

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 1025

By Senator M. Maynard

[Introduced February 20, 2026; referred
to the Committee on the Judiciary]

1 A BILL to amend and reenact §17E-1-3 of the Code of West Virginia, 1931, as amended; and to
 2 amend the code by adding a new section, designated §17E-1-14b, relating to commercial
 3 driver licensing; establishing a 10-year grace period for reinstatement of commercial
 4 driving privileges when a commercial driver’s license holder has failed to maintain a
 5 current medical examiner’s certificate; authorizing reinstatement without retesting under
 6 certain conditions; requiring compliance with federal law; and providing rule-making
 7 authority.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. COMMERCIAL DRIVER'S LICENSE.

§17E-1-3. Definitions.

1 Notwithstanding any other provision of this code, the following definitions apply to this
 2 article:

3 ~~(1)~~ "Alcohol" means:

4 (A) Any substance containing any form of alcohol, including, but not limited to, ethanol,
 5 methanol, propenyl and isopropanol;

6 (B) Beer, ale, port or stout and other similar fermented beverages, including sake or similar
 7 products, of any name or description containing one half of one percent or more of alcohol by
 8 volume, brewed or produced from malt, wholly or in part, or from any substitute for malt;

9 (C) Distilled spirits or that substance known as ethyl alcohol, ethanol or spirits of wine in
 10 any form including all dilutions and mixtures thereof from whatever source or by whatever process
 11 produced; or

12 (D) Wine of not less than one half of one percent of alcohol by volume.

13 ~~(2)~~ "Alcohol concentration" means:

14 (A) The number of grams of alcohol per 100 milliliters of blood;

15 (B) The number of grams of alcohol per 210 liters of breath;

16 (C) The number of grams of alcohol per 67 milliliters of urine; or

17 (D) The number of grams of alcohol per 86 milliliters of serum.

18 ~~(3)~~ "At fault traffic accident" means, for the purposes of waiving the road test, a
19 determination of fault by the official filing the accident report as evidenced by an indication of
20 contributing circumstances in the accident report.

21 ~~(4)~~ "Commercial driver's license" means a license or an instruction permit issued in
22 accordance with the requirements of this article to an individual which authorizes the individual to
23 drive a class of commercial motor vehicle.

24 ~~(5)~~ "Commercial driver's license information system" is the information system established
25 pursuant to the Federal Commercial Motor Vehicle Safety Act to serve as a clearinghouse for
26 locating information related to the licensing and identification of commercial motor vehicle drivers.

27 ~~(6)~~ "Commercial driver instruction permit" means a permit issued pursuant to subsection
28 (d), section nine of this article.

29 ~~(7)~~ "Commercial motor vehicle" means a motor vehicle designed or used to transport
30 passengers or property:

31 (A) If the vehicle has a gross combination vehicle weight rating of 26,001 pounds or more
32 inclusive of a towed unit(s) with a gross vehicle weight rating of more than 10,000 pounds;

33 (B) If the vehicle has a gross vehicle weight rating of 26,001 pounds or more;

34 (C) If the vehicle is designed to transport 16 or more passengers, including the driver; or

35 (D) If the vehicle is of any size and transporting hazardous materials as defined in this
36 section.

37 ~~(8)~~ "Commissioner" means the Commissioner of Motor Vehicles of this state.

38 ~~(9)~~ "Controlled substance" means any substance classified under ~~the provisions of~~
39 Chapter 60A of this code, the Uniform Controlled Substances Act, and includes all substances
40 listed on Schedules I through V, inclusive, of §60A-2-1 *et seq.* this code, as revised. The term
41 "controlled substance" also has the meaning such term has under 21 U.S.C. §802.6 and includes
42 all substances listed on Schedules I through V of 21 C.F.R. §1308 as they may be amended by the

43 United States Department of Justice.

44 ~~(10)~~ "Conviction" means an unvacated adjudication of guilt; a determination that a person
45 has violated or failed to comply with the law in a court of original jurisdiction or by an authorized
46 administrative tribunal or proceeding; an unvacated forfeiture of bail or collateral deposited to
47 secure the persons appearance in court; a plea of guilty or nolo contendere accepted by the court
48 or the payment of a fine or court cost or violation of a condition of release without bail regardless of
49 whether or not the penalty is rebated, suspended, or probated.

50 ~~(11)~~ "Division" means the Division of Motor Vehicles.

51 ~~(12)~~ "Disqualification" means any of the following three actions:

52 (A) The suspension, revocation, or cancellation of a driver's license by the state or
53 jurisdiction of issuance.

