

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

Senate Bill 463

By Senators Clements and Plymale

[Introduced January 24, 2023; referred
to the Committee on Transportation and
Infrastructure]

1 A BILL to amend and reenact §17E-1-9 of the Code of West Virginia, 1931, as amended, relating
2 to increasing the validity of a commercial driver's license instruction permit.

Be it enacted by the Legislature of West Virginia:

ARTICLE 17E. UNIFORM COMMERCIAL DRIVER’S LICENSE ACT.

§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 in
4 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
8 of 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, firm
16 or corporation by whom or with which that person is employed or is in any way associated, may be
17 criminally liable for the administration of the tests or civilly liable in damages to the person tested or
18 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 driver's
26 license may not be issued by any other state unless the person first surrenders all such licenses to
27 the division: *Provided*, That a person who became subject to a disqualification from driving a
28 commercial motor vehicle prior to possessing a commercial driver's license is not disqualified from
29 possessing a commercial driver's license or commercial driver's license instruction permit so long
30 as the mandatory revocation period specified in subdivision (3), subsection (a), section thirteen of
31 this article has elapsed, and the individual has completed the Safety and Treatment Program or
32 other appropriate program prescribed by the division as required by subdivision (2) of said
33 subsection.

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

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

37 (2) The commercial instruction permit may not be issued for a period to exceed ~~six months~~
38 one year. Only one renewal or reissuance may be granted within a two-year period. The holder of
39 a commercial driver's instruction permit may drive a commercial motor vehicle on a highway only
40 when accompanied by the holder of a commercial driver's license valid for the type of vehicle
41 driven, who is 21 years of age or older, who is alert and unimpaired and who occupies a seat
42 beside the individual for the purpose of giving instruction or testing.

43 (3) Only to a person who is at least 18 years of age and has held a graduated Class E,
44 Class E or Class D license for at least one year.

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

NOTE: The purpose of this bill is to extend the validity of the commercial driver's license instruction permit from six months to one year.

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