WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1989

ENROLLED
Committee Substitute for
SENATE BILL NO. 509

(By Senator Tucker, Mr. President, et al)

PASSED April 7, 1989
In Effect 90 days from Passage
AN ACT to amend the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new chapter, designated chapter seventeen-e, establishing the Uniform Commercial Driver's License Act; definitions; setting forth limitations on the number of commercial driver's licenses; providing for notification by the driver; setting forth employer responsibilities; requiring a commercial driver's license; establishing exemptions to the commercial driver's license requirements; setting commercial driver license qualification standards; providing for third party testing; indemnification of driver examiners; waiver of skills test; limitations on issuance of license; establishing a commercial driver's instruction permit; setting forth the application requirements and information needed for a commercial driver's license; providing for classifications, endorsements and restrictions; establishing an applicant record check; providing for the notification of license issuance; establishing expiration of license and license renewal procedures; establishing disqualification offenses and cancellation of a commercial motor vehicle license;
prohibiting a commercial driver from operating with any alcohol in their system; establishing implied con­sent requirements for commercial motor vehicle driv­ers; providing for notification of traffic convictions; requiring driving record information to be furnished; providing for rule-making authority; providing for authority to enter agreements; providing for recipro­city; setting forth a severability and savings clause; establishing effective dates; providing for funding for the commercial driver’s license, providing for fees and establishing a special revolving fund; providing enforce­ment; and criminal penalties.

Be it enacted by the Legislature of West Virginia:

That the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new chapter, designated chapter seventeen-e, to read as follows:

CHAPTER 17E. UNIFORM COMMERCIAL DRIVER’S LICENSE ACT.

ARTICLE 1. COMMERCIAL DRIVER’S LICENSE.

§17E-1-1. Short title.

This article may be cited as the “Uniform Commercial Driver’s License Act.”

§17E-1-2. Statement of intent and purpose.

The purpose of this article is to implement the federal commercial motor vehicle safety act of 1986 (Title XII of Public Law 99570) and reduce or prevent commercial motor vehicle accidents, fatalities and injuries by:

(a) Permitting commercial drivers to hold only one license;

(b) Disqualifying commercial drivers who have committed certain serious traffic offenses; and

(c) Strengthening licensing and testing standards.

This article is a remedial law and shall be liberally construed to promote the public health, safety and
welfare. Where this article is silent, the general driver licensing provisions apply.

§17E-1-3. Definitions.

1. Notwithstanding any other provision of this code, the following definitions apply to this article:

"Alcohol" means:

(a) Any substance containing any form of alcohol, including, but not limited to, ethanol, methanol, propanol and isopropanol;

(b) Beer, ale, port or stout and other similar fermented beverages (including sake or similar products) of any name or description containing one half of one percent or more of alcohol by volume, brewed or produced from malt, wholly or in part, or from any substitute therefor;

(c) Distilled spirits or that substance known as ethyl alcohol, ethanol, or spirits of wine in any form (including all dilutions and mixtures thereof from whatever source or by whatever process produced); or

(d) Wine of not less than one half of one percent of alcohol by volume.

"Alcohol concentration" means:

(a) The number of grams of alcohol per one hundred milliliters of blood; or

(b) The number of grams of alcohol per two hundred ten liters of breath; or

(c) The number of grams of alcohol per sixty-seven milliliters of urine.

"Commercial driver license" means a license issued in accordance with the requirements of this article to an individual which authorizes the individual to drive a class of commercial motor vehicle.

"Commercial driver license information system" is the information system established pursuant to the federal commercial motor vehicle safety act to serve as a clearinghouse for locating information related to the
licensing and identification of commercial motor vehicle drivers.

"Commercial driver instruction permit" means a permit issued pursuant to subsection (e), section nine of this article.

"Commercial motor vehicle" means a motor vehicle designed or used to transport passengers or property;

(a) If the vehicle has a gross vehicle weight rating as determined by federal regulation;

(b) If the vehicle is designed to transport sixteen or more passengers, including the driver; or

(c) If the vehicle is transporting hazardous materials and is required to be placarded in accordance with 49 C.F.R. part 172, sub-part F.

