

FINAL BILL REPORT

SHB 2532

C 187 L 04

Synopsis as Enacted

Brief Description: Modifying commercial driver's license provisions.

Sponsors: By House Committee on Transportation (originally sponsored by Representative G. Simpson; by request of Department of Licensing).

House Committee on Transportation

Senate Committee on Highways & Transportation

Background:

Federal Commercial Driver's License Program

The federal Commercial Motor Vehicle Safety Act of 1986 (CMVSA) established the federal Commercial Driver's License (CDL) Program and required states to ensure that drivers convicted of certain serious traffic violations be prohibited from operating a commercial motor vehicle (CMV). The goal of the CMVSA is to improve highway safety by ensuring that drivers of large trucks and buses are qualified to operate those vehicles and to remove unsafe and unqualified drivers from the highways.

Washington's Uniform Commercial Driver's License Act

Washington adopted the Uniform Commercial Driver's License Act in 1989 to implement these federal regulations and to reduce or prevent commercial motor vehicle accidents, fatalities and injuries by:

- permitting commercial drivers to hold only one license;
- disqualifying commercial drivers who have committed certain serious traffic violations or other specified offenses; and
- strengthening licensing and testing standards.

Disqualifying Offenses

A CDL holder will be disqualified from driving a commercial motor vehicle if a report has been received by the Department of Licensing that the driver has received a confirmed positive drug or alcohol test either as part of a drug and alcohol testing program required by employers or as part of pre-employment drug and alcohol testing.

If a driver may be disqualified for 60 to 120 days if convicted or found to have committed two or more serious traffic violations within a three year period. Serious traffic violations include:

- excessive speed (15 mph over posted limit);
- reckless driving;
- negligent driving;
- improper lane changes;
- following too closely; and

- violation of a state or local law relating to motor vehicle traffic control, other than a parking violation, in connection with an accident or collision resulting in a death to any person.

Other disqualifying offenses include driving a commercial vehicle under the influence of alcohol or drugs or committing certain offenses while operating a commercial vehicle at a railroad-highway grade crossing.

Drivers in Washington, including CDL holders, may postpone prosecution or sentencing for certain traffic offenses. If the driver complies with requirements set out by the court, the original conviction may be removed from their record, "masking" the conviction. (Masking occurs when a conviction for a traffic violation is posted to the driver's record, but the conviction is hidden or masked from view.)

Licensing and testing standards

All applicants for a Washington CDL must consent to a review of their driving record, provide proof of fitness, and pass both a knowledge and skill test(s) that comply with minimum federal standards. In addition to a CDL, drivers may need special endorsements if they drive vehicles carrying passengers (buses); pull double or triple trailers (see following section on exemptions); drive tank vehicles (see following section on exemptions); or haul placarded hazardous materials (see following section on exemptions). There are seven special endorsements and one restriction for the CDL and each requires specific tests.

All instruction permit applicants must hold a valid driver's license, consent to a review of their driving record, and provide proof of fitness.

Recent Federal Changes

The Motor Carrier Safety Improvement Act of 1999 (MCSIA) amended numerous provisions of the CMVSA relating to licensing and sanctioning of CMV drivers required to hold a CDL. These new requirements are designed to further enhance the safety of CMV operations on our nation's highways by ensuring that only safe drivers operate CMVs. States are required to comply with these new resulting regulations by 2005 or risk losing federal Motor Carrier Safety Administration (MCSAP) funds.

The U.S.A. Patriot Act of 2001 also placed new requirements on states issuing CDLs. The Patriot Act limits the issuance of, and established enhanced requirements for, CDL endorsements for the transport of hazardous materials by commercial vehicles.

Summary:

Various amendments are made to the Uniform Commercial Driver's License Act to comply with new federal regulations.

The "masking" of traffic violations from the driving records of a CDL holder is prohibited. Certain traffic violations and offenses are added to those offenses that would disqualify a person from driving a commercial motor vehicle.

The Department of Licensing is required to obtain a new CDL applicant's driving record from every state in which they have been licensed in the last 10 years. The holder of a CDL:

- is disqualified if the holder has caused a fatality through the negligent operation of a commercial motor vehicle; and
- may be immediately disqualified if the holder has been determined to constitute an imminent hazard by the federal Department of Transportation.

Instruction permit holders are required to be at least eighteen years of age, to have passed a general knowledge examination, and to have paid the appropriate application and exam fees. They are prohibited from operating a commercial motor vehicle transporting hazardous materials.

A new endorsement category is created for school bus operation. Definitions of "hazardous materials," "school bus," and "serious traffic violations" are updated.

Votes on Final Passage:

House 61 37

Senate 48 0

Effective: June 10, 2004

July 1, 2005 (Sections 1, 5, 7, 8 and 10)