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## Transportation Committee

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### HB 2696

**Brief Description:** Concerning medical certificate requirements for applicants and holders of commercial drivers' licenses and commercial learners' permits.

**Sponsors:** Representatives Valdez, Orcutt, Eslick and Jinkins; by request of Department of Licensing.

#### Brief Summary of Bill

- Modifies requirements for medical examiner certificates to comply with new federal requirement that states include commercial driver's license (CDL) holders' medical self-certification status in their Commercial Driver's License Information System (CDLIS) records.
- Updates when CDL holders must carry a copy of their medical examiner certificate with them and when CDL holders must provide the Department of Licensing (DOL) with a copy of their medical examiner's certificate.
- Updates when the DOL must record CDL holders' medical qualification status on their CDLIS record and when the DOL will initiate a CDL downgrade due to the absence of proof of medical self-certification.

**Hearing Date:** 1/22/18

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

#### **Background:**

##### Federal Law.

Under federal law, a commercial driver's license (CDL) or commercial learner's permit (CLP) holder may not operate a commercial motor vehicle in interstate commerce unless he or she is medically certified as physically qualified to do so (non-excepted interstate), unless he or she solely engages in certain exempted driving categories (excepted interstate). For the purposes of the regulation of the operation of commercial vehicles in intrastate commerce, the federal

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government will withhold certain federal funds if states do not meet standards for medical certification that are comparable to federal medical standards, unless deviations from it are based on sound medical judgement and appropriate performance standards. Prior to January 30, 2015, federal law required that a CDL or CLP holder was required to carry the original or a copy of a current medical examiner's certificate indicating that he or she was physically qualified to drive a commercial motor vehicle.

Beginning on January 30, 2014, existing CDL and CLP holders were required to provide the state with an original or copy of a current certificate and the state was required to post medical certification statuses to the Commercial Driver's License Information System (CDLIS), which is used by all states. From January 30, 2015, until June 22, 2018, as long as an individual submits a current medical examiner's certificate to the state, he or she is only required to carry the original or a copy of the certificate for 15 days after the date the certification was issued. Beginning on June 22, 2018, a CDL or CLP holder will no longer need to carry on his or her person the medical examiner's certificate. This is because, as of that date, an electronic copy of medical examiner's certifications will be submitted by all medical examiners to the Federal Motor Carrier Safety Administration (FMCSA); the FMCSA will then provide this information to the state, and the state will be required to post a medical qualification status of "certified" on the driver record in the CDLIS.

#### State Law.

A person may not drive a commercial motor vehicle unless he is physically qualified to do so as specified under federal law and by state law and regulation. He or she must carry on his or her person the original or a physical copy of the medical examiner certificate. It is a traffic infraction for a CDL or CLP holder to drive a commercial motor vehicle without having on his or her person the original or a photographic copy of a medical examiner's certificate. This traffic infraction is subject to a base penalty of \$250. The base penalty is reduced to \$50 if the person provides proof that he or she had been issued the appropriate medical examiner's certificate at the time the infraction occurred.

Any person applying for a CDL or CLP must certify that he or she expects to engage in non-excepted interstate, excepted interstate, non-excepted intrastate, or excepted intrastate driving. A CDL or CLP applicant or holder who certifies that he or she expects to engage in non-excepted interstate driving must provide a copy of a medical examiner's certificate to the Department of Licensing (DOL), and the DOL must post this information to the CDLIS within 10 calendar days.

"Excepted intrastate" means that a CDL or CLP holder operates in intrastate commerce, but engages exclusively in transportation or operations excepted from all or parts of state driver qualification requirements.

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

A commercial motor vehicle driver must carry a medical examiner's certification on his or her person for 15 days after the date of issuance as valid proof of medical certification. It is a traffic infraction for a CDL or CLP holder to drive a commercial motor vehicle while being downgraded by the DOL for not maintaining a medical certification with the DOL.

Unless engaged in excepted intrastate travel only, a CDL or CLP applicant or holder must provide a copy of a medical examiner's certificate to the DOL, and the DOL must post this information to the CDLIS within 10 calendar days. When the DOL receives an electronic copy of the medical examiner's certificate from the FMCSA, the DOL must post the medical status of the CDL or CLP holder to his or her CDLIS driver record.

The definition of "excepted intrastate" is narrowed to require that a CDL or CLP holder with this designation not operate a commercial motor vehicle in the state.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect on April 30, 2019.