



West Virginia  
**dmv**   
Keeping West Virginia on the move.

# Commercial Driver's License Manual

Complete Laws, Rules, and Regulations of  
The West Virginia DMV & American Association of Motor Vehicle Administrators (AAMVA)





**DEPARTMENT OF TRANSPORTATION**  
**DIVISION OF MOTOR VEHICLES**  
PO Box 17010  
5707 MacCorkle Avenue, SE  
Charleston, WV 25317

# **Commercial Driver’s License (CDL)**

## *Rules and Regulations Manual*

Before you call, please have your license plate number, driver’s license number, and/or your file number ready so that we can assist you as quickly as possible.

**For Vehicle Titles, License Plates, Driver’s License issues, or for General Information**  
*Call (304) 926-3499 / (800) 642-9066 | Hearing-Impaired - (800) 742-6991*

<i>Commercial Driver’s License .....</i>	<i>(304) 926-3801</i>
<i>Driver’s License.....</i>	<i>(304) 926-3801</i>
<i>Point System .....</i>	<i>(304) 926-2505</i>
<i>Unpaid West Virginia Tickets .....</i>	<i>(304) 926-2505</i>
<i>Unpaid Out-of-State Tickets .....</i>	<i>(304) 926-2505</i>
<i>Driving Records .....</i>	<i>(304) 926-3802</i>
<i>Compulsory Insurance.....</i>	<i>(304) 926-3802</i>
<i>Driving Under the Influence.....</i>	<i>(304) 926-2506</i>
<i>Driving Under the Influence “Interlock” .....</i>	<i>(304) 926-2507</i>

**Applications and study manuals are available at any designated examination center, DMV regional office, or on the web at [www.dmv.wv.gov](http://www.dmv.wv.gov).**

## WHERE TO APPLY FOR A COMMERCIAL DRIVER'S LICENSE

A WV resident can apply for a commercial driver's instruction permit, commercial driver's license (CDL) at any DMV regional office. All DMV regional offices are open Monday-Friday 8:30 am - 5:00 pm; with the exceptions of Kanawha City, which is open Monday - Friday 8:30 am - 6:00 pm and Saturday from 8 am - 12 pm, and the Martinsburg regional office is also open on Saturday from 8:00 am - 12:00 pm.

Please check the DMV website at [www.dmv.wv.gov](http://www.dmv.wv.gov) or call 1-800-642-9066 for further information.

### DMV REGIONAL OFFICE LOCATIONS

#### Beckley

107 Pinecrest Drive  
Beckley, WV 25801

#### Bridgeport

105 Platinum Drive, Suite D  
Bridgeport, WV 26330

#### Charles Town

24 Ruland Road  
Kearneysville, WV 25430

#### Elkins

1029 N Randolph Avenue  
Elkins, WV 26241

#### Flatwoods

295 Skidmore Lane  
Sutton, WV 26601

#### Franklin

100 Thorn Creek Road, Suite 300  
Franklin, WV 26807

#### Huntington

801 Madison Avenue  
Huntington, WV 25701

#### Kanawha City

5707 MacCorkle Avenue, South East  
Suite 400  
Charleston, WV 25317

#### Lewisburg

148 Maplewood Avenue  
Lewisburg, WV 24901

#### Logan

428 Main Street  
Logan, WV 25601

#### Martinsburg

38 Severna Parkway  
Martinsburg, WV 25404

#### Moorefield

410 South Main Street  
Moorefield, WV 26836

#### Morgantown

1525 Deckers Creek Blvd.  
Morgantown, WV 26505

#### Moundsville

400 Teletech Drive, Suite 100  
Moundsville, WV 26041

#### Parkersburg

601 Lubeck Avenue  
Parkersburg, WV 26101

#### Point Pleasant

1408 Kanawha Street  
Point Pleasant, WV 25550

#### Princeton

198 Davis Street  
Princeton, WV 24740

#### Romney

22278 Northwestern Pike  
Romney, WV 25757

#### Spencer

115 Church Street  
Spencer, WV 25276

#### Summersville

2 Armory Way  
Summersville, WV 26651

#### Weirton

Municipal Plaza, Suite 100  
Weirton, WV 26062

#### Welch

92 McDowell Street  
Welch, WV 24801

#### Williamson

225 E 3rd Avenue  
Williamson, WV 25661

#### Winfield

116 Liberty Square  
Hurricane, WV 25526

### ADDITIONAL EXAMINATION LOCATION

#### Fairmont Remote Testing Site

395 Middletown Mall  
White Hall, WV 26554

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# Definitions

(Most Definitions are from WV State Code, §17E-1-3)

**Alcohol** means:

- (a) Any substance containing any form of alcohol, including, but not limited to: ethanol, methanol, propenyl, and isopropanol;
- (b) Beer, ale, port, or stout, and other similar fermented beverages (including sake or similar products) of any name or description containing 1/2 of 1% (.5%) or more alcohol by volume, brewed or produced from malt, wholly or in part, or from any substitute for malt;
- (c) Distilled spirits or a 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 1/2 of 1% (.5%) alcohol by volume.

**Alcohol Concentration** means:

- (a) The number of grams of alcohol per 100 milliliters of blood;
- (b) The number of grams of alcohol per 210 liters of breath;
- (c) The number of grams of alcohol per 67 milliliters of urine; or
- (d) The number of grams of alcohol per 86 milliliters of serum.

**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.

**Commercial Driver's License or CDL** means a license issued in accordance with the requirements of §17E-1-3 to an individual which authorizes the individual to drive a class of commercial motor vehicle.

**Commercial Driver's 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 Learner's Permit or CLP** is a permit to drive a commercial motor vehicle (CMV).

**Commercial Motor Vehicle or CMV** means a motor vehicle designed or used to transport passengers or property:

- (a) If the vehicle has a gross combination vehicle weight rating (GCWR) of 26,001 pounds or more inclusive of towed unit(s) with a gross vehicle weight rating (GVWR) of more than 10,000 pounds;
- (b) If the vehicle has a GVWR of more than 26,001 pounds or more;
- (c) If the vehicle is designed to transport sixteen or more passengers, including the driver; or
- (d) If the vehicle is of any size transporting hazardous materials as defined in §17E-1-3.

**Commissioner** means the Commissioner of Motor Vehicles of this state.

**Controlled Substance** means any substance classified under the provisions of chapter 60-a of this code (Uniform Controlled Substances Act) and includes all substances listed on Schedules I through V, inclusive, article two of said chapter 60-a, as they are revised. The term "controlled substance" also has the meaning such term has under 21 U.S.C. §802.6 and includes all substances listed on Schedules I through V of 21 C.F.R. §1308 as they may be amended by the United States Department of Justice.

**Conviction** means:

- (a) An unvacated adjudication of guilt
- (b) A determination that a person has violated or failed to comply with the law in a court of original state or jurisdiction or by an authorized administrative tribunal or proceeding;

- (c) An unvacated forfeiture of bail or collateral deposited to secure the persons appearance in court
- (d) A plea of guilty or nolo contendere accepted by the court or the payment of a fine or court cost; or
- (e) Violation of a condition of release without bail regardless of whether or not the penalty is rebated, suspended, or probated.

**Division** means the Division of Motor Vehicles or DMV.

**Disqualification** means any of the following three actions:

- (a) The suspension, revocation, or cancellation of a driver's license by the state or jurisdiction of issuance;
- (b) Any withdrawal of a person's privilege to drive a CMV by a state or other jurisdiction as the result of a violation of state or local law relating to motor vehicle traffic control other than parking or vehicle weight except as to violations committed by a special permittee on the coal resource transportation system or vehicle defect violations; or
- (c) A determination by the Federal Motor Carrier Safety Administration (FMCSA) that a person is not qualified to operate a CMV under 49 C.F.R. Part §391 (2004).

**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, including the 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 motor vehicle, in any place open to the general public for purposes of vehicular traffic.

**Driver's License** means a license issued by a state or jurisdiction to an individual which authorizes the individual to drive a motor vehicle of a specific class.

**Employee** means any operator of a CMV, including:

- (a) Full time, regularly employed drivers;
- (b) Casual, intermittent, or occasional drivers; or
- (c) Leased drivers and independent, owner-operator contractors (while in the course of operating a CMV) who are either directly employed by or under lease to drive a CMV for an employer.

**Employer** means any person (including the United States), state, jurisdiction, or political subdivision of a state, who owns or leases a CMV or assigns a person to drive a CMV.

**Endorsement** means an authorization to a licensed driver to operate certain types of motor vehicles.

**Farm Vehicle** includes a motor vehicle or combination vehicle registered to the farm owner or entity operating the farm, used exclusively in the transportation 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, or for the transportation of agricultural or horticultural supplies and machinery to farms or orchards for use.

**Farmer** includes an owner, tenant, lessee, occupant, or person in control of the premises used substantially for agricultural or horticultural pursuits who is at least 18 years of age with two (2) years licensed driving experience.

**Farm Vehicle Driver** means a person who is at least 18 years of age with two (2) or more years licensed driving experience employed and designated by the "farmer" to drive a "farm vehicle" as long as driving is not their sole or principal function on the farm.



**Felony** means an offense under state or federal law that is punishable by death or imprisonment for a term exceeding one (1) year.

**Gross Vehicle Weight Rating (GVWR)** means the value specified by the manufacturer as the loaded weight of a single vehicle. In the absence of a value specified by the manufacturer the GVWR will be determined by the total weight of the vehicle and any load thereon.

**Gross Combination Weight Rating (GCWR)** means the value specified by the manufacturer as the loaded weight of a combination (articulated) vehicle. In the absence of a value specified by the manufacturer, GCWR will be determined by adding the GVWR of the power unit and the total weight of the towed unit and any load thereon.

**Hazardous Materials (HAZMAT)** means any material that has been designated as hazardous under 49 U.S.C. §5103 and is required to be placarded under Subpart F of 49 C.F.R. Part §172 or any quantity of a material listed as a select agent or toxin in 42 C.F.R. Part §73.

**Imminent Hazard** means existence of a condition that presents a substantial likelihood that death, serious illness, or severe personal injury, or a substantial endangerment to health, property, or the environment may occur before the reasonably foreseeable completion date of a formal proceeding begun to lessen the risk of that death, illness, injury, or endangerment.

**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.

**Non-Commercial Motor Vehicle** means a motor vehicle or combination of motor vehicles not defined by the term "commercial motor vehicle".

**Out-of-Service Order** means a temporary prohibition against driving a CMV as a result of a determination by a law-enforcement officer, an authorized enforcement officer of a federal, state, Canadian, Mexican, county, or local state or jurisdiction including any special agent of the FMCSA pursuant to 49 C.F.R. §§386.72, 392.5, 395.13, 396.9 or compatible laws or the North American Uniform out-of-service criteria that an imminent hazard exists.

**Violation of an Out-Of-Service order** means:

- (a) The operation of a CMV during the period in which the driver was placed out-of-service; or
- (b) The operation of a CMV by a driver after the vehicle was placed out-of-service and before the required repairs are made.

**School Bus** means a CMV used to transport pre-primary, primary, or secondary school students from home to school, from school to home, or to and from school sponsored events. School bus does not include a bus used as common carrier.

**Serious Traffic Violation** means a conviction for any of the following offenses when operating a CMV:

- (a) Excessive speeding involving any single offense for any speed of 15 miles per hour (mph) or more above the posted limits;
- (b) Reckless driving as defined by WV Code §17C-5-3, careless, or negligent driving, including, but not limited to, the offenses of driving a CMV in willful or wanton disregard for the safety of persons or property;
- (c) Erratic or improper traffic lane changes including, but not limited to, passing a school bus when prohibited, improper lane changes, and other passing violations;
- (d) Following the vehicle ahead too closely;
- (e) Driving a CMV without obtaining a CDL;

- (f) Driving a CMV without a CDL in the driver's possession. However, any person who provides proof to the law-enforcement agency that issued the citation, by the date the person must appear in court, or pay any fine for such violation, that the person held a valid CDL on the date the citation was issued, shall not be guilty of this offense;
- (g) Driving a CMV without the proper class of CDL and/or endorsements for the specific vehicle group being operated or for the passengers or type of cargo being transported;
- (h) 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; or
- (i) Any other serious violations determined by the United States Secretary of Transportation.

