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HOUSE BILL NO. 1290

Offered January 14, 2026

A BILL to amend and reenact § 46.2-341.4 of the Code of Virginia, relating to commercial motor vehicles; definition.

 Patron—Wiley

Committee Referral Pending

Be it enacted by the General Assembly of Virginia:**1. That § 46.2-341.4 of the Code of Virginia is amended and reenacted as follows:****§ 46.2-341.4. Definitions.**

As used in this article, unless the context requires a different meaning:

"Air brake" means any braking system operating fully or partially on the air brake principle.

"Applicant" means an individual who applies to obtain, transfer, upgrade, or renew a commercial driver's license or to obtain or renew a commercial learner's permit.

"Automatic transmission" means, for the purposes of the skills test and the restriction, any transmission other than a manual transmission.

"CDLIS driver record" means the electronic record of the individual commercial driver's status and history stored by the State of Record as part of the Commercial Driver's License Information System (CDLIS).

"Commercial driver's license" means any driver's license issued to a person in accordance with the provisions of this article, or if the license is issued by another state, any license issued to a person in accordance with the federal Commercial Motor Vehicle Safety Act, which authorizes such person to drive a commercial motor vehicle of the class and type and with the restrictions indicated on the license.

"Commercial driver's license information system" or "CDLIS" means the commercial driver's license information system established by the Federal Motor Carrier Safety Administration pursuant to § 12007 of the Commercial Motor Vehicle Safety Act of 1986.

"Commercial learner's permit" means a permit issued to an individual in accordance with the provisions of this article or, if issued by another state, a permit issued in accordance with the standards contained in the Federal Motor Carrier Safety Regulations, which, when carried with a valid driver's license issued by the same state or jurisdiction, authorizes the individual to operate a class of commercial motor vehicle when accompanied by a holder of a valid commercial driver's license for purposes of behind-the-wheel training. When issued to a commercial driver's license holder, a commercial learner's permit serves as authorization for accompanied behind-the-wheel training in a commercial motor vehicle for which the holder's current commercial driver's license is not valid.

"Commercial motor vehicle" means, except for those vehicles specifically excluded in this definition, every motor vehicle, vehicle or combination of vehicles used to transport passengers or property which ~~either~~: (i) has a gross vehicle weight or a gross vehicle weight rating of 26,001 or more pounds, whichever is greater; (ii) has a gross combination weight or a gross combination weight rating of 26,001 or more pounds, whichever is greater, inclusive of a towed vehicle with a *gross vehicle weight or a gross vehicle weight* rating of more than 10,000 pounds, *whichever is greater*; (iii) is designed to transport 16 or more passengers including the driver; or (iv) is of any size and is used in the transportation of hazardous materials as defined in this section. Every such motor vehicle or combination of vehicles shall be considered a commercial motor vehicle whether or not it is used in a commercial or profit-making activity.

The following are excluded from the definition of commercial motor vehicle:

1. Any vehicle when used by an individual solely for his own personal purposes, such as personal recreational activities;

2. Any vehicle that (i) is controlled and operated by a farmer, whether or not it is owned by the farmer, and that is used exclusively for farm use, as provided in §§ 46.2-649.3 and 46.2-698; (ii) is used to transport either agricultural products, farm machinery, or farm supplies to or from a farm; (iii) is not used in the operation of a common or contract motor carrier; and (iv) is used within 150 miles of the farmer's farm;

3. Any vehicle operated for military purposes by (i) active duty military personnel; (ii) members of the military reserves; (iii) members of the national guard on active duty, including personnel on full-time national guard duty, personnel on part-time national guard training, and national guard military technicians (civilians who are required to wear military uniforms), but not U.S. Reserve technicians; and (iv) active duty U.S. Coast Guard personnel; or

4. Emergency equipment operated by a member of a firefighting, rescue, or emergency entity in the performance of his official duties.

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59 "Commercial Motor Vehicle Safety Act" means the federal Commercial Motor Vehicle Safety Act of
60 1986, Title XII of P.L. 99-570, as amended.

61 "Conviction" means an unvacated adjudication of guilt, or a determination that a person has violated or
62 failed to comply with the law in a court of original jurisdiction, an unvacated forfeiture of bond, bail, or
63 collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by
64 the court, the payment of a fine or court costs in lieu of trial, a violation of a condition of release without bail,
65 regardless of whether the penalty is rebated, suspended, or probated, or, for the purposes of alcohol or drug-
66 related offenses involving the operation of a motor vehicle, a civil or an administrative determination of a
67 violation. For the purposes of this definition, an administrative determination includes an unvacated
68 certification or finding by an administrative or authorized law-enforcement official that a person has violated
69 a provision of law.