"Commissioner" means the commissioner of motor vehicles of this state.

"Controlled substance" means any substance so classified under the provisions of chapter sixty-a of this code (uniform controlled substances act) and includes all substances listed on Schedules I through V, article two of said chapter sixty-a, as they may be revised from time to time.

"Conviction" means the final judgment in a judicial or administrative proceeding or a verdict or finding of guilty, a plea of guilty, a plea of nolo contendere, an implied admission of guilt or a forfeiture of bond or collateral upon a charge of a disqualifying offense, as a result of proceedings upon any violation of the requirement of this article.

"Department" means the department of motor vehicles.

"Disqualification" means a prohibition against driving a commercial motor vehicle.

"Drive" means to drive, operate or be in physical control of a motor vehicle in any place open to the general public for purposes of vehicular traffic. For purposes of sections twelve, thirteen and fourteen of
this article "drive" includes operation or physical
control of a motor vehicle anywhere in this state.

"Driver" means any person who drives, operates or
is in physical control of a commercial motor vehicle, in
any place open to the general public for purposes of
vehicular traffic, or who is required to hold a commer-
cial driver license.

"Driver license" means a license issued by a state to
an individual which authorizes the individual to drive
a motor vehicle of a specific class.

"Employee" means a person who is employed by an
employer to drive a commercial motor vehicle, includ-
ing independent contractors. An employee who is
employed by himself or herself as a commercial motor
vehicle driver must comply with both the require-
ments of this article pertaining to employees and
employers.

"Employer" means any person, including the United
States, a state, or a political subdivision of a state, who
owns or leases a commercial motor vehicle, or assigns
a person to drive a commercial motor vehicle.

"Farm vehicle" includes a motor vehicle or combi-
nation vehicle registered to the farm owner or entity
operating the farm and used exclusively in the trans-
portation of agricultural or horticultural products,
livestock, poultry and dairy products from the farm or
orchard on which they are raised or produced to
markets, processing plants, packing houses, canneries,
 railway shipping points and cold storage plants and in
the transportation of agricultural or horticultural
supplies and machinery to such farms or orchards to
be used thereon.

"Farmer" includes, but is not limited to, owner,
tenant, lessee, occupant or person in control of the
premises used substantially for agricultural or horti-
cultural pursuits, who is at least eighteen years of age
with two years licensed driving experience.

"Farmer vehicle driver" means the person
employed and designated by the "farmer" to drive a
“farm vehicle” as long as driving is not his sole or principal function on the farm, who is at least eighteen years of age with two years licensed driving experience.

“Gross vehicle weight rating” means the value specified by the manufacturer as the maximum loaded weight of a single or a combination (articulated) vehicle, or registered gross weight, whichever is greater. The gross vehicle weight rating of a combination (articulated) vehicle (commonly referred to as the “gross combination weight rating”) is the gross vehicle weight rating of the power unit plus the gross vehicle weight rating of the towed unit or units.

“Hazardous materials” has the meaning as that found in Section 103 of the Hazardous Materials Transportation Act (49 App. U.S.C. 1801 et seq.).

“Motor vehicle” means every vehicle which is self-propelled, and every vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails.

“Out-of-service order” means a temporary prohibition against driving a commercial motor vehicle.

“Serious traffic violation” means:

(a) Operating a motor vehicle under the influence of alcohol or a controlled substance in violation of the provisions of section two, article five, chapter seventeen-c of this code;

(b) Failure to stop and render aid and provide required information after involvement in a motor vehicle accident resulting in death, injury or property damage, as provided in section five, article three, chapter seventeen-b and sections one through five, inclusive, article four, chapter seventeen-c of this code;

(c) A felony in the commission of which a motor vehicle is used; as stated in subsection (2), section five, article three, chapter seventeen-b of this code;

(d) Excessive speeding defined as fifteen miles per hour in excess of all posted limits;
(e) Reckless driving as defined in section three, article five, chapter seventeen-c of this code including erratic lane changes and following the vehicle ahead too closely;

(f) A violation of state or local law relating to motor vehicle traffic control (other than a parking violation) arising in connection with a fatal traffic accident. Vehicle weight and vehicle defects are excluded as serious traffic violations;

(g) Violation of an out-of-service order; or

(h) Any other serious violations as may be determined by the U. S. Secretary of Transportation.

