

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

Senate Bill 267

By Senator Maynard

[Introduced February 12, 2025; referred
to the Committee on Transportation and
Infrastructure]

1 A BILL to amend and reenact §17E-1-12 of the Code of West Virginia, 1931, as amended, relating
2 to permitting holders of commercial driver's licenses that have been downgraded solely as
3 a result of their medical certification becoming expired or invalid to restore their
4 commercial driver's license upon presentation of a valid current medical certification.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. COMMERCIAL DRIVER'S LICENSE.

§17E-1-12. Classifications, endorsements and restrictions.

1 (a) Commercial driver's licenses may be issued with the following classifications:

2 (1) *Class A combination vehicle.* -- Any combination of vehicles with a gross combined
3 vehicle weight rating of twenty-six thousand one pounds or more, provided the gross vehicle
4 weight rating of the vehicle being towed is in excess of ten thousand pounds.

5 (2) *Class B heavy straight vehicle.* -- Any single vehicle with a gross vehicle weight rating of
6 twenty-six thousand one pounds or more and any vehicle towing a vehicle not in excess of ten
7 thousand pounds.

8 (3) *Class C small vehicle.* -- Any single vehicle or combination vehicle that does not fall
9 under either Class A or Class B but are:

10 (A) Vehicles designed to transport sixteen or more passengers, including the driver; and

11 (B) Vehicles used in the transportation of hazardous materials which requires the vehicle to
12 be placarded under 49 C.F.R. Part §172, Subpart F (2004).

13 (4) Each applicant who desires to operate a vehicle in a classification different from the
14 class in which the applicant is authorized is required to retake and pass all related tests except the
15 following:

16 (A) A driver who has passed the knowledge and skills test for a combination vehicle in
17 Class A may operate a heavy straight vehicle in Class B or a small vehicle in Class C provided he
18 or she possesses the required endorsements; and

19 (B) A driver who has passed the knowledge and skills test for a vehicle in Class B may

20 operate any small vehicle in Class C provided he or she possesses the required endorsements.

21 (b) *Endorsements and restrictions.* -- The commissioner upon issuing a commercial
22 driver's license may impose endorsements and restrictions determined by the commissioner to be
23 appropriate to assure the safe operation of a specific class, type or category of motor vehicle or a
24 specifically equipped motor vehicle and to comply with 49 U.S.C., *et seq.*, and 49 C.F.R. §383.93
25 (2004) including, but not limited to, endorsements or restrictions to operate:

26 (1) Double or triple trailers which requires successful completion of a knowledge test;

27 (2) Passenger vehicles which requires successful completion of a knowledge and skills
28 test;

29 (3) Tank vehicles which requires successful completion of a knowledge test;

30 (4) Vehicles used for the transportation of hazardous materials as defined in section three
31 of this article which requires the completion of a knowledge test and a background security risk
32 check in accordance with 49 C.F.R. §1572.5(2004);

33 (5) School buses which requires successful completion of a knowledge and skills test
34 unless the applicant meets the criteria for waiver of the skills test in accordance with 49 C.F.R.
35 §383.123(b)(2004); or

36 (6) Vehicles equipped with air brakes which requires the completion of a skills test.

37 (c) *Applicant record check.* -- Before issuing a commercial driver's license, the
38 commissioner shall obtain driving record and medical certification status information through the
39 commercial driver's license information system, the national driver register and from each state in
40 which the person has been licensed.

41 (d) *Notification of license issuance.* -- Within ten days after issuing a commercial driver's
42 license, the commissioner shall notify the commercial driver's license information system of the
43 issuance and provide all information required to ensure identification of the person.

44 (e) *Expiration of license.* --

45 (1) Every commercial driver's license issued to persons who have attained their twenty-first

46 birthday expires on the applicant's birthday in those years in which the applicant's age is evenly
47 divisible by five. Except as provided in subdivision (2) of this subsection, no commercial driver's
48 license may be issued for less than three years nor more than seven years. The commercial
49 driver's license shall be renewed by the applicant's birthday and is valid for a period of five years,
50 expiring on the applicant's birthday and in a year in which the applicant's age is evenly divisible by
51 five. No commercial driver's license with a hazardous materials endorsement may be issued for
52 more than five years.

53 (2) Every commercial driver's license issued to persons who have not attained their twenty-
54 first birthday expires thirty days after the applicant's birthday in the year in which the applicant
55 attains the age of twenty-one years.

56 (3) Commercial driver's licenses held by any person in the Armed Forces which expire
57 while that person is on active duty remains valid for thirty days from the date on which that person
58 reestablishes residence in West Virginia.

59 (4) Any person applying to renew a commercial driver's license which has been expired for
60 six months or more shall follow the procedures for an initial issuance of a commercial driver's
61 license, including the testing provisions.

62 (5) Any commercial driver's license held by a person who does not possess a valid or
63 current medical certification status is no longer valid for the operation of a commercial motor
64 vehicle and is downgraded to the appropriate licensure level commensurate with the ~~licensees~~
65 licensee's qualifications regardless of the expiration date or indicated class on the face of the
66 license within the time frames prescribed by 49 CFR §383.73(j).

67 (6) A person whose commercial driver's license has been downgraded solely as a result of
68 his or her medical certification becoming expired or invalid may have his or her commercial driver's
69 license restored upon presentation of a valid current medical certification: *Provided*, That this
70 subdivision applies retroactively to any commercial driver's licenses that were downgraded prior to
71 but otherwise valid as of July 1, 2025.

72 (f) When applying for renewal of a commercial driver's license, the applicant shall complete
73 the application form and provide updated information and required certifications.

74 (g) If the applicant wishes to obtain or retain a hazardous materials endorsement, the
75 applicant shall comply with a background check in accordance with 49 U.S.C. §5103a and 49
76 C.F.R. Part §1572 (2004) and subject to the following:

77 (1) The applicant is a citizen of the United States or a lawful permanent resident of the
78 United States;

79 (2) The applicant completes the application prescribed by the division and submits
80 fingerprints in a form and manner prescribed by the division and the United States Department of
81 Homeland Security Transportation Security Administration at the time of application or at any other
82 time in accordance with 49 C.F.R. §1572.5(2004);

83 (3) The applicant pays all fees prescribed by the Transportation Security Administration or
84 its agent and the division;

85 (4) The applicant has not been adjudicated as a mental defective or committed to a mental
86 institution as prescribed in 49 C.F.R. §1572.109(2004);

87 (5) The applicant has not committed a disqualifying criminal offense as described in 49
88 C.F.R. §1572.103(2004);

89 (6) The applicant has passed the Transportation Security Administration security threat
90 assessment and the division has received a final notification of threat assessment or notification of
91 no security threat from the Transportation Security Administration. An appeal of a decision,
92 determination or ruling of the Federal Bureau of Investigation or the Transportation Security
93 Agency shall be directed to that agency; and

94 (7) The applicant has successfully passed the written test for the issuance or renewal of a
95 hazardous material endorsement.

NOTE: The purpose of this bill is to permit holders of commercial driver's licenses that have been downgraded solely as a result of their medical certification becoming expired or invalid to restore their commercial driver's license upon presentation of a valid current

medical certification.

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