70 "Disqualification" means a prohibition against driving, operating, or being in physical control of a
71 commercial motor vehicle for a specified period of time, imposed by a court or a magistrate, or by an
72 authorized administrative or law-enforcement official or body.

73 "Domicile" means a person's true, fixed, and permanent home and principal residence, to which he intends
74 to return whenever he is absent.

75 "Employee" means a payroll employee or person employed under lease or contract, or a person who has
76 applied for employment and whose employment is contingent upon obtaining a commercial driver's license.

77 "Employer" means a person who owns or leases commercial motor vehicles and assigns employees to
78 drive such vehicles.

79 "Endorsement" means an authorization to an individual's commercial driver's license or commercial
80 learner's permit required to permit the individual to operate certain types of commercial motor vehicles.

81 "Entry-level driver" means an individual who (i) must complete the commercial driver's license skills test
82 requirements under FMCSA regulations prior to receiving a commercial driver's license for the first time, (ii)
83 is upgrading to a Class A or Class B commercial driver's license for the first time, or (iii) is obtaining a
84 hazardous materials, passenger, or school bus endorsement for the first time. This definition does not include
85 individuals exempt from such requirements under 49 C.F.R. § 380.603.

86 "Entry-level driver training" means training an entry-level driver receives from an entity listed on the
87 FMCSA's Training Provider Registry, as provided for in 49 C.F.R. § 380.700 et seq., prior to taking the (i)
88 commercial driver's license skills test required to (a) receive a commercial driver's license for the first time,
89 (b) receive the Class A or Class B commercial driver's license for the first time, (c) upgrade to a Class A or B
90 commercial driver's license for the first time, or (d) obtain a passenger or school bus endorsement for the first
91 time or (ii) commercial driver's license knowledge test required to obtain a hazardous materials endorsement
92 for the first time.

93 "FMCSA" means the Federal Motor Carrier Safety Administration of the U.S. Department of
94 Transportation.

95 "Full air brake" means any braking system operating fully on the air brake principle.

96 "Gross combination weight rating" means the value specified by the manufacturers of an articulated
97 vehicle or combination of vehicles as the maximum loaded weight of such vehicles. In the absence of such a
98 value specified by the manufacturer, for law-enforcement purposes, the gross combination weight rating shall
99 be the greater of (i) the gross vehicle weight rating of the power units of the combination vehicle plus the
100 total weight of the towed units, including any loads thereon, or (ii) the gross weight at which the articulated
101 vehicle or combination of vehicles is registered in its state of registration; however, the registered gross
102 weight shall not be applicable for determining the classification of an articulated vehicle or combination of
103 vehicles for purposes of skills testing pursuant to § 46.2-341.14 or 46.2-341.16.

104 "Gross vehicle weight rating" means the value specified by the manufacturer of the vehicle as the
105 maximum loaded weight of a single vehicle. In the absence of such a value specified by the manufacturer, for
106 law-enforcement purposes, the gross vehicle weight rating shall be the greater of (i) the actual gross weight of
107 the vehicle, including any load thereon, or (ii) the gross weight at which the vehicle is registered in its state of
108 registration; however, the registered gross weight of the vehicle shall not be applicable for determining the
109 classification of a vehicle for purposes of skills testing pursuant to § 46.2-341.14 or 46.2-341.16.

110 "Hazardous materials" means materials designated to be hazardous in accordance with § 103 of the federal
111 Hazardous Materials Transportation Act, 49 U.S.C. § 5101 et seq., as amended, and which require placarding
112 when transported by motor vehicle as provided in the federal Hazardous Materials Regulations, 49 C.F.R.
113 Part 172, Subpart F; it also includes any quantity of any material listed as a select agent or toxin in federal
114 Public Health Service Regulations at 42 C.F.R. Part 73.

115 "Manual transmission," also known as a stick shift, stick, straight drive, or standard transmission, means a
116 transmission utilizing a driver-operated clutch that is activated by a pedal or lever and a gear-shift mechanism
117 operated by either hand or foot.

118 "Noncommercial driver's license" means any other type of motor vehicle license, such as an automobile
119 driver's license, a chauffeur's license, or a motorcycle license.