54 (B) Any withdrawal of a person's privilege to drive a commercial motor vehicle by a state or
55 other jurisdiction as the result of a violation of state or local law relating to motor vehicle traffic
56 control other than parking or vehicle weight except as to violations committed by a special
57 permittee on the coal resource transportation system or vehicle defect violations.

58 (C) A determination by the Federal Motor Carrier Safety Administration that a person is not
59 qualified to operate a commercial motor vehicle under 49 C.F.R. Part §391 (2004).

60 ~~(13)~~ "Drive" means to drive, operate or be in physical control of a motor vehicle in any place
61 open to the general public for purposes of vehicular traffic. For the purposes of §17E-1-12, §17E-
62 1-13 and §17E-1-14 of this code, "drive" includes operation or physical control of a motor vehicle
63 anywhere in this state.

64 ~~(14)~~ "Driver" means a person who drives, operates or is in physical control of a commercial
65 motor vehicle in any place open to the general public for purposes of vehicular traffic or who is
66 required to hold a commercial driver's license.

67 ~~(15)~~ "Driver's license" means a license issued by a state to an individual which authorizes
68 the individual to drive a motor vehicle of a specific class.

69 ~~(16)~~ "Electronic device" includes, but is not limited to, a cellular telephone, personal digital
70 assistant, pager or any other device used to input, write, send, receive, or read text.

71 ~~(17)~~ "Employee" means an operator of a commercial motor vehicle, including full time,
72 regularly employed drivers, casual, intermittent or occasional drivers, leased drivers and
73 independent, owner-operator contractors when operating a commercial motor vehicle, who are
74 either directly employed by or under lease to drive a commercial motor vehicle for an employer.

75 ~~(18)~~ "Employer" means a person, including the United States, a state or a political
76 subdivision of a state, who owns or leases a commercial motor vehicle or assigns a person to drive
77 a commercial motor vehicle.

78 ~~(19)~~ "Endorsement" means an authorization to a person to operate certain types of
79 commercial motor vehicles.

80 ~~(20)~~ "Farm vehicle" includes a motor vehicle or combination vehicle registered to a farm
81 owner or entity operating the farm and used exclusively in the transportation of agricultural or
82 horticultural products, livestock, poultry and dairy products from the farm or orchard on which they
83 are raised or produced to markets, processing plants, packing houses, canneries, railway shipping
84 points and cold storage plants and in the transportation of agricultural or horticultural supplies and
85 machinery to the farms or orchards to be used on the farms or orchards.

86 ~~(21)~~ "Farmer" includes an owner, tenant, lessee, occupant or person in control of the
87 premises used substantially for agricultural or horticultural pursuits who is at least 18 years of age
88 with two years licensed driving experience.

89 ~~(22)~~ "Farmer vehicle driver" means the person employed and designated by the "farmer" to
90 drive a "farm vehicle" as long as driving is not his or her sole or principal function on the farm and
91 who is at least 18 years of age with two years licensed driving experience.

92 ~~(23)~~ "Felony" means an offense under state or federal law that is punishable by death or
93 imprisonment for a term exceeding one year.

94 ~~(24)~~ "Gross combination weight rating (GCWR)" means the value specified by the

95 manufacturer as the loaded weight of a combination, articulated vehicle. In the absence of a value
96 specified by the manufacturer, GCWR will be determined by adding the gross vehicle weight rating
97 (GVWR) of the power unit and the total weight of the towed unit and load, if any.

98 ~~(25)~~ "Gross vehicle weight rating (GVWR)" means the value specified by the manufacturer
99 as the loaded weight of a single vehicle. In the absence of a value specified by the manufacturer,
100 the GVWR will be determined by the total weight of the vehicle and load, if any.

101 ~~(26)~~ "Hazardous materials" means any material that has been designated as hazardous
102 under 49 U.S.C. §5103 and is required to be placarded under subpart F of 49 C.F.R., Part §172 or
103 any quantity of a material listed as a select agent or toxin in 42 C.F.R., Part §73.

104 ~~(27)~~ "Imminent hazard" means existence of a condition that presents a substantial
105 likelihood that death, serious illness, severe personal injury or a substantial endangerment to
106 health, property or the environment may occur before the reasonably foreseeable completion date
107 of a formal proceeding begun to lessen the risk of that death, illness, injury or endangerment.

