

SENATE BILL REPORT

ESSB 5544

As of Third Reading

Title: An act relating to increasing the types of commercial driver waivers allowed for military veterans.

Brief Description: Increasing the types of commercial driver waivers allowed for military veterans.

Sponsors: Senate Committee on Transportation (originally sponsored by Senators Hobbs, King, Saldaña, Zeiger, Mullet, Padden, Fortunato, O'Ban and Wilson, L.).

Brief History:

Committee Activity: Transportation: 2/06/19, 2/13/19 [DPS]; 1/29/20, 2/03/20 [DP2S].

Brief Summary of Second Substitute Bill

- Allows the Department of Licensing to waive the knowledge test portion of the commercial driver's license for applicants meeting federal requirements.

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: That Second Substitute Senate Bill No. 5544 be substituted therefor, and the second substitute bill do pass.

Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Sheldon, Assistant Ranking Member; Cleveland, Das, Fortunato, Lovelett, Nguyen, O'Ban, Padden, Randall, Takko, Wilson, C. and Zeiger.

Staff: Bryon Moore (786-7726)

Background: A person must have a commercial driver's license (CDL) in order to legally drive a commercial vehicle in Washington. Several types of vehicles are characterized as commercial vehicles under Washington law. Any single vehicle with a gross vehicle weight rating (GVWR) of 26,001 pounds or more is a commercial vehicle. This designation also covers any combination of vehicles if the vehicle being driven has a GVWR of 26,001 pounds or more, or the towed vehicle has a GVWR of 10,001 pounds when the combined GVWR equals 26,001 pounds or more.

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.

Vehicles designed to carry 16 or more passengers are considered commercial vehicles, as are school buses. Certain vehicles that carry hazardous materials are also considered commercial vehicles.

To obtain a CDL, a person must apply to the Department of Licensing (DOL) and pay the application fee. DOL will not issue a CDL unless the applicant: (1) is a resident of the state; (2) has successfully completed an approved commercial-driver instruction course; (3) has passed a knowledge and skills test that complies with state and federal requirements; and (4) has fulfilled the requirements of the federal Commercial Motor Vehicle Safety Act, together with any other state laws or other federal regulations. A medical examiner must certify a person is physically qualified to drive a commercial vehicle.

The federal government also regulates commercial drivers under the Federal Motor Carriers Safety Administration (FMCSA). These regulations include driver's license standards and driver qualifications. States must comply with certain federal requirements, and the Secretary of Transportation can withhold a portion of federal funding from noncomplying states.

Under FMCSA regulations, states may elect to waive the CDL knowledge or skills tests for an applicant with demonstrated comparable recent military experience with certain restrictions. These restrictions include that the applicant document (1) they were regularly employed within the last year in a military position requiring operation of a commercial vehicle, and (2) they were operating a vehicle representative of the classification of vehicle that they expect to operate for at least the two years immediately preceding discharge from the military.

Under current state law, DOL allows the skills test of the CDL process to be waived, but does not allow waiver of the knowledge test for an applicant with demonstrated comparable recent military experience.

Summary of Bill (Second Substitute): For CDL applicants that meet the FMCSA requirement, DOL is allowed to waive the knowledge test portion of the CDL process. Beginning December 1, 2020, DOL is required to provide an annual report to the Legislature on the number and types of waivers granted pursuant to the legislation.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: The bill takes effect on July 1, 2020.

Staff Summary of Public Testimony on Original Bill (Regular Session 2019): *The committee recommended a different version of the bill than what was heard.* PRO: This bill is a partial solution to the truck shortage problem. This is about allowing veterans to get into high wage construction and truck driving jobs after they get out of the military. Part of the

challenge is to make sure these former military drivers have the requisite skills and knowledge.

Persons Testifying: PRO: Senator Steve Hobbs, Prime Sponsor; Bruce Chattin, Washington Aggregates & Concrete Association.

Persons Signed In To Testify But Not Testifying: No one.

Staff Summary of Public Testimony on Proposed Second Substitute (Regular Session 2020): PRO: This will provide additional opportunities for veterans that have the appropriate training. There have been changes that have improved the documentation of comparable military experience. This is one part of helping us get more qualified truck drivers and address the trucking shortage. This bill has provisions that verify the former military members' experience. The provisions of the House bill should be looked at in coordination with the provisions of this bill so that we can make sure that we are achieving the intended objective of getting qualified former military drivers.

Persons Testifying: PRO: Senator Steve Hobbs, Prime Sponsor; Becky Bogard, Republic Services; Bruce Chattin, Washington Aggregates & Concrete.

Persons Signed In To Testify But Not Testifying: No one.