

HB 2216

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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1995



ENROLLED

HOUSE BILL No. 2216

(By Delegate S. Pino Manuel Collins
and Beano)



Passed March 6, 1995

In Effect Ninety Days from Passage



ENROLLED

H. B. 2216

(BY DELEGATES PINO, MANUEL, COLLINS AND BEANE)

[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
2 drivers, as defined, operating a vehicle otherwise covered
3 by the commercial driver's license requirements may be
4 exempted from the provisions of this article only if the
5 vehicle used is:

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

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

9 (3) Not used in the operation of a common or contract
10 motor carrier; and

11 (4) Used within one hundred fifty miles of the
12 qualifying farm.

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

16 (b) *Military personnel.* — Military personnel,
17 including the national guard and reserve, will be exempt
18 from the provisions of this article, only:

19 (1) When in uniform; and

20 (2) Operating equipment owned by the United States
21 department of defense, except during declared emer-
22 gencies or disaster situations; and

23 (3) On duty; and

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

26 (c) *Fire fighting and rescue equipment.* — Operators
27 of vehicles authorized to hold an "authorized emergency
28 vehicle permit" for use of red signal lights only are
29 exempt from the provisions of this article while the
30 "authorized emergency vehicle permit" is in force.
31 Vehicles in this class include, but are not limited to,
32 firefighters and rescue equipment:

33 (1) Owned and operated by state, county and
34 municipal fire departments;

35 (2) Owned and operated by state, county and
36 municipal civil defense organizations;


37 (3) Owned and operated by a manufacturer engaged
38 in a type of business that requires firefighter equipment to
39 protect the safety of their plants and its employees;

40 (4) Owned and operated by volunteer fire depart-
41 ments.

42 (d) *Operators of off-road construction and mining*
43 *equipment.*— Operators of equipment which, by its design,
44 appearance and function, is not intended for use on a
45 public road, including, without limitation, motorscrapers,

46 backhoes, motorgraders, compactors, excavators, tractors,
47 trenches and bulldozers, will be exempt from the
48 provisions of this article: *Provided*, That the exemption
49 recognized by this subsection shall not be construed to
50 permit the operation of such equipment on any public
51 road except such operation as may be required for a
52 crossing of such road: *Provided, however*, That no such
53 equipment may be operated on a public road for a
54 distance exceeding five hundred feet from the place where
55 such equipment entered upon the public road.

56 (e) The Commercial Motor Vehicles Safety Act of
57 1986 exempts vehicles used exclusively for personal use
58 such as recreation vehicles and rental trucks used only to
59 transport the driver's personal or household property.



The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Randy Schorow
Chairman Senate Committee

Ernest C. Moore
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Darrell E. Atkins
Clerk of the Senate

Donald J. Kapp
Clerk of the House of Delegates

Carl Ray Tomblin
President of the Senate

Mike Allen
Speaker of the House of Delegates

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

Gaston Caprio
Governor



PRESENTED TO THE

GOVERNOR

Date 3/16/95

Time 4:41 pm