“State” means a state of the United States and the District of Columbia.

“At fault traffic accident” means for the purposes of waiving the road test, a determination, by the official filing the accident report, of fault as evidenced by an indication of contributing circumstances in the accident report.

§17E-1-4. Limitation on number of driver’s licenses.

No person who drives a commercial motor vehicle may have more than one driver license at one time except during the ten-day period beginning on the date the person is issued a driver’s license.

§17E-1-5. Notification required by driver.

(a) Notification of convictions.

(1) To state. — Any driver of a commercial motor vehicle holding a driver’s license issued by this state, who is convicted of violating any state law or local ordinance relating to motor vehicle traffic control, in any other state or federal, provincial, territorial or municipal laws of Canada, other than parking violations, shall notify the West Virginia department of motor vehicles in the manner specified by the commissioner within thirty days of the date of conviction.

(2) To employers. — Any driver of a commercial motor vehicle holding a driver’s license issued by this
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13 state, who is convicted of violating any state law or
14 local ordinance relating to motor vehicle traffic control
15 in this state or any other state or federal, provincial,
16 territorial or municipal laws of Canada, other than
17 parking violations, must notify his or her employer in
18 writing of the conviction within thirty days of the date
19 of conviction.

20 (b) Notification of suspensions, revocations, cancella-
21 tions and expiration. — Each driver whose driver's
22 license is suspended, revoked, canceled, or expired, by
23 any state, who loses the privilege to drive a commer-
24 cial motor vehicle in any state for any period, or who
25 is disqualified from driving a commercial motor
26 vehicle for any period, must notify his or her
27 employer of that fact before the end of the business
28 day following the day the driver received notice of
29 that fact.

30 (c) Notification of previous employment. — Each
31 person who applies to be a commercial motor vehicle
32 driver must provide the employer, at the time of the
33 application, with the following information for the ten
34 years preceding the date of application:

35 (1) A list of the names and addresses of the appli-
36 cant’s previous employers for which the applicant was
37 a driver of a commercial motor vehicle;

38 (2) The dates between which the applicant drove for
39 each employer; and

40 (3) The reason for leaving that employer. The
41 applicant must certify that all information furnished is
42 true and complete. An employer may require an
43 applicant to provide additional information.

§17E-1-6. Employer responsibilities.

1 (a) Each employer must require the applicant to
2 provide the information specified in section five of this
3 article.

4 (b) No employer may knowingly allow, permit, or
5 authorize a driver to drive a commercial motor vehicle
6 during any period:
§17E-1-7. Commercial driver’s license required.

(a) On or after the first day of April, one thousand nine hundred ninety-two, except when driving under a commercial driver’s instruction permit accompanied by the holder of a commercial driver’s license valid for the vehicle being driven, no person may drive a commercial motor vehicle unless the person holds a commercial driver’s license and applicable endorsements valid for the vehicle they are driving.

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

(c) Drivers of a commercial motor vehicle must have a commercial driver’s license in their possession at all times while driving.

§17E-1-8. Exemptions to the commercial driver’s license requirements.

(a) Farmers. — Bona fide farmers or farm vehicle drivers, as defined, operating a vehicle otherwise covered by the commercial driver’s license requirements may be exempted from the provisions of this article only if the vehicle used is:

(1) Driven by a farmer or farm vehicle driver;

(2) Used only to transport either agricultural products, farm machinery, farm supplies, to or from a farm;

(3) Not used in the operation of a common or
Farmers who wish to be exempted from the commercial driver's license requirements must apply to the department of motor vehicles for a certificate of exemption.

(b) Military personnel. — Military personnel, including the national guard and reserve will be exempt from the provision of this article, only:

(1) When in uniform; and

(2) Operating equipment owned by the United States department of defense, except during declared emergencies or disaster situations; and

(3) On duty; and

(4) In possession of a valid classified military driver's license for the class of vehicle being driven.

