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**HOUSE BILL 2188**

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**State of Washington**

**66th Legislature**

**2020 Regular Session**

**By** Representatives Leavitt, Gildon, Dufault, Chapman, Eslick, Orwall, Appleton, Slatter, Ryu, Van Werven, Griffey, Young, Wylie, Doglio, Volz, and Riccelli

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1 AN ACT Relating to increasing the types of commercial driver's  
2 license qualification waivers allowed for military veterans; amending  
3 RCW 46.25.060; and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** Over half a million United States military  
6 veterans live in Washington state and contribute to the state's  
7 economic vitality. While active military, many trained in civilian  
8 occupations and were well-prepared to contribute to the state as  
9 civilians once they left military service. However, many job markets  
10 are regulated through licensing, and veterans can find themselves at  
11 a disadvantage in obtaining these licenses compared with those  
12 trained in the private sector.

13 Commercial truck and bus drivers are in high demand; individuals  
14 are required to have commercial driver's licenses to qualify for  
15 these jobs. In the case of military veterans who obtain the necessary  
16 driving experience while in the military, there is already a waiver  
17 program in place to enable these veterans to waive out of the skills  
18 examination and course of instruction requirements. However, they are  
19 still required to take the knowledge test to obtain a commercial  
20 driver's license in Washington.

1 The legislature believes that expanding the waiver program to  
2 include the knowledge test will remove an unnecessary obstacle for  
3 qualifying veterans. The legislature values the military service of  
4 veterans and believes that the removal of this barrier will enable  
5 qualifying veterