver is
85 disqualified from operating a commercial motor vehicle for one year.

86 (B) For the first conviction while operating a noncommercial motor vehicle, a commercial
87 driver's license holder is disqualified for one year.

88 (C) For the first conviction while operating a commercial motor vehicle transporting
89 hazardous materials required to be placarded under 49 C. F. R. Part §172, Subpart F (2004), a
90 driver is disqualified from operating a commercial motor vehicle for a period of three years.

91 (D) For a second conviction in a separate incident of any combination of offenses in this
92 subsection while operating a commercial motor vehicle, a driver is disqualified from operating a
93 commercial motor vehicle for life.

94 (E) For a second conviction in a separate incident of any combination of offenses in this
95 subsection while operating a noncommercial motor vehicle, a commercial driver's license holder
96 is disqualified from operating a commercial motor vehicle for life.

97 (5) Using a motor vehicle in the commission of any felony as defined in §17E-1-3 of this
98 code; except as set forth specifically in subsection (n) of this section;

99 (A) For the first conviction while operating a commercial motor vehicle, a driver is
100 disqualified from operating a commercial motor vehicle for one year.

101 (B) For the first conviction while operating a noncommercial motor vehicle, a commercial
102 driver's license holder is disqualified from operating a commercial motor vehicle for one year.

103 (C) For the first conviction while operating a commercial motor vehicle transporting
104 hazardous materials required to be placarded under 49 C. F. R. Part §172, Subpart F (2004), a
105 driver is disqualified from operating a commercial motor vehicle for a period of three years.

106 (D) For a second conviction in a separate incident of any combination of offenses in this
107 subsection while operating a commercial motor vehicle, a driver is disqualified from operating a
108 commercial motor vehicle for life.

109 (E) For a second conviction in a separate incident of any combination of offenses in this
110 subsection while operating a noncommercial motor vehicle, a commercial motor vehicle license
111 holder is disqualified from operating a commercial motor vehicle for life.

112 (6) Operating a commercial motor vehicle when, as a result of prior violations committed
113 operating a commercial motor vehicle, the driver's privilege to operate a motor vehicle has been
114 suspended, revoked, or canceled, or the driver's privilege to operate a commercial motor vehicle
115 has been disqualified.

116 (A) For the first conviction while operating a commercial motor vehicle, a driver is
117 disqualified from operating a commercial motor vehicle for one year.

118 (B) For the first conviction while operating a commercial motor vehicle transporting
119 hazardous materials required to be placarded under 49 C. F. R. Part §172, Subpart F (2004), a
120 driver is disqualified from operating a commercial motor vehicle for a period of three years.

121 (C) For a second conviction in a separate incident of any combination of offenses in this
122 subsection while operating a commercial motor vehicle, a driver is disqualified from operating a
123 commercial motor vehicle for life.

124 (7) Causing a fatality through the negligent operation of a commercial motor vehicle,
125 including, but not limited to, the crimes of motor vehicle manslaughter, homicide and negligent
126 homicide as defined in §17B-3-5, and §17C-5-1 of this code;

127 (A) For the first conviction while operating a commercial motor vehicle, a driver
128 is disqualified from operating a commercial motor vehicle for one year.

129 (B) For the first conviction while operating a commercial motor vehicle transporting
130 hazardous materials required to be placarded under 49 C. F. R. Part §172, Subpart F (2004), a
131 driver is disqualified from operating a commercial motor vehicle for a period of three years.

132 (C) For a second conviction in a separate incident of any combination of offenses in this
133 subsection while operating a commercial motor vehicle, a driver is disqualified from operating a
134 commercial motor vehicle for life.

135 (c) Any person is disqualified from driving a commercial motor vehicle if convicted of:

136 (1) Speeding excessively involving any speed of 15 miles per hour or more above the
137 posted speed limit;

138 (A) For a second conviction of any combination of offenses in this subsection in a separate
139 incident within a three-year period while operating a commercial motor vehicle, a driver
140 is disqualified from operating a commercial motor vehicle for a period of 60 days.

141 (B) For a second conviction of any combination of offenses in this section in a separate
142 incident within a three-year period while operating a noncommercial motor vehicle, if the
143 conviction results in the suspension, revocation, or cancellation of the commercial driver's license
144 holder's privilege to operate any motor vehicle, a commercial driver's license holder is disqualified
145 from operating a commercial motor vehicle for a period of 60 days.

146 (C) For a third or subsequent conviction of any combination of the offenses in this
147 subsection in a separate incident in a three-year period while operating a commercial motor
148 vehicle, a driver is disqualified from operating a commercial motor vehicle for a period of 120
149 days.

150 (D) For a third or subsequent conviction of any combination of offenses in this subsection
151 in a separate incident within a three-year period while operating a noncommercial motor vehicle,
152 if the conviction results in the suspension, revocation, or cancellation of the commercial driver's
153 license holder's privilege to operate any motor vehicle, a commercial driver's license holder shall
154 be disqualified from operating a commercial motor vehicle for a period of 120 days.

155 (2) Reckless driving as defined in §17C-5-3 of this code, careless or negligent driving,
156 including, but not limited to, the offenses of driving a motor vehicle in willful or wanton disregard
157 for the safety of persons or property;

158 (A) For a second conviction of any combination of offenses in this subsection in a separate
159 incident within a three-year period while operating a commercial motor vehicle, a driver is
160 disqualified from operating a commercial motor vehicle for a period of 60 days.

161 (B) For a second conviction of any combination of offenses in this section in a separate
162 incident within a three-year period while operating a noncommercial motor vehicle, if the
163 conviction results in the suspension, revocation, or cancellation of the commercial driver's license
164 holder's privilege to operate any motor vehicle, a commercial driver's license holder is disqualified
165 from operating a commercial motor vehicle for a period of 60 days.

166 (C) For a third or subsequent conviction of any combination of the offenses in this
167 subsection in a separate incident in a three-year period while operating a commercial motor
168 vehicle, a driver is disqualified from operating a commercial motor vehicle for a period of 120
169 days.

170 (D) For a third or subsequent conviction of any combination of offenses in this subsection
171 in a separate incident within a three-year period while operating a noncommercial motor vehicle,

172 if the conviction results in the suspension, revocation, or cancellation of the commercial driver's
173 license holder's privilege to operate any motor vehicle, a commercial driver's license holder
174 is disqualified from operating a commercial motor vehicle for a period of 120 days.

175 (3) Making improper or erratic traffic lane changes;

176 (A) For a second conviction of any combination of offenses in this subsection in a separate
177 incident within a three-year period while operating a commercial motor vehicle, a driver
178 is disqualified from operating a commercial motor vehicle for a period of 60 days.

179 (B) For a second conviction of any combination of offenses in this section in a separate
180 incident within a three-year period while operating a noncommercial motor vehicle, if the
181 conviction results in the suspension, revocation, or cancellation of the commercial driver's license
182 holder's privilege to operate any motor vehicle, a commercial driver's license holder is disqualified
183 from operating a commercial motor vehicle for a period of 60 days.

184 (C) For a third or subsequent conviction of any combination of the offenses in this
185 subsection in a separate incident in a three-year period while operating a commercial motor
186 vehicle, a driver is disqualified from operating a commercial motor vehicle for a period of 120
187 days.

188 (D) For a third or subsequent conviction of any combination of offenses in this subsection
189 in a separate incident within a three-year period while operating a noncommercial motor vehicle,
190 if the conviction results in the suspension, revocation, or cancellation of the commercial driver's
191 license holder's privilege to operate any motor vehicle, a commercial driver's license holder
192 is disqualified from operating a commercial motor vehicle for a period of 120 days.

193 (4) Following the vehicle ahead too closely;

194 (A) For a second conviction of any combination of offenses in this subsection in a separate
195 incident within a three-year period while operating a commercial motor vehicle, a driver
196 is disqualified from operating a commercial motor vehicle for a period of 60 days.

197 (B) For a second conviction of any combination of offenses in this section in a separate
198 incident within a three-year period while operating a noncommercial motor vehicle, if the
199 conviction results in the suspension, revocation, or cancellation of the commercial driver's license
200 holder's privilege to operate any motor vehicle, a commercial driver's license holder is disqualified
201 from operating a commercial motor vehicle for a period of 60 days.

202 (C) For a third or subsequent conviction of any combination of the offenses in this
203 subsection in a separate incident in a three-year period while operating a commercial motor
204 vehicle, a driver is disqualified from operating a commercial motor vehicle for a period of 120
205 days.

206 (D) For a third or subsequent conviction of any combination of offenses in this subsection
207 in a separate incident within a three-year period while operating a noncommercial motor vehicle,
208 if the conviction results in the suspension, revocation, or cancellation of the commercial driver's
209 license holder's privilege to operate any motor vehicle, a commercial driver's license holder
210 is disqualified from operating a commercial motor vehicle for a period of 120 days.

211 (5) Violating any law relating to traffic control arising in connection with a fatal accident,
212 other than a parking violation;

213 (A) For a second conviction of any combination of offenses in this subsection in a separate
214 incident within a three-year period while operating a commercial motor vehicle, a driver is
215 disqualified from operating a commercial motor vehicle for a period of 60 days.