(c) Fire fighting and rescue equipment. — Operators of vehicles authorized to hold an “authorized emergency vehicle permit” for use of red signal lights only are exempt from the provision of this article while the “authorized emergency vehicle permit” is in force. Vehicles in this class include, but are not limited to, fire fighters and rescue equipment:

(1) Owned and operated by state, county and municipal fire departments.

(2) Owned and operated by state, county and municipal civil defense organizations.

(3) Owned and operated by a manufacturer engaged in a type of business that requires fire fighter equipment to protect the safety of their plants and its employees.

(4) Owned and operated by volunteer fire departments.

(d) The Commercial Motor Vehicles Safety Act of 1986, exempts vehicles used exclusively for personal

(a) On or after the first day of July, one thousand nine hundred eighty-nine, the conversion process will phase out the existing West Virginia chauffeur's license which shall expire by the first day of April, one thousand nine hundred ninety-two. At the expiration of a chauffeur's license between the first day of July, one thousand nine hundred eighty-nine, and the first day of April, one thousand nine hundred ninety-two, an individual must either qualify for a commercial driver's license or renew with an operator's license. Any one holding an operator's license on the first day of July, one thousand nine hundred eighty-nine, who either drives a commercial motor vehicle or expects to drive a commercial motor vehicle must qualify for a commercial driver's license by April, one thousand nine hundred ninety-two.

Those who qualify for a commercial driver's license after the first day of July, one thousand nine hundred eighty-nine, will be issued a provisional commercial driver's license. The provisional commercial driver's license will be valid until the driver's history record has been checked and recorded with the national commercial driver's license information system. If the record checks indicate no disqualifying problem, the qualified driver will be issued a full commercial driver's license at no additional fee. All provisional commercial driver licenses will expire no later than the first day of April, one thousand nine hundred ninety-two.

(b) (1) General. — 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, sub-parts G and H, and has satisfied all
other requirements of the Federal Commercial Motor Vehicle Safety Act in addition to other requirements imposed by state law or federal regulations. The tests will be administered by the department of public safety according to rules promulgated by the commissioner.

(2) *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: Provided, That (i) the test is the same which would otherwise be administered by the state and (ii) the party has entered into an agreement with the state which complies with the requirements of 49 C.F.R. party 383.75.

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

(4) Monitoring of third party testing will be carried out by the department of public safety according to rules promulgated by the commissioner.

(c) *Waiver of skills test.* — 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 those requirements specified by the commissioner.

(d) *Limitations on issuance of license.* — 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, or while the person’s driver’s license is suspended, revoked or canceled in any state;
nor may a commercial driver's license be issued by
any other state unless the person first surrenders all
such licenses to the department, which must be
returned to the issuing state(s) for cancellation.

(e) Commercial driver's instruction permit. — (1) A
commercial driver's instruction permit may be issued
to an individual who holds a valid operator or Class
"D" driver license who has passed the vision and
written tests required for issuance of a commercial
driver license. (2) The commercial instruction permit
may not be issued for a period to exceed six months.
Only one renewal or reissuance may be granted
within a two-year period. 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 license valid for
the type of vehicle driven who occupies a seat beside
the individual for the purpose of giving instruction or
testing. (3) A commercial driver's instruction permit
may only be issued to an individual who is at least
eighteen years of age and has held an operator's or
junior operator's license for at least two years. (4) The
applicant for a commercial driver's instruction permit
must also be otherwise qualified to hold a commercial
driver's license.

§17E-1-10. Application for commercial driver's license.
(a) The application for a commercial driver's license
or commercial driver's instruction permit, must
include at least the following:

(1) The full name and current mailing and residential
address of the person;
(2) A physical description of the person including
sex, height, weight, eye and hair color;
(3) Date of birth;
(4) The applicant’s social security number;
(5) The person’s signature;
(6) The person’s color photograph;
(7) Certifications including those required by 49 C.F.R. part 383.71(a);
(8) Any other information required by the commissioner; and
(9) A consent to release driving record information.
(b) When a licensee changes his or her name, mailing address or residence, an application for a duplicate license must be made.
(c) No person who has been a resident of this state for thirty days or more may drive a commercial motor vehicle under the authority of a commercial driver's license issued by another jurisdiction.