**Vehicle defects are excluded as serious traffic violations, except as violations committed to a special permittee on the coal resource transportation road system.**

**State** means a state of the United States and the District of Columbia or a province or territory of Canada or a state of the United Mexican States.

**State of Domicile** means the state where a person has their true, fixed and permanent home and principle residence and to which they have the intention of returning whenever absent in accordance with §17E-1A-3.

**Suspension, Revocation, or Cancellation of a Driver's License, or a CDL** means the privilege to operate any type of motor vehicle on the roads and highways of this state is withdrawn.

**Tank Vehicle** means any CMV that is designed to transport any liquid or gaseous materials within a tank that is either permanently or temporarily attached to the vehicle or the chassis. These vehicles include, but are not limited to, cargo tanks and portable tanks, as defined in 49 C.F.R. Part 171 (1998). However, this definition does not include portable tanks having a rated capacity under 1,000 gallons.

**Transportation Security Administration (TSA)** means the United States Department of Homeland Security Transportation Security Administration.

**United States** means the fifty states and the District of Columbia.

**Vehicle Group** means a class or type of vehicle with certain operating characteristics.

# Chapter 1 | RULES GOVERNING COMMERCIAL DRIVER'S LICENSING

The driving privilege carries with it many responsibilities. You, and only you, are responsible for your actions. There are a number of areas that a CDL holder must be aware of in order to maintain the privilege to drive. CDL holders may not have any other type of driver's license. Any West Virginia CDL holder who is convicted of a traffic offense (other than parking citations) in another state or jurisdiction must notify the West Virginia DMV within 30 days of the conviction.

## Who must have a West Virginia Commercial Driver's License?

If you live in West Virginia and want to drive a CMV on public roads, you must have a West Virginia CDL, unless you are expressly exempt.

## Who is exempt?

- **A nonresident** who is at least 21 years old and has a valid CDL from another state.
- **A nonresident** who is at least 21 years old and has a valid commercial driver learner's permit from another state and is accompanied by a holder of a valid CDL.
- **A bona fide farmer** or farm vehicle driver operating a vehicle otherwise covered by CDL requirements may be exempt from holding a CDL if the vehicle is:
  - 1) Driven by a farmer, or farm vehicle driver;
  - 2) Used only to transport either agricultural products, farm machinery, or farm supplies to or from a farm;
  - 3) Not used in the operation of a common or contract motor carrier; or
  - 4) Used within 150 miles of a qualifying farm.

\* Farmers who wish to be exempted from CDL requirements must apply to the DMV for a certificate of exemption. An *Application for Farm Vehicle/Driver Exemption (DMV-CDL-8)*, may be obtained at any DMV regional office, or by calling (304) 926-3801, 1-800-642-9066, or from the DMV website at [www.dmv.wv.gov/forms](http://www.dmv.wv.gov/forms). This form must be certified by a representative of your local county tax office.
- **Military personnel** may, within six (6) months of their honorable discharge, apply for a CDL and request a waiver to the skills test portion. For more information regarding this waiver, please contact the CDL office at (304) 926-3801. **Active duty military personnel operating vehicles being used for military purposes are exempt from the provision of this article in accordance with the provisions of §383.3 (c) C.F.R. (2006).**
- **Firefighters and rescue vehicle operators** authorized to hold an *authorized emergency vehicle permit* for the use of red signal lights, are only exempt from CDL requirements while the authorized emergency vehicle permit is in force. Vehicles in this class include, but are not limited to, firefighting and rescue equipment owned and operated by:
  - 1) A state, county, or municipal fire department;
  - 2) A state, county, or municipal civil defense organization;
  - 3) A manufacturer engaged in a type of business that requires firefighting equipment to protect the safety of their plants and employees; or
  - 4) A volunteer fire department.
- **Operators of off-road construction and mining equipment** which, by its design, appearance, and function, is not intended for use on a public road. These include, without limitation, motor scrapers, backhoes, motor graders, compactors, excavators, tractors, trenches, and bulldozers. This exemption shall not be construed to permit the operation of the equipment on any public road, except as may be required for the crossing of a public road, and for a distance not to exceed 500 feet from the place where the equipment entered upon the public road.
- Per the Commercial Motor Vehicle Safety Act of 1986, vehicles used exclusively for personal use as recreational vehicles and rental trucks used only to transport the driver's personal and/or household property.

## **Who can be denied a commercial driver's license?**

- Any person who is a habitual user of alcoholic beverages or is addicted to the use of narcotic drugs;
- Any person whose license is under suspension, revocation, cancellation, or disqualification;
- Any person whom the Commissioner of Motor Vehicles has good cause to believe would be hazardous to public safety or welfare when operating a motor vehicle;
- Any person who is required to deposit proof of financial responsibility or proof of motor vehicle compulsory motor vehicle liability insurance, and who has not deposited such proof;
- Any person who is disqualified from operating a CMV in any state or jurisdiction, until the expiration of the disqualification period; or
- Any person who is licensed in another state or jurisdiction, until the license issued by that state or jurisdiction has been surrendered and returned to the issuing jurisdiction for cancellation.

## **Applicant Record Check**

Before issuing a CDL or CLP, the Commissioner must obtain a driving record through the Commercial Driver's License Information System (CDLIS), the National Driver Register (NDR), the Problem Driver Pointer System (PDPS), and from each state or jurisdiction in which the person has been licensed.

In the event a driver is found to be under license suspension, revocation, disqualification, or cancellation at the time of the record check, DMV will not issue a driver's license until the driver has been reinstated by that state or jurisdiction, CDLIS, PDPS and NDR.

## **Notification of License Issuance**

Within ten days after issuing a CDL, the Commissioner shall notify CDLIS of that fact, providing all information required to ensure identification of the licensee.

## **Drive for Five Program**

Under the "Drive for Five" Program, all driver's licenses – including CDL's – will expire on your birthday at an age divisible by five (5). For example, age 25, 30, 35, 40, 45, etc.

Under this program your CDL will be valid for five (5) years, instead of four (4). However, before you begin the five (5) year cycle, we may need to phase you into the program. In order to do this, your initial license will be issued for a period ranging from three (3) to seven (7) years, depending on your age at the time of issuance. For instance, if you are or will be 34 in the year which your license expires, you will be issued a six (6) year license that will expire when you are 40.

Please note that license fees have not increased. The fees may be more or less for this renewal period, depending on the number of years for which the license will be valid. DMV will mail you a renewal notice before your CDL expires. Be sure to have the correct address on file with the DMV, as USPS does not forward renewal notices.

## **Self Certification Categories and Medical Certification Requirements**

Effective January 30, 2012, a new procedure was enacted for all CDL holders in order to comply with requirements recently adopted by the FMCSA.

These new procedures require all CDL holders to declare a self-certification category relating to their type of commerce, and provide a valid updated medical certificate (DOT medical card) information to DMV throughout their licensing period (where required). The DMV will add the medical certification status and the information from the medical certificate documents (DOT card/waiver/exemption if required) to your commercial driving record.

All CDL holders will be required to select one (1) of the following categories.

- **NON-EXCEPTED INTERSTATE (NI)** - The CDL holder is qualified to drive a CMV across state lines in accordance with 49 CFR Part 391 of the Federal Motor Carrier Safety Regulation (FMCSR) (Required to present a valid DOT medical card)
- **NON-EXCEPTED INTRASTATE (NA)** - The CDL holder is qualified to drive a CMV ONLY within the state of West Virginia and has an approved WV CDL Medical Waiver or if CDL holder is under the age of 21 or has a DOT Medical Card completed after May 21, 2014 by an examiner not on the FMCSA's National Registry for intrastate driving only. (Required to present a valid DOT Medical Card and Medical Waiver if applicable)
- **EXCEPTED INTERSTATE (EI)** - If the CDL holder drives within and outside WV, and either transports school children or works for a federal, state, or local government agency, and is exempt from 49 CFR Part 391 of the (FMCSR) medical requirements.
- **EXCEPTED INTRASTATE (EA)**- If the CDL holder drives only within WV, and either transports school children, or works for a federal, state, or local government agency, and is exempt from 49 CFR Part 391 of the (FMCSR) medical requirements.

### **Driver's License Advisory Board**

The Driver's License Advisory Board, consisting of four (4) licensed physicians and one (1) optometrist, is appointed by the Governor to advise the Commissioner of Motor Vehicles on vision standards and medical criteria relevant to the licensing of drivers.

If the DMV determines an applicant's mental or physical condition could affect their driving ability, they may be required to furnish the Driver's License Advisory Board with a complete medical report. After receiving the medical report, the board considers the information and advises the Commissioner as to whether the applicant should be licensed to drive. The final decision rests with the Commissioner of Motor Vehicles.

### **Age and Fitness Requirements**

You must be at least 18 years old and have at least two (2) years of licensed driving experience to qualify for a CDL or a CLP. Federal Motor Carrier Rules (49 C.F.R., Part 391.41) require that drivers subject to those rules meet specific physical qualification standards and carry evidence of such qualification in the form of a medical certificate.

At the time of application for a CDL you must submit a copy of your valid DOT Long Form Physical and Medical Card or provide proof that you are not subject to the Federal Motor Carrier Safety Regulation (FMCSR) guidelines. Should you become subject to FMCSR guidelines at a later date and fail to obtain the proper medical certification, your license may be subject to cancellation. Also, a false statement on your application will subject your CDL to cancellation.

Effective May 21, 2014 all new DOT Medical Examinations (DOT Medical Examination Report and DOT Medical Certificate), for all drivers who operate a CMV in NON-EXCEPTED INTERSTATE (NI) commerce are subject to having a DOT physical completed by a certified medical examiner listed on the FMCSA's national registry web site, located at: <https://nationalregistry.fmcsa.dot.gov>.

The FMCSA defines INTERSTATE COMMERCE as: trade, traffic, or transportation involving the CROSSING of a state boundary. Either the vehicle, its passengers, or cargo must cross a state boundary, or there must be intent to cross a state boundary, to be considered an interstate carrier.

Non-compliant medical examinations completed for an INTERSTATE COMMERCE driver, by a medical examiner not listed on the national registry, can be accepted; however, their self-certification status must be changed to NON-EXCEPTED INTRASTATE (NA).

If you drive only in INTRASTATE COMMERCE (trade, traffic, or transportation within a single state) who require a medical certification to operate a commercial vehicle, may obtain their certification from ANY medical professional.

They are not required to obtain their certification from a certified medical examiner on the national registry.

*NOTE: All CDL holders are subject to FMCSR requirements (DOT medical) except for city, county, state, or federal employees. For this exemption you must provide current written verification of employment from a city, county, state, or federal government which states that your position requires a CDL along with the CDL application.*

*NOTE: If you cannot be medically certified in accordance with the FMCSR, you may be eligible for a medical waiver.*

*If you wish to be able to operate a CMV in all 50 states, you must apply and be granted a waiver from the FMCSA. Call (304) 347-5935 for further information.*

*If you cannot meet the FMCSA physical qualifications, you must submit the following to determine if you are eligible for a WV Intrastate Medical Waiver: a CDL application, your DOT Medical Certificate, a letter from a physician stating the reason for the disqualification and their opinion as to whether the condition would interfere with the safe operation of a CMV. Send all documents in with the correct fee (see chart on page XIX. Once received, the Medical Review Team will then review and make a decision. Please call (304) 926-3801 or 1-800-642-9066 for additional information on obtaining a medical waiver.*

## **Your Driving Record**

Any person may request a copy of their own driving record online at [dmv.wv.gov](http://dmv.wv.gov) by clicking on "Online Services", or at any DMV regional office. You must complete the form *Request for Driving Record (DMV-101-PS-1)* and provide your West Virginia driver's license or identification card for proof of identification at the DMV regional office.

All other requests must be sent to the address provided below. You may not obtain information about others without their signed written consent on the form *Driving Record Release Authorization (DMV-101-PS-2)*. Each request form submitted must also include a copy of the requestor's West Virginia driver's license or ID card. If you do not meet these requirements your request will be reviewed. If your request is accepted you will receive a driving record that excludes all personal information.

