
SENATE BILL 6678

State of Washington

64th Legislature

2016 Regular Session

By Senator King

Prefiled 03/11/16. Read first time 03/14/16. Referred to Committee on Transportation.

1 AN ACT Relating to aligning the issuance of certain documents
2 issued by the department of licensing with federal requirements;
3 amending RCW 46.20.091, 46.20.117, 46.25.010, 46.25.070, and
4 46.25.---; reenacting and amending RCW 46.01.130; adding a new
5 section to chapter 46.20 RCW; adding a new section to chapter 46.25
6 RCW; repealing RCW 43.41.390 and 46.20.191; and providing effective
7 dates.

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

9 NEW SECTION. **Sec. 1.** A new section is added to chapter 46.20
10 RCW to read as follows:

11 (1) As required in section 202 of the REAL ID Act, P.L. 109-13,
12 and 6 C.F.R. Part 37, the department must issue to a qualifying
13 applicant a driver's license or identicard that is accepted by the
14 federal government for official purposes, as defined in 6 C.F.R. Sec.
15 37.3, as such federal laws and regulations existed on the effective
16 date of this section, or such subsequent date as may be provided by
17 the department by rule, consistent with the purposes of this section.

18 (2) An applicant for a driver's license or identicard for federal
19 purposes must:

20 (a) Submit to a mandatory facial image capture, even if a
21 driver's license or identicard is not issued;

1 (b) Sign a declaration under penalty of perjury, as proscribed
2 under RCW 9A.72.030, that the information presented on the
3 application is true and correct;

4 (c) Present at least one of the following documents required for
5 proof of identity:

6 (i) Valid, unexpired United States passport;

7 (ii) Certified copy of a birth certificate from the Washington
8 state department of health or filed with an equivalent government
9 agency in the individual's state of birth;

10 (iii) Consular report of birth abroad issued by the United States
11 department of state, form FS-240, DS-1350, or FS-545;

12 (iv) Valid, unexpired permanent resident card (form I-551) issued
13 by the United States department of homeland security or immigration
14 and naturalization service or its successor agency;

15 (v) Unexpired employment authorization document issued by the
16 United States department of homeland security, form I-766 or form
17 I-688B;

18 (vi) Unexpired foreign passport with a valid, unexpired United
19 States visa affixed accompanied by the approved I-94 form documenting
20 the applicant's most recent admittance into the United States;

21 (vii) Certificate of naturalization issued by the United States
22 department of homeland security, form N-550 or form N-570;

23 (viii) Certificate of citizenship issued by the United States
24 department of homeland security, form N-560 or form N-561;

25 (ix) REAL ID driver's license or identification card issued in
26 compliance with federal standards; or

27 (x) Such other documents as the department of homeland security
28 has designated by rule as it existed on the effective date of this
29 section, or such subsequent date as may be provided by the department
30 by rule, consistent with the purposes of this section;

31 (d) Present at least one document required under (c) of this
32 subsection that establishes the applicant's date of birth;

33 (e) Except for applicants who present a foreign passport as proof
34 of identity, present his or her social security administration
35 account number card. If the card is not available, the applicant must
36 present a W-2 form, a SSA-1099 form, a non-SSA-1099 form, or a pay
37 stub with the applicant's name and social security number on it. If
38 the applicant is establishing identity with a foreign passport, the
39 applicant must present a social security number or demonstrate
40 nonwork-authorized status;

1 (f) Present at least two documents establishing a person's
2 Washington state residence address, as required in 6 C.F.R. Secs.
3 37.11(f) and 37.17(f), as each existed on the effective date of this
4 section, or such subsequent date as may be provided by the department
5 by rule, consistent with the purposes of this section; and

6 (g) Present satisfactory evidence of lawful status in the United
7 States.

8 (i) The verification of an applicant's identity through the
9 systematic alien verification for entitlements system, or equivalent
10 federally approved lawful status verification system, using one of
11 any of the documents listed in (c)(i), (ii), (iii), (iv), (vii), or
12 (viii) of this subsection satisfies proof of lawful status in the
13 United States.

14 (ii) An applicant that has provided an identity document listed
15 in (c)(v), (vi), or (ix) of this subsection must also present a
16 second document to establish lawful status in the United States. The
17 second document must be one of the documents identified in (g)(i) of
18 this subsection or documentation issued by the department of homeland
19 security or other federal agencies demonstrating lawful status as
20 determined by the United States citizenship and immigration services.

