

# **WEST VIRGINIA LEGISLATURE**

## **2019 REGULAR SESSION**

### **Introduced**

## **House Bill 2850**

BY DELEGATES PORTERFIELD, LINVILLE, J. JEFFRIES,  
KESSINGER, CADLE, PAYNTER, COOPER AND FOSTER

[Introduced February 4, 2019; Referred  
to the Committee on Technology and Infrastructure  
then Government Organization.]

1 A BILL to amend and reenact §17E-1-9 of the Code of West Virginia, 1931, as amended, relating  
 2 to qualifications for commercial driver’s license; and providing that a commercial license  
 3 instruction permit may be issued to persons 18 years of age who have held a graduated  
 4 Class E, Class E or Class D license for at least one year.

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

**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  
 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,  
 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: *Provided*, That a person who became subject to a disqualification from  
28 driving a commercial motor vehicle prior to possessing a commercial driver's license is not  
29 disqualified from possessing a commercial driver's license or commercial driver's license  
30 instruction permit so long as the mandatory revocation period specified in subdivision (3),  
31 subsection (a), section thirteen of this article has elapsed, and the individual has completed the  
32 Safety and Treatment Program or other appropriate program prescribed by the division as  
33 required by subdivision (2) of said 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 Only one renewal or reissuance may be granted within a two-year period. The holder of a  
39 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 ~~two years~~ 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 provide that a commercial license instruction permit may be issued to persons 18 years of age who have held a graduated Class E, Class E or Class D license for at least one year. Current law requires a two year period.

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