To obtain an employee's driving record, employers must complete the forms *Request for Driving Record (DMV-101-PS-1)* and *Driving Record Release Authorization (DMV-101-PS-2)* and submit them with the appropriate fee(s) to the address provided below.

**West Virginia Division of Motor Vehicles**  
**Insurance Section/Driving Records**  
**PO BOX 17020**  
**Charleston, West Virginia 25317**

Driving record request and written consent forms are available on the DMV website at [dmv.wv.gov](http://dmv.wv.gov). You may also call 1-800-642-9066 or 1-304-926-3499 to have these forms mailed to you.

# Chapter II | REQUIRED DOCUMENTS FOR ALL APPLICANTS

## New Secure Driver's Licenses and Identification Cards

The new driver's license and ID requirements are federally mandated by the **REAL ID Act of 2005**.

Effective January 3, 2012, all individuals renewing or making changes to their current West Virginia driver's license that wish to obtain a "FOR Federal Identification" driver's license or ID card are required to provide one (1) proof of their identity, one (1) proof of their Social Security number, and two (2) proofs of WV residency. While many of these documents were required to obtain an initial driver's license prior to the implementation of REAL ID, the new REAL ID is a re-enrollment program wherein not only does the driver's license applicant have to present all of the aforementioned documents, but they must also be scanned into the driver's license system. This is a REAL ID Act requirement that the state must follow.

Furthermore if the individual's name has changed from what is listed on the identifying document, then they must provide all legal name change documents that support the name change. A link must be established between the current name, back to the name listed on identifying documents.

### ACCEPTABLE PROOF OF IDENTITY DOCUMENTS

#### **An original or certified copy of a U.S. issued birth certificate**

*U.S. Department of State and U.S. Military birth certificates ARE acceptable, hospital birth certificates and Bureau of Census records are NOT acceptable*

#### **U.S. Passport or Passport Card**

*Must be valid and unexpired*

#### **If foreign born, valid, unexpired Permanent Resident Card or acceptable alternatives as outlined below:**

- *Permanent Resident Card (Form I-551) issued by DHS (or INS)*
- *Certificate of Naturalization issued by DHS, Form N-550 or Form N-570*
- *Certificate of Citizenship, Form N-560 or Form N-561, issued by DHS*
- *Consular Report of Birth Abroad (CRBA) issued by the U.S. Department of State, Form FS-240, or DS-1350 or FS-545*

### ACCEPTABLE PROOF OF SOCIAL SECURITY NUMBER

#### **Social Security card**

*Must be in your current legal name*

#### **Original Wage and Tax Statement (W-2)**

*Or payroll stub with the applicant's employer name and employer ID number, as well as the applicant's name, address, and Social Security number (a photocopy of a W-2 is not acceptable) (You may use the same W-2 as one (1) proof of WV residency, provided it is not more than 18 months old)*

#### **1099 form**

*With applicant's full Social Security number and legal name*

Please make sure your Social Security records reflect your full legal name, as reflected on your other documents. DMV must be able to establish a name connection between documents, therefore your full legal name must match your name on file with the Social Security Administration (SSA). If an applicant is not eligible for a social security number, then the applicant must submit a denial letter from the SSA. The DMV checks every social security number with the SSA. If you have a problem with the SSA, such as name or date of birth does not match with records of the DMV, and SSA then you must have the problem corrected before you can be issued an instruction permit, license, or identification card. Your documents will be scanned and returned to you, which will provide DMV with a historical record, and provide you with additional protection, per the Federal Real ID Act of 2005. Please visit the SSA website for information about obtaining a Social Security number.

If an applicant is not eligible for a Social Security card, the applicant must provide a letter from the Social Security Administration stating they are not eligible or provide a written self-certification statement of ineligibility.

## ACCEPTABLE PROOF OF LEGAL NAME CHANGE DOCUMENTS

### **Certified marriage certificate**

*For each marriage if married more than once, also souvenir documents and Minister's copies are not acceptable*

### **Original or certified copy of a birth certificate with amended legal name**

### **Court Order with legal name/name change**

### **Certified divorce decree(s) with legal name/name change**

### **If you are age 50 or over**

*And have satisfied all other documentation requirements, hold a current WV driver's license or ID card in the name being verified, and have gone through at least one (1) WV license renewal cycle, a signed statement may be submitted in lieu of the name change document such as the marriage certificate or divorce decree*

## ACCEPTABLE PROOF OF WEST VIRGINIA RESIDENCY

*You will need two (2) documents from the lists below. Documents with a PO Box are not acceptable. Any recurring document cannot be more than 60 days old (ie utility bill). Married applicants may provide WV residency documents from LIST B or LIST C in their spouse's name when accompanied with a Certified Marriage Certificate.*

<b>WV utility bills</b> <i>Cannot more than 60 days old, more than one bill from the same company, or a termination notice</i>	<b>College admissions letter</b> <i>That shows the applicant is an in-state resident</i>
<b>Tax records with a WV street address</b>	<b>911 letter</b>
<b>WV mortgage documents, WV homeowner insurance documents for a WV residence, or proof of WV home ownership</b>	<b>Pay check stub</b> <i>From any WV employer that shows a current physical address (cannot be hand written)</i>
<b>WV Homestead Tax Exemption</b>	<b>Social Security benefits letter</b>
<b>WV Weapons Permit</b>	<b>WV professional license</b>
<b>Valid WV vehicle registration card</b>	<b>United States Selective Service card</b>
<b>WV Voter's Registration card</b>	<b>WV Dealer temporary registration card</b>
<b>WV W-2 form</b> <i>(That is not more than 18 months old) (you may use the same W-2 as your proof of Social Security number)</i>	<b>Letter from the applicant's employer</b> <i>Stating that all utility and house arrangements are provided by the employer</i>
<b>Proof of WV public assistance</b>	<b>WV hunting license</b>
<b>Residential rental or lease agreement</b>	<b>WV bank statement</b>
<b>WV DMV Affidavit of WV Residency</b>	<b>WV auto insurance card</b>
<b>Letter from the US Post Office</b> <i>That shows a new, physical, WV address assigned by the Post Office for the applicant</i>	<b>Letter from a:</b> <i>WV homeless shelter, hotel, senior citizens home, rehabilitation center, nursing home, children's home, orphanage, shelter, battered women's shelter, or Job Corps, including the facility's physical address, that explains that the applicant is a resident at their facility (letterhead is preferred, but not required)</i>
<b>License plate or Driver's License Renewal form</b>	



# Chapter III | COMMERCIAL DRIVER'S LICENSES AND PROCEDURES

An applicant for any WV driver's license or ID card must be a resident of the state of West Virginia. The DMV will not process applicant who does not have a West Virginia physical address. Acceptable documents for proofs of residency are listed on page XVI.

## Commercial Driver's License Types/Classes

There are three types of CDLs: CLASS A, B, and C. The holder of a valid CDL may drive all vehicles for which their license is issued, all lesser classes of vehicles, and any CMV which requires an endorsement that appears on the their CDL.

**CLASS A** – *Combination of vehicles with a GCWR of 26,001 pounds or more, provided the GVWR of the unit being towed is 10,001 pounds or greater.*

**CLASS B** – *Single vehicles with a GVWR of 26,001 pounds or more and towing any such unit with a GVWR less than 10,001 pounds.*

**CLASS C** – *Vehicles with a GVWR or a GCWR less than 26,001 pounds and designed to transport 16 or more passengers including the driver, or vehicles used in the transportation of hazardous materials which requires the vehicle to be placarded under 49 C.F.R.*

## Class D License (Non-Commercial Motor Vehicles for Hire)

A CLASS D driver's license shall be issued to persons at least 18 years old with at least one (1) year of licensed driving experience, whose primary function or employment is the transportation of persons or property for compensation or wages, who have paid the required fee.

If you operate motor vehicles of less than 10,001 lbs. GVWR (CLASS A registration), you are not required to obtain a CLASS D license.

You may obtain a CLASS D license at any DMV regional office by completing an *Application for Commercial Driver's License (CDL) and/or Endorsements (DMV-CDL-1)* form and paying the appropriate fee.

Operators with a CLASS D license are required to obtain a DOT Medical Certificate when operating a vehicle of 10,001 pounds GVWR or more.

## Commercial Learner's Permit (CLP)

A commercial learner's permit (CLP) may be issued to any person that holds a valid driver's or CLASS D license, and has passed the vision and/or physical standards and knowledge tests required for issuance of a CDL. A CLP may only be issued to any person that is 18 years of age and has held a driver's license for a minimum of two (2) years.

The CLP may not be issued for a period to exceed 180 days. Only one (1) renewal or re-issuance may be granted within a two (2) year period. In the event the you have been issued two (2) CLPs, you must reapply and re-test on all parts of the knowledge test before the you may obtain an additional CLP.

The holder of a CLP may drive a commercial motor vehicle on a highway only when accompanied by a driver, age 21 or older who holds a CDL valid for the type of vehicle driven, who occupies a seat beside the individual for the purpose of giving instruction or testing.

### **A CLP will allow you to take the road skills test to obtain the CDL License.**

Your are responsible for contacting the third party examiner to schedule your road skills test. Below is a list of authorized third party examiner's that offer the CDL skills test in WV. Examiner's and their contact information are subject to change. For the most current list of third party examiners visit the DMV website at: [dmv.wv.gov/commercial](http://dmv.wv.gov/commercial).

## Third Party Examiners

County	Examiner	Contact Information	
Barbour	Tim Myers	Home (304) 478-4420	Cell (304) 642-4424
Berkeley	Janet Nesselerodt		Cell (304) 279-5578
	Bill Shoop	Home (304) 813-8887	
Boone	Bob Richard	Home (304) 373-7220	Cell (304) 372-5432
	Harold Moles	Home (304) 982-5421	Cell (304) 421-3447
	Dennis Moles Jr.	Home (304) 205-4639	Cell (304) 553-6114
Braxton	Harold Moles	Home (304) 982-5421	Cell (304) 421-3447
	Dennis Moles Jr.	Home (304) 205-4639	Cell (304) 553-6114
Brooke	Roseanna Finney		Cell (304) 650-0766
Cabell	George Colgrove	Home (304) 945-9552	Cell (304) 633-2613
	Gary Lusher		Cell (304) 654-5319
	Bill Nance	Home (304) 576-2004	Cell (304) 638-2509
Fayette	Fred Hart	Home (304) 640-1230	
	Joe Bowman	Home (304) 763-7776	Cell (304) 237-8270
Grant	Robert Pritts		Cell (304) 790-3417 Work (304) 289-2256
Greenbrier	Steve McCoy	Home (304) 653-4503	Cell (304) 651-4503
	Randall Thomas	Home (304) 497-3741	Cell (304) 667-4704 Work (304) 536-7827
Hampshire	Robert Pritts		Cell (304) 790-3417 Work (304) 289-2256
	Bill Shoop	Home (304) 813-8887	
Hancock	Roseanna Finney		Cell (304) 650-0766
Hardy	Robert Pritts		Cell (304) 790-3417 Work (304) 289-2256
	Bill Shoop	Home (304) 813-8887	
Harrison	Robert Twigg Jr.	Home (304) 842-2777	Cell (304) 641-6051
	Ed Rollins Jr.	Home (304) 842-8984	Cell (304) 669-2081
	Charles Crouse	Home (304) 457-4964	Cell (304) 641-0961
	Anthony Columbo Jr.		Cell (304) 677-8887
Jackson	Harold Moles	Home (304) 982-5421	Cell (304) 421-3447
	Dennis Moles Jr.	Home (304) 205-4639	Cell (304) 553-6114
Jefferson	Janet Nesselerodt		Cell (304) 279-5578
Kanawha	Bob Richard	Home (304) 372-5432	Cell (304) 373-7220
	Bill Nance	Home (304) 576-2004	Cell (304) 638-2509
	Harold Moles	Home (304) 982-5421	Cell (304) 421-3447
	Dennis Moles Jr.	Home (304) 205-4639	Cell (304) 553-6114
	Gerald Smith	Home (304) 345-2595	Cell (304) 550-6346 Work (304) 558-3019
	Ryan Powers	Home (304) 561-6378	Cell (304) 205-3944
Lewis	Robert Smith	Home (304) 269-4452	
	Anthony Columbo Jr.		Cell (304) 677-8887
Logan	Bob Richard	Home (304) 372-5432	Cell (304) 373-7220
Marion	Anthony Columbo Jr.		Cell (304) 677-8887
Marshall	Arthur Lightner	Home (304) 639-1866	Work (304) 671-8136
Mason	Bill Nance	Home (304) 576-2004	Cell (304) 638-2509
	Ryan Powers	Home (304) 561-6378	Cell (304) 205-3944