21 (3) Unless provided otherwise in this section, the applicant must
22 pay the fee as provided in RCW 46.20.161 or 46.20.117, as applicable.

23 (4) Unless provided otherwise in this section, the expiration
24 date and renewal fees are provided in RCW 46.20.117 and 46.20.181, as
25 applicable.

26 (5) When issuing a driver's license or identicard under this
27 section, the department must follow the procedures and meet the
28 applicable requirements and standards in 6 C.F.R. Part 37, as it
29 existed on the effective date of this section, or such subsequent
30 date as may be provided by the department by rule, consistent with
31 the purposes of this section.

32 (6) The department may adjust fees for limited-term drivers'
33 licenses and identicards issued to persons who have temporary lawful
34 status in the United States as defined in 6 C.F.R. Sec. 37.3, as it
35 existed on the effective date of this section, or such subsequent
36 date as may be provided by the department by rule, consistent with
37 the purposes of this section.

38 (7) The department must provide a security marking for drivers'
39 licenses and identicards issued under this section to distinguish the
40 documents from other types of drivers' licenses or identicards issued

1 by the department, as required under 6 C.F.R. Secs. 37.17 and 37.27,
2 as each existed on the effective date of this section, or such
3 subsequent date as may be provided by the department by rule,
4 consistent with the purposes of this section. Drivers' licenses and
5 identicards issued under RCW 46.20.091 and 46.20.117, respectively,
6 must include a statement on the front of the document that states it
7 is not for federal purposes.

8 (8) The requirements of this section are in addition to the
9 requirements otherwise imposed on applicants for a driver's license
10 or identicard. The department may adopt rules to implement this
11 section.

12 **Sec. 2.** RCW 46.20.091 and 2000 c 115 s 4 are each amended to
13 read as follows:

14 (1) **Application.** In order to apply for a driver's license or
15 instruction permit, the applicant must provide his or her:

16 (a) Name of record, as established by documentation required
17 under RCW 46.20.035;

18 (b) Date of birth, as established by satisfactory evidence of
19 age;

20 (c) Sex;

21 (d) Washington residence address;

22 (e) Description;

23 (f) Driving licensing history, including:

24 (i) Whether the applicant has ever been licensed as a driver or
25 chauffeur and, if so, (A) when and by what state or country; (B)
26 whether the license has ever been suspended or revoked; and (C) the
27 date of and reason for the suspension or revocation; or

28 (ii) Whether the applicant's application to another state or
29 country for a driver's license has ever been refused and, if so, the
30 date of and reason for the refusal; and

31 (g) Any additional information required by the department.

32 (2) **Sworn statement.** An application for an instruction permit or
33 for an original driver's license must be made upon a form provided by
34 the department. The form must include a section for the applicant to
35 indicate whether he or she has received driver training and, if so,
36 where. The identifying documentation verifying the name of record
37 must be accompanied by the applicant's written statement that it is
38 valid. The information provided on the form must be sworn to and
39 signed by the applicant before a person authorized to administer

1 oaths. An applicant who makes a false statement on an application for
2 a driver's license or instruction permit is guilty of false swearing,
3 a gross misdemeanor, under RCW 9A.72.040.

4 (3) **Driving records from other jurisdictions.** If a person
5 previously licensed in another jurisdiction applies for a Washington
6 driver's license, the department shall request a copy of the
7 applicant's driver's record from the other jurisdiction. The driving
8 record from the other jurisdiction becomes a part of the driver's
9 record in this state.

10 (4) **Driving records to other jurisdictions.** If another
11 jurisdiction requests a copy of a person's Washington driver's
12 record, the department shall provide a copy of the record. The
13 department shall forward the record without charge if the other
14 jurisdiction extends the same privilege to the state of Washington.
15 Otherwise the department shall charge a reasonable fee for
16 transmittal of the record.

17 (5) **Federal purposes.** Any driver's license or instruction permit
18 issued under this section must include a statement on the front of
19 the document that states it is not for federal purposes.

