
SENATE BILL 5075

State of Washington 57th Legislature 2001 Regular Session

By Senators Haugen, Gardner and Prentice

Read first time 01/10/2001. Referred to Committee on Transportation.

1 AN ACT Relating to the commercial driver's license skills test;
2 and amending RCW 46.25.060 and 46.25.010.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 46.25.060 and 1989 c 178 s 8 are each amended to read
5 as follows:

6 (1)(a) No person may be issued a commercial driver's license
7 unless that person is a resident of this state and has passed a
8 knowledge and skills test for driving a commercial motor vehicle
9 that complies with minimum federal standards established by
10 federal regulation enumerated in 49 C.F.R. part 383, subparts G
11 and H, and has satisfied all other requirements of the CMVSA in
12 addition to other requirements imposed by state law or federal
13 regulation. The tests must be prescribed and conducted by the
14 department. In addition to the fee charged for issuance or renewal
15 of any license, the applicant shall pay a fee of no more than ten
16 dollars for each classified knowledge examination, classified
17 endorsement knowledge examination, or any combination of
18 classified license and endorsement knowledge examinations. The

1 applicant shall pay a fee of no more than fifty dollars for each
2 classified skill examination or combination of classified skill
3 examinations conducted by the department.

4 (b) The department may authorize a person, including an agency
5 of this or another state, an employer, a private driver training
6 facility, or other private institution, or a department, agency,
7 or instrumentality of local government, to administer the skills
8 test specified by this section under the following conditions:

9 (i) The test is the same which would otherwise be administered
10 by the state;

11 (ii) The third party has entered into an agreement with the
12 state that complies with the requirements of 49 C.F.R. part
13 383.75; and

14 (iii) The director has adopted rules as to the third party
15 testing program and the development and justification for fees
16 charged by any third party.

17 (2) In counties made up entirely of islands, if the third party
18 tester is otherwise qualified, the department may not refuse to
19 enter into or renew an agreement with the tester based upon the
20 department's determination that there is not enough need for the
21 tester in that county.

22 (3) The department may waive the skills test specified in this
23 section for a commercial driver's license applicant who meets the
24 requirements of 49 C.F.R. part 383.77.

25 (~~(3)~~) (4) A commercial driver's license or commercial
26 driver's instruction permit may not be issued to a person while
27 the person is subject to a disqualification from driving a
28 commercial motor vehicle, or while the person's driver's license
29 is suspended, revoked, or canceled in any state, nor may a
30 commercial driver's license be issued to a person who has a
31 commercial driver's license issued by any other state unless the
32 person first surrenders all such licenses, which must be returned
33 to the issuing state for cancellation.

34 (~~(4)~~) (5)(a) A commercial driver's instruction permit may be
35 issued to an individual who holds a valid automobile or classified
36 driver's license.

37 (b) A commercial driver's instruction permit may not be issued
38 for a period to exceed six months. Only one renewal or reissuance

1 may be granted within a two-year period. The holder of a commercial
2 driver's instruction permit may drive a commercial motor vehicle
3 on a highway only when accompanied by the holder of a commercial
4 driver's license valid for the type of vehicle driven who occupies
5 a seat beside the individual for the purpose of giving instruction
6 in driving the commercial motor vehicle. An application for a
7 commercial driver's instruction permit shall be accompanied by a
8 fee of five dollars. The department shall forthwith transmit the
9 fees collected for commercial driver's instruction permits to the
10 state treasurer.

11 **Sec. 2.** RCW 46.25.010 and 1996 c 30 s 1 are each amended to read
12 as follows:

13 The definitions set forth in this section apply throughout this
14 chapter.

15 (1) "Alcohol" means any substance containing any form of
16 alcohol, including but not limited to ethanol, methanol, propanol,
17 and isopropanol.

18 (2) "Alcohol concentration" means:

19 (a) The number of grams of alcohol per one hundred milliliters
20 of blood; or

21 (b) The number of grams of alcohol per two hundred ten liters
22 of breath.

