

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 4551

By Delegates Brooks, Horst, Pritt, Green, Martin, and
Toney

[Introduced January 20, 2026; referred to the
Committee on Government Organization]

A BILL amend and reenact §17E-1-9 and §17E-1-25 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Safe Trucking Act of 2026; requiring commercial drivers in the state to have a valid work visa and proof of citizenship and providing penalties for commercial carriers and drivers who fail to satisfy these requirements.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. COMMERCIAL DRIVER'S LICENSE.
§17E-1-9. Commercial driver's license qualification standards.

(a) No person may be issued a commercial driver's license unless that person is a resident of this state and has passed a knowledge and skills test for driving a commercial motor vehicle, which complies with minimum federal standards established by federal regulations enumerated in 49 C.F.R. Part 383, Subparts G and H, and has satisfied all other requirements of the Federal Motor Carrier Safety Improvement Act of 1999 in addition to other requirements imposed by state law or federal regulations.

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

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

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

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

(d) The commissioner may waive the skills test specified in this section for a commercial

driver license applicant who meets the requirements of 49 C.F.R. Part 383.77 and the requirements specified by the commissioner.

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

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

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

(2) The commercial instruction permit may not be issued for a period to exceed one year. The holder of a commercial driver's instruction permit may drive a commercial motor vehicle on a highway only when accompanied by the holder of a commercial driver's license valid for the type of vehicle driven, who is 21 years of age or older, who is alert and unimpaired, and who occupies a seat beside the individual for the purpose of giving instruction or testing.

(3) Only to a person who is at least 18 years of age.

(4) The applicant for a commercial driver's instruction permit shall also be otherwise qualified to hold a commercial driver's license.

(d) Starting July 1, 2026, A person holding a non-domiciled commercial driver license or non-domiciled commercial learner's permit within this state shall also possess a valid work visa

46 and provide proof of citizenship to validate his or her identity while operating a commercial motor
47 vehicle. Proof of citizenship shall be demonstrated through presentation of a birth certificate,
48 naturalization certificate, or valid passport.

49 (1) As used in this subsection, a non-domiciled commercial driver license or non-domiciled
50 commercial learner permit shall have the same meaning as that provided in 49 C.F.R., Section
51 383.5.

52 (e) The provisions of subsection (d) and subsections (d), (e), and (f) of §17E-1-25 of this
53 code shall be known as the "West Virginia Safe Trucking Act of 2026".

§17E-1-25. Penalties.

1 (a) It is a misdemeanor for any person to violate any of the provisions of this chapter unless
2 the violation is by this chapter or other law of this state, declared to be a felony.

3 (b) Unless another penalty is provided in this chapter or by the laws of this state, every
4 person convicted of a misdemeanor for the violation of any provisions of this chapter shall be fined
5 not less than \$100 nor more than \$1,000, or confined for not more than six months in jail, or both
6 fined and confined, except that for the second violation of section seven of this article and, upon
7 conviction thereof, the offender shall be fined not less than \$500 nor more than \$2,000 or confined
8 for not less than six months nor more than nine months in jail, or both fined and confined. For the
9 third or any subsequent conviction for violation of section seven of this article, upon conviction
10 thereof, the offender shall be fined not less than one \$1,000 nor more than \$2,500, or confined for
11 not less than nine months nor more than one year in the county jail, or both fined and confined.

12 (c) The division shall impose a civil penalty, in addition to any penalty required under the
13 provisions of this section on any driver who is convicted of violating subsection (e), section thirteen
14 of this article. The penalty shall be \$2,500 for the first offense and \$5,000 for each subsequent
15 offense.

16 (d) A commercial motor carrier whose driver is found to be in violation of §17E-1-9(d) of this
17 code shall be fined up to \$3,000 for each violation.

18 (e) A driver found to be in violation of §17E-1-9(d) of this code is prohibited from operating
19 a commercial motor vehicle within this state until such a time that the driver can meet the
20 identification provisions of that subsection. Any driver found to be operating a motor vehicle within
21 this state while under such prohibition shall be guilty of a misdemeanor and upon conviction shall
22 be fined up to \$1,000, imprisoned for up to 90 days, or both such fine and imprisonment.

23 (f) The commercial motor carrier shall be notified of the location of any commercial motor
24 vehicle involved in a violation of §17E-1-9(d) of this code, and, upon payment of the fine in full and
25 presentation of a driver who meets all requirements to operate a commercial motor vehicle within
26 this state, shall take possession of the vehicle. If the commercial motor carrier is unable to either
27 pay such fine or present such driver within 12 hours after notification, the owner of any cargo being
28 transported by the commercial motor vehicle shall be notified and allowed to arrange for the
29 transfer of the cargo to another vehicle. Neither the state nor the owner of such cargo shall be
30 liable for any reasonable action to transfer such cargo.

NOTE: The purpose of this bill is to create the West Virginia Safe Trucking Act of 2026.

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