20 **Sec. 3.** RCW 46.20.117 and 2014 c 185 s 2 are each amended to
21 read as follows:

22 (1) **Issuance.** The department shall issue an identicard,
23 containing a picture, if the applicant:

24 (a) Does not hold a valid Washington driver's license;
25 (b) Proves his or her identity as required by RCW 46.20.035; and
26 (c) Pays the required fee. Except as provided in subsection (5)
27 of this section, the fee is forty-five dollars from October 1, 2012,
28 to June 30, 2013, and fifty-four dollars after June 30, 2013, unless
29 an applicant is a recipient of continuing public assistance grants
30 under Title 74 RCW, who is referred in writing by the secretary of
31 social and health services. For those persons the fee must be the
32 actual cost of production of the identicard.

33 (2)(a) **Design and term.** The identicard must:

34 (i) Be distinctly designed so that it will not be confused with
35 the official driver's license; and

36 (ii) Except as provided in subsection (5) of this section, expire
37 on the sixth anniversary of the applicant's birthdate after issuance.

38 (b) The identicard may include the person's status as a veteran,
39 consistent with RCW 46.20.161(2).

1 (3) **Renewal.** An application for identicard renewal may be
2 submitted by means of:

3 (a) Personal appearance before the department; or

4 (b) Mail or electronic commerce, if permitted by rule of the
5 department and if the applicant did not renew his or her identicard
6 by mail or by electronic commerce when it last expired.

7 An identicard may not be renewed by mail or by electronic
8 commerce unless the renewal issued by the department includes a
9 photograph of the identicard holder.

10 (4) **Cancellation.** The department may cancel an identicard if the
11 holder of the identicard used the card or allowed others to use the
12 card in violation of RCW 46.20.0921.

13 (5) **Alternative issuance/renewal/extension.** The department may
14 issue or renew an identicard for a period other than five years from
15 October 1, 2012, to June 30, 2013, or six years after June 30, 2013,
16 or may extend by mail or electronic commerce an identicard that has
17 already been issued, in order to evenly distribute, as nearly as
18 possible, the yearly renewal rate of identicard holders. The fee for
19 an identicard issued or renewed for a period other than five years
20 from October 1, 2012, to June 30, 2013, or six years after June 30,
21 2013, or that has been extended by mail or electronic commerce, is
22 nine dollars for each year that the identicard is issued, renewed, or
23 extended. The department may adopt any rules as are necessary to
24 carry out this subsection.

25 (6) **Federal purposes.** Any identicard issued under this section
26 must include a statement on the front of the document that states it
27 is not for federal purposes.

28 **Sec. 4.** RCW 46.01.130 and 2013 c 336 s 1 and 2013 c 224 s 1 are
29 each reenacted and amended to read as follows:

30 The director:

31 (1) Shall supervise and control the issuing of vehicle
32 certificates of title, vehicle registrations, and vehicle license
33 plates, and has the full power to do all things necessary and proper
34 to carry out the provisions of the law relating to the registration
35 of vehicles;

36 (2) May appoint and employ deputies, assistants, representatives,
37 and clerks;

38 (3) May establish branch offices in different parts of the state;

1 (4) May appoint county auditors in Washington state or, in the
2 absence of a county auditor, the department or an official of county
3 government as agents for applications for and the issuance of vehicle
4 certificates of title and vehicle registrations; and

5 (5)(a) Shall investigate the conviction records and pending
6 charges of any current employee of or prospective employee being
7 considered for any position with the department who has or will have:

8 (i)(A) The ability to create or modify records of applicants for
9 enhanced drivers' licenses and identicards issued under RCW
10 46.20.202; and

11 (B) The ability to issue enhanced drivers' licenses and
12 identicards under RCW 46.20.202; (~~(C)~~)

13 (ii) The ability to conduct examinations under RCW 46.25.060;
14 (~~(C)~~)

15 (iii) Access to information pertaining to vehicle license plates,
16 drivers' licenses, or identicards under RCW 46.08.066, or vessel
17 registrations issued under RCW 88.02.330 that, alone or in
18 combination with any other information, may reveal the identity of an
19 individual, or reveal that an individual is or was, performing an
20 undercover or covert law enforcement, confidential public health
21 work, public assistance fraud, or child support investigative
22 activity;

23 (iv) The ability to create or modify records of applicants for a
24 federally compliant driver's license under section 1 of this act; or

25 (v) The ability to issue a federally compliant driver's license
26 under section 1 of this act.

27 (b) The investigation consists of a background check as
28 authorized under RCW 10.97.050, 43.43.833, and 43.43.834, and the
29 federal bureau of investigation. The background check must be
30 conducted through the Washington state patrol criminal identification
31 section and may include a national check from the federal bureau of
32 investigation, which is through the submission of fingerprints. The
33 director shall use the information solely to determine the character,
34 suitability, and competence of current or prospective employees
35 subject to this section.

