

SENATE BILL REPORT

ESSB 5544

As Passed Senate, February 27, 2019

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].

Floor Activity:

Passed Senate: 2/27/19, 49-0.

Brief Summary of Engrossed First Substitute Bill

- Allows the Department of Licensing to waive the knowledge test portion of the commercial driver's license for applicants with demonstrated comparable recent military experience.
- Modifies the current law provisions that allow DOL to waive the basic skills examination for CDL for applicants with demonstrated comparable recent military experience.
- Permits the waiver for basic skills examination or knowledge test portion for a former military service member, but the applicant must first take the two tests.

SENATE COMMITTEE ON TRANSPORTATION

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

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

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.

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.

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 Engrossed First Substitute Bill: For CDL applicants with demonstrated comparable recent military experience, DOL is allowed to waive the knowledge test portion of the CDL process. The current law provisions that also allow DOL to waive the basic skills examination for CDL for applicants with demonstrated comparable recent military experience are also modified. In order for a waiver from the passage of either the basic skills examination or knowledge test portion for a former military service member may still be obtained, but the applicant must first take the two tests. Specific federal military training and

licensing documentation requirements are specified. DOL is required to verify the comparable military experience has been completed within the last two years.

Additional discretionary CDL training is specifically called out as permissive activity for former military service members based on their level of experience, interest, or if current experience is older than two years, or not able to be verified.

Appropriation: None.

Fiscal Note: Available.

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

Effective Date: The bill takes effect on October 1, 2019.

Staff Summary of Public Testimony on Original Bill: *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.