
SUBSTITUTE HOUSE BILL 2234

State of Washington

62nd Legislature

2012 Regular Session

By House Transportation (originally sponsored by Representatives Hurst and Dahlquist)

READ FIRST TIME 02/06/12.

1 AN ACT Relating to commercial driver's license suspension; amending
2 RCW 46.25.090; and providing an effective date.

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

4 **Sec. 1.** RCW 46.25.090 and 2011 c 227 s 4 are each amended to read
5 as follows:

6 (1) A person is disqualified from driving a commercial motor
7 vehicle for a period of not less than one year if a report has been
8 received by the department pursuant to RCW 46.20.308 or 46.25.120, or
9 if the person has been convicted of a first violation, within this or
10 any other jurisdiction, of:

11 (a) Driving a motor vehicle under the influence of alcohol or any
12 drug;

13 (b) Driving a commercial motor vehicle while the alcohol
14 concentration in the person's system is 0.04 or more, or driving a
15 noncommercial motor vehicle while the alcohol concentration in the
16 person's system is 0.08 or more, or is 0.02 or more if the person is
17 under age twenty-one, as determined by any testing methods approved by
18 law in this state or any other state or jurisdiction;

1 (c) Leaving the scene of an accident involving a motor vehicle
2 driven by the person;

3 (d) Using a motor vehicle in the commission of a felony;

4 (e) Refusing to submit to a test or tests to determine the driver's
5 alcohol concentration or the presence of any drug while driving a motor
6 vehicle;

7 (f) Driving a commercial motor vehicle when, as a result of prior
8 violations committed while operating a commercial motor vehicle, the
9 driver's commercial driver's license is revoked, suspended, or
10 canceled, or the driver is disqualified from operating a commercial
11 motor vehicle;

12 (g) Causing a fatality through the negligent operation of a
13 commercial motor vehicle, including but not limited to the crimes of
14 vehicular homicide and negligent homicide.

15 If any of the violations set forth in this subsection occurred
16 while transporting hazardous material, the person is disqualified for
17 a period of not less than three years.

18 (2) A person is disqualified for life if it has been determined
19 that the person has committed or has been convicted of two or more
20 violations of any of the offenses specified in subsection (1) of this
21 section, or any combination of those offenses, arising from two or more
22 separate incidents.

23 (3) The department may adopt rules, in accordance with federal
24 regulations, establishing guidelines, including conditions, under which
25 a disqualification for life under subsection (2) of this section may be
26 reduced to a period of not less than ten years.

27 (4) A person is disqualified from driving a commercial motor
28 vehicle for life who uses a motor vehicle in the commission of a felony
29 involving the manufacture, distribution, or dispensing of a controlled
30 substance, as defined by chapter 69.50 RCW, or possession with intent
31 to manufacture, distribute, or dispense a controlled substance, as
32 defined by chapter 69.50 RCW.

33 (5)(a) A person is disqualified from driving a commercial motor
34 vehicle for a period of:

35 (i) Not less than sixty days if:

36 (A) Convicted of or found to have committed a second serious
37 traffic violation while driving a commercial motor vehicle; or

1 (B) Convicted of reckless driving, where there has been a prior
2 serious traffic violation; or

3 (ii) Not less than one hundred twenty days if:

4 (A) Convicted of or found to have committed a third or subsequent
5 serious traffic violation while driving a commercial motor vehicle; or

6 (B) Convicted of reckless driving, where there has been two or more
7 prior serious traffic violations.

8 (b) The disqualification period under (a)(ii) of this subsection
9 must be in addition to any other previous period of disqualification.

10 (c) For purposes of determining prior serious traffic violations
11 under this subsection, each conviction of or finding that a driver has
12 committed a serious traffic violation while driving a commercial motor
13 vehicle or noncommercial motor vehicle, arising from a separate
14 incident occurring within a three-year period, must be counted.