36 (c) The director shall investigate the conviction records and
37 pending charges of an employee subject to:

38 (i) Subsection (5)(a)(i) of this section every five years; and

39 (ii) Subsection (5)(a)(ii) of this section as required under 49
40 C.F.R. Sec. 384.228 as it existed on July 8, 2014, or such subsequent

1 date as may be provided by the department by rule, consistent with
2 the purposes of this section.

3 (d) Criminal justice agencies shall provide the director with
4 information that they may possess and that the director may require
5 solely to determine the employment suitability of current or
6 prospective employees subject to this section.

7 **Sec. 5.** RCW 46.25.010 and 2013 c 224 s 3 are each amended to
8 read as follows:

9 The definitions set forth in this section apply throughout this
10 chapter.

11 (1) "Alcohol" means any substance containing any form of alcohol,
12 including but not limited to ethanol, methanol, propanol, and
13 isopropanol.

14 (2) "Alcohol concentration" means:

15 (a) The number of grams of alcohol per one hundred milliliters of
16 blood; or

17 (b) The number of grams of alcohol per two hundred ten liters of
18 breath.

19 (3) "Commercial driver's license" (CDL) means a license issued to
20 an individual under chapter 46.20 RCW that has been endorsed in
21 accordance with the requirements of this chapter to authorize the
22 individual to drive a class of commercial motor vehicle.

23 (4) The "commercial driver's license information system" (CDLIS)
24 is the information system established pursuant to 49 U.S.C. Sec.
25 31309 to serve as a clearinghouse for locating information related to
26 the licensing and identification of commercial motor vehicle drivers.

27 (5) "Commercial learner's permit" (CLP) means a permit issued
28 under RCW 46.25.052 for the purposes of behind-the-wheel training.

29 (6) "Commercial motor vehicle" means a motor vehicle or
30 combination of motor vehicles used in commerce to transport
31 passengers or property if the motor vehicle:

32 (a) Has a gross combination weight rating or gross combination
33 weight of 11,794 kilograms or more (26,001 pounds or more), whichever
34 is greater, inclusive of (~~a-[any]~~) any towed unit (~~([for units])~~) or
35 units with a gross vehicle weight rating or gross vehicle weight of
36 more than 4,536 kilograms (10,000 pounds or more), whichever is
37 greater; or

1 (b) Has a gross vehicle weight rating or gross vehicle weight of
2 11,794 kilograms or more (26,001 pounds or more), whichever is
3 greater; or

4 (c) Is designed to transport sixteen or more passengers,
5 including the driver; or

6 (d) Is of any size and is used in the transportation of hazardous
7 materials as defined in this section; or

8 (e) Is a school bus regardless of weight or size.

9 (7) "Conviction" means an unvacated adjudication of guilt, or a
10 determination that a person has violated or failed to comply with the
11 law in a court of original jurisdiction or by an authorized
12 administrative tribunal, an unvacated forfeiture of bail or
13 collateral deposited to secure the person's appearance in court, a
14 plea of guilty or nolo contendere accepted by the court, the payment
15 of a fine or court cost, entry into a deferred prosecution program
16 under chapter 10.05 RCW, or violation of a condition of release
17 without bail, regardless of whether or not the penalty is rebated,
18 suspended, or probated.

19 (8) "Disqualification" means a prohibition against driving a
20 commercial motor vehicle.

21 (9) "Drive" means to drive, operate, or be in physical control of
22 a motor vehicle in any place open to the general public for purposes
23 of vehicular traffic. For purposes of RCW 46.25.100, 46.25.110, and
24 46.25.120, "drive" includes operation or physical control of a motor
25 vehicle anywhere in the state.

26 (10) "Drugs" are those substances as defined by RCW 69.04.009,
27 including, but not limited to, those substances defined by 49 C.F.R.
28 Sec. 40.3.

29 (11) "Employer" means any person, including the United States, a
30 state, or a political subdivision of a state, who owns or leases a
31 commercial motor vehicle, or assigns a person to drive a commercial
32 motor vehicle.

