WEST VIRGINIA CODE: §17E-1-12

§17E-1-12. Classifications, endorsements, and restrictions.

(a) Commercial driver's licenses may be issued with the following classifications:

(1) Class A combination vehicle. – Any combination of vehicles with a gross combined vehicle weight rating of 26,001 pounds or more, provided the gross vehicle weight rating of the vehicle being towed is in excess of 10,000 pounds.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) Expiration of license. –

(1) Every commercial driver's license issued to persons who have attained their 21st 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.

(2) Every commercial driver's license issued to persons who have not attained their 21st birthday expires 30 days after the applicant's birthday in the year in which the applicant attains the age of 21 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 30 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 three years or more shall follow the procedures for an initial issuance of a commercial driver's license, including the testing provisions: *Provided*, That a person whose commercial driver's license has been downgraded solely as a result of his or her medical certification becoming expired or invalid may also have his or her commercial driver's license restored upon presentation of a valid and current medical certification no more than five years after such downgrade without being required to follow the procedures for an initial issuance of a

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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 C.F.R. § 383.73(j).

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

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

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

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

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

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

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

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

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

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