23 (3) "Commercial driver's license" (CDL) means a license issued
24 in accordance with the requirements of this chapter to an
25 individual that authorizes the individual to drive a class of
26 commercial motor vehicle.

27 (4) The "commercial driver's license information system"
28 (CDLIS) is the information system established pursuant to the
29 CMVSA to serve as a clearinghouse for locating information related
30 to the licensing and identification of commercial motor vehicle
31 drivers.

32 (5) "Commercial driver's instruction permit" means a permit
33 issued under RCW 46.25.060(~~(4)~~) (5).

34 (6) "Commercial motor vehicle" means a motor vehicle designed
35 or used to transport passengers or property:

36 (a) If the vehicle has a gross weight rating of 26,001 or more
37 pounds;

1 (b) If the vehicle is designed to transport sixteen or more
2 passengers, including the driver;

3 (c) If the vehicle is transporting hazardous materials and is
4 required to be identified by a placard in accordance with 49
5 C.F.R. part 172, subpart F; or

6 (d) If the vehicle is a school bus as defined in RCW 46.04.521
7 regardless of weight or size.

8 (7) "Conviction" has the definition set forth in RCW 46.20.270.

9 (8) "Disqualification" means a prohibition against driving a
10 commercial motor vehicle.

11 (9) "Drive" means to drive, operate, or be in physical control
12 of a motor vehicle in any place open to the general public for
13 purposes of vehicular traffic. For purposes of RCW 46.25.100,
14 46.25.110, and 46.25.120, "drive" includes operation or physical
15 control of a motor vehicle anywhere in the state.

16 (10) "Drugs" are those substances as defined by RCW 69.04.009.

17 (11) "Employer" means any person, including the United States,
18 a state, or a political subdivision of a state, who owns or leases
19 a commercial motor vehicle, or assigns a person to drive a
20 commercial motor vehicle.

21 (12) "Gross vehicle weight rating" (GVWR) means the value
22 specified by the manufacturer as the maximum loaded weight of a
23 single or a combination or articulated vehicle, or the registered
24 gross weight, where this value cannot be determined. The GVWR of a
25 combination or articulated vehicle, commonly referred to as the
26 "gross combined weight rating" or GCWR, is the GVWR of the power
27 unit plus the GVWR of the towed unit or units.

28 (13) "Hazardous materials" has the same meaning found in
29 Section 103 of the Hazardous Materials Transportation Act (49 App.
30 U.S.C. 1801 et seq.).

31 (14) "Motor vehicle" means a vehicle, machine, tractor,
32 trailer, or semitrailer propelled or drawn by mechanical power
33 used on highways, or any other vehicle required to be registered
34 under the laws of this state, but does not include a vehicle,
35 machine, tractor, trailer, or semitrailer operated exclusively on
36 a rail.

37 (15) "Out-of-service order" means a temporary prohibition
38 against driving a commercial motor vehicle.

1 (16) "Serious traffic violation" means:

2 (a) Excessive speeding, defined as fifteen miles per hour or
3 more in excess of the posted limit;

4 (b) Reckless driving, as defined under state or local law;

5 (c) A violation of a state or local law relating to motor
6 vehicle traffic control, other than a parking violation, arising
7 in connection with an accident or collision resulting in death to
8 any person; and

9 (d) Any other violation of a state or local law relating to
10 motor vehicle traffic control, other than a parking violation,
11 that the department determines by rule to be serious.

12 (17) "State" means a state of the United States and the
13 District of Columbia.

14 (18) "Tank vehicle" means a vehicle that is designed to
15 transport a liquid or gaseous material within a tank that is
16 either permanently or temporarily attached to the vehicle or the
17 chassis. Tank vehicles include, but are not limited to cargo tanks
18 and portable tanks. However, this definition does not include
19 portable tanks having a rated capacity under one thousand gallons.

20 (19) "United States" means the fifty states and the District of
21 Columbia.

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