County	Examiner	Contact Information	
McDowell	Thomas Bell	Home (304) 436-6976	Cell (304) 888-1546
Mercer	Jason Blevins	Home (304) 960-1655	Cell (304) 673-7556
Mineral	Robert Pritts		Cell (304) 790-3417 Work (304) 289-2256
Morgan	Janet Nesslerodt		Cell (304) 279-5578
	Bill Shoop	Home (304) 813-8887	
Ohio	Arthur Lightner	Home (304) 639-1866	Work (304) 671-8136
Nicholas	Steve McCoy	Home (304) 653-4503	Cell (304) 651-4503
	Harold Moles	Home (304) 982-5421	Cell (304) 421-3447
	Dennis Moles Jr.	Home (304) 205-4639	Cell (304) 553-6114
Preston	Anthony Columbo Jr.		Cell (304) 677-8887
Putnam	Harold Moles	Home (304) 982-5421	Cell (304) 421-3447
	Dennis Moles Jr.	Home (304) 205-4639	Cell (304) 553-6114
	Ryan Powers	Home (304) 561-6378	Cell (304) 205-3944
Raleigh	Harold Moles	Home (304) 982-5421	Cell (304) 421-3447
	Dennis Moles Jr.	Home (304) 205-4639	Cell (304) 553-6114
	Fred Hart	Home (304) 640-1230	
	Joe Bowman	Home (304) 763-7776	Cell (304) 237-8270
Randolph	Tim Myers	Home (304) 478-4420	Cell (304) 642-4424
Summers	Randall Thomas	Home (304) 497-3741	Cell (304) 667-4704 Work (304) 536-7827
Taylor	Anthony Columbo Jr.		Cell (304) 677-8887
Tucker	Tim Myers	Home (304) 478-4420	Cell (304) 642-4424
Upshur	Tim Myers	Home (304) 478-4420	Cell (304) 642-4424
	Anthony Columbo Jr.		Cell (304) 677-8887
Wetzel	Arthur Lightner	Home (304) 639-1866	Work (304) 671-8136
Wood	Daniel Taylor	Home (304) 863-8806	Cell (304) 494-2222 Work (304) 420-4659

## CDL Fee Chart

To figure out your "calculated age" subtract your birth year from the current year, for example: If you were born in 1989, your calculated age would be 25 (2014 - 1989 = 25). Therefore, your fee would be \$43.75 for five (5) years (to carry you to age 30). If your birthday is on or after December 1st, your fee will be calculated using the next calendar year.

Last Digit of Calculated Age	License Will Be Valid For	The Fee Will Be
1 or 6	4 years	\$35.00
2 or 7	3 years	\$26.25
3 or 8	7 years	\$61.25
4 or 9	6 years	\$52.50
5 or 0	5 years	\$43.75

UNDER 21 YEARS FEE CHART	
Under 21 Age in Current Year	The Fee Will Be
18	\$26.25
19	\$17.50
20	\$8.75

## Commercial Driver's License Classifications

<b>A</b>	Combination of vehicles with a gross combined weight rating (GCWR) of 26,001 pounds or more, provided the gross vehicle weight rating (GVWR) of the unit being towed is 10,001 pounds or greater.
<b>B</b>	Single vehicles with a GVWR of 26,001 pounds or more and towing any such unit with a GVWR less than 10,001 pounds.
<b>C</b>	Vehicles with a GVWR or a GCWR less than 26,001 pounds and designed to transport 16 or more passengers including the driver, or vehicles used in the transportation of hazardous materials which requires the vehicle to be placarded under 49 C.F.R.
<b>D</b>	Non-Commercial vehicles for hire

Endorsements		Fees
<b>F</b>	<b>Motorcycle</b>	<b>\$5.00</b>
<b>H</b>	<b>Hazardous Materials</b> Requires TSA fingerprint and background check prior to testing	<b>\$10.00</b>
<b>N</b>	<b>Tank Vehicles</b>	<b>\$10.00</b>
<b>P</b>	<b>Passengers</b> Requires skills test	<b>\$10.00</b>
<b>T</b>	<b>Doubles/Triples - Trailers</b>	<b>\$10.00</b>
<b>S</b>	<b>School Bus</b> Requires skills test	<b>\$10.00</b>
<b>X</b>	<b>Hazardous Materials and Tank</b> Requires TSA fingerprint and background check prior to testing	<b>\$20.00</b>

## Restrictions

<b>E</b>	<b>Restricts driver to NO manual transmission equipped CMVs</b>
<b>K</b>	<b>*Intrastate driving - driving in WV Only</b> The "K" restriction is used when a driver is under age 21 or is required to possess a CDL Intrastate Medical Waiver. Refer to page XIII for information on the Medical Waiver Program or if their medical certification was completed by an examiner not on the National Registry..
<b>L</b>	<b>Restricts the driver to vehicles not equipped with air brakes</b>
<b>M</b>	<b>Restricts the driver to class B or C buses only</b>
<b>N</b>	<b>Restricts driver to buses 26,000 pounds and under (Class C buses)</b>
<b>O</b>	<b>Restricts driver to NO tractor-trailer CMVs</b>
<b>P</b>	<b>No passengers in CMV bus</b>
<b>V</b>	<b>Driver qualified with medical variance</b>
<b>X</b>	<b>No cargo in CMV tank vehicle</b>
<b>Z</b>	<b>Restricts driver to NO full air brake equipped CMVs</b>

## Commercial Driver's License Types, Endorsements, and Restrictions

The DMV is authorized to impose license restrictions to assure the safe operation of motor vehicles. DMV may issue you a restricted license or may indicate restrictions on the form *Application for Commercial Driver's License (CDL) and/or Endorsements (DMV-CDL-1)*. Operating a motor vehicle in violation of restrictions is a serious offense and could result in the suspension or revocation of your driving privileges.

### A Valid DOT Physical is Required for Commercial Drivers

A licensee who lists their self-certification status as a Non-Excepted shall maintain a current FMCSA Medical Examiners Certificate (DOT Medical card) on file with DMV. Any certificate more than two (2) years old is not current. Any certificate that is valid less than 30 days cannot be accepted and the licensee will be required to obtain a new certificate. A licensee with a CLASS D driver's license who operates a CMV over 10,000 pounds but less than 26,001 pounds is required to comply with requirements related to submitting and maintaining a current FMCSA Medical Examiners Certificate. Applicants who list their Self-Certification status as "Excepted" are not required to meet the FMCSA requirements.

## First Time CDL Applicants

- 1) Complete the form *Application for Commercial Driver's License (CDL) and/or Endorsements (DMV-CDL-1)*.
- 2) Submit a copy of your current DOT Medical Examination Report (long form) and Medical Card, or you must provide written verification of employment with a city, county, state, or federal government and have Self-Certified that you operate in an "Excepted" status.
- 3) Submit proof of U.S. Citizenship or lawful permanent residency and proof of Social Security number.
- 4) Submit payment for the application fees and any endorsement fee(s) at the time of the application, plus a \$5.00 duplicate license fees to:

**DMV CDL Division**  
 PO Box 17010  
 Charleston, WV 25317

Typical DMV Transaction Fees			
<b>One Endorsement</b> (Includes duplicate fee)	<b>\$15.00</b>	<b>Transfer</b>	<b>\$5.00</b>
<b>Two Endorsements</b> (Includes duplicate fee)	<b>\$25.00</b>	<b>Duplicate</b>	<b>\$5.00</b>
<b>Three Endorsements</b> (Includes duplicate fee)	<b>\$35.00</b>	<b>Knowledge Test</b> For three (3) attempts and Includes general knowledge, air brakes and combination (includes duplicate fee)	<b>\$30.00</b>
<b>Four Endorsements</b> (Includes duplicate fee)	<b>\$45.00</b>		

Upon receipt of the application and fees, DMV will mail a test card to you that indicates DMV regional office locations and residency requirements.

Once all tests are successfully completed, a CLP may be issued. The permit will be valid for a period of 180 days and can be renewed **one (1) time only, within two (2) years of the initial issuance**. Applicant's must hold a CLP for a minimum of 14 days before they are eligible to take the road skills test. When you are ready to take the road skills test, you must contact a Third Party Examiner (see list beginning on page XIX) to schedule an appointment. Most skills tests are given on weekends and evenings. The cost of the skills test is **\$90.00**, which must be paid to the Third Party Examiner at the time of the test. A **\$50.00 NO SHOW** fee will be charged to an applicant who schedules a test and does not appear.

**All applicants must provide the vehicle in which the test will be taken, furthermore the vehicle must be representative of the class of license for which the applicant is testing.**

Upon successful completion of the road skills test, you must submit the test results, current license, CLP, DOT Medical Card, and one (1) proof of a WV residency (as shown on page XVI) to a designated exam center or a DMV regional office. At that time, you may be issued a CDL.

## Change Current Class of License (Upgrade)

Complete the form *Application for Commercial Driver's License (CDL) and/or Endorsements (DMV-CDL-1)*.

Indicate in the transaction area that you are applying for a license update. The fee for updating your license is \$30.00 if a knowledge test is required, or \$5.00 if no knowledge tests are required. If a knowledge test is required, a CDL test card will be mailed to you. If no testing is required, a letter of approval for the issuance of a CLP will be sent to you. A skills test is required to upgrade from one (1) class to another and/or to remove an air brake restriction.

## To Add an Endorsement (After you have been issued your CDL)

- 1) Complete the form *Application for Commercial Driver's License (CDL) and/or Endorsements (DMV-CDL-1)*, both front and back.
- 2) Submit the application, your DOT Medical Certificate, and the required fees.
- 3) For a hazardous materials endorsement, see the following page.

## **ALL Hazardous Materials Endorsement (HAZMAT) Holders and Applicants**

To apply for or retain an existing HAZMAT endorsement when upgrading or renewing your CDL, you must first complete a fingerprint and background check, from the Transportation Security Administration. You should contact the Universal Enrollment Services (UES) Help Desk at 1-855-347-8371, or visit their website at <https://universalenroll.dhs.gov> to pay the \$86.50 fee to start the fingerprint and background check process. All fees are non-refundable. After contacting UES, you must call one of the fingerprinting locations listed on the website to schedule an appointment. When visiting the UES office you must provide proof of identity and citizenship. Visit the UES website for a complete list of acceptable documents. Once you have received your approval letter in the mail from UES stating you have passed the background check, take it to the nearest DMV Regional Office to test for a HAZMAT endorsement and renew your CDL.

A HAZMAT endorsement holder renewing their CDL will receive three (3) attempts to test and pass the HAZMAT endorsement on a valid non-expired license. If your CDL license is expired, then you must obtain a HAZMAT test card from the CDL office in Charleston before you can test for HAZMAT.

