

# FINAL BILL REPORT

## SHB 2696

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Synopsis as Enacted

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

**Sponsors:** House Committee on Transportation (originally sponsored by Representatives Valdez, Orcutt, Eslick and Jinkins; by request of Department of Licensing).

**House Committee on Transportation**  
**Senate Committee on Transportation**

### **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 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, 2015, 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

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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, except for if he or she meets federal criteria for an agricultural use exemption. 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:**

A commercial motor vehicle driver is no longer required to carry a medical examiner certificate on his or her person as valid proof of medical certification. It is a traffic infraction for a CDL or CLP holder to drive a commercial motor vehicle while downgraded by the DOL for not maintaining a medical certification with the DOL.

Unless an applicant or holder of an excepted intrastate CDL or CLP, 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 modified to require that a CDL or CLP holder with this designation not operate a commercial motor vehicle in the state. The definitions of "excepted interstate" and "nonexcepted intrastate" are modified to clarify that a CDL or CLP holder or applicant must obtain a medical examiner's certificate under state law using the procedure provided in federal law.

#### **Votes on Final Passage:**

House 98 0  
Senate 47 0

**Effective:** April 30, 2019