

# HOUSE BILL REPORT

## SHB 1273

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### As Amended by the Senate

**Title:** An act relating to the alignment of state statutes with federal standards for the issuance of nondomiciled commercial drivers' licenses and nondomiciled commercial learners' permits.

**Brief Description:** Concerning the alignment of state statutes with federal standards for the issuance of nondomiciled commercial drivers' licenses and nondomiciled commercial learners' permits.

**Sponsors:** House Committee on Transportation (originally sponsored by Representatives Ryu, Farrell, Fey and Ortiz-Self; by request of Department of Licensing).

#### **Brief History:**

##### **Committee Activity:**

Transportation: 1/19/17, 2/1/17 [DPS].

##### **Floor Activity:**

Passed House: 2/20/17, 82-15.

Senate Amended.

Passed Senate: 4/12/17, 43-6.

#### **Brief Summary of Substitute Bill**

- Authorizes the Department of Licensing (DOL) to issue a nondomiciled Commercial Driver's License (CDL) or Commercial Learner's Permit (CLP) to an individual domiciled in a foreign country if that person provides valid documentary evidence that he or she is authorized to stay or work in the United States and meets certain specified federal requirements.
- Authorizes the DOL to issue a nondomiciled CDL or CLP to an individual domiciled in another state that is out of compliance with federal CLP and CDL requirements if he or she meets certain specified federal requirements.
- Requires the nondomiciled CDL and CLP to be marked "non-domiciled" on their face.

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#### HOUSE COMMITTEE ON TRANSPORTATION

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 20 members: Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Wylie, Vice Chair; Orcutt, Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Chapman, Gregerson, Hayes, Irwin, Kloba, Lovick, McBride, Morris, Ortiz-Self, Pellicciotti, Riccelli, Rodne, Shea and Tarleton.

**Minority Report:** Do not pass. Signed by 5 members: Representatives Hargrove, Assistant Ranking Minority Member; Pike, Stambaugh, Van Werven and Young.

**Staff:** Jennifer Harris (786-7143).

### **Background:**

The operation of commercial motor vehicles is regulated by federal and state law. In the United States, a commercial driver's license (CDL) or commercial learner's permit (CLP) is required to operate any motor vehicle that meets the following criteria: (1) has a gross combination weight rating or gross combination weight of 26,001 pounds or more, whichever is greater, inclusive of a towed unit or units with a gross vehicle weight rating or gross vehicle weight of more than 10,000 pounds; (2) has a gross vehicle weight rating or gross vehicle weight of 26,001 pounds or more, whichever is greater; (3) is designed to transport 16 or more passengers, including the driver; or (4) is of any size and is used in the transportation of hazardous materials as defined under federal law.

In order to operate a commercial motor vehicle in Washington, a person must hold a CDL issued by the Department of Licensing (DOL) with the applicable endorsements for the vehicle that is being driven. The DOL issues CLPs that authorize a person who passes the CDL knowledge test to operate a commercial motor vehicle under the supervision of a qualified CDL holder. Under federal law, the DOL is required to issue CDLs and CLPs in accordance with federal standards.

In addition to providing certain personal identifying and driving history information, an applicant for a CDL or CLP in Washington must provide the DOL with a Social Security number and, as of September 1, 2015, proof of United States citizenship or lawful presence in the United States. Federal regulations also provide for the issuance of nondomiciled CDLs and CLPs to persons who are domiciled in a foreign jurisdiction that does not issue CDLs in accordance with or under similar standards to federal CDL requirements and to persons who are domiciled in another state that is out of compliance with federal CDL or CLP requirements. (Domicile generally means a place of permanent residence.) Mexico and Canada both issue CDLs in accordance with or under similar standards to federal CDL requirements and their CDLs can be used to drive in the United States.

Under state law, the DOL is not currently authorized to issue nondomiciled CDLs or CLPs.

### **Summary of Substitute Bill:**

In line with federal regulations, an applicant for a nondomiciled CDL or CLP who is domiciled in a foreign country and has not been issued a Social Security number is not required to include one on his or her CDL or CLP application.

Provided all other CDL or CLP requirements are met, the DOL is authorized to issue a CDL or CLP to: (1) persons who are domiciled in a foreign jurisdiction that does not issue CDLs in accordance with or under similar standards to federal CDL requirements, as long as they provide valid documentary evidence that they are authorized to remain in the United States or that they are authorized to work in the United States; and (2) persons who are domiciled in a state that is prohibited from issuing CDLs and CLPs under federal law. To be eligible, applicants must also surrender any non-resident or non-domiciled CDL or CDP issued by another state, be in possession of a valid driver's license, and meet all other federal requirements. An applicant for a non-domiciled CDL or CLP is not required to surrender his or her foreign license.

A nondomiciled CDL or CLP must be marked "non-domiciled" on the face of the document and is valid only when accompanied by a valid driver's license issued by Washington or the person's jurisdiction of domicile and valid documentary evidence that the individual is authorized to stay or work in the United States. A nondomiciled CDL or CLP permits the operation of a commercial motor vehicle to the same extent as a standard CDL or CLP.

Persons who have been issued a nondomiciled CDL or CLP are subject to all applicable requirements for disqualification from operating a commercial motor vehicle and must notify the DOL of any disqualifications or license suspensions or revocations regardless of whether in the United States or the person's jurisdiction of domicile.

A CDL or CLP must expire no later than the first birthday of the individual after the expiration of the individual's authorized stay or authorization to work in the United States, or if there is no expiration of the individual's authorization to stay or work in the United States, one year from the first birthday of the individual that occurs after issuance. The nondomiciled CDL or CLP may be renewed if the individual presents valid evidence that temporary lawful status or authorization to work in the United States is still in effect or has been extended.

To come into compliance with federal regulations, beginning June 1, 2018, the expiration date of a CDL or CLP issued to an individual who has temporary lawful status or authorization to work in the United States will be on or before the end date of the individual's authorized stay or authorization to work in the United States, and if there is not an expiration date for the authorized stay or authorization to work, then the CDL or CLP will expire one year from the date of issuance.

#### **EFFECT OF SENATE AMENDMENT(S):**

The Senate amendment modifies a technical drafting correction to the definition of "serious traffic violation," as that term applies to grounds for temporary disqualification from driving a commercial motor vehicle.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** This bill takes effect on October 1, 2017, except for section 4, relating to the method used to determine the nondomiciled CDL or CLP expiration date, which takes effect June 1, 2018.

**Staff Summary of Public Testimony:**

(In support) This bill is an effort to align a state statute with federal standards to provide CDLs and CLPs to individuals who have legal status to be in the United States with temporary worker visas. Today, an individual in the country with legal presence but who is not a United States citizen or permanent resident cannot get a CDL if he or she is otherwise eligible to do so. This bill would remedy that and bring the state in line with what the federal government allows. The DOL will continue to check the lawful presence of an applicant for a CDL or CLP with or without this bill. These individuals must also demonstrate the ability to operate commercial vehicles safely.

The Washington economy relies on those who are legally present in the United States with temporary worker visas to work in various sectors, including trucking. Without the alignment of the state statute with federal law, businesses are being deprived of hundreds of licensed truck drivers and this is having negative effects on businesses in the state.

(Opposed) None.

**Persons Testifying:** Representative Ryu, prime sponsor; and Tony Sermonti, Department of Licensing.

**Persons Signed In To Testify But Not Testifying:** None.