108 ~~(28)~~ "Issuance of a license" means the completion of a transaction signifying that the
109 applicant has met all the requirements to qualify for, including, but not limited to: The initial
110 issuance of a driver's license, the renewal of a driver's license, the issuance of a duplicate license
111 as a replacement to a lost or stolen driver's license, the transfer of any level of driving privileges
112 including the privilege of operating a commercial motor vehicle from another state or jurisdiction,
113 the changing of driver's license class, restrictions or endorsements or the change of any other
114 information pertaining to an applicant either appearing on the face of a driver's license or within the
115 driver record of the licensee maintained by the division.

116 "Medical certification lapse" means the expiration, suspension, downgrading, or
117 administrative invalidation of a commercial driver's license solely due to the failure of a licensee to
118 maintain a current medical examiner's certificate required under federal law, where no other
119 disqualifying offense is present.

120 ~~(29)~~ "Motor vehicle" means every vehicle which is self-propelled and every vehicle which is

121 propelled by electric power obtained from overhead trolley wires but not operated upon rails.

122 ~~(30)~~ "Noncommercial motor vehicle" means a motor vehicle or combination of motor
123 vehicles not defined by the term "commercial motor vehicle".

124 ~~(31)~~ "Out-of-service order" means a declaration by an authorized enforcement officer of a
125 federal, state, Canadian, Mexican, county or local jurisdiction including any special agent of the
126 Federal Motor Carrier Safety Administration that a driver, a commercial motor vehicle, or a motor
127 carrier operation is out of service pursuant to 49 C.F.R. §§386.72, 392.5, 395.13, 396.9 or
128 compatible laws or the North American uniform out-of-service criteria that an imminent hazard
129 exists.

130 ~~(32)~~ "Violation of an out-of-service order" means:

131 (A) The operation of a commercial motor vehicle during the period the driver was placed
132 out-of-service;

133 (B) The operation of a commercial motor vehicle by a driver after the vehicle was placed
134 out-of-service and before the required repairs are made; or

135 (C) The operation of any commercial vehicle by a motor carrier operation after the carrier
136 has been placed out of service.

137 ~~(33)~~ "School bus" means a commercial motor vehicle used to transport preprimary, primary
138 or secondary school students from home-to-school, from school-to-home or to and from school
139 sponsored events. School bus does not include a bus used as a common carrier.

140 ~~(34)~~ "Serious traffic violation" means conviction for any of the following offenses when
141 operating a commercial motor vehicle:

142 (A) Excessive speeding involving any single offense for any speed of 15 miles per hour or
143 more above the posted limits;

144 (B) Reckless driving as defined in §17C-5-3 of this code and careless or negligent driving,
145 including, but not limited to, the offenses of driving a commercial motor vehicle in willful or wanton
146 disregard for the safety of persons or property;

147 (C) Erratic or improper traffic lane changes including, but not limited to, passing a school
148 bus when prohibited, improper lane changes and other passing violations;

149 (D) Following the vehicle ahead too closely;

150 (E) Driving a commercial motor vehicle without obtaining a commercial driver's license;

151 (F) Driving a commercial motor vehicle without a commercial driver's license in the driver's
152 possession. However, any person who provides proof to the law-enforcement agency that issued
153 the citation, by the date the person must appear in court or pay any fine for such violation, that the
154 person held a valid commercial driver's license on the date the citation was issued, ~~shall~~ may not
155 be guilty of this offense;

156 (G) Driving a commercial motor vehicle without the proper class of commercial driver's
157 license or endorsements for the specific vehicle group being operated or for the passengers or
158 type of cargo being transported;

159 (H) A violation of state or local law relating to motor vehicle traffic control, other than a
160 parking violation, arising in connection with a fatal traffic accident; or

161 (I) Any other serious violations determined by the United States Secretary of
162 Transportation.

163 (J) Vehicle defects are excluded as serious traffic violations except as to violations
164 committed by a special permittee on the coal resource transportation road system.

165 ~~(35)~~ "State" means a state of the United States and the District of Columbia or a province or
166 territory of Canada or a state or federal agency of the United Mexican States.

167 ~~(36)~~ "State of domicile" means the state where a person has his or her true, fixed and
168 permanent home and principle residence and to which he or she has the intention of returning
169 whenever absent in accordance with §17A-3-1a of this code.

170 ~~(37)~~ "Suspension, revocation or cancellation" of a driver's license or a commercial driver's
171 license means the privilege to operate any type of motor vehicle on the roads and highways of this
172 state is withdrawn.

