

HOUSE BILL REPORT

SB 6180

As Reported by House Committee On: Transportation

Title: An act relating to defining the planting and harvest dates for purposes of exemptions for agricultural transporters.

Brief Description: Defining the planting and harvest dates for purposes of exemptions for agricultural transporters.

Sponsors: Senators Hobbs, Schoesler, Takko and King.

Brief History:

Committee Activity:

Transportation: 2/15/18, 2/21/18 [DP].

Brief Summary of Bill

- Defines the planting and harvest season for Washington as January 1 to December 31, enabling the federal agricultural operations exemption from commercial motor vehicle hour-of-service requirements to apply year-round.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass. Signed by 23 members: Representatives Clibborn, Chair; Fey, Vice Chair; Wylie, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Chapman, Gregerson, Hayes, Irwin, Lovick, McBride, Ortiz-Self, Pellicciotti, Pike, Riccelli, Rodne, Shea, Stambaugh, Tarleton, Valdez, Van Werven and Young.

Minority Report: Do not pass. Signed by 1 member: Representative Kloba.

Staff: Jennifer Harris (786-7143).

Background:

Commercial motor vehicles are regulated at both the state and federal level. Under federal law, commercial motor vehicle drivers are limited to certain drive-shift lengths, total driving

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time during a drive shift, and total on-duty time over seven-day or eight-day periods. Driver hours of service are required to be recorded in a log book, which must be made available to law enforcement officers upon request.

Under the Moving Ahead for Progress in the 21st Century Act (MAP-21), the Federal Motor Carrier Safety Administration was directed to adopt new rules requiring the use of an electronic log device (ELD), which automatically records engine run times and hours of operation. Electronic log device rules went into effect in December 2017.

There are a number of exemptions to both the federal hour-of-service rules and the record-of-duty status (log book or new ELD) rules, including for agricultural operations. During a state's defined planting and harvesting season, agricultural operations are exempted from both the hour-of-service rules and the requirement to keep a log book or ELD. Federal law allows each state to define its planting and harvesting season.

Under current administrative rule, the Washington State Patrol has adopted most of the federal motor carrier regulations for hours of service and record-of-duty status, and has defined the planting and harvesting season for Washington as February 1 through November 30 of each year.

Summary of Bill:

The planting and harvesting season for Washington is defined as January 1 through December 31 of each year (rather than as February 1 through November 30, as under current administrative rule) for the purpose of determining when the federal motor carrier regulation exception for agricultural operations from hour-of-service rules apply.

As a result, the exception from work and driving hours applies year-round to the transportation of agricultural commodities, as well as to the transportation of farm supplies for agricultural purposes, within a 150-air mile radius of the starting location.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill will align Washington's planting and harvesting season with the planting and harvesting seasons of other states to remain competitive. Under MAP-21, the federal agricultural exemption from hour-of-service commercial motor vehicle driving rules was extended for certain trips for agricultural purposes within 150-air miles rather than 100-

air miles. This bill would allow this federal exemption to apply year-round rather than for only 10 months of the year.

Farmers and agro-businesses need to be able to move perishable crops to market quickly, and 26 states already have a year-round exemption in place, including nine other western states. This bill will level the playing field, helping the economies in rural areas of the state. This is especially true in the Spokane area, because of the current competitive advantage in surrounding states.

(Opposed) None.

Persons Testifying: Senator Hobbs, prime sponsor; Jim Fitzgerald, Farwest Agribusiness Association; Mark Streuli, Washington Farm Bureau and Washington Cattlemen's Association; and Jim Hedrick, Greater Spokane Incorporated.

Persons Signed In To Testify But Not Testifying: None.