The commercial driver's license must be marked "commercial driver's license" or "CDL," and must be, to the maximum extent practicable, tamper proof. It must include, but not be limited to, the following information:

(a) The name and residential address of the person;
(b) The person's color photograph;
(c) A physical description of the person including sex, height, weight, eye, and hair color;
(d) Date of birth;
(e) The person's signature;
(f) The class or type of commercial motor vehicle or vehicles which the person is authorized to drive together with any endorsement(s) or restriction(s);
(g) The name of this state;
(h) The dates between which the license is valid; and
(i) Social security number.

§17E-l-12. Classifications, endorsements and restrictions.
Commercial driver's licenses may be issued, with the following classifications, endorsements, and restrictions; the holder of a valid commercial driver's
license may drive all vehicles in the class for which
that license is issued, and all lesser classes of vehicles
and vehicles which require an endorsement, unless
the proper endorsement appears on the license:

(a) Classifications:

Class A - Any combination of vehicles with a gross
vehicle weight rating of twenty-six thousand one
pounds or more, provided the gross vehicle weight
rating of the vehicle(s) being towed is in excess of ten
thousand pounds or is a semi-trailer or a trailer with
two or more axles.

Class B - Any single vehicle with a gross vehicle
weight rating of twenty-six thousand one pounds or
more, and any such vehicle towing a vehicle not in
excess of ten thousand pounds or is a semi-trailer or
a trailer with two or more axles.

Class C - Any single vehicle with a gross vehicle
weight rating of less than twenty-six thousand one
pounds or any such vehicle towing a vehicle with a
gross vehicle weight rating not in excess of ten
thousand pounds comprising:

(1) Vehicles designed to transport sixteen or more
passengers, including the driver; and

(2) Vehicles used in the transportation of hazardous
materials which requires the vehicle to be placarded
under 49 C.F.R., part 172, sub-part F.

Class D - Automobiles, pickup trucks, and all other
motor vehicles not specified in Class A, B, and C.

(b) Endorsements and restrictions:

"H" Authorizes the driver to drive a vehicle trans-
porting hazardous materials.

"K" Restricts the driver to vehicles not equipped
with airbrakes.

"T" Authorizes driving double and triple trailers.

"P" Authorizes driving vehicles carrying passengers.

"N" Authorizes driving tank vehicles.
“X” Represents a combination of hazardous materials and tank vehicle endorsements.

(c) Applicant record check. — Before issuing a commercial driver's license, the commissioner must obtain driving record 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 ten days after issuing a commercial driver's license, the commissioner shall notify the commercial driver's license information system of that fact, providing all information required to ensure identification of the person.

(e) Expiration of license. — The commercial driver's license shall expire four years from date of issuance.

Commercial driver's licenses held by any person in the armed forces which expire while that person is on active duty shall remain valid for thirty days from the date on which that person reestablishes residence in West Virginia.

Any person applying to renew a commercial driver's license which has been expired for two years or more must follow the procedures for an initial issuance of a commercial driver's license, including the testing provisions.

(f) License renewal procedures. — When applying for renewal of a commercial driver's license, the applicant must complete the application form, providing updated information and required certifications. If the applicant wishes to retain a hazardous materials endorsement, the written test for a hazardous materials endorsement must be taken and passed.


(a) Disqualification offenses. — On or after the first day of April, one thousand nine hundred ninety-two, any person is disqualified from driving a commercial motor vehicle for a period of not less than one year if
convicted of a first violation of:

1. Driving a commercial motor vehicle under the influence of alcohol or a controlled substance;
2. Driving a commercial motor vehicle while the alcohol concentration of the person’s blood or breath is four hundredths or more;
3. Leaving the scene of an accident involving a commercial motor vehicle driven by the person;
4. Using a commercial motor vehicle in the commission of any felony as defined in this article;
5. Refusal to submit to a test to determine the driver’s alcohol concentration while driving a commercial motor vehicle.