33 (12) "Gross vehicle weight rating" (GVWR) means the value
34 specified by the manufacturer as the maximum loaded weight of a
35 single vehicle. The GVWR of a combination or articulated vehicle,
36 commonly referred to as the "gross combined weight rating" or GCWR,
37 is the GVWR of the power unit plus the GVWR of the towed unit or
38 units. If the GVWR of any unit cannot be determined, the actual gross
39 weight will be used. If a vehicle with a GVWR of less than 11,794
40 kilograms (26,001 pounds or less) has been structurally modified to

1 carry a heavier load, then the actual gross weight capacity of the
2 modified vehicle, as determined by RCW 46.44.041 and 46.44.042, will
3 be used as the GVWR.

4 (13) "Hazardous materials" means any material that has been
5 designated as hazardous under 49 U.S.C. Sec. 5103 and is required to
6 be placarded under subpart F of 49 C.F.R. Part 172 or any quantity of
7 a material listed as a select agent or toxin in 42 C.F.R. Part 73.

8 (14) "Motor vehicle" means a vehicle, machine, tractor, trailer,
9 or semitrailer propelled or drawn by mechanical power used on
10 highways, or any other vehicle required to be registered under the
11 laws of this state, but does not include a vehicle, machine, tractor,
12 trailer, or semitrailer operated exclusively on a rail.

13 (15) "Out-of-service order" means a declaration by an authorized
14 enforcement officer of a federal, state, Canadian, Mexican, or local
15 jurisdiction that a driver, a commercial motor vehicle, or a motor
16 carrier operation is out-of-service pursuant to 49 C.F.R. Secs.
17 386.72, 392.5, 395.13, 396.9, or compatible laws, or the North
18 American uniform out-of-service criteria.

19 (16) "Positive alcohol confirmation test" means an alcohol
20 confirmation test that:

21 (a) Has been conducted by a breath alcohol technician under 49
22 C.F.R. Part 40; and

23 (b) Indicates an alcohol concentration of 0.04 or more.

24 A report that a person has refused an alcohol test, under
25 circumstances that constitute the refusal of an alcohol test under 49
26 C.F.R. Part 40, will be considered equivalent to a report of a
27 positive alcohol confirmation test for the purposes of this chapter.

28 (17) "School bus" means a commercial motor vehicle used to
29 transport preprimary, primary, or secondary school students from home
30 to school, from school to home, or to and from school-sponsored
31 events. School bus does not include a bus used as a common carrier.

32 (18) "Serious traffic violation" means:

33 (a) Excessive speeding, defined as fifteen miles per hour or more
34 in excess of the posted limit;

35 (b) Reckless driving, as defined under state or local law;

36 (c) Driving while using a hand-held wireless communications
37 device [hand-held mobile telephone], defined as a violation of RCW
38 46.61.667(1)(b) or an equivalent administrative rule or local law,
39 ordinance, rule, or resolution;

1 (d) Texting, defined as a violation of RCW 46.61.668(1)(b) or an
2 equivalent administrative rule or local law, ordinance, rule, or
3 resolution;

4 (e) A violation of a state or local law relating to motor vehicle
5 traffic control, other than a parking violation, arising in
6 connection with an accident or collision resulting in death to any
7 person;

8 (f) Driving a commercial motor vehicle without obtaining a
9 commercial driver's license;

10 (g) Driving a commercial motor vehicle without a commercial
11 driver's license in the driver's possession; however, any individual
12 who provides proof to the court by the date the individual must
13 appear in court or pay any fine for such a violation, that the
14 individual held a valid CDL on the date the citation was issued, is
15 not guilty of a "serious traffic violation";

16 (h) Driving a commercial motor vehicle without the proper class
17 of commercial driver's license endorsement or endorsements for the
18 specific vehicle group being operated or for the passenger or type of
19 cargo being transported; and

20 (i) Any other violation of a state or local law relating to motor
21 vehicle traffic control, other than a parking violation, that the
22 department determines by rule to be serious.

23 (19) "State" means a state of the United States and the District
24 of Columbia.

25 (20) "Substance abuse professional" means an alcohol and drug
26 specialist meeting the credentials, knowledge, training, and
27 continuing education requirements of 49 C.F.R. Sec. 40.281.