### **“FOR FEDERAL IDENTIFICATION” (REAL ID) Card Requirements**

If you ***have not*** visited a DMV office since January 3, 2012, for any type of license transaction and have not presented all the required documents for proof of identity, Social Security number, and WV residency. You must bring the following documents to renew your CDL:

- 1) Your current WV CDL
- 2) One (1) proof of identity document
- 3) One (1) proof of your Social Security number document
- 4) Two (2) proofs of WV residency documents
- 5) If there has been a name change from what is listed on your identifying document, then legal name change documents supporting the legal name change must be provided
- 6) Your valid DOT Medical Certificate if you drive in a Non-Excepted Status. Individuals who self-certify their status as Excepted are exempt from having to meet federal medical requirements.
- 7) Your UES approval letter if you wish to obtain a HAZMAT endorsement

If you ***have*** visited the DMV since January 3, 2012, for any type of license transaction and have presented all the required documents for your proof of identity, Social Security number, and WV residency, you must bring the following documents:

- 1) Your current WV CDL
- 2) One (1) proof of WV residency document ***unless*** you have had a change of address, in which case you will need to provide two (2) proofs of WV residency
- 3) If your name has changed since last issuance, any change of legal name requires proof of legal name change document(s)
- 4) Your valid DOT Medical Certificate if you drive in a Non-Excepted Status. Individuals who self-certify their status as Excepted are exempt from having to meet federal medical requirements.
- 5) Your UES approval letter if you wish to obtain a HAZMAT endorsement

### **“NOT FOR FEDERAL IDENTIFICATION” Card Requirements**

If you wish to obtain a Not For Federal Identification license, you must bring the following documents:

- 1) Your current WV CDL
- 2) One (1) proof of WV residency
- 3) If your name has changed since your last issuance, any change of legal name requires proof of legal name change document(s).
- 4) Your valid DOT Medical Certificate if you drive in a Non-Excepted Status. Individuals who self-certify their status as Excepted are exempt from having to meet federal medical requirements.
- 5) Your UES approval letter if you wish to obtain a HAZMAT endorsement

If you did not receive a renewal notice in the mail, you must complete an *Application for Commercial Driver's License (CDL) and/or Endorsements (DMV-CDL-1)* at a DMV regional office. There is an additional fee of \$5.00 for an expired CDL.

## **Renewal of a WV CDL**

Once you have received your renewal notice from the DMV, you should visit a DMV regional office to start the renewal process. You have the choice between a "NOT FOR FEDERAL IDENTIFICATION" CDL, or a "FOR FEDERAL IDENTIFICATION" card that contains a gold star, indicating that the card meets full federal requirements for future use at airports and other designated federal facilities and/or uses nationwide.

**Only one state issued driver's license or ID card per person may be designated "FOR FEDERAL IDENTIFICATION".** If you choose this type of card you will receive a temporary CDL for use until your permanent CDL arrives in approximately 10 -15 business days through USPS.

## **Out-of-State Transfers to WV**

To drive a commercial vehicle in West Virginia, you must apply to transfer your CDL within 30 days of establishing residence. The DMV will obtain driving information through the CDLIS, NDR, PDPS, and from each state in which you have been licensed to drive. In some cases, the required records check may take up to 48 hours to complete. Until the records check is completed, your CDL will not be transferred. You must surrender your out-of-state CDL in order to obtain a WV CDL.

To obtain a HAZMAT endorsement on your WV CDL, see the instructions for All Hazardous Materials Endorsement Holders and Applicants on page XXI.

### ***You must bring the following documents to be issued a WV CDL:***

- 1) One (1) proof of identity document
- 2) One (1) proof of your Social Security number document
- 3) Two (2) proofs of WV residency documents
- 4) If there has been a name change from what is listed on your identifying document, then legal name change documents supporting the legal name change must be provided
- 5) Your valid DOT Medical Examiners Report and Medical Certificate if you drive in a Non-Excepted Status. Individuals who self-certify their status as Excepted are exempt from having to meet federal medical requirements.
- 6) Your out-of-state license or certified driving record
- 7) Your UES approval letter if you wish to obtain a HAZMAT endorsement

## **Knowledge Test**

The knowledge test must be taken and passed, with at least an 80% score. Endorsement tests can be taken at the same time or at a later time. *Please note: Only Passenger, School Bus or Tank endorsements can be*

added to a CLP. All other endorsements can only be added on a full CDL. **If you fail any portion of the knowledge exam, you must wait seven (7) days before you may retest. You may test three (3) times per each \$30.00 fee paid.** No oral tests can be given on hazardous materials testing.

## **CDL Skills Test**

The CDL skills tests are administered by the certified third party examiners as listed on page XVIII. The road skills test will not be given until you have passed all other parts of the examination and have, in your possession, a valid driver's license and a valid CLP for the type of vehicle for which you are testing. You must have held the CLP a minimum of 14 days before you are eligible to take the skills test. Each section of the skills test must be passed.

*Note: The state does not supply CMVs for road skills testing. A \$90.00 fee must be paid to the third party examiner at the time of the CDL skills test. A \$50.00 NO SHOW fee will be charged to an applicant who schedules a test and does not appear.*

The examiner cannot administer the skills test unless your CMV is in safe condition and is legally equipped. The CMV must first be checked to make sure it complies with registration, vehicle inspection, and equipment laws. The CLP holder/applicant must appear at the test location with a CDL driver who is properly endorsed to operate the tested vehicle.

## **Expiration of CDL**

- 1) If your CDL was issued to you on or after your 21<sup>st</sup> birthday, your CDL expires on your birthday, in the years in which your age is evenly divisible by five (5). Your CDL must be renewed by the end of the month in which your birthday falls and is valid for a period of five (5) years from the date of your birthday.
- 2) If your CDL was issued to you before your 21<sup>st</sup> birthday, it will expire on your birthday in the year in which you reach 21 years of age.
- 3) If you hold a CDL, and are in the armed forces on active duty, your CDL will remain valid for 30 days from the date on which you reestablish residency in West Virginia.
- 4) If your CDL is more than six (6) months expired, you must pass the knowledge and road skills tests for both a CLASS E driver's license and a CDL before you can obtain a valid CDL.

No CDL may be issued for less than three (3) years nor more than eight (8) years.



# Chapter IV | LAWS AND RULES FOR CDL DRIVERS

## A Valid CDL is Required for Driving a CMV

Be sure you have your CDL with you when you drive. You are required to display your CDL upon demand to any law enforcement officer, magistrate, or official of the DMV. Violation of this requirement is a misdemeanor; however, you will not be convicted if your CDL is valid at the time of arrest and you can produce it in court or in the office of the arresting officer.

No person may drive a CMV if their CDL is under disqualification, suspension, revocation, cancellation, or expiration, or who is subject to an out-of-service order.

The Commissioner of Motor Vehicles shall disqualify, for a period of 60 days, the driving privileges of any person who is convicted of operating a CMV without holding a valid CDL and the required applicable endorsements for the CMV they are driving. Any person not holding a CDL who is convicted of an offense that requires disqualification from operating a CMV shall also be disqualified from eligibility for a CDL for the same time periods as prescribed in federal law or rule, or Chapter §17E-1-7 of the West Virginia Motor Vehicle Code.

## CMV Employment History Disclosure to Prospective Employers & Employer Responsibilities

If you are applying for employment as a CMV driver, you must provide your prospective employer, at the time of application, with the following information for the ten years preceding the date of your application:

- 1) All names and addresses of your previous employers for which you were a driver of a CMV;
- 2) The dates between which you drove for each employer; and
- 3) Your reason for leaving each employer.

You must certify that all information furnished is true and complete. An employer may require that you provide additional information.

No employer may knowingly allow, permit, or authorize a driver to operate a CMV during any period in which the driver:

- 1) Is under license suspension, revocation, or cancellation in any state or jurisdiction;
- 2) Has lost the privilege to drive a CMV in any state or jurisdiction;
- 3) Has been disqualified from driving a CMV; or
- 4) Has more than one (1) driver's license at a time for the 10 day period beginning on the date that the driver was issued a license.

## DMV Must Be Notified of Any Loss of Driving Privileges

Any CDL holder who loses the privilege to drive or is disqualified from driving a CMV for any period of time by any state or jurisdiction including, suspension, revocation, cancellation, or expiration must notify their employer before the end of the business day following the day that they received notice.

## Basic Speed Laws

When you exceed the speed limit, you endanger the lives of others as well as your own. Observe speed limits and adjust your speed to driving conditions.

To insure your safety and the safety of others, you should slow down when you are faced with these driving situations:

- Approaching and crossing an intersection;

- Approaching and going around a curve;
- Approaching the top of a hill;
- Traveling on a narrow road; or
- Anywhere traffic, weather, roadway hazards, or other conditions limit visibility or stopping distance.

## Speed Limits

Your speed helps determine how much time you have to react to any traffic situation. The higher the speed, the less time you have to spot hazards, judge the speed of other vehicles, and act to avoid personal mistakes, as well as those of other drivers. The interstate speed limit in West Virginia is 70 mph for all vehicles unless otherwise posted. There are designated speeds set by law for highways and certain areas such as school zones, business, and residential districts.

Designated speeds, unless otherwise posted are:

Location	Max Speed
Interstate	70 mph
Open Highway	55 mph
Business or Residential Area	25 mph
School Zone (while children are present)	15 mph

Authorized emergency vehicles may exceed the posted speed limits when on duty with their emergency signal equipment operating, as long as other road users are not endangered.

## Crash Report/Tickets

If you are involved in a crash resulting in death or bodily injury, or apparent property damage of \$500 or more, the investigating officer is required to complete a crash report. If you are issued a ticket for no compulsory motor vehicle liability insurance, the court is required to send a copy of the ticket to the DMV. If, after reviewing the report or ticket, the Commissioner of Motor Vehicles determines the vehicle was not covered by compulsory motor vehicle liability insurance, the law requires suspension of both the drivers and owners' driving privileges and revocation of the vehicle registration plate. The suspension period for a first offense is 30 days and 90 days for all subsequent offenses. A vehicle registration plate is revoked until proof of current compulsory motor vehicle liability insurance coverage and all required reinstatement fees are provided.

## Compulsory Motor Vehicle Liability Insurance

West Virginia law mandates that all motorists driving on the State's public roads must carry compulsory motor vehicle liability insurance. The minimum amount of coverage, as provided by law, is \$25,000 for one (1) death or injury, \$50,000 for two (2) deaths or injuries, and \$25,000 for property damage. *This proof of financial responsibility applies to any policy issued or renewed on or after January 1, 2016.*

When you obtain or renew your vehicle registration, you must sign a statement under penalty of false swearing, that you have compulsory motor vehicle liability insurance on your vehicle and will maintain this insurance for the full registration year. Upon cancellation of a vehicle's compulsory motor vehicle liability insurance, you are required to surrender its registration plate. False statements concerning insurance coverage will result in a 90 day suspension of your driver's license and suspension of your vehicle registration plates until proof of current compulsory motor vehicle liability insurance is provided and reinstatement fees are paid.

In addition, a Certificate of Insurance or other proof of compulsory motor vehicle liability insurance, which can be obtained from your insurance company, must always be carried in your vehicle. In the event of a crash, you must present this certificate of insurance or other proof to the investigating officer. You must also show the certificate of insurance for your annual vehicle inspection.

## Commercial Drivers are Prohibited from Operating with ANY Alcohol in System

- A) Notwithstanding any other provision of law, no person may drive, operate, or be in physical control of a CMV while having any measurable alcohol in their system.
- B) A person who drives, operates, or is in physical control of a motor vehicle while having any measurable alcohol in their system, or who refuses to take a preliminary breath test to determine their alcohol content must be placed out-of-service for 24 hours.

## Implied Consent Law

Any person who accepts the privilege of driving in West Virginia shall be deemed to have given their consent to take the designated test to determine the alcohol content in their body. If they refuse to take a chemical test, their privilege of operating a motor vehicle will be suspended for a period of at least one (1) year, and up to life. Many people mistakenly assume the Implied Consent Law means they will be fined, or go to jail if they are stopped and have alcohol on their breath. On the contrary, the law was designed to protect the driver who has not been drinking since the blood alcohol test will provide a medically accepted measure of alcohol concentration. The Implied Consent Law protects the public from drivers who are intoxicated but, when arrested, refuse to be tested for alcohol.

## Point System

The DMV has a point system to identify and control problem drivers. DMV maintains a continuing record of your driving conduct from the date of your first conviction for a moving violation.

Your record will show the date and nature of the violation, court codes, and points assessed. Points are assessed for traffic violations depending on the seriousness of the violation. Repeated convictions may lead to suspension of your driving privilege.

Upon reaching twelve or more points, your driving privileges will be suspended.

You may have three (3) points deducted from your record upon completion of an eight (8) hour defensive driving course conducted at various locations throughout the state. For schedule and location information, please contact the DMV at 1-800-642-9066 or 1-304-926-3499.