In addition, the conviction of any of the following offenses as an operator of any vehicle is a disqualification offense:

1. Manslaughter or negligent homicide resulting from the operation of a motor vehicle as defined under the provision of section five, article three, chapter seventeen-b, and section one, article five, chapter seventeen-c of this code;
2. Driving while license is suspended or revoked, as defined under the provisions of section three, article four, chapter seventeen-b of this code;
3. Perjury or making a false affidavit or statement under oath to the department of motor vehicles, as defined under the provisions of subsection (4), section five, article three, and section two, article four, chapter seventeen-b of this code.

If any of the above violations occurred while transporting a hazardous material required to be placarded, the person is disqualified for a period of not less than three years.

A person is disqualified for life if convicted of two or more violations of any of the offenses specified in subsection (a) of this section, or any combination of those offenses, arising from two or more separate
42 incidents.

43 (c) The commissioner may issue rules establishing
44 guidelines, including conditions, under which a dis-
45 qualification for life under subsection (b) of this
46 section may be reduced to a period of not less than ten
47 years.

48 (d) A person is disqualified from driving a commer-
49 cial motor vehicle for life who uses a commercial
50 motor vehicle in the commission of any felony involv-
51 ing the manufacture, distribution or dispensing of a
52 controlled substance, or possession with intent to
53 manufacture, distribute or dispense a controlled
54 substance.

55 (e) A person is disqualified from driving a commer-
56 cial motor vehicle for a period of not less than sixty
57 days if convicted of two serious traffic violations, or
58 one hundred twenty days if convicted of three serious
59 violations, committed in a commercial motor vehicle
60 arising from separate incidents occurring within a
61 three-year period.

62 (f) After suspending, revoking or cancelling a com-
63 mercial driver’s license, the department shall update
64 its records to reflect that action within ten days.

§17E-1-14. Commercial drivers prohibited from operating
with any alcohol in system.

1 (a) Notwithstanding any other provision of this
2 article, a person may not drive, operate or be in
3 physical control of a commercial motor vehicle while
4 having any measurable alcohol in his or her system.

5 (b) In addition to any other penalties provided by
6 this code, a person who drives, operates or is in
7 physical control of a commercial motor vehicle while
8 having any measurable alcohol in his or her system or
9 who refuses to take a preliminary breath test to
determine their alcohol content as provided by section
10 fifteen of this article must be placed out of service for
12 twenty-four hours.
§17E-1-15. Implied consent requirements for commercial motor vehicles drivers.

(a) A person who drives a commercial motor vehicle within this state is deemed to have given consent, subject to provisions of section four, article five, chapter seventeen-c of this code, to take a test or tests of that person’s blood, breath or urine for the purpose of determining that person’s alcohol concentration, or the presence of other drugs.

(b) A test or tests may be administered at the direction of a law-enforcement officer, who after stopping or detaining the commercial motor vehicle driver, has reasonable cause to believe that driver was driving a commercial motor vehicle while having alcohol in his or her system.

(c) A person requested to submit to a test as provided in subsection (a) of this section must be warned by the law-enforcement officer requesting the test that a refusal to submit to the test will result in that person being disqualified from operating a commercial motor vehicle under section fifteen of this article.

(d) If the person refuses testing, or submits to a test which discloses an alcohol concentration of four hundredths or more, that law-enforcement officer must submit a sworn report to the department of motor vehicles certifying that the test was requested pursuant to subsection (a) of this section and that the person refused to submit to testing, or submitted to a test which disclosed an alcohol concentration of four hundredths or more.

(e) Upon receipt of the sworn report of a law-enforcement officer submitted under subsection (d) of this section, the commissioner must disqualify the driver from driving a commercial motor vehicle under section fifteen of this article.

§17E-1-16. Notification of traffic convictions.

