

# **WEST VIRGINIA LEGISLATURE**

## **2022 REGULAR SESSION**

**Introduced**

### **House Bill 4420**

BY DELEGATES TONEY, ROHRBACH, ROWAN, PAYNTER,

AND DEAN

[Introduced January 27, 2022; Referred  
to the Committee on Education.]

1 A BILL to amend and reenact §18A-2-4 of the Code of West Virginia, 1931, as amended, relating  
 2 to eligibility requirements of school bus operators diagnosed with diabetes mellitus  
 3 requiring insulin; providing that the eligibility requirements are also applicable to a school  
 4 bus operator candidate; clarifying that the operator must also be issued a school bus  
 5 endorsement for his or her commercial driver's license; and specifying that the school bus  
 6 operator follow eligibility stipulations and grounds as per applicable state and federal rules.

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

## **ARTICLE 2. SCHOOL PERSONNEL.**

### **§18A-2-4. Commercial driver's license for school personnel; intrastate waiver for bus operators diagnosed with diabetes mellitus requiring insulin; reimbursement of electrician's and commercial driver's license when required, and educational sign language interpreter certification.**

1 (a) If a commercial driver's license is required as a condition of employment for any school  
 2 employee or qualified applicant who becomes an employee by a county board the cost is paid in  
 3 full by the county board.

4 A county board may not require any employee or applicant who becomes an employee of  
 5 the board to pay the cost of acquiring a commercial driver's license as a condition of employment.

6 (b) The Division of Motor Vehicles shall accept the West Virginia Department of Education  
 7 physical and psychomotor test result forms in lieu of the Division of Motor Vehicles vision report  
 8 form.

9 (c) A school bus operator candidate or school bus operator who is currently employed by  
 10 a county board or who is otherwise subject to state board rules governing school bus operators  
 11 and who is diagnosed with diabetes mellitus requiring insulin is not ineligible for employment as  
 12 a school bus operator because of the diagnosis if the operator is issued a passenger and school  
 13 bus endorsement for his or her commercial ~~driver~~ driver's license through the ~~intrastate waiver~~  
 14 ~~program pertaining to diabetes~~ of the West Virginia Division of Motor Vehicles, subject to the

15 following:

16 (1) A copy of the information required to be submitted to the Division of Motor Vehicles for  
17 ~~waiver application~~ and proof of passenger and school bus endorsement ~~under the waiver program~~  
18 is submitted to his or her employer; and

19 (2) The operator ~~remains in compliance with~~ follows the stipulations ~~of~~ and grounds for  
20 eligibility per Federal Motor Carrier Safety Administration, Division of Motor Vehicles, and state  
21 board rules ~~for the intrastate waiver.~~

22 (d) If a county board requires of any employee who is employed as an electrician any  
23 license renewal when the employee is exempt from renewing the license pursuant to §29-3B-3 of  
24 this code, the cost of the license renewal is paid in full by the county board.

25 (e) The cost of certification renewal and satisfying the requirements of the West Virginia  
26 Registry of Interpreters is paid in full by the employer for any service person who is:

27 (1) Employed as an educational sign language interpreter I or II and is required to complete  
28 any testing, training or continuing education in order to renew or maintain certification at that level;

29 (2) Employed as an educational sign language interpreter I and is required to complete  
30 any testing, training or continuing education to advance to an educational sign language  
31 interpreter II; or

32 (3) Employed as a sign support specialist and is required to complete any testing, training  
33 or continuing education in order to advance to an educational sign language interpreter I or II.

34 (f) For any service person required to hold certification as a condition of employment, any  
35 time devoted to acquiring or maintaining the certification, including instructional time and training,  
36 constitutes hours of continuing education for purposes of meeting the annual continuing education  
37 requirements in state board policy.

38 (g) Compliance with or failure to comply by a health care provider licensed and authorized  
39 pursuant to chapter thirty of this code, with the reporting requirements of the Division of Motor  
40 Vehicles regarding the provisions of subsection (c) of this section does not constitute negligence,

41 nor may compliance or noncompliance with the requirements of this section be admissible as  
42 evidence of negligence in any civil or criminal action.

NOTE: The purpose of this bill is to make certain clarifications and modifications to the eligibility requirements of school bus operators diagnosed with diabetes mellitus requiring insulin.

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