

FILED

2008 MAR 28 PM 4:28

CHARLES E. DAVIS
SECRETARY OF STATE CD

HB 4059

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2008

ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 4059

(By Delegates Border, Perdue, Staggers, Long,
Schadler, Ennis, Moye, Stalnaker and Stephens)

Passed March 8, 2008

In Effect Ninety Days from Passage

FILED

ENROLLED

2008 MAR 28 PM 4:28

COMMITTEE SUBSTITUTE

FOR

SENATE - STATE CD
SECRETARY OF STATE

H. B. 4059

(BY DELEGATES BORDER, PERDUE, STAGGERS, LONG, SCHADLER,
ENNIS, MOYE, STALNAKER AND STEPHENS)

[Passed March 8, 2008; in effect ninety days from passage.]

AN ACT to amend and reenact §18A-2-4 of the Code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to employment of school bus operators issued passenger endorsement on commercial driver license through intrastate waiver program for diabetes; eligibility for employment; conditions; negating negligence for noncompliance.

Be it enacted by the Legislature of West Virginia:

That §18A-2-4 of the Code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 2. SCHOOL PERSONNEL.

§18A-2-4. Commercial driver's license for school personnel; intra state waiver for bus operators diagnosed with diabetes mellitus requiring insulin; reimbursement of electrician's and commercial driver's license when required.

1 (a) If a commercial driver's license is required as a
2 condition of employment for any school employee or
3 qualified applicant who becomes an employee by a county
4 board of education, the cost shall be paid in full by the
5 employer.

6 It is unlawful for any county board of education to
7 require any employee or applicant who becomes an employee
8 of the board to pay the cost of acquiring a commercial
9 driver's license as a condition of employment.

10 (b) The division of motor vehicles shall accept the West
11 Virginia department of education physical and psychomotor
12 test result forms in lieu of the division of motor vehicles
13 vision report form.

14 (c) A school bus operator who is currently employed by
15 a county board of education or who is otherwise subject to
16 state board rules governing school bus operators and who is
17 diagnosed with diabetes mellitus requiring insulin is not
18 ineligible for employment as a school bus operator because
19 of the diagnosis if the operator is issued a passenger
20 endorsement for his or her commercial driver license through
21 the intrastate waiver program pertaining to diabetes of the
22 West Virginia Division of Motor Vehicles, subject to the
23 following:

24 (1) A copy of the information required to be submitted to
25 the Division of Motor Vehicles for waiver application and

26 proof of passenger endorsement under the waiver program is
27 submitted to his or her employer; and

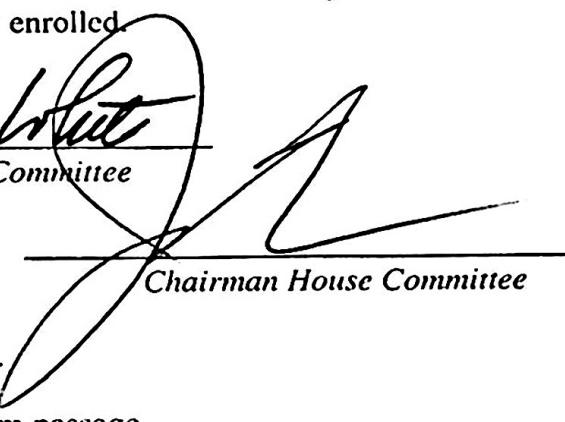
28 (2) The operator remains in compliance with the
29 stipulations of and grounds for eligibility for the intrastate
30 waiver.

31 (d) If a county board of education requires of any
32 employee who is employed as an electrician any license
33 renewal when the employee is exempt from renewing the
34 license pursuant to section three, article three-b, chapter
35 twenty-nine of this code, the cost of such license renewal
36 shall be paid in full by the county board of education.

37 (e) Compliance with or failure to comply by a health care
38 provider licensed and authorized pursuant to chapter thirty of
39 this code, with the reporting requirements of the division of
40 motor vehicles regarding the provisions of subsection (c) of
41 this section does not constitute negligence, nor may
42 compliance or noncompliance with the requirements of this
43 section be admissible as evidence of negligence in any civil
44 or criminal action.

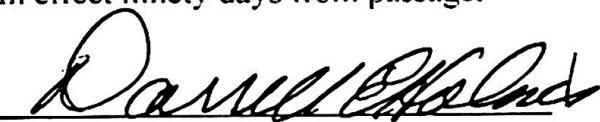
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

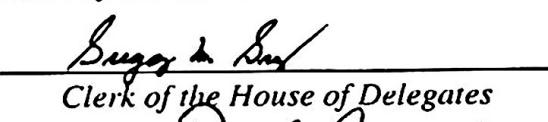

Randy Holt
Chairman Senate Committee

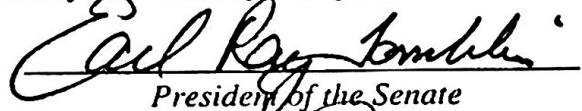
Chairman House Committee

Originating in the House.

In effect ninety days from passage.

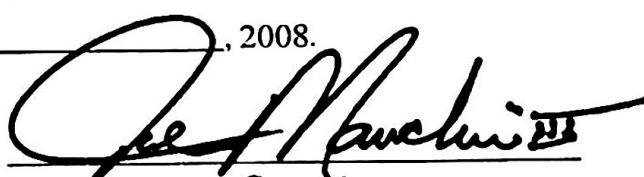

Daniel P. Gitterman
Clerk of the Senate


Bryan D. Sandoval
Clerk of the House of Delegates


Carl Ray Tammie
President of the Senate


Bruce E. Harrell
Speaker of the House of Delegates

The within is approved this the 28th
day of March, 2008.


Ted Ruckus
Governor

PRESENTED TO THE
GOVERNOR

MAR 20 2008

Time 2:10 pm