120 "Nondomiciled commercial learner's permit" or "nondomiciled commercial driver's license" means a

commercial learner's permit or commercial driver's license, respectively, issued to a person in accordance with the provisions of this article or, if issued by another state, under either of the following two conditions: (i) to an individual domiciled in a foreign jurisdiction that does not test drivers and issue commercial driver's licenses in accordance with, or under standards similar to, the standards contained in subparts F, G, and H of Part 383 of the Federal Motor Carrier Safety Regulations or (ii) to an individual domiciled in another state while that state is prohibited from issuing commercial driver's licenses in accordance with decertification requirements of 49 C.F.R. § 384.405.

"Out-of-service order" or "out-of-service declaration" means an order by a judicial officer pursuant to § 46.2-341.26:2 or 46.2-341.26:3 or an order or declaration by an authorized law-enforcement officer under § 46.2-1001 or regulations promulgated pursuant to § 52-8.4 relating to Motor Carrier Safety, and including similar actions by authorized judicial officers or enforcement officers acting pursuant to similar laws of other states, the United States, the Canadian Provinces, Canada, Mexico, and localities within them, and also including actions by federal or other jurisdictions' officers pursuant to Federal Motor Carrier Safety Regulations, that a driver, a commercial motor vehicle, or a motor carrier is out of service. Such order or declaration as to a driver means that the driver is prohibited from operating a commercial motor vehicle for the duration of the out-of-service period. Such order or declaration as to a vehicle means that such vehicle cannot be operated until the hazardous condition that resulted in the order or declaration has been removed and the vehicle has been cleared for further operation. Such order or declaration as to a motor carrier means that no vehicle may be operated for or on behalf of such carrier until the out-of-service order or declaration has been lifted. For purposes of this article, the provisions of the Federal Motor Carrier Safety Regulations, 49 C.F.R. Parts 390 through 397, including such regulations or any substantially similar regulations as may have been adopted by any state of the United States, the Provinces of Canada, Canada, Mexico, or any locality shall be considered laws similar to the laws of the Commonwealth referenced herein.

"Person" means a natural person, firm, partnership, association, corporation, or a governmental entity including a school board.

"Restriction" means a prohibition on a commercial driver's license or commercial learner's permit that prohibits the holder from operating certain commercial motor vehicles.

"Seasonal restricted commercial driver's license" means a commercial driver's license issued under the authority of the waiver promulgated by the federal Department of Transportation (49 C.F.R. § 383.3) by the Commonwealth or any other jurisdiction to an individual who has not passed the knowledge or skills tests required of other commercial driver's license holders. This license authorizes operation of a commercial motor vehicle only on a seasonal basis, stated on the license, by a seasonal employee of a farm service business, within 150 miles of the place of business or the farm currently being served.

"State" means one of the 50 states of the United States or the District of Columbia.

"Tank vehicle" means any commercial motor vehicle that is designed to transport any liquid or gaseous materials within a tank or tanks having an individual rated capacity of more than 119 gallons and an aggregate rated capacity of 1,000 gallons or more that is either permanently or temporarily attached to the vehicle or the chassis. Such vehicles include, but are not limited to, cargo tanks and portable tanks, as defined in 49 C.F.R. Part 171. However, this definition does not include portable tanks having a rated capacity under 1,000 gallons as provided in 49 C.F.R. Part 383. A commercial motor vehicle transporting an empty storage container tank, not designed for transportation, with a rated capacity of 1,000 gallons or more that is temporarily attached to a flatbed trailer is not considered a tank vehicle.

"Third party examiner" means an individual who is an employee of a third party tester and who is certified by the Department to administer tests required for a commercial driver's license.

"Third party instructor" means an individual who is an employee of a third party tester or a training provider and who (i) is authorized by the Department to provide entry-level driver training required for a commercial driver's license and (ii) meets the requirements for either a theory or behind-the-wheel instructor as defined in § 46.2-1700.

"Third party tester" means a person (including another state, a motor carrier, a private institution, the military, a government entity, including each comprehensive community college in the Virginia Community College System established by the State Board for Community Colleges pursuant to Chapter 29 (§ 23.1-2900 et seq.) of Title 23.1, or a department, agency, or instrumentality of a local government) certified by the Department to employ third party examiners to administer a test program for testing commercial driver's license applicants in accordance with this article.

"Training provider" means a person that provides entry-level driver training and that is (i) a Virginia licensed Class A driver training school or a Virginia certified third party tester and is listed on the federal Training Provider Registry or (ii) an entity that is otherwise licensed, certified, registered, or authorized to provide training in accordance with the laws of the Commonwealth or the applicable laws of another state and is listed on the federal Training Provider Registry.

"VAMCSR" means the Virginia Motor Carrier Safety Regulations (19VAC30-20) adopted by the Department of State Police pursuant to § 52-8.4.