216 (B) For a second conviction of any combination of offenses in this section in a separate
217 incident within a three-year period while operating a noncommercial motor vehicle, if the
218 conviction results in the suspension, revocation, or cancellation of the commercial driver's license
219 holder's privilege to operate any motor vehicle, a commercial driver's license holder is disqualified
220 from operating a commercial motor vehicle for a period of 60 days.

221 (C) For a third or subsequent conviction of any combination of the offenses in this
222 subsection in a separate incident in a three-year period while operating a commercial motor

223 vehicle, a driver is disqualified from operating a commercial motor vehicle for a period of 120
224 days.

225 (D) For a third or subsequent conviction of any combination of offenses in this subsection
226 in a separate incident within a three-year period while operating a noncommercial motor vehicle,
227 if the conviction results in the suspension, revocation, or cancellation of the commercial driver's
228 license holder's privilege to operate any motor vehicle, a commercial motor vehicle license holder
229 is disqualified from operating a commercial motor vehicle for a period of 120 days.

230 (6) Driving a commercial motor vehicle without obtaining a commercial driver's license;

231 (A) For a second conviction of any combination of offenses in this subsection in a separate
232 incident within a three-year period while operating a commercial motor vehicle, a driver
233 is disqualified from operating a commercial motor vehicle for a period of 60 days.

234 (B) For a third or subsequent conviction of any combination of the offenses in this
235 subsection in a separate incident in a three-year period while operating a commercial motor
236 vehicle, a driver is disqualified from operating a commercial motor vehicle for a period of 120
237 days.

238 (7) Driving a commercial motor vehicle without a commercial driver's license in the driver's
239 possession except that any person who provides proof of possession of a commercial driver's
240 license to the enforcement agency that issued the citation by the court appearance or fine
241 payment deadline is not guilty of this offense;

242 (A) For a second conviction of any combination of offenses in this subsection in a separate
243 incident within a three-year period while operating a commercial motor vehicle, a commercial
244 driver's license holder is disqualified from operating a commercial motor vehicle for a period of 60
245 days.

246 (B) For a third or subsequent conviction of any combination of the offenses in this
247 subsection in a separate incident in a three-year period while operating a commercial motor

248 vehicle, a commercial driver's license holder is disqualified from operating a commercial motor
249 vehicle for a period of 120 days.

250 (8) Driving a commercial motor vehicle without the proper class of commercial driver's
251 license or the proper endorsements for the specific vehicle group being operated or for the
252 passengers or type of cargo being transported;

253 (A) For a second conviction of any combination of offenses in this subsection in a separate
254 incident within a three-year period while operating a commercial motor vehicle, a commercial
255 driver's license holder is disqualified from operating a commercial motor vehicle for a period of 60
256 days.

257 (B) For a third or subsequent conviction of any combination of the offenses in this
258 subsection in a separate incident in a three-year period while operating a commercial motor
259 vehicle, a commercial driver's license holder is disqualified from operating a commercial motor
260 vehicle for a period of 120 days.

261 (9) Driving a commercial motor vehicle while engaged in texting and convicted pursuant
262 to §17E-1-14a of this code or similar law of this or any other jurisdiction or 49 C. F. R. §392.80;

263 (A) For a second conviction of any combination of offenses in this subsection in a separate
264 incident within a three-year period while operating a commercial motor vehicle, a commercial
265 driver's license holder is disqualified from operating a commercial motor vehicle for a period of 60
266 days.

267 (B) For a third or subsequent conviction of any combination of the offenses in this
268 subsection in a separate incident in a three-year period while operating a commercial motor
269 vehicle, a commercial driver's license holder is disqualified from operating a commercial motor
270 vehicle for a period of 120 days.

271 (d) Any person convicted of operating a commercial motor vehicle in violation of any
272 federal, state, or local law or ordinance pertaining to railroad crossing violations described in

273 subdivisions (1) through (6), inclusive, of this subsection is disqualified from operating a
274 commercial motor vehicle for the period of time specified;

275 (1) Failing to slow down and check that the tracks are clear of an approaching train, if not
276 required to stop in accordance with the provisions of §17C-12-3 of this code;

277 (A) For the first conviction, a driver is disqualified from operating a commercial motor
278 vehicle for a period of 60 days;

279 (B) For a second conviction of any combination of offenses in this subsection within a
280 three-year period, a driver is disqualified from operating a commercial motor vehicle for 120 days;
281 and

282 (C) For a third or subsequent conviction of any combination of offenses in this subsection
283 within a three-year period, a driver is disqualified from operating a commercial motor vehicle for
284 one year.

