

FINAL BILL REPORT

SHB 1752

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Synopsis as Enacted

Brief Description: Modifying requirements for the operation of commercial motor vehicles in compliance with federal regulations.

Sponsors: House Committee on Transportation (originally sponsored by Representatives Orcutt, Clibborn and Ryu; by request of Department of Licensing).

House Committee on Transportation
Senate Committee on Transportation

Background:

A person must have a commercial driver's license (CDL) in order to legally drive a commercial vehicle in Washington. Several types of vehicles are characterized as "commercial vehicles" under Washington law. Any single vehicle with a gross vehicle weight rating (GVWR) of 26,001 pounds or more is a commercial vehicle. This designation also covers any combination of vehicles if the vehicle being driven has a GVWR of 26,001 pounds or more, or the towed vehicle has a GVWR of 10,001 pounds when the combined GVWR equals 26,001 pounds or more. Vehicles that are designed to carry 16 or more passengers are considered "commercial vehicles," as are school buses. Certain vehicles that carry hazardous materials are also considered "commercial vehicles."

To obtain a CDL, a person must apply to the Department of Licensing (DOL) and pay the application fee. The DOL will not issue a CDL unless the applicant: (1) a resident of the state; (2) has successfully completed an approved commercial-driver instruction course; (3) has passed a knowledge and skills test that complies with state and federal requirements; and (4) has fulfilled the requirements of the federal Commercial Motor Vehicle Safety Act, together with any other state laws or other federal regulations. A medical examiner must certify that a person is physically qualified to drive a commercial vehicle. The DOL may also issue an instruction permit, which expires after six months, to a person who has passed the general knowledge examination. A holder of an instruction permit may drive a commercial vehicle if accompanied by a licensed commercial driver.

Commercial driver's licenses are issued with classifications, endorsements, and restrictions. The classification of a license depends upon the GVWR of the vehicle to be driven. A driver may be endorsed to: (1) operate a vehicle carrying hazardous materials; (2) drive double or

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triple trailers; (3) carry passengers; (4) drive tank vehicles; and (5) operate a school bus. A driver may be restricted from operating a vehicle with air brakes. A license may contain a medical variance that has been issued to the driver.

A CDL expires the same as any other driver's license, in general, on the sixth anniversary of the licensee's birthday following the issuance of the license. In order to renew a license, the licensee must provide the same information and make the same certifications as a first-time applicant. A person may be disqualified from driving a commercial motor vehicle as a result of a conviction for, among other things, driving under the influence of alcohol or any drug. A person may also be disqualified for receiving a verified positive drug test or alcohol confirmation as part of a workplace testing process.

The federal government also regulates commercial drivers under the Federal Motor Carriers Safety Administration. These regulations include driver's license standards and driver qualifications. States must comply with certain federal requirements, and the Secretary of Transportation (Secretary) withholds a portion of federal funding from noncomplying states. In the first year of noncompliance, the Secretary withholds up to 4 percent of certain funds. For subsequent years, the withholding increases to 8 percent. In addition, if a state fails to comply, the Secretary issues an order prohibiting that state from issuing any CDLs until the state complies with federal law.

Summary:

Background Checks.

The DOL must investigate the conviction records of employees who conduct knowledge and skills examinations, or who will conduct such examinations. The DOL must do such checks annually.

Definitions.

The definition of a "commercial vehicle" includes those vehicles that have a gross vehicle weight of 26,001 pounds or more, alone or in combination with towed units. Additionally, the definition of a "serious traffic violation," which carries a mandatory license disqualification period of 60 days, is expanded to include driving while using a hand-held mobile telephone and texting while driving. Finally, the definition of a "tank vehicle" covers only those vehicles carrying a tank or tanks with an aggregate capacity greater than 1,000 gallons, unless that tank is empty and temporarily attached to a flatbed trailer.

Commercial Learner's Permit.

A new applicant must obtain a commercial learner's permit (CLP) prior to obtaining a CDL; however, a CLP holder may not take the CDL examination within 14 days of receiving his or her CLP. Such a permit may include endorsements and restrictions. A permit applicant must take an endorsement knowledge exam and is prevented from operating the vehicle under certain circumstances. An operator with either a "P" or "S" permit endorsement may not operate a vehicle with passengers other than an examiner or trainee, and an operator with an "N" permit endorsement may operate only vehicles with empty tanks. Any fees collected for CLP applications or examinations must be deposited in the Highway Safety Fund. A CLP holder is subject to the same disqualification provisions as a CDL holder.

CLP Application.

An applicant for a CLP must meet certain federal requirements. First, the applicant must certify that: (1) he or she is not subject to any disqualification; (2) the motor vehicle in which the person takes the driving skills test is representative of the type of motor vehicle he or she expects to operate; and (3) he or she does not have a driver's license from more than one state. Additionally, the person must identify the type of vehicle he or she expects to operate, and provide his or her social security number, proof of citizenship, and proof that the state to which the application is made is his or her state of domicile. The CDL holders seeking to renew their license must also meet the same requirements.

Classes, Endorsements, and Restrictions.

New terminology is used to refer to each class: Class A is known as a "combination vehicle;" Class B is a "heavy straight vehicle;" and Class C is a "small vehicle." The new "P" endorsement allows a driver to operate any vehicle with passengers, except a school bus. Valid restrictions include being restricted from operating: (1) a motor vehicle equipped with a manual transmission; (2) a commercial motor vehicle in interstate travel; (3) a class A passenger vehicle; (4) both class A and class B passenger vehicles; and (5) a tractor-trailer motor vehicle.

Traffic Infractions.

A person is guilty of a traffic infraction, which may become part of the driver's record, if he or she uses a mobile telephone, including sending, reading, or writing a text message, while driving a commercial vehicle. It is not an infraction, however, if the vehicle is parked to the side of, or off of, a highway and has stopped in a location where it can safely remain stationary, if such use was necessary to communicate with emergency services personnel, or if the telephone is used in a hands-free mode. The use of two-way or citizens band radio services is not restricted.

Votes on Final Passage:

House	96	0
Senate	48	0

Effective: July 28, 2013 (Sections 2, 15, 16, and 17)
July 8, 2014