28 (21) "Tank vehicle" means any commercial motor vehicle that is
29 designed to transport any liquid or gaseous materials within a tank
30 or tanks having an individual rated capacity of more than one hundred
31 nineteen gallons and an aggregate rated capacity of one thousand
32 gallons or more that is either permanently or temporarily attached to
33 the vehicle or the chassis. A commercial motor vehicle transporting
34 an empty storage container tank, not designed for transportation,
35 with a rated capacity of one thousand gallons or more that is
36 temporarily attached to a flatbed trailer is not considered a tank
37 vehicle.

38 (22) "Type of driving" means one of the following:

39 (a) "Nonexcepted interstate," which means the CDL or CLP holder
40 or applicant operates or expects to operate in interstate commerce,

1 is both subject to and meets the qualification requirements under 49
2 C.F.R. Part 391 as it existed on July 8, 2014, or such subsequent
3 date as may be provided by the department by rule, consistent with
4 the purposes of this section, and is required to obtain a medical
5 examiner's certificate under 49 C.F.R. Sec. 391.45 as it existed on
6 July 8, 2014, or such subsequent date as may be provided by the
7 department by rule, consistent with the purposes of this section;

8 (b) "Excepted interstate," which means the CDL or CLP holder or
9 applicant operates or expects to operate in interstate commerce, but
10 engages exclusively in transportation or operations excepted under 49
11 C.F.R. Secs. 390.3(f), 391.2, 391.68, or 398.3, as they existed on
12 July 8, 2014, or such subsequent date as may be provided by the
13 department by rule, consistent with the purposes of this section,
14 from all or parts of the qualification requirements of 49 C.F.R. Part
15 391 as it existed on July 8, 2014, or such subsequent date as may be
16 provided by the department by rule, consistent with the purposes of
17 this section, and is therefore not required to obtain a medical
18 examiner's certificate under 49 C.F.R. Sec. 391.45 as it existed on
19 July 8, 2014, or such subsequent date as may be provided by the
20 department by rule, consistent with the purposes of this section;

21 (c) "Nonexcepted intrastate," which means the CDL or CLP holder
22 or applicant operates only in intrastate commerce and is therefore
23 subject to state driver qualification requirements; or

24 (d) "Excepted intrastate," which means the CDL or CLP holder or
25 applicant operates in intrastate commerce, but engages exclusively in
26 transportation or operations excepted from all or parts of the state
27 driver qualification requirements.

28 (23) "United States" means the fifty states and the District of
29 Columbia.

30 (24) "Verified positive drug test" means a drug test result or
31 validity testing result from a laboratory certified under the
32 authority of the federal department of health and human services
33 that:

34 (a) Indicates a drug concentration at or above the cutoff
35 concentration established under 49 C.F.R. Sec. 40.87; and

36 (b) Has undergone review and final determination by a medical
37 review officer.

38 A report that a person has refused a drug test, under
39 circumstances that constitute the refusal of a federal department of
40 transportation drug test under 49 C.F.R. Part 40, will be considered

1 equivalent to a report of a verified positive drug test for the
2 purposes of this chapter.

3 (25) "Nondomiciled CLP or CDL" means a permit or license,
4 respectively, issued under section 7 of this act to a person who
5 meets one of the following criteria:

6 (a) Is domiciled in a foreign country as provided in 49 C.F.R.
7 Sec. 383.23(b)(1) as it existed on the effective date of this
8 section, or such subsequent date as may be provided by the department
9 by rule, consistent with the purposes of this section; or

10 (b) Is domiciled in another state as provided in 49 C.F.R. Sec.
11 383.23(b)(2) as it existed on the effective date of this section, or
12 such subsequent date as may be provided by the department by rule,
13 consistent with the purposes of this section.

14 (c) The definition in this subsection (25) applies exclusively to
15 the use of the term in this chapter and is not to be applied in any
16 other chapter of the Revised Code of Washington.

17 **Sec. 6.** RCW 46.25.070 and 2013 c 224 s 7 are each amended to
18 read as follows:

19 (1) The application for a commercial driver's license or
20 commercial learner's permit must include the following:

21 (a) The full name and current mailing and residential address of
22 the person;

23 (b) A physical description of the person, including sex, height,
24 weight, and eye color;

25 (c) Date of birth;

26 (d) Except in the case of an applicant for a nondomiciled CLP or
27 CDL who is domiciled in a foreign country and who has not been issued
28 a social security number, the applicant's social security number;

29 (e) The person's signature;

30 (f) Certifications including those required by 49 C.F.R. Sec.
31 383.71;

32 (g) The names of all states where the applicant has previously
33 been licensed to drive any type of motor vehicle during the previous
34 ten years;

35 (h) Any other information required by the department; and

36 (i) A consent to release driving record information to parties
37 identified in chapter 46.52 RCW and this chapter.

