



WEST VIRGINIA DEPARTMENT OF TRANSPORTATION

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Division of Motor Vehicles

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OFFICE WEST VIRGINIA
Byrd E. White, III
SECRETARY OF STATE
Secretary of Transportation

MEMORANDUM

DATE: March 30, 2020
TO: Mac Warner
Secretary Of State
FROM: Everett Frazier, Commissioner *EF*
Division Of Motor Vehicles
RE: Suspension of Examination And Issuance of Driver's Licenses
CSR 91-4.

On March 16, 2020, the Governor issued a proclamation declaring a State of Emergency in response to the public health risks posed by the Coronavirus epidemic in West Virginia, which proclamation "delegate[s] to all state agencies the ability to suspend rules, if strict compliance therewith would in any way prevent, hinder or delay necessary action in coping with the emergency" pursuant the Governor's authority set forth in W. Va. Code 15-5-6(c)(7).

91 CSR 4 establishes a process for the examination of drivers and the issuance of driver's licenses. In accordance with best practices and guidelines to promote public health and safety, the Division of Motor Vehicles closed its offices to the public in response to the State of Emergency. In addition, non-emergency medical appointments to obtain a medical examiner's certificate for a commercial driver's license have been difficult to obtain. These actions limit the ability of citizens to renew a commercial driver's license; therefore, the Division contemporaneously extended the expiration date of any driver's license, including commercial driver licenses, expiring in March or April 2020 for a period of 3 months from the expiration date on the face of the license. In addition, it is necessary to suspend 91 CSR 4 in part. The following portions of 91 CSR 4 concerning the renewal and issuance of commercial driver's licenses are suspended:

91-4-14 which requires a current medical examiner's certificate to be on file with the Division is suspended as authorized by federal law waivers granted by the Federal Motor Carrier Safety Administration (FMCSA) during the Covid-19 Coronavirus pandemic.

91-4-14.5 which requires the cancellation of a commercial driver's license of any person without a current medical examiner's certificate is suspended consistent with Federal waivers by FMCSA during the Covid-19 Coronavirus pandemic.

91-4-14.11 related to hazardous material endorsements is suspended in a manner consistent with Federal waivers by TSA and FMCSA as a result of the Covid-19 Coronavirus pandemic. This rule suspension allows a CDL holder with a valid hazardous material endorsement whose license expires after March 1, 2020 an additional 120 days before a new endorsement is required.

The rules hereby suspended shall remain suspended until such time as the State of Emergency is lifted.