Within ten days after receiving a report of the conviction of any holder of a commercial driver license for any violation of state law or local ordinance
relating to motor vehicle traffic control, other than parking violations, committed in a commercial motor vehicle, the commissioner must notify the driver licensing authority in the licensing state of the conviction and the United States department of transportation, federal highway administration, and the public service commission, transportation division.

§17E-1-17. Driving record information to be furnished.

Notwithstanding any other provision of law to the contrary, the commissioner must furnish full information regarding the driving record of any person:

(a) To the driver license administrator of any other state or province or territory of Canada, requesting that information;

(b) To any employer or prospective employer;

(c) To insurers upon request;

(d) To credit reporting organizations and for other legitimate business transactions; or

(e) The driver himself.


The commissioner shall adopt rules and regulations necessary to carry out the provisions of this article.

§17E-1-19. Authority to enter agreements.

The commissioner may enter into or make agreements, arrangements or declarations to carry out the provisions of this chapter.

§17E-1-20. Reciprocity.

Notwithstanding any law to the contrary, a person may drive a commercial motor vehicle if the person has a commercial driver's license by any state in accordance with the minimum federal standards for the issuance of commercial motor vehicle driver licenses; if the license is not suspended, revoked or canceled; and if the person is not disqualified from driving a commercial motor vehicle, or subject to an "out-of-service" order.
§17E-1-21. Severability and savings clause.

1. The provisions of any chapter or parts of chapters of this code, which are inconsistent with the provisions of this chapter, are repealed to the extent of such inconsistency.

§17E-1-22. Effective dates.

1. All provisions of this chapter are effective immediately on passage except:

   (a) Section seven - the first day of April, one thousand nine hundred ninety-two.

   (b) Section eight - the first day of July, one thousand nine hundred eighty-nine.

   (c) Section nine - the first day of July, one thousand nine hundred eighty-nine.

   (d) Section ten - the first day of July, one thousand nine hundred eighty-nine.

   (e) Sections eleven, twelve, thirteen, fourteen - the first day of April, one thousand nine hundred ninety-two.

§17E-1-23. Funding for the commercial driver’s license fees.

1. Each application for a commercial driver’s license shall be accompanied by the fees hereafter provided and such fees shall be deposited in a special revolving fund for the operation by the department of its functions established by this chapter.

2. The fee for a commercial driver’s license shall be established by the commissioner to cover all necessary costs for program administration. The fees for knowledge and road testing shall also be established by the commissioner to cover all program costs projected to be incurred by the department of motor vehicles and the department of public safety. The commissioner of motor vehicles is authorized and directed to transfer into a special revolving fund under the control of the superintendent of the department of public safety such amounts required by the department of public safety and determined by the commissioner as necessary to administer its responsibilities under this article.
1 In addition to the officers of the department of public safety, any police officer, or employee of the department of highways designated by the commissioner of highways as a weight enforcement officer, or any inspector of the public service commission, motor carrier division, may enforce the provisions of this article.

§17E-1-25. Penalties.
1 It is a misdemeanor for any person to violate any of the provisions of this chapter unless such violation is by this chapter or other law of this state, declared to be a felony.

5 Unless another penalty is provided in this chapter or by the laws of this state, every person convicted of a misdemeanor for the violation of any provisions of this chapter shall be fined not less than one hundred dollars nor more than one thousand dollars, or imprisoned for not more than six months in the county jail, or both fined and imprisoned, except that for the second violation of section seven of this article and, upon conviction thereof, the offender shall be fined not less than five hundred dollars nor more than two thousand dollars or imprisoned for not less than six months nor more than nine months in the county jail, or both fined and imprisoned. For the third or any subsequent conviction for violation of section seven of this article, upon conviction thereof, the offender shall be fined not less than one thousand dollars nor more than two thousand five hundred dollars, or imprisoned for not less than nine months nor more than one year in the county jail, or both fined and imprisoned.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Frederick L. Parker
Chairman Senate Committee

Bernard V. Kelly
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Judith S. Helms
Clerk of the Senate

Donald S. Hodgkins
Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within was approved this the 24th day of April, 1999,

Governor
PRESENTED TO THE
GOVERNOR
Date 4/4/89
Time 4:50