38 (2) An applicant for a commercial driver's license or commercial
39 learner's permit, and every licensee seeking to renew his or her

1 license, must meet the requirements of 49 C.F.R. Sec. 383.71 as it
2 existed on July 8, 2014, or such subsequent date as may be provided
3 by the department by rule, consistent with the purposes of this
4 section.

5 (3) An applicant for a hazardous materials endorsement must
6 submit an application and comply with federal transportation security
7 administration requirements as specified in 49 C.F.R. Part 1572.

8 (4) When a licensee changes his or her name, mailing address, or
9 residence address, the person shall notify the department as provided
10 in RCW 46.20.205.

11 (5) No person who has been a resident of this state for thirty
12 days may drive a commercial motor vehicle under the authority of a
13 commercial driver's license issued by another jurisdiction.

14 NEW SECTION. **Sec. 7.** A new section is added to chapter 46.25
15 RCW to read as follows:

16 (1) The department may issue a nondomiciled CLP or CDL to a
17 person who meets one of the following criteria:

18 (a) Is domiciled in a foreign country as provided in 49 C.F.R.
19 Sec. 383.23(b)(1) as it existed on the effective date of this
20 section, or such subsequent date as may be provided by the department
21 by rule, consistent with the purposes of this section; or

22 (b) Is domiciled in another state as provided in 49 C.F.R. Sec.
23 383.23(b)(2) as it existed on the effective date of this section, or
24 such subsequent date as may be provided by the department by rule,
25 consistent with the purposes of this section.

26 (2) A person applying for a nondomiciled CLP or CDL must:

27 (a) Surrender any nonresident or nondomiciled CLP or CDL issued
28 by another state;

29 (b) Be in possession of a valid driver's license issued by this
30 state or by his or her jurisdiction of domicile;

31 (c) Meet the requirements of 49 C.F.R. Sec. 383.71(f) as it
32 existed on the effective date of this section, or such subsequent
33 date as may be provided by the department by rule, consistent with
34 the purposes of this section; and

35 (d) Be otherwise eligible and meet the applicable requirements
36 for the issuance of a CLP or CDL under this chapter, including the
37 payment of all appropriate fees.

38 (3) Before issuing a nondomiciled CLP or CDL, the department must
39 establish the practical capability of disqualifying the person under

1 the conditions applicable to a CLP or CDL issued to a resident of
2 this state.

3 (4) A nondomiciled CLP or CDL issued under this section:

4 (a) Must be marked "non-domiciled" on the face of the document;

5 (b) Must include the information, be issued with the appropriate
6 classifications, endorsements, and restrictions, and, except as may
7 be limited under subsection (5) of this section, expire and be
8 subject to renewal in the same manner as required for a CLP or CDL
9 issued under this chapter;

10 (c) Permits operation of a commercial motor vehicle to the same
11 extent as a CLP or CDL issued under this section; and

12 (d) Is valid only when accompanied by a valid driver's license
13 issued by this state or by the person's jurisdiction of domicile.

14 (5) A nondomiciled CLP or CDL issued to an individual who has
15 temporary lawful status or valid employment authorization in the
16 United States:

17 (a) Is valid only when accompanied by an unexpired employment
18 authorization document issued by the United States citizenship and
19 immigration services or an unexpired foreign passport accompanied by
20 an approved I-94 form documenting the applicant's most recent
21 admittance into the United States;

22 (b) Must expire no later than the first anniversary of the
23 individual's birthdate that occurs after the expiration of the
24 individual's employment authorization document or authorized stay in
25 the United States, or if there is no expiration date for the
26 employment authorization or authorized stay, one year from the first
27 anniversary of the individual's birthdate that occurs after issuance;
28 and

29 (c) May be renewed if the individual presents valid documentary
30 evidence that the employment authorization document or temporary
31 lawful status in the United States is still in effect or has been
32 extended.

33 (6) A person who has been issued a nondomiciled CLP or CDL:

34 (a) Is subject to all applicable requirements for and
35 disqualifications from operating a commercial motor vehicle as
36 provided under this chapter and is subject to the withdrawal of
37 driving privileges as provided by this title; and

38 (b) Must notify the department of the issuance of any
39 disqualifications or license suspensions or revocations, whether in
40 the United States or in the person's jurisdiction of domicile.

