

HB 1306 - S COMM AMD

By Committee on Transportation

ADOPTED 04/07/2011

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 46.25.060 and 2009 c 339 s 1 are each amended to read  
4 as follows:

5 (1)(a) No person may be issued a commercial driver's license unless  
6 that person is a resident of this state, has successfully completed a  
7 course of instruction in the operation of a commercial motor vehicle  
8 that has been approved by the director or has been certified by an  
9 employer as having the skills and training necessary to operate a  
10 commercial motor vehicle safely, and has passed a knowledge and skills  
11 test for driving a commercial motor vehicle that complies with minimum  
12 federal standards established by federal regulation enumerated in 49  
13 C.F.R. part 383, subparts G and H, and has satisfied all other  
14 requirements of the CMVSA in addition to other requirements imposed by  
15 state law or federal regulation. The tests must be prescribed and  
16 conducted by the department. In addition to the fee charged for  
17 issuance or renewal of any license, the applicant shall pay a fee of no  
18 more than ten dollars for each classified knowledge examination,  
19 classified endorsement knowledge examination, or any combination of  
20 classified license and endorsement knowledge examinations. The  
21 applicant shall pay a fee of no more than one hundred dollars for each  
22 classified skill examination or combination of classified skill  
23 examinations conducted by the department.

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

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

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

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

6 (c) If the applicant's primary use of a commercial driver's license  
7 is for any of the following, then the applicant shall pay a fee of no  
8 more than seventy-five dollars for each classified skill examination or  
9 combination of classified skill examinations whether conducted by the  
10 department or a third-party tester:

11 (i) Public benefit not-for-profit corporations that are federally  
12 supported head start programs; or

13 (ii) Public benefit not-for-profit corporations that support early  
14 childhood education and assistance programs as described in RCW  
15 43.215.405(~~(+4)~~) (2).

16 (2) The department shall work with the office of the superintendent  
17 of public instruction to develop modified P1 and P2 skill examinations  
18 that also include the skill examination components required to obtain  
19 an "S" endorsement. In no event may a new applicant for an "S"  
20 endorsement be required to take two separate examinations to obtain an  
21 "S" endorsement and either a P1 or P2 endorsement, unless that  
22 applicant is upgrading his or her existing commercial driver's license  
23 to include an "S" endorsement. The combined P1/S or P2/S skill  
24 examination must be offered to the applicant at the same cost as a  
25 regular P1 or P2 skill examination.

26 (3)(a) The department may waive the skills test and the requirement  
27 for completion of a course of instruction in the operation of a  
28 commercial motor vehicle specified in this section for a commercial  
29 driver's license applicant who meets the requirements of 49 C.F.R. part  
30 383.77.

31 (b) An applicant who operates a commercial motor vehicle for  
32 agribusiness purposes is exempt from the course of instruction  
33 completion and employer skills and training certification requirements  
34 under this section. By January 1, 2010, the department shall submit  
35 recommendations regarding the continuance of this exemption to the  
36 transportation committees of the legislature. For purposes of this  
37 subsection (3)(b), "agribusiness" means a private carrier who in the  
38 normal course of business primarily transports:

1 (i) Farm machinery, farm equipment, implements of husbandry, farm  
2 supplies, and materials used in farming;

3 (ii) Agricultural inputs, such as seed, feed, fertilizer, and crop  
4 protection products;

5 (iii) Unprocessed agricultural commodities, as defined in RCW  
6 17.21.020, where such commodities are produced by farmers, ranchers,  
7 vineyardists, or orchardists; or

8 (iv) Any combination of (b)(i) through (iii) of this subsection.

9 ~~((This subsection (3)(b) expires July 1, 2011.))~~ The department  
10 shall notify the transportation committees of the legislature if the  
11 federal government takes action affecting the exemption provided in  
12 this subsection (3)(b).

13 (4) A commercial driver's license or commercial driver's  
14 instruction permit may not be issued to a person while the person is  
15 subject to a disqualification from driving a commercial motor vehicle,  
16 or while the person's driver's license is suspended, revoked, or  
17 canceled in any state, nor may a commercial driver's license be issued  
18 to a person who has a commercial driver's license issued by any other  
19 state unless the person first surrenders all such licenses, which must  
20 be returned to the issuing state for cancellation.

21 (5)(a) The department may issue a commercial driver's instruction  
22 permit to an applicant who is at least eighteen years of age and holds  
23 a valid Washington state driver's license and who has submitted a  
24 proper application, passed the general knowledge examination required  
25 for issuance of a commercial driver's license under subsection (1) of  
26 this section, and paid the appropriate fee for the knowledge  
27 examination and an application fee of ten dollars.

28 (b) A commercial driver's instruction permit may not be issued for  
29 a period to exceed six months. Only one renewal or reissuance may be  
30 granted within a two-year period.

31 (c) The holder of a commercial driver's instruction permit may  
32 drive a commercial motor vehicle on a highway only when accompanied by  
33 the holder of a commercial driver's license valid for the type of  
34 vehicle driven who occupies a seat beside the individual for the  
35 purpose of giving instruction in driving the commercial motor vehicle.  
36 The holder of a commercial driver's instruction permit is not  
37 authorized to operate a commercial motor vehicle transporting hazardous  
38 materials.

1 (d) The department shall transmit the fees collected for commercial  
2 driver's instruction permits to the state treasurer.

3 NEW SECTION. **Sec. 2.** This act is necessary for the immediate  
4 preservation of the public peace, health, or safety, or support of the  
5 state government and its existing public institutions, and takes effect  
6 July 1, 2011."

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7 On page 1, line 3 of the title, after "requirements;" strike the  
8 remainder of the title and insert "amending RCW 46.25.060; providing an  
9 effective date; and declaring an emergency."

EFFECT: Requires the Department of Licensing to notify the  
Legislature if the federal government takes action affecting the  
agribusiness exemption.

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