Points will be maintained as part of your driving record for a minimum of two (2) years from the conviction date. However, any conviction will remain on your record for a period of 10 years.

OFFENSES	POINT VALUES
Fleeing from an Officer	8
Speeding in a School Zone	6
Reckless/Careless Driving	6
Hit and Run (Leaving the Scene or Failure to Reveal ID)	6
Speeding 20 mph or More Over the Speed Limit	6
Speeding 15 mph - 19 mph Over the Speed Limit	5
Speeding 11 mph - 14 mph Over the Speed Limit	3
3 or More Wireless Communication Device Violations (Any Combination of Talking and/or Texting)	3
Passing Violation	3
Failure to Yield Violation	3
Failure to Obey Traffic Light	3
Failure to Obey Stop Sign	3
Hazardous Driving	3
Driving Left of Center	3
Driving Too Fast for Conditions	3
Failure to Maintain Control of Vehicle	3
Careless Driving	3
Driving the Wrong Way on a One Way Street	3
Littering	3
Improper Lane Violation	3
Failure to Observe a Safety Zone	3
Failure to Follow a Police Officer's Instructions	3
Driving on the Wrong Side of the Road	3
Following Too Closely	2
More than 3 Passengers in the Front Seat	2
Improper Turning	2
Improper Backing	2
Improper Signal or No Signal	2

**FOR ANY MOVING VIOLATIONS NOT LISTED ABOVE CONTACT THE DMV**

## **Driving in Other States**

West Virginia is a member of the Driver License Compact. Traffic violations you receive in other states will become part of your West Virginia driving record and, if warranted, points will be assessed. If you are convicted in other states and the offense is grounds for suspension or revocation, your West Virginia driver's license may be suspended or revoked. Other states may also restrict, suspend, or revoke your privilege to driver a motor vehicle in those states.

West Virginia is also a member of the Non-Resident Violator Compact (NRVC). This allows drivers to accept traffic citations for certain violations and continue on their way, regardless of whether the driver resides in that state or jurisdiction. Each member state agrees to suspend the driver's license of its own citizens who fail to comply with the terms of the traffic violation committed in another state.

## **Failure to Comply with In-State Citations**

State law requires municipal, magistrate, and circuit courts to notify the DMV when you fail to pay, fail to appear, or fail to comply with any type of court order/decision, even if it is not a traffic ticket. Also, federal law requires the DMV to record the suspension action as a conviction.

The DMV will suspend your driver's license until you present proof of compliance with the court action and all penalty fees are paid. Traffic tickets and other types of citations should be handled promptly to avoid a possible driver's license suspension. If your penalty fee is being paid by a third party, such as a leasing company, it is your responsibility to ensure that the payment is made in a timely manner to avoid suspension of your driver's license.

## **Mandatory License Revocation**

Convictions for certain violations of the motor vehicle laws are serious and require the immediate revocation of your driver's license. DMV must revoke a driver's license when it receives a final notice of conviction for a period of at least one (1) year for any of the following:

- Manslaughter or negligent homicide resulting from the operation of a motor vehicle;
- A felony involving the use of a motor vehicle;
- Perjury or false affidavits to the DMV;
- Leaving the scene of an accident in which you are involved that results in death or personal injury;
- Three (3) convictions of reckless driving in 24 months;
- Racing on streets or highways (drag racing) six (6) months;
- Failure to satisfy a civil judgment against you as a result of your involvement in an automobile accident (no time period);
- Conviction in another state or jurisdiction for driving under the influence of alcohol, controlled substances, or other drugs – applicable time period; or
- A DUI conviction against a person under the age of 18 will be in effect until age 18 or the applicable statutory period or revocation, whichever is longer.

## **Child Support Suspensions**

Circuit courts may order driver's license suspension for any person who accumulates child support payment in arrears of six (6) months or more. DMV may issue a restricted driver's license if ordered by a circuit court so that persons under child support payment suspension may drive to and from work. DMV may impose suspension or revocation against any person that violates the terms of a restricted license. Child support related suspensions remain in effect until DMV receives a court order restoring the license, or certification by the Child Support Enforcement Division that the licensee is complying with the original court order or a modified order.

## **Driving While Revoked or Suspended**

The mandatory penalty for the first conviction of driving while under revocation or suspension is a minimum \$100 fine. Even more serious is the penalty for DUI related driving while revoked or suspended. Upon conviction, the penalty is a minimum jail sentence of six (6) months. The revocation period is extended by six (6) months. No employer may knowingly allow, permit, or authorize a driver to operate a CMV during any period of revocation or suspension.

## **Re-Examination of Drivers**

You may be required to submit to a re-examination if the Commissioner of Motor Vehicles has good cause to believe you are incompetent or otherwise not qualified to be licensed. After you have taken the re-examination, your license may be retained, suspended, revoked, or you may be issued a restricted license. Refusal to submit to a re-examination is grounds for suspension or revocation of your license.

## **Disqualification/Cancellation of a CDL**

### ***Disqualification Offenses (WV State Code, §17E-1-13)***

***(a) A person may not operate a commercial motor vehicle if his or her privilege to operate a commercial motor vehicle is disqualified under the provisions of the Federal Motor Carrier Safety Improvement Act of 1999 (public law 106-159 §1748), 49 C.F.R. Part §383, Subpart D (2004) or in accordance with the provisions of this section.***

- (1) For the purposes of determining first and subsequent violations of the offenses listed in this section, each conviction for any offense listed in this section resulting from a separate incident includes convictions for offenses committed in a commercial motor vehicle or a noncommercial motor vehicle.*
- (2) Any person disqualified from operating a commercial motor vehicle for life under the provisions of this chapter for offenses described in subsection (b) subdivisions (4) and (6) of this section is eligible for reinstatement of privileges to operate a commercial motor vehicle after ten years and after completion of the safety and treatment program or other appropriate program prescribed by the DMV. Any person whose lifetime disqualification has been amended under the provisions of this subdivision and who is subsequently convicted of a disqualifying offense described in subsection (b), subdivisions (1) through (8) of this section is not eligible for reinstatement.*
- (3) Any disqualification imposed by this section is in addition to any action to suspend, revoke or cancel the driver's license or driving privileges if suspension, revocation or cancellation is required under another provision of this code.*
- (4) The provisions of this section apply to any person operating a commercial motor vehicle and to person holding a commercial driver's license.*

***(b) Any person is disqualified from driving a commercial motor vehicle for the following offenses and time periods if convicted of:***

- (1) Driving a motor vehicle under the influence of alcohol or a controlled substance;*
  - (A) For a first conviction or for refusal to submit to any designated secondary chemical test while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for a period of one (1) year.*
  - (B) For a first conviction or for refusal to submit to any designated secondary chemical test while operating a noncommercial motor vehicle, a commercial driver's license holder is disqualified from operating a commercial motor vehicle for a period of one (1) year.*
  - (C) For a first conviction or for refusal to submit to any designated secondary chemical test while operating a commercial motor vehicle transporting hazardous materials required to be placarded under 49 C.F.R. Part §172, Subpart F, a driver is disqualified from operating a commercial motor vehicle for a period of three years.*

- (D) *For a second conviction or for refusal to submit to any designated secondary chemical test in a separate incident of any combination of offenses in this subsection while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for life.*
  - (E) *For a second conviction or refusal to submit to any designated secondary chemical test in a separate incident of any combination of offenses in this subsection while operating a noncommercial motor vehicle, a commercial motor vehicle license holder is disqualified from operating a commercial motor vehicle for life.*
- (2) *Driving a commercial motor vehicle while the person's alcohol concentration of the person's blood, breath or urine is four hundredths of one percent or more, by weight;*
- (A) *For a first conviction or for refusal to submit to any designated secondary chemical test while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for one (1) year.*
  - (B) *For a first conviction or for refusal to submit to any designated secondary chemical test while operating a commercial motor vehicle transporting hazardous materials required to be placarded under 49 C.F.R. Part §172, Subpart F, a driver is disqualified from operating a commercial motor vehicle for three years.*
  - (C) *For a second conviction or refusal to submit to any designated secondary chemical test in a separate incident of any combination of offenses in this subsection while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for life.*
- (3) *Refusing to submit to any designated secondary chemical test required by the provisions of this code or the provisions of 49 C.F.R. §383.72 (2004);*
- (A) *For the first conviction or refusal to submit to any designated secondary chemical test while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for one (1) year.*
  - (B) *For the first conviction or refusal to submit to any designated secondary chemical test while operating a noncommercial motor vehicle, a commercial driver's license holder is disqualified from operating a commercial motor vehicle for one (1) year.*
  - (C) *For the first conviction or for refusal to submit to any designated secondary chemical test while operating a commercial motor vehicle transporting hazardous materials required to be placarded under 49 C.F.R. Part §172, Subpart F (2004), a driver is disqualified from operating a commercial motor vehicle for a period of three years.*
  - (D) *For a second conviction or refusal to submit to any designated secondary chemical test in a separate incident of any combination of offenses in this subsection while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for life.*
  - (E) *For a second conviction or refusal to submit to any designated secondary chemical test in a separate incident of any combination of offenses in this subsection while operating a noncommercial motor vehicle, a commercial driver's license holder is disqualified from operating a commercial motor vehicle for life.*
- (4) *Leaving the scene of a crash;*
- (A) *For the first conviction while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for one (1) year.*
  - (B) *For the first conviction while operating a noncommercial motor vehicle, a commercial driver's license holder is disqualified for one (1) year.*
  - (C) *For the first conviction while operating a commercial motor vehicle transporting hazardous materials required to be placarded under 49 C.F.R. Part §172, Subpart F (2004), a driver is disqualified from operating a commercial motor vehicle for a period of three years.*
  - (D) *For a second conviction in a separate incident of any combination of offenses in this*

*subsection while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for life.*

*(E) For a second conviction in a separate incident of any combination of offenses in this subsection while operating a noncommercial motor vehicle, a commercial driver's license holder is disqualified from operating a commercial motor vehicle for life.*

*(5) Using a motor vehicle in the commission of any felony as defined in section three, article one (1) of this chapter: Provided, That the commission of any felony involving the manufacture, distribution or dispensing of a controlled substance, or possession with intent to manufacture, distribute or dispense a controlled substance falls under the provisions of subdivision eight of this subsection;*

*(A) For the first conviction while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for one (1) year.*

*(B) For the first conviction while operating a noncommercial motor vehicle, a commercial driver's license holder is disqualified from operating a commercial motor vehicle for one (1) year.*

*(C) For the first conviction while operating a commercial motor vehicle transporting hazardous materials required to be placarded under 49 C.F.R. Part §172, Subpart F,(2004), a driver is disqualified from operating a commercial motor vehicle for a period of three years.*

*(D) For a second conviction in a separate incident of any combination of offenses in this subsection while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for life.*

*(E) For a second conviction in a separate incident of any combination of offenses in this subsection while operating a noncommercial motor vehicle, a commercial motor vehicle license holder is disqualified from operating a commercial motor vehicle for life.*

*(6) Operating a commercial motor vehicle when, as a result of prior violations committed operating a commercial motor vehicle, the driver's privilege to operate a motor vehicle has been suspended, revoked or canceled, or the driver's privilege to operate a commercial motor vehicle has been disqualified.*

*(A) For the first conviction while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for one (1) year.*

*(B) For the first conviction while operating a commercial motor vehicle transporting hazardous materials required to be placarded under 49 C.F.R. Part §172, Subpart F,(2004), a driver is disqualified from operating a commercial motor vehicle for a period of three years.*

*(C) For a second conviction in a separate incident of any combination of offenses in this subsection while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for life.*

*(7) Causing a fatality through the negligent operation of a commercial motor vehicle, including, but not limited to, the crimes of motor vehicle manslaughter, homicide and negligent homicide as defined in section five, article three, chapter seventeen-b, and section one, article five, chapter seventeen-c of this code;*

*(A) For the first conviction while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for one (1) year.*

*(B) For the first conviction while operating a commercial motor vehicle transporting hazardous materials required to be placarded under 49 C.F.R. Part §172, Subpart F,(2004), a driver is disqualified from operating a commercial motor vehicle for a period of three years.*

