

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

House Bill 2359

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[Introduced January 14, 2019; Referred
to the Committee on Technology and Infrastructure
then Government Organization.]

1 A BILL to amend and reenact §17E-1-8 of the Code of West Virginia, 1931, as amended, relating
 2 to exempting commercial motor vehicle operators employed with a farm related service
 3 industry from the commercial driver’s license requirements for a limited time period.

Be it enacted by the Legislature of West Virginia:

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

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

- 4 (1) Driven by a farmer or farm vehicle driver;
- 5 (2) Used only to transport either agricultural products, farm machinery, farm supplies, to
 6 or from a farm;
- 7 (3) Not used in the operation of a common or contract motor carrier; and
- 8 (4) Used within 150 miles of the qualifying farm.

9 Farmers who wish to be exempted from the commercial driver's license requirements must
 10 apply to the Division of Motor Vehicles for a certificate of exemption.

11 (b) Any person who operates a commercial motor vehicle, as defined in section three of
 12 this article, otherwise covered by the commercial driver’s license requirements may be exempted
 13 from the provisions of this article if the vehicle is used in a farm related service industry for one
 14 period up to 180 consecutive days in 12 months. A farm related service industry may include:

- 15 (1) Farm retail outlets and suppliers;
- 16 (2) Agrichemical businesses;
- 17 (3) Custom harvesters; or
- 18 (4) Livestock feeders.

19 Operators employed with a farm related service industry who wish to be exempted from
 20 the commercial driver’s license requirements must apply to the Division of Motor Vehicles for a

21 certificate of exemption.

22 ~~(b)~~(c) Active duty military personnel operating vehicles being used for military purposes
23 are exempted from the provisions of this article in accordance with the provisions of 49 CFR
24 §383.3 (c) (2006).

25 ~~(e)~~(d) Firefighting and rescue equipment. Operators of vehicles authorized to hold an
26 "authorized emergency vehicle permit" for use of red signal lights only are exempt from the
27 provisions of this article while the "authorized emergency vehicle permit" is in force. Vehicles in
28 this class include, but are not limited to, firefighters and rescue equipment:

- 29 (1) Owned and operated by state, county and municipal fire departments;
30 (2) Owned and operated by state, county and municipal civil defense organizations;
31 (3) Owned and operated by a manufacturer engaged in a type of business that requires
32 firefighter equipment to protect the safety of their plants and its employees; or
33 (4) Owned and operated by volunteer fire departments.

34 ~~(d)~~(e) Operators of off-road construction and mining equipment. Operators of equipment
35 which, by its design, appearance and function, is not intended for use on a public road, including,
36 without limitation, motor scrapers, backhoes, motor graders, compactors, excavators, tractors,
37 trenches and bulldozers, are exempt from the provisions of this article: *Provided*, That the
38 exemption recognized by this subsection shall not be construed to permit the operation of such
39 equipment on any public road except such operation as may be required for a crossing of such
40 road: *Provided, however*, That no such equipment may be operated on a public road for a distance
41 exceeding 500 feet from the place where such equipment entered upon the public road.

42 ~~(e)~~(f) The Federal Motor Carrier Safety Improvement Act of 1999 exempts vehicles used
43 exclusively for personal use such as recreation vehicles and rental trucks used only to transport
44 the driver's personal or household property.

NOTE: The purpose of this bill is to exempt commercial motor vehicle operators employed with a farm related service industry from the commercial driver's license requirements for a limited time period.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.