285 (2) Failing to stop before reaching the crossing, if the tracks are not clear, if not required
286 to stop in accordance with the provisions of §17C-12-1 of this code;

287 (A) For the first conviction, a driver is disqualified from operating a commercial motor
288 vehicle for a period of 60 days;

289 (B) For a second conviction of any combination of offenses in this subsection within a
290 three-year period, a driver is disqualified from operating a commercial motor vehicle for 120 days;
291 and

292 (C) For a third or subsequent conviction of any combination of offenses in this subsection
293 within a three-year period, a driver is disqualified from operating a commercial motor vehicle for
294 one year.

295 (3) Failing to stop before driving onto the crossing, if required to stop in accordance with
296 the provisions of §17C-12-3 of this code;

297 (A) For the first conviction, a driver is disqualified from operating a commercial motor
298 vehicle for a period of 60 days;

299 (B) For a second conviction of any combination of offenses in this subsection within a
300 three-year period, the driver is disqualified from operating a commercial motor vehicle for 120
301 days; and

302 (C) For a third or subsequent conviction of any combination of offenses in this subsection
303 within a three-year period, a driver is disqualified from operating a commercial motor vehicle for
304 one year.

305 (4) Failing to have sufficient space to drive completely through the crossing without
306 stopping in accordance with the provisions of §17C-12-3 of this code;

307 (A) For the first conviction, a driver is disqualified from operating a commercial motor
308 vehicle for a period of 60 days;

309 (B) For a second conviction of any combination of offenses in this subsection within a
310 three-year period, a driver is disqualified from operating a commercial motor vehicle for 120 days;
311 and

312 (C) For a third or subsequent conviction of any combination of offenses in this subsection
313 within a three-year period, a driver is disqualified from operating a commercial motor vehicle for
314 one year.

315 (5) Failing to obey a traffic control device or the directions of an enforcement official at the
316 crossing in accordance with the provisions of §17C-12-1 of this code;

317 (A) For the first conviction, a driver is disqualified from operating a commercial motor
318 vehicle for a period of 60 days;

319 (B) For a second conviction of any combination of offenses in this subsection within a
320 three-year period, a driver is disqualified from operating a commercial motor vehicle for 120 days;
321 and

322 (C) For a third or subsequent conviction of any combination of offenses in this subsection
323 within a three-year period, a driver is disqualified from operating a commercial motor vehicle for
324 one year.

325 (6) Failing to negotiate a crossing because of insufficient undercarriage clearance in
326 accordance with the provisions of §17C-12-3 of this code.

327 (A) For the first conviction, a driver is disqualified from operating a commercial motor
328 vehicle for a period of 60 days;

329 (B) For a second conviction of any combination of offenses in this subsection within a
330 three-year period, a driver is disqualified from operating a commercial motor vehicle for 120 days;
331 and

332 (C) For a third or subsequent conviction of any combination of offenses in this subsection
333 within a three-year period, a driver is disqualified from operating a commercial motor vehicle for
334 one year.

335 (e) Any person who is convicted of violating an out-of-service order while operating a
336 commercial motor vehicle is disqualified for the following periods of time:

337 (1) If convicted of violating a driver or vehicle out-of-service order while transporting
338 nonhazardous materials;

339 (A) For the first conviction of violating an out-of-service order while operating a commercial
340 motor vehicle, a driver is disqualified from operating a commercial motor vehicle for 180 days.

341 (B) For a second conviction in a separate incident within a 10-year period for violating an
342 out-of-service order while operating a commercial motor vehicle, a driver is disqualified from
343 operating a commercial motor vehicle for two years.

344 (C) For a third or subsequent conviction in a separate incident within a 10-year period for
345 violating an out-of-service order while operating a commercial motor vehicle, a driver is
346 disqualified from operating a commercial motor vehicle for three years.

347 (2) If convicted of violating a driver or vehicle out-of-service order while transporting
348 hazardous materials required to be placarded under 49 C. F. R. Part §172, Subpart F (2004) or
349 while operating a vehicle designed to transport 16 or more passengers including the driver;

350 (A) For the first conviction of violating an out-of-service order while operating a commercial
351 motor vehicle, a driver is disqualified from operating a commercial motor vehicle for 180 days.

352 (B) For a second conviction in a separate incident within a ten-year period for violating an
353 out-of-service order while operating a commercial motor vehicle, a driver is disqualified from
354 operating a commercial motor vehicle for three years.

