

# **WEST VIRGINIA LEGISLATURE**

## **2020 REGULAR SESSION**

**Introduced**

### **Senate Bill 777**

BY SENATOR RUCKER

[Introduced February 13, 2020; 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 exempting taxi and limousine drivers, and drivers for ride-share companies, such as  
3 Uber and Lyft, from undergoing background checks for misdemeanor convictions.

*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: Provided, That taxi and limousine drivers, and drivers for ride-  
7 share companies such as Uber and Lyft, are not required to undergo background checks for  
8 misdemeanor convictions.

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

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

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

16 (c) *Indemnification of driver examiners.* — No person who has been officially trained and  
17 certified by the state as a driver examiner, who administers a driving test, and no other person,  
18 firm or corporation by whom or with which that person is employed or is in any way associated,  
19 may be criminally liable for the administration of the tests or civilly liable in damages to the person  
20 tested or other persons or property unless for gross negligence or willful or wanton injury.

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

24 (e) A commercial driver's license or commercial driver's instruction permit may not be  
25 issued to a person while the person is subject to a disqualification from driving a commercial motor  
26 vehicle, when the person does not possess a valid or current medical certification status or while  
27 the person's driver's license is suspended, revoked or canceled in any state. A commercial  
28 driver's license may not be issued by any other state unless the person first surrenders all such  
29 licenses to the division: *Provided*, That a person who became subject to a disqualification from  
30 driving a commercial motor vehicle prior to possessing a commercial driver's license is not  
31 disqualified from possessing a commercial driver's license or commercial driver's license  
32 instruction permit so long as the mandatory revocation period specified in §17E-1-13(a)(3) of this  
33 code, and the individual has completed the Safety and Treatment Program or other appropriate  
34 program prescribed by the division as required by §17E-1-13(a)(2) of this code.

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

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

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

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

46 (4) The applicant for a commercial driver's instruction permit shall also be otherwise

47 qualified to hold a commercial driver's license.

NOTE: The purpose of this bill is to exempt taxi and limousine drivers, and drivers for ride-share companies, such as Uber and Lyft, from undergoing background checks for misdemeanor convictions.

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