

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Enrolled

Committee Substitute

for

Senate Bill 267

BY SENATOR MAYNARD

[Passed April 4, 2025; in effect 90 days from passage (July 3, 2025)]

1 AN ACT to amend and reenact §17E-1-12 of the Code of West Virginia, 1931, as amended,
2 relating to extending the time for renewal and restoration of expired or downgraded
3 commercial driver's licenses.

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 26,001 pounds or more, provided the gross vehicle weight rating of the
4 vehicle being towed is in excess of 10,000 pounds.

5 (2) *Class B heavy straight vehicle.* — Any single vehicle with a gross vehicle weight rating
6 of 26,001 pounds or more and any vehicle towing a vehicle not in excess of 10,000 pounds.

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

9 (A) Vehicles designed to transport 16 or more passengers, including the driver; and

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

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

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

18 (B) A driver who has passed the knowledge and skills test for a vehicle in Class B may
19 operate any small vehicle in Class C provided he or she possesses the required endorsements.

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

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

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

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

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

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

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

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

40 (d) *Notification of license issuance.* — Within 10 days after issuing a commercial driver's
41 license, the commissioner shall notify the commercial driver's license information system of the
42 issuance and provide all information required to ensure identification of the person.

43 (e) *Expiration of license.* —

44 (1) Every commercial driver's license issued to persons who have attained their 21st
45 birthday expires on the applicant's birthday in those years in which the applicant's age is evenly

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

52 (2) Every commercial driver's license issued to persons who have not attained their 21st
53 birthday expires 30 days after the applicant's birthday in the year in which the applicant attains
54 the age of 21 years.

55 (3) Commercial driver's licenses held by any person in the armed forces which expire while
56 that person is on active duty remains valid for 30 days from the date on which that person
57 reestablishes residence in West Virginia.

58 (4) Any person applying to renew a commercial driver's license which has been expired
59 for three years or more shall follow the procedures for an initial issuance of a commercial driver's
60 license, including the testing provisions: *Provided*, That a person whose commercial driver's
61 license has been downgraded solely as a result of his or her medical certification becoming
62 expired or invalid may also have his or her commercial driver's license restored upon presentation
63 of a valid and current medical certification no more than five years after such downgrade without
64 being required to follow the procedures for an initial issuance of a commercial driver's license,
65 including the testing provisions.

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

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

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

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

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

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

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

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

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

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

The Clerk of the Senate and the Clerk of the House of Delegates hereby certify that the foregoing bill is correctly enrolled.

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Clerk of the Senate

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Clerk of the House of Delegates

Originated in the Senate.

In effect 90 days from passage.

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President of the Senate

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Speaker of the House of Delegates

The within is this the.....
Day of, 2025.

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Governor