

1 **Senate Bill No. 157**

2 (By Senator Beach)

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4 [Introduced February 14, 2013; referred to the Committee on
5 Transportation and Infrastructure; and then to the Committee on
6 the Judiciary.]
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11 A BILL to amend and reenact §17B-2-2 of the Code of West Virginia,
12 1931, as amended, relating to driver's licensing; and
13 providing an exemption from the requirement for a Class D
14 driver's license for certain nonresident drivers.

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

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

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

19 **§17B-2-2. Persons exempt from license.**

20 The following persons are exempt from license hereunder:

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

1 her official duties;

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

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

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

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

1 commercial driver in this state, or as a noncommercial driver
2 subject to the limitations imposed on nonresident drivers in
3 subdivisions (2) and (3) of this section;

4 (5) Any person who is a student, properly enrolled and
5 registered in an accredited school, college or university in this
6 state, who is at least sixteen years of age and who has in his or
7 her immediate possession a valid driver's license issued to the
8 person in the person's home state, notwithstanding the limitations
9 of subdivisions (2) and (3) of this section, may operate a motor
10 vehicle in this state only as a noncommercial driver: *Provided,*
11 That the state of which the person is a resident shall extend the
12 same privileges to residents of this state. This exemption shall
13 be canceled immediately when the student is graduated from school,
14 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.)