173 ~~(38)~~ "Tank vehicle" means any commercial motor vehicle that is designed to transport any
174 liquid or gaseous materials within a tank that is either permanently or temporarily attached to the
175 vehicle or the chassis. These vehicles include, but are not limited to, cargo tanks and portable
176 tanks as defined in 49 C. F. R. Part 171 (1998). This definition does not include portable tanks
177 having a rated capacity under 1,000 gallons.

178 ~~(39)~~ "Texting" means manually entering alphanumeric text into or reading text from an
179 electronic device.

180 (A) This action includes, but is not limited to, short messaging service, e-mailing, instant
181 messaging and a command or request to access a World Wide Web page or engaging in any other
182 form of electronic text retrieval or entry for present or future communication.

183 (B) Texting does not include:

184 (i) Reading, selecting or entering a telephone number, an extension number or voicemail
185 retrieval codes and commands into an electronic device for the purpose of initiating or receiving a
186 phone call or using voice commands to initiate or receive a telephone call;

187 (ii) Inputting, selecting or reading information on a global positioning system or navigation
188 system; or

189 (iii) Using a device capable of performing multiple functions including, but not limited to,
190 fleet management systems, dispatching devices, smart phones, citizen band radios or music
191 players for a purpose that is not otherwise prohibited by this section

192 ~~(40)~~ "Transportation Security Administration" means the United States Department of
193 Homeland Security Transportation Security Administration.

194 ~~(41)~~ "United States" means the 50 states and the District of Columbia.

195 ~~(42)~~ "Valid or Certified Medical Certification Status" means that an applicant or driver has a
196 current medical evaluation or determination by a licensed physician that the applicant or driver
197 meets the minimum federal motor carrier safety administration physical qualifications within the
198 prescribed time frames pursuant 49 CFR Part §391. Not-certified means that an applicant or driver

199 does not have a current medical evaluation or has not been certified by a licensed physician as
200 meeting the minimum federal motor carrier safety administration physical qualifications pursuant
201 49 CFR Part §391.

202 (43)"Vehicle Group" means a class or type of vehicle with certain operating characteristics.

§17E-1-14b. Ten-year grace period for reinstatement following medical certification lapse.

1 (a) Notwithstanding any other provision of this code, a person who previously held a valid
2 commercial driver's license issued by this state and whose commercial driving privileges were
3 downgraded, suspended, or rendered inactive solely as a result of a medical certification lapse is
4 eligible for reinstatement of commercial driving privileges without being required to retake written
5 or skills examinations, provided that:

6 (1) The lapse period does not exceed 10 years from the date of downgrade, suspension, or
7 invalidation;

8 (2) The applicant submits proof of a valid medical examiner's certificate meeting all
9 requirements of 49 C.F.R. Part 391;

10 (3) The applicant holds a valid non-commercial West Virginia driver's license at the time of
11 application;

12 (4) The applicant has not been disqualified from operating a commercial motor vehicle for
13 any offense requiring disqualification under state or federal law during the lapse period; and

14 (5) All applicable reinstatement and licensing fees are paid.

15 (b) Reinstatement under this section shall restore the applicant's previous class of
16 commercial driver's license and endorsements, except for any endorsement that requires
17 additional federal or state testing.

18 (c) Nothing in this section may be construed to:

19 (1) Waive any requirement relating to drug and alcohol testing, background checks, or
20 security threat assessments required by federal law;

- 21 (2) Prevent the Division of Motor Vehicles from denying reinstatement to any person who
- 22 is otherwise disqualified under state or federal law; or
- 23 (3) Conflict with or supersede federal commercial driver licensing requirements.
- 24 (d) If federal law or regulation prohibits implementation of any portion of this section, the
- 25 Division of Motor Vehicles shall implement the remainder to the maximum extent permitted.
- 26 (e) The Division of Motor Vehicles may propose legislative rules in accordance with §29A-
- 27 3-1 et seq. of this code to implement and administer this section.
- 28 (f) Legislative Intent -- It is the intent of the Legislature to:
- 29 (1) Address workforce shortages in the commercial transportation industry;
- 30 (2) Allow experienced commercial drivers who were sidelined solely due to administrative
- 31 medical certification lapses to return to work efficiently;
- 32 (3) Maintain public safety by requiring current medical fitness and preserving all federal
- 33 disqualification standards; and
- 34 (4) Ensure continued compliance with federal commercial driver licensing requirements.

NOTE: The purpose of this bill is to establish a 10-year grace period for reinstatement of commercial driving privileges when a commercial driver's license holder has failed to maintain a current medical examiner's certificate and to authorize reinstatement without retesting under certain conditions.

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