

SENATE BILL REPORT

HB 1229

As of March 10, 2011

Title: An act relating to the certification of commercial driver's license holders and applicants.

Brief Description: Concerning the certification of commercial driver's license holders and applicants.

Sponsors: Representatives Moscoso, Armstrong and Kenney; by request of Department of Licensing.

Brief History: Passed House: 2/14/11, 94-0.

Committee Activity: Transportation: 3/09/11.

SENATE COMMITTEE ON TRANSPORTATION

Staff: Katherine Taylor (786-7434)

Background: Due to new federal law requirements, interstate commercial driver license (CDL) holders are now required to meet more stringent physical qualification requirements. Drivers are required to provide a valid medical certificate to Department of Licensing (DOL) that certifies their eligibility for driving commercial motor vehicles.

An out-of-service order for a vehicle is issued when any motor vehicle which by reason of its mechanical condition or loading would be likely to cause an accident or breakdown. An out-of-service order for a driver is issued to preclude further operation of a commercial motor vehicle by its driver when the driver has committed a violation, such as driving under the influence of drugs or alcohol.

Summary of Bill: The bill as referred to committee not considered.

Summary of Bill (Proposed Amendments): The medical certificate requirements include the following:

- CDL holders must self-certify the type of driving they expect to engage in, specifically non-excepted interstate, excepted interstate, non-excepted intrastate, and excepted intrastate;
- CDL holders who operate in interstate non-exempt commerce must provide current medical examination information when applying for, renewing, or transferring a CDL;

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- CDL holders must keep all medical requirements current or risk having their CDL privileges removed;
- DOL must notify a driver about certain medical certificate requirements;
- DOL must maintain medical certificate information as part of the CDL record and national system used for communicating commercial driver information.

Additionally, current law is amended to include federal medical variances, which enables drivers who do not meet certain physical qualifications to operate commercial motor vehicles.

Further, the penalties for violating out-of-service orders are increased.

A person is disqualified from driving a commercial motor vehicle for a period of not less than 180 days nor more than one year if convicted of or found to have committed a first violation of an out-of-service order while driving a commercial vehicle.

A person is disqualified from driving a commercial motor vehicle for a period of not less than two years nor more than five years if, during a ten year period, the person is convicted of or is found to have committed two violations of out-of-service orders while driving a commercial motor vehicle in separate incidents.

Further, a driver of a commercial motor vehicle who is convicted of violating an out-of-service order is liable for a penalty of at least \$2,500 for a first violation, and not less than \$5,000 for second or subsequent violations.

An employer who allows the operation of a commercial motor vehicle when there is an out-of-service order is liable for a penalty of at least \$2,750 but not more than \$25,000 for each violation.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed, except sections 1-3 which take effect on January 30, 2012.

Staff Summary of Public Testimony: PRO: Would align Washington with federal law.

Persons Testifying: PRO: Jason Berry, Washington State Patrol.