

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **House Bill 4718**

By Delegates Funkhouser, Kump, Ridenour, Ferrell,  
Marple, Heckert, Phillips, Kimble, Martin, Butler, and  
Horst

[Introduced January 22, 2026; referred to the  
Committee on Government Organization then the  
Judiciary]

1 A BILL to amend and reenact §17E-1-7 of the Code of West Virginia, 1931, as amended, relating to  
2 the Uniform Commercial Driver's License Act; adding identification requirements for  
3 nonresident persons operating a commercial vehicle in West Virginia; providing that those  
4 persons possess a valid work visa and provide proof of citizenship to validate his or her  
5 identity while operating a commercial motor vehicle and that they demonstrate proficiency  
6 of the English language sufficient to converse with the general public, understand highway  
7 traffic signs and signals in the English language; respond to official inquiries, and make  
8 entries on reports and records; allowing the Commissioner to adopt the Even Exchange  
9 Program of the Federal Motor Carrier Safety Administration (FMCSA), a military skills test  
10 waiver; and relating to providing misdemeanor penalties and fines for violations.

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

**ARTICLE 1. COMMERCIAL DRIVER'S LICENSE.**

**§17E-1-7. Commercial driver's license required; disqualification for driving without valid  
license.**

1 (a) On or after April 1, 1992, except when driving under a commercial driver's instruction  
2 permit accompanied by the holder of a commercial driver's license valid for the vehicle being  
3 driven, no person may drive a commercial motor vehicle unless the person holds a commercial  
4 driver's license and applicable endorsements valid for the vehicle they are driving.

5 (b) No person may drive a commercial motor vehicle while their driving privilege is  
6 suspended, revoked, canceled, expired, subject to a disqualification or in violation of an out-of-  
7 service order.

8 (c) Drivers of a commercial motor vehicle shall have a commercial driver's license in their  
9 possession at all times while driving.

10 (d) The Commissioner shall suspend for a period of 60 days the driving privileges of any  
11 person who is convicted of operating a commercial motor vehicle:

12 (1) Without holding a valid commercial driver's license and the applicable endorsements

13 valid for the vehicle he or she is driving in accordance with subsection (a) of this section, or  
14 (2) For any conviction for operating a commercial motor vehicle while his or her privilege to  
15 operate a motor vehicle were suspended, revoked, canceled or while disqualified from operating a  
16 commercial motor vehicle in accordance with subsection (b) of this section.

17 (e) Any person not holding a commercial driver's license who is convicted of an offense  
18 that requires disqualification from operating a commercial motor vehicle shall also be disqualified  
19 from eligibility for a commercial driver's license for the same time periods as prescribed in federal  
20 law or rule or §17E-1-13 of this code for commercial driver's license holders.

21 (f) The Commissioner shall suspend the driver's license or the privilege to drive in this state  
22 of any holder of a commercial driver's license or operator of a commercial motor vehicle upon  
23 receiving notice from another state or jurisdiction of failure to pay fines, costs, forfeitures or  
24 penalties imposed or failure to appear or failure to respond for any violation of a state or local law  
25 relating to motor vehicle traffic control in accordance with 49 C.F.R. §384.225 (2009). A  
26 suspension under this section will continue until the person provides proof of compliance from the  
27 court and pays the reinstatement fee provided in §17B-3-9 of this code.

28 (g) Effective on the date of passage of this amendment, a person holding a non-domiciled  
29 commercial driver license or non-domiciled commercial learner's permit within this state shall also  
30 possess a valid work visa and provide proof of citizenship to validate his or her identity while  
31 operating a commercial motor vehicle. Proof of citizenship shall be demonstrated through  
32 presentation of a birth certificate, naturalization certificate, or valid passport. An operator of a  
33 commercial motor vehicle within this state shall be able to demonstrate proficiency of the English  
34 language sufficient to converse with the general public; understand highway traffic signs and  
35 signals in the English language; respond to official inquiries; and make entries on reports and  
36 records.

37 (1) A commercial motor carrier whose driver is found to be in violation of this section is  
38 subject to a fine in the amount of \$3,000 for each violation. A driver found to be in violation of this

39 section shall be prohibited from operation of a commercial motor vehicle within this state until such  
40 time that the driver is able to meet the identification provisions of this section. Any driver found to  
41 be operating a motor vehicle within this state while under this prohibition is guilty of a  
42 misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000 or confined in jail  
43 not more than 90 days, or both fined and confined.

44 (2) The commercial motor carrier shall be notified of the location of any commercial motor  
45 vehicle involved in a violation, and, upon payment of the fine in full and presentation of a driver who  
46 meets all requirements to operate a commercial motor vehicle within this state, shall take  
47 possession of the vehicle. If the commercial motor carrier is unable to either pay such fine or  
48 present the driver within 12 hours after notification, the owner of any cargo being transported by  
49 the commercial motor vehicle shall be notified and allowed to arrange for the transfer of the cargo  
50 to another vehicle. Neither the state nor the owner of such cargo shall be liable for any reasonable  
51 action to transfer such cargo.

52 (3) The Commissioner may adopt the Even Exchange Program of the Federal Motor  
53 Carrier Safety Administration (FMCSA), a military skills test waiver, to be used by service  
54 members who are currently licensed and who are or were employed within the past year in a  
55 military position requiring the operation of a military motor vehicle equivalent to a commercial  
56 motor vehicle. This waiver shall allow a qualified service member to apply for a commercial driver  
57 license (CDL) without skills testing; and drivers with two years' experience safely operating heavy  
58 military vehicles to obtain a commercial driver's license (CDL) without taking the driving test (skills  
59 test). The commissioner may also allow a first responder who is a firefighter or emergency  
60 responder who was employed within the past year in a position requiring the operation of a  
61 commercial motor vehicle to apply for a commercial driver license (CDL) without skills testing.

NOTE: The purpose of this bill is to add identification requirements for nonresident persons operating a commercial vehicle in West Virginia. The bill provides that those persons possess a valid work visa and provide proof of citizenship to validate his or her identity while

operating a commercial motor vehicle and that they demonstrate proficiency of the English language sufficient to converse with the general public, understand highway traffic signs and signals in the English language; respond to official inquiries, and make entries on reports and records. Misdemeanor penalties and fines for violations are provided. The bill also allows the Commissioner to adopt the Even Exchange Program of the Federal Motor Carrier Safety Administration (FMCSA), a military skills test waiver and to permit first responders to apply for a CDL without skills testing.

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