15 (6) A person is disqualified from driving a commercial motor
16 vehicle for a period of:

17 (a) Not less than one hundred eighty days nor more than one year if
18 convicted of or found to have committed a first violation of an out-of-
19 service order while driving a commercial vehicle;

20 (b) Not less than two years nor more than five years if, during a
21 ten-year period, the person is convicted of or is found to have
22 committed two violations of out-of-service orders while driving a
23 commercial motor vehicle in separate incidents;

24 (c) Not less than three years nor more than five years if, during
25 a ten-year period, the person is convicted of or is found to have
26 committed three or more violations of out-of-service orders while
27 driving commercial motor vehicles in separate incidents;

28 (d) Not less than one hundred eighty days nor more than two years
29 if the person is convicted of or is found to have committed a first
30 violation of an out-of-service order while transporting hazardous
31 materials, or while operating motor vehicles designed to transport
32 sixteen or more passengers, including the driver. A person is
33 disqualified for a period of not less than three years nor more than
34 five years if, during a ten-year period, the person is convicted of or
35 is found to have committed subsequent violations of out-of-service
36 orders, in separate incidents, while transporting hazardous materials,
37 or while operating motor vehicles designed to transport sixteen or more
38 passengers, including the driver.

1 (7) A person is disqualified from driving a commercial motor
2 vehicle if a report has been received by the department under RCW
3 46.25.125 that the person has received a verified positive drug test or
4 positive alcohol confirmation test as part of the testing program
5 conducted under 49 C.F.R. 40. A disqualification under this subsection
6 remains in effect until the person undergoes a drug and alcohol
7 assessment by a substance abuse professional meeting the requirements
8 of 49 C.F.R. 40, and the person presents evidence of satisfactory
9 participation in or successful completion of a drug or alcohol
10 treatment and/or education program as recommended by the substance
11 abuse professional, and until the person has met the requirements of
12 RCW 46.25.100. The substance abuse professional shall forward a
13 diagnostic evaluation and treatment recommendation to the department of
14 licensing for use in determining the person's eligibility for driving
15 a commercial motor vehicle. Persons who are disqualified under this
16 subsection more than twice in a five-year period are disqualified for
17 life.

18 (8)(a) A person is disqualified from driving a commercial motor
19 vehicle for the period of time specified in (b) of this subsection if
20 he or she is convicted of or is found to have committed one of the
21 following six offenses at a railroad-highway grade crossing while
22 operating a commercial motor vehicle in violation of a federal, state,
23 or local law or regulation:

24 (i) For drivers who are not required to always stop, failing to
25 slow down and check that the tracks are clear of an approaching train;

26 (ii) For drivers who are not required to always stop, failing to
27 stop before reaching the crossing, if the tracks are not clear;

28 (iii) For drivers who are always required to stop, failing to stop
29 before driving onto the crossing;

30 (iv) For all drivers, failing to have sufficient space to drive
31 completely through the crossing without stopping;

32 (v) For all drivers, failing to obey a traffic control device or
33 the directions of an enforcement officer at the crossing;

34 (vi) For all drivers, failing to negotiate a crossing because of
35 insufficient undercarriage clearance.

36 (b) A person is disqualified from driving a commercial motor
37 vehicle for a period of:

1 (i) Not less than sixty days if the driver is convicted of or is
2 found to have committed a first violation of a railroad-highway grade
3 crossing violation;

4 (ii) Not less than one hundred twenty days if the driver is
5 convicted of or is found to have committed a second railroad-highway
6 grade crossing violation in separate incidents within a three-year
7 period;

8 (iii) Not less than one year if the driver is convicted of or is
9 found to have committed a third or subsequent railroad-highway grade
10 crossing violation in separate incidents within a three-year period.

11 (9) A person is disqualified from driving a commercial motor
12 vehicle for not more than one year if a report has been received by the
13 department from the federal motor carrier safety administration that
14 the person's driving has been determined to constitute an imminent
15 hazard as defined by 49 C.F.R. 383.5. A person who is simultaneously
16 disqualified from driving a commercial motor vehicle under this
17 subsection and under other provisions of this chapter, or under 49
18 C.F.R. 383.52, shall serve those disqualification periods concurrently.

19 (10)(a) Upon a determination regarding the suspension, revocation,
20 or cancellation of a commercial driver's license or disqualification of
21 a driver from operating a commercial motor vehicle, the department
22 shall immediately notify the driver's employer or employers, who are on
23 file with the department, of the determination.

24 (b) The department shall establish a voluntary database in which an
25 employer may register any employee for which the employer wishes to
26 receive notifications pursuant to (a) of this subsection.

27 (11) Within ten days after suspending, revoking, or canceling a
28 commercial driver's license or disqualifying a driver from operating a
29 commercial motor vehicle, the department shall update its records to
30 reflect that action.

31 NEW SECTION. Sec. 2. This act takes effect January 1, 2013.

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