# WEST VIRGINIA CODE: §17E-1-9

**§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.

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(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.

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