*(C) For a second conviction in a separate incident of any combination of offenses in this subsection while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for life.*

(8) *Using a motor vehicle in the commission of any felony involving the manufacture, distribution or dispensing of a controlled substance, or possession with intent to manufacture, distribute or dispense a controlled substance, a driver is disqualified from operating a commercial motor vehicle for life and shall not be eligible for reinstatement.*

**(c) Any person is disqualified from driving a commercial motor vehicle if convicted of;**

(1) *Speeding excessively involving any speed of fifteen miles per hour or more above the posted speed limit;*

(A) *For a second conviction of any combination of offenses in this subsection in a separate incident within a three-year period while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for a period of sixty days.*

(B) *For a second conviction of any combination of offenses in this section in a separate incident within a three-year period while operating a noncommercial motor vehicle, if the conviction results in the suspension, revocation or cancellation of the commercial driver's license holder's privilege to operate any motor vehicle, a commercial driver's license holder is disqualified from operating a commercial motor vehicle for a period of sixty days.*

(C) *For a third or subsequent conviction of any combination of the offenses in this subsection in a separate incident in a three-year period while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for a period of one hundred twenty days.*

(D) *For a third or subsequent conviction of any combination of offenses in this subsection in a separate incident within a three-year period while operating a noncommercial motor vehicle, if the conviction results in the suspension, revocation or cancellation of the commercial driver's license holder's privilege to operate any motor vehicle, a commercial driver's license holder shall be disqualified from operating a commercial motor vehicle for a period of one hundred twenty days.*

(2) *Reckless driving as defined in section three, article five, chapter seventeen-c of this code, careless, or negligent driving including, but not limited to, the offenses of driving a motor vehicle in willful or wanton disregard for the safety of persons or property;*

(A) *For a second conviction of any combination of offenses in this subsection in a separate incident within a three-year period while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for a period of sixty days.*

(B) *For a second conviction of any combination of offenses in this section in a separate incident within a three-year period while operating a noncommercial motor vehicle, if the conviction results in the suspension, revocation, or cancellation of the commercial driver's license holder's privilege to operate any motor vehicle, a commercial driver's license holder is disqualified from operating a commercial motor vehicle for a period of sixty days.*

(C) *For a third or subsequent conviction of any combination of the offenses in this subsection in a separate incident in a three-year period while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for a period of one hundred twenty days.*

(D) *For a third or subsequent conviction of any combination of offenses in this subsection in a separate incident within a three-year period while operating a noncommercial motor vehicle, if the conviction results in the suspension, revocation or cancellation of the commercial driver's license holder's privilege to operate any motor vehicle, a commercial driver's license holder is disqualified from operating a commercial motor vehicle for a period of one hundred twenty days.*

(3) *Making improper or erratic traffic lane changes;*

(A) *For a second conviction of any combination of offenses in this subsection in a separate incident within a three-year period while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for a period of sixty days.*



- (B) *For a second conviction of any combination of offenses in this section in a separate incident within a three-year period while operating a noncommercial motor vehicle, if the conviction results in the suspension, revocation, or cancellation of the commercial driver's license holder's privilege to operate any motor vehicle, a commercial driver's license holder is disqualified from operating a commercial motor vehicle for a period of sixty days.*
  - (C) *For a third or subsequent conviction of any combination of the offenses in this subsection in a separate incident in a three-year period while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for a period of one hundred twenty days.*
  - (D) *For a third or subsequent conviction of any combination of offenses in this subsection in a separate incident within a three-year period while operating a noncommercial motor vehicle, if the conviction results in the suspension, revocation or cancellation of the commercial driver's license holder's privilege to operate any motor vehicle, a commercial driver's license holder is disqualified from operating a commercial motor vehicle for a period of one hundred twenty days.*
- (4) *Following the vehicle ahead too closely;*
- (A) *For a second conviction of any combination of offenses in this subsection in a separate incident within a three-year period while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for a period of sixty days.*
  - (B) *For a second conviction of any combination of offenses in this section in a separate incident within a three-year period while operating a noncommercial motor vehicle, if the conviction results in the suspension, revocation, or cancellation of the commercial driver's license holder's privilege to operate any motor vehicle, a commercial driver's license holder is disqualified from operating a commercial motor vehicle for a period of sixty days.*
  - (C) *For a third or subsequent conviction of any combination of the offenses in this subsection in a separate incident in a three-year period while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for a period of one hundred twenty days.*
  - (D) *For a third or subsequent conviction of any combination of offenses in this subsection in a separate incident within a three-year period while operating a noncommercial motor vehicle, if the conviction results in the suspension, revocation or cancellation of the commercial driver's license holder's privilege to operate any motor vehicle, a commercial driver's license holder is disqualified from operating a commercial motor vehicle for a period of one hundred twenty days.*
- (5) *Violating any law relating to traffic control arising in connection with a fatal accident, other than a parking violation;*
- (A) *For a second conviction of any combination of offenses in this subsection in a separate incident within a three-year period while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for a period of sixty days.*
  - (B) *For a second conviction of any combination of offenses in this section in a separate incident within a three-year period while operating a noncommercial motor vehicle, if the conviction results in the suspension, revocation, or cancellation of the commercial driver's license holder's privilege to operate any motor vehicle, a commercial driver's license holder is disqualified from operating a commercial motor vehicle for a period of sixty days.*
  - (C) *For a third or subsequent conviction of any combination of the offenses in this subsection in a separate incident in a three-year period while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for a period of one hundred twenty days.*
  - (D) *For a third or subsequent conviction of any combination of offenses in this subsection in a separate incident within a three-year period while operating a noncommercial motor vehicle, if the conviction results in the suspension, revocation or cancellation of the*

*commercial driver's license holder's privilege to operate any motor vehicle, a commercial motor vehicle license holder is disqualified from operating a commercial motor vehicle for a period of one hundred twenty days.*

- (6) Driving a commercial motor vehicle without obtaining a commercial driver's license;*
  - (A) For a second conviction of any combination of offenses in this subsection in a separate incident within a three-year period while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for a period of sixty days.*
  - (B) For a third or subsequent conviction of any combination of the offenses in this subsection in a separate incident in a three-year period while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for a period of one hundred twenty days.*
  
- (7) Driving a commercial motor vehicle without a commercial driver's license in the driver's possession, provided that any person who provides proof of possession of a commercial driver's license to the enforcement agency that issued the citation, by the court appearance or fine payment deadline shall not be guilty of this offense;*
  - (A) For a second conviction of any combination of offenses in this subsection in a separate incident within a three-year period while operating a commercial motor vehicle, a commercial driver's license holder is disqualified from operating a commercial motor vehicle for a period of sixty days.*
  - (B) For a third or subsequent conviction of any combination of the offenses in this subsection in a separate incident in a three-year period while operating a commercial motor vehicle, a commercial driver's license holder is disqualified from operating a commercial motor vehicle for a period of one hundred twenty days.*
  
- (8) Driving a commercial motor vehicle without the proper class of commercial driver's license or the proper endorsements for the specific vehicle group being operated, or for the passengers or type of cargo being transported;*
  - (A) For a second conviction of any combination of offenses in this subsection in a separate incident within a three-year period while operating a commercial motor vehicle, a commercial driver's license holder is disqualified from operating a commercial motor vehicle for a period of sixty days.*
  - (B) For a third or subsequent conviction of any combination of the offenses in this subsection in a separate incident in a three-year period while operating a commercial motor vehicle, a commercial driver's license holder is disqualified from operating a commercial motor vehicle for a period of one hundred twenty days.*
  
- (d) Any person convicted of operating a commercial motor vehicle in violation of any federal, state or local law or ordinance pertaining to any of the railroad crossing violations described in subdivisions one through six of this subsection is disqualified from operating a commercial motor vehicle for the period of time specified;***
  - (1) Failing to slow down and check that the tracks are clear of an approaching train, if not required to stop in accordance with the provisions of section three, article twelve, chapter seventeen-c of this code;*
    - (A) For the first conviction, a driver is disqualified from operating a commercial motor vehicle for a period of sixty days;*
    - (B) For a second conviction of any combination of offenses in this subsection within a three-year period, a driver is disqualified from operating a commercial motor vehicle for one hundred twenty days; and*

- (C) *For a third or subsequent conviction of any combination of offenses in this subsection within a three-year period, a driver is disqualified from operating a commercial motor vehicle for one (1) year.*
- (2) *Failing to stop before reaching the crossing, if the tracks are not clear, if not required to stop, in accordance with the provisions of section one, article twelve, chapter seventeen-c of this code;*
- (A) *For the first conviction, a driver is disqualified from operating a commercial motor vehicle for a period of sixty days;*
- (B) *For a second conviction of any combination of offenses in this subsection within a three-year period, a driver is disqualified from operating a commercial motor vehicle for one hundred twenty days; and*
- (C) *For a third or subsequent conviction of any combination of offenses in this subsection within a three-year period, a driver is disqualified from operating a commercial motor vehicle for one (1) year.*
- (3) *Failing to stop before driving onto the crossing, if required to stop in accordance with the provisions of section three, article twelve, chapter seventeen-c of this code;*
- (A) *For the first conviction, a driver is disqualified from operating a commercial motor vehicle for a period of sixty days;*
- (B) *For a second conviction of any combination of offenses in this subsection within a three-year period, the driver is disqualified from operating a commercial motor vehicle for one hundred twenty days; and*
- (C) *For a third or subsequent conviction of any combination of offenses in this subsection within a three-year period, a driver is disqualified from operating a commercial motor vehicle for one (1) year.*
- (4) *Failing to have sufficient space to drive completely through the crossing without stopping in accordance with the provisions of section three, article twelve, chapter seventeen-c of this code;*
- (A) *For the first conviction, a driver is disqualified from operating a commercial motor vehicle for a period of sixty days;*
- (B) *For a second conviction of any combination of offenses in this subsection within a three-year period, a driver is disqualified from operating a commercial motor vehicle for one hundred twenty days; and*
- (C) *For a third or subsequent conviction of any combination of offenses in this subsection within a three-year period, a driver is disqualified from operating a commercial motor vehicle for one (1) year.*
- (5) *Failing to obey a traffic control device or the directions of an enforcement official at the crossing in accordance with the provisions of section one, article twelve, chapter seventeen-c of this code; or*
- (A) *For the first conviction, a driver is disqualified from operating a commercial motor vehicle for a period of sixty days;*
- (B) *For a second conviction of any combination of offenses in this subsection within a three-year period, a driver is disqualified from operating a commercial motor vehicle for one hundred twenty days; and*
- (C) *For a third or subsequent conviction of any combination of offenses in this subsection within a three-year period, a driver is disqualified from operating a commercial motor vehicle for one (1) year.*
- (6) *Failing to negotiate a crossing because of insufficient undercarriage clearance in accordance with the provisions of section three, article twelve, chapter seventeen-c of this code.*
- (A) *For the first conviction, a driver is disqualified from operating a commercial motor vehicle for a period of sixty days;*
- (B) *For a second conviction of any combination of offenses in this subsection within a three-year period, a driver is disqualified from operating a commercial motor vehicle for one hundred twenty days; and*

*(C) For a third or subsequent conviction of any combination of offenses in this subsection within a three-year period, a driver is disqualified from operating a commercial motor vehicle for one (1) year.*

***(e) Any person who is convicted of violating an out-of-service order while operating a commercial motor vehicle is disqualified for the following periods of time if:***

*(1) Convicted of violating a driver or vehicle out-of-service order while transporting nonhazardous materials;*

*(A) For the first conviction of violating an out-of-service order while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for one hundred eighty days.*

*(B) For a second conviction in a separate incident within a ten-year period for violating an out of service order while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for two years.*

*(C) For a third or subsequent conviction in a separate incident within a ten-year period for violating an out-of-service order while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for three years.*

*2) Convicted of violating a driver or vehicle out-of-service order while transporting hazardous materials required to be placarded under 49 C.F.R. Part §172, Subpart F (2004), or while operating a vehicle designed to transport sixteen or more passengers including the driver;*

*(A) For the first conviction of violating an out of service order while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for one hundred eighty days.*