1 **Sec. 8.** RCW 46.25.--- and 2016 c ... s 7 (section 7 of this act)
2 are each amended to read as follows:

3 (1) The department may issue a nondomiciled CLP or CDL to a
4 person who meets one of the following criteria:

5 (a) Is domiciled in a foreign country as provided in 49 C.F.R.
6 Sec. 383.23(b)(1) as it existed on the effective date of this
7 section, or such subsequent date as may be provided by the department
8 by rule, consistent with the purposes of this section; or

9 (b) Is domiciled in another state as provided in 49 C.F.R. Sec.
10 383.23(b)(2) as it existed on the effective date of this section, or
11 such subsequent date as may be provided by the department by rule,
12 consistent with the purposes of this section.

13 (2) A person applying for a nondomiciled CLP or CDL must:

14 (a) Surrender any nonresident or nondomiciled CLP or CDL issued
15 by another state;

16 (b) Be in possession of a valid driver's license issued by this
17 state or by his or her jurisdiction of domicile;

18 (c) Meet the requirements of 49 C.F.R. Sec. 383.71(f) as it
19 existed on the effective date of this section, or such subsequent
20 date as may be provided by the department by rule, consistent with
21 the purposes of this section; and

22 (d) Be otherwise eligible and meet the applicable requirements
23 for the issuance of a CLP or CDL under this chapter, including the
24 payment of all appropriate fees.

25 (3) Before issuing a nondomiciled CLP or CDL, the department must
26 establish the practical capability of disqualifying the person under
27 the conditions applicable to a CLP or CDL issued to a resident of
28 this state.

29 (4) A nondomiciled CLP or CDL issued under this section:

30 (a) Must be marked "non-domiciled" on the face of the document;

31 (b) Must include the information, be issued with the appropriate
32 classifications, endorsements, and restrictions, and, except as may
33 be limited under subsection (5) of this section, expire and be
34 subject to renewal in the same manner as required for a CLP or CDL
35 issued under this chapter;

36 (c) Permits operation of a commercial motor vehicle to the same
37 extent as a CLP or CDL issued under this section; and

38 (d) Is valid only when accompanied by a valid driver's license
39 issued by this state or by the person's jurisdiction of domicile.

1 (5) A nondomiciled CLP or CDL issued to an individual who has
2 temporary lawful status or valid employment authorization in the
3 United States:

4 (a) Is valid only when accompanied by an unexpired employment
5 authorization document issued by the United States citizenship and
6 immigration services or an unexpired foreign passport accompanied by
7 an approved I-94 form documenting the applicant's most recent
8 admittance into the United States;

9 (b) Must expire no later than the (~~first anniversary of the~~
10 ~~individual's birthdate that occurs after the~~) expiration of the
11 individual's employment authorization document or authorized stay in
12 the United States, or if there is no expiration date for the
13 employment authorization or authorized stay, one year from the
14 (~~first anniversary of the individual's birthdate that occurs after~~)
15 date of issuance; and

16 (c) May be renewed if the individual presents valid documentary
17 evidence that the employment authorization document or temporary
18 lawful status in the United States is still in effect or has been
19 extended.

20 (6) A person who has been issued a nondomiciled CLP or CDL:

21 (a) Is subject to all applicable requirements for and
22 disqualifications from operating a commercial motor vehicle as
23 provided under this chapter and is subject to the withdrawal of
24 driving privileges as provided by this title; and

25 (b) Must notify the department of the issuance of any
26 disqualifications or license suspensions or revocations, whether in
27 the United States or in the person's jurisdiction of domicile.

28 NEW SECTION. **Sec. 9.** The following acts or parts of acts are
29 each repealed:

30 (1) RCW 43.41.390 (Implementation of federal REAL ID Act of 2005)
31 and 2007 c 85 s 1; and

32 (2) RCW 46.20.191 (Compliance with federal REAL ID Act of 2005
33 requirements) and 2007 c 85 s 2.

34 NEW SECTION. **Sec. 10.** Sections 1 through 4 of this act take
35 effect July 1, 2018.

36 NEW SECTION. **Sec. 11.** Sections 5 through 7 of this act take
37 effect October 1, 2016.

1 NEW SECTION. **Sec. 12.** Section 8 of this act takes effect July
2 1, 2019.

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