355 (C) For a third or subsequent conviction in a separate incident within a 10-year period for
356 violating an out-of-service order while operating a commercial motor vehicle, a driver is
357 disqualified from operating a commercial motor vehicle for three years.

358 (f) After disqualifying, suspending, revoking, or canceling a commercial driver's license,
359 the division shall update its records to reflect that action within 10 days.

360 (g) In accordance with the provisions of 49 U. S. C. §313119(a)(19)(2004), and 49 C. F.
361 R. §384.226 (2004), notwithstanding the provisions of §61-11-25 of this code, no record of
362 conviction, revocation, suspension, or disqualification related to any type of motor vehicle traffic
363 control offense, other than a parking violation, of a commercial driver's license holder or a person
364 operating a commercial motor vehicle may be masked, expunged, deferred, or be subject to any
365 diversion program.

366 (h) Notwithstanding any provision in this code to the contrary, the division may not issue
367 any temporary driving permit, work-only driving permit, or hardship license or permit that
368 authorizes a person to operate a commercial motor vehicle when his or her privilege to operate
369 any motor vehicle has been revoked, suspended, disqualified, or otherwise canceled for any
370 reason.

371 (i) In accordance with the provisions of 49 C. F. R. §391.15(b), a driver is disqualified from
372 operating a commercial motor vehicle for the duration of any suspension, revocation, or
373 cancellation of his or her driver's license or privilege to operate a motor vehicle by this state or by
374 any other state or jurisdiction until the driver complies with the terms and conditions for
375 reinstatement set by this state or by another state or jurisdiction.

376 (j) In accordance with the provisions of 49 C. F. R. §353.52 (2006), the division shall
377 immediately disqualify a driver's privilege to operate a commercial motor vehicle upon a notice
378 from the assistant administrator of the Federal Motor Carrier Safety Administration that the driver
379 poses an imminent hazard. Any disqualification period imposed under the provisions of this
380 subsection shall be served concurrently with any other period of disqualification if applicable.

381 (k) In accordance with the provisions of 49 C. F. R. §1572.11(a), the division shall
382 immediately disqualify a driver's privilege to operate a commercial motor vehicle if the driver fails
383 to surrender his or her driver's license with a hazardous material endorsement to the division upon
384 proper notice by the division to the driver that the division received notice from the Department of
385 Homeland Security Transportation Security Administration of an initial determination of threat
386 assessment and immediate revocation that the driver does not meet the standards for security
387 threat assessment provided in 49 C. F. R. §1572.5. The disqualification remains in effect until the
388 driver either surrenders the driver's license to the division or provides the division with an affidavit
389 attesting to the fact that the driver has lost or is otherwise unable to surrender the license.

390 (l) In accordance with 49 C. F. R. §391.41, a driver is disqualified from operating a
391 commercial motor vehicle if the driver is not physically qualified to operate a commercial motor
392 vehicle or does not possess a valid medical certification status.

393 (m) In accordance with the provisions of 49 C. F. R. §383.73(g), the division shall disqualify
394 a driver's privilege to operate a commercial motor vehicle if the division determines that the
395 licensee has falsified any information or certifications required under the provisions of 49 C. F. R.
396 383 Subpart J or 49 C. F. R. §383.71(a) for 60 days in addition to any other penalty prescribed
397 by this code.

398 (n) Lifetime Disqualification Without Reinstatement.—

399 (1) Controlled substance violations — An individual who uses a commercial motor vehicle
400 in committing a felony involving manufacturing, distributing, or dispensing a controlled substance,
401 or involving possession with intent to manufacture, distribute, or dispense a controlled substance

402 is disqualified from operating a commercial motor vehicle for life and is not eligible for
403 reinstatement.

404 (2) Human trafficking violations — An individual who uses a commercial motor vehicle in
405 committing a felony involving an act or practice described in paragraph (9) of section 103 of the
406 Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(9)) is disqualified from operating a
407 commercial motor vehicle for life and is not eligible for reinstatement.

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

Steve Caputo
.....
Chairman, House Committee

Mark Raymond
.....
Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

Steve Harris
.....
Clerk of the House of Delegates

Joe Linn
.....
Clerk of the Senate

Robert Hanshaw
.....
Speaker of the House of Delegates

Will B. Chambers
.....
President of the Senate

FILED
2020 MAR 25 P 4: 32
OFFICE - WEST VIRGINIA
SECRETARY OF STATE

The within *is* approved this the *25th*
day of *March* 2020.

James Justice
.....
Governor

PRESENTED TO THE GOVERNOR

MAR 19 2020

Time 11:27am