

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

**Introduced**

### **Senate Bill 845**

By Senator Maynard

[Introduced February 19, 2024; 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 requiring yearly renewal of commercial driver's licenses; providing for the reinstatement  
3 of revoked or expired commercial driver's licenses due to inactive status and lack of  
4 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~~

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

(1) Licenses shall expire on a yearly basis if the driver does not satisfy the requirements of license renewal contained in §17E-1-12(f) of this code.

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

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

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

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commercial driver's license held by a person who does not possess a valid or current medical certification status is no longer valid for the operation of a commercial motor vehicle and is downgraded to the appropriate licensure level commensurate with the licensee's qualifications regardless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

(6) Any licenses which have been revoked or expired due to lack of a medical certification while inactive shall be restored when the driver has completed his most recent medical certification and satisfied the requirements of §17E-1-12(f) of this code.

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 (f) An application for license renewal must be filed yearly by the driver, whether active or  
75 inactive. Medical certification shall be supplied yearly during the license renewal process. All  
76 currently issued licenses shall begin requiring yearly license renewals at the expiration of their  
77 current licensing. All drivers, whether active or inactive, will be required to submit yearly license  
78 renewal applications and shall be treated the same regardless of status.

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

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

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

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

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

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

94 (6) The applicant has passed the Transportation Security Administration security threat  
95 assessment and the division has received a final notification of threat assessment or notification of  
96 no security threat from the Transportation Security Administration. An appeal of a decision,  
97 determination or ruling of the Federal Bureau of Investigation or the Transportation Security

98 Agency shall be directed to that agency; and

99 (7) The applicant has successfully passed the written test for the issuance or renewal of a

100 hazardous material endorsement.

NOTE: The purpose of this bill is to require yearly renewal of commercial driver's licenses and provide for the reinstatement of revoked or expired commercial driver's licenses due to inactive status and lack of 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.