*(B) For a second conviction in a separate incident within a ten-year period for violating an out-of-service order while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for three years.*

*(C) For a third or subsequent conviction in a separate incident within a ten-year period for violating an out-of-service order while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for three years.*

***(f) After disqualifying, suspending, revoking or canceling a commercial driver's license, the DMV shall update its records to reflect that action within ten days.***

***(g) In accordance with the provisions of 49 U.S.C. §313119 (a)(19)(2004), and 49 C.F.R §384.226 (2004), and notwithstanding the provisions of section twenty-five, article eleven, chapter sixty-one of this code, no record of conviction, revocation, suspension or disqualification related to any type of motor vehicle traffic control offense, other than a parking violation, of a CDL holder or a person operating a commercial motor vehicle may be masked, expunged, deferred, or be subject to any diversion program.***

***(h) Notwithstanding any provision in this code to the contrary, the DMV may not issue any temporary driving permit, work-only driving permit or hardship license or permit that authorizes a person to operate a commercial motor vehicle when his or her privilege to operate any motor vehicle has been revoked, suspended, disqualified or otherwise canceled for any reason.***

***(i) In accordance with the provisions of 49 C.F.R. §391.15(b), a driver is disqualified from operating a commercial motor vehicle for the duration of any suspension, revocation or cancellation of his or her driver's license or privilege to operate a motor vehicle by this state or by any other state or jurisdiction until the driver complies with the terms and conditions for reinstatement set by this state or by another state or jurisdiction.***

*(j) In accordance with the provisions of 49 C.F.R. 353.52 (2006), the DMV shall immediately disqualify a driver's privilege to operate a commercial motor vehicle upon a notice from the Assistant Administrator of the Federal Motor Carrier Safety Administration that the driver poses an imminent hazard. Any disqualification period imposed under the provisions of this subsection shall be served concurrently with any other period of disqualification if applicable.*

*(k) In accordance with the provisions of 49 C.F.R. 1572.11(a), the DMV shall immediately disqualify a driver's privilege to operate a commercial motor vehicle if the driver fails to surrender his or her driver's license with a hazardous material endorsement to the DMV upon proper notice by the DMV to the driver that the DMV received notice from the Department of Homeland Security Transportation Security Administration of an initial determination of threat assessment and immediate revocation that the driver does not meet the standards for security threat assessment provided in 49 C.F.R. 1572.5. The disqualification remains in effect until the driver either surrenders the driver's license to the DMV or provides the DMV with an affidavit attesting to the fact that the driver has lost or is otherwise unable to surrender the license.*

## **LIMITING THE USE OF WIRELESS COMMUNICATION DEVICES**

On October 27, 2010, The Federal Motor Carrier Safety Administration (FMCSA) published a final rule that prohibits texting by commercial motor vehicle (CMV) drivers while operating in interstate commerce and imposes sanctions, including civil penalties and disqualifications from operating CMV's in interstate commerce, for drivers who fail to comply to this rule. Additionally, motor carriers are prohibited from requiring or allowing their drivers to engage in texting while driving. Violations may include a penalty up to \$2,750.

The rule also amends the CDL regulations to add a conviction under State or local traffic laws or ordinances that prohibit texting by CDL drivers while operating CMV including school bus drivers, to the list of disqualifying CDL offenses. Second convictions for violating State or local law result in 60 day disqualification; third or subsequent offenses result in 120 day suspension. Similar changes were made to the driver disqualification regulations 49 C.F.R. Part 391.

### **§ 383.5 & 49 CFR §390.5 Definitions**

**Electronic device** includes, but is not limited to, a cellular telephone; personal digital assistant; pager; computer; or any other device used to input, write, send, receive, or read text.

**Texting** means manually entering alphanumeric text into, or reading text from, an electronic device.

- (1) This action includes, but is not limited to, short message service, e-mailing, instant messaging, a command or request to access a World Wide Web page, or engaging in any other form of electronic text retrieval or entry, for present or future communication.
- (2) Texting does not include:
  - (i) Reading, selecting, or entering a telephone number, an extension number, or voice mail retrieval codes and commands into an electronic device for the purpose of initiating or receiving a phone call or using voice commands to initiate or receive a telephone call;
  - (ii) Inputting, selecting, or reading information on a global positioning system or navigation system;
  - (iii) Using a device capable of performing multiple functions (e.g., fleet management systems, dispatching devices, smart phones, citizens band radios, music players, etc.) for a purpose that is not otherwise prohibited in this part.

**DRIVING FOR THE PURPOSE OF THIS DISQUALIFICATION, MEANS OPERATING A COMMERCIAL MOTOR VEHICLE, WITH THE MOTOR RUNNING, INCLUDING WHILE TEMPORARY STATIONARY BECAUSE OF TRAFFIC, A TRAFFIC CONTROL DEVICE, OR OTHER MOMENTARY DELAYS. DRIVING DOES NOT INCLUDE OPERATING A COMMERCIAL MOTOR VEHICLE WITH OR WITHOUT THE MOTOR RUNNING WHEN THE DRIVER HAS MOVED THE VEHICLE TO THE SIDE OF, OR OFF, A HIGHWAY, AS DEFINED IN CFR 390.5, AND HAS HALTED IN A LOCATION WHERE THE VEHICLE CAN SAFELY REMAIN STATIONARY.**

## **§ 390.3 (f) General Applicability**

- (1) All school bus operations as defined in §390.5 except for the provisions of §391.15(e) and 392.80; The operation of commercial motor vehicles designed or used to transport between 9 and 15 passengers (including the driver), not for direct compensation, provided the vehicle does not otherwise meet the definition of a commercial motor vehicle except for the texting provisions of §§ 391.15(e), 390.19, and 390.21(a), and (b)(2).

## **PART 391**

### **QUALIFICATIONS OF DRIVERS AND LONGER COMBINATION VEHICLE (LCV) DRIVER INSTRUCTIONS**

#### **49 CFR §391.2 General Exceptions**

- (a) Farm custom operation. The rules in this part, except for §391.15(e), do not apply to a driver who drives a commercial motor vehicle controlled and operated by a person engaged in custom harvesting operations, if the commercial motor vehicle is used to:
  - (1) Transport farm machinery, supplies, or both, to or from a farm for custom-harvesting operations on a farm; or
  - (2) Transport custom-harvested crops to storage or market.
- (b) Apiarian industries. The rules in this part, except for §391.15(e), do not apply to a driver who is operating a commercial motor vehicle controlled and operated by a beekeeper engaged in the seasonal transportation of bees.
- (c) Certain farm vehicle drivers. The rules in this part, except for §391.15(e), do not apply to a farm vehicle driver except a farm vehicle driver who drives an articulated (combination) commercial motor vehicle, as defined in §390.5. (For limited exemptions for farm vehicle drivers of articulated commercial motor vehicles, see §391.67.)

#### **49 CFR §391.15(e) Disqualification of Drivers**

- (e) Disqualification for violation of prohibition of texting while driving a commercial motor vehicle—
  - (1) General rule A driver who is convicted of violating the prohibition of texting in §392.80(a) of this chapter is disqualified for the period of time specified in paragraph (e)(2) of this section.
  - (2) Duration Disqualification for violation of prohibition of texting while driving a commercial motor vehicle:
    - (i) Second violation A driver is disqualified for 60 days if the driver is convicted of two violations of §392.80(a) of this chapter in separate incidents during any three (3) year period.
    - (ii) Third or subsequent violation A driver is disqualified for 120 days if the driver is convicted of three or more violations of §392.80(a) of this chapter in separate incidents during any three (3) year period.

## **PART 392**

### **DRIVING OF COMMERCIAL MOTOR VEHICLES**

#### **§392.80 Prohibition Against Texting**

- (a) Prohibition. No driver shall engage in texting while driving.
- (b) Motor carriers. No motor carrier shall allow or require its drivers to engage in texting while driving.
- (c) Definition. For the purpose of this section only, driving means operating a commercial motor vehicle, with the motor running, including while temporarily stationary because of traffic, a traffic control device, or other momentary delays. Driving does not include operating a commercial motor vehicle with or without the motor running when the driver moved the vehicle to the side of, or off, a highway, as defined in 49 C.F.R. 390.5, and halted in a location where the vehicle can safely remain stationary.

(d) Exceptions:

- (1) School bus operations and vehicles designed or used to transport 9 to 15 passengers, including the driver, not for direct compensation. The provisions of §390.3(f)(1) and (6) are not applicable to this section.
- (2) Emergency use. Texting while driving is permissible by drivers of a commercial motor vehicle when necessary to communicate with law enforcement officials or other emergency services.

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**§391.15(e) Disqualification of Drivers**

(e) Disqualification for violation of prohibition of texting while driving a CMV:

- (1) General rule a driver who is convicted of violating the prohibition of texting in §392.80(a) of this chapter is disqualified for the period of time specified in paragraph (e)(2) of this section.
- (2) Duration Disqualification for violation of prohibition of texting while driving a CMV:
  - (i) Second violation a driver is disqualified for 60 days if the driver is convicted of two (2) violations of §392.80(a) of this chapter in separate incidents during any three (3) year period.
  - (ii) Third or subsequent violation a driver is disqualified for 120 days if the driver is convicted of three (3) or more violations of §392.80(a) of this chapter in separate incidents during any three (3) year period.

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# Addendum | AVOIDING DROWSY DRIVING

## **Drowsy driving is common on U.S. roads and represents a highly pervasive threat to public health and transportation safety.**

After being awake for 18 hours (time varies), driving skills are comparable to someone under the influence of drugs or alcohol. Driving drowsy can decrease your reaction time and increase your crash risk. You often cannot react in time to apply brakes or steer away from a potential crash. Crashed related to drowsy driving can be very serious, leading to death or severe injuries.

If you drive while drowsy, you may become slower to respond to road and traffic conditions. You may also struggle to process complex information coming from different places at once or become careless when making driving decisions. When drowsy, you may have trouble paying attention or actually fall asleep while driving.

### **Signs that you are drowsy while driving include:**

- Falling asleep at stop lights;
- Yawning; rubbing eyes; watery eyes; heavy eyelids;
- Difficulty remembering the last few miles driven;
- Missing road signs or exits;
- Unplanned lane changes;
- Head nodding or dropping;
- Driving off the road or hitting the rumble strips.

### **Signs that another driver may be drowsy:**

- Head nodding or dropping, if driver is visible;
- Drifting out of the travel lane, crossing edge lines or center lines, hitting the rumble strips;
- Near miss crashes, especially rear end;
- Erratic driving behavior - speeding up/slowing down, weaving or drifting in lane;
- Rear-ending another vehicle or hitting another vehicle head-on;
- Hitting a stationary object.

### **How to prevent drowsy driving:**

The best way to reduce drowsiness is to get more sleep. If you are drowsy, don't drive. Pull over to a safe area as soon as you can and take a short nap. As little as 10-20 minutes of sleep can make a big difference. If possible, avoid driving during times you feel sleep. For many people, this is in the early morning, during the late afternoon or at night. Let a well-rested person drive. Consider carpooling, using public transportation, calling a taxi or asking a family member or friend to drive you.

### **What does not work to prevent drowsy driving:**

What does *NOT* work includes rolling down a window, chewing gum or turning up the radio. Caffeine, coffee, energy drinks and other stimulants are not reliable for staying alert. Talking on a cell phone or texting should also not be used as they are not reliable methods to stay awake.



**What to do if you observe a drowsy driver:**

Most important: Maintain your own safety first, continuing to drive in a safe and responsible manner. Drowsy driving is a type of impaired driving and puts the driver and others on the roadway at risk for harm. Find a safe place to stop or have a passenger call 911 to report the situation. Be able to describe the location, the vehicle and the actions you observed. Be sure to follow any instructions you receive from the 911 dispatcher.

Every vehicle on the road and pedestrians are put in danger with just one drowsy driver. Among those most susceptible to driving while over-tired include shift workers, parents, individuals taking sedating medications, and those who have an untreated sleep disorder. Although anyone can make the fatal mistake of driving without adequate rest, young adults are at the highest risk, comprising a disproportionately large number of fatigue related crashes (64% for those age 16-29).