WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1995

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ENROLLED

HOUSE BILL No. 2216

(By Delegate Pino, Manuel, Collins, and Bean)

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Passed March 6, 1995

In Effect Ninety Days From Passage
AN ACT to amend and reenact section eight, article one, chapter seventeen-e of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the creation of an exemption to the requirement of obtaining a commercial driver's license for operators of off-road construction and mining equipment.

Be it enacted by the Legislature of West Virginia:

That section eight, article one, chapter seventeen-e, of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

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

1 (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:

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

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

9 (3) Not used in the operation of a common or contract motor carrier; and
(4) Used within one hundred fifty miles of the qualifying farm.

Farmers who wish to be exempted from the commercial driver's license requirements must apply to the division of motor vehicles for a certificate of exemption.

(b) Military personnel. — Military personnel, including the national guard and reserve, will be exempt from the provisions 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 provisions of this article while the "authorized emergency vehicle permit" is in force. Vehicles in this class include, but are not limited to, firefighters 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 firefighter equipment to protect the safety of their plants and its employees;

(4) Owned and operated by volunteer fire departments.

(d) Operators of off-road construction and mining equipment. — Operators of equipment which, by its design, appearance and function, is not intended for use on a public road, including, without limitation, motorscrapers,
backhoes, motorgraders, compactors, excavators, tractors, trenchers and bulldozers, will be exempt from the provisions of this article: Provided, That the exemption recognized by this subsection shall not be construed to permit the operation of such equipment on any public road except such operation as may be required for a crossing of such road: Provided, however, That no such equipment may be operated on a public road for a distance exceeding five hundred feet from the place where such equipment entered upon the public road.

(e) The Commercial Motor Vehicles Safety Act of 1986 exempts vehicles used exclusively for personal use such as recreation vehicles and rental trucks used only to transport the driver's personal or household property.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

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President of the Senate

[Signature]
Speaker of the House of Delegates

The within is approved this the 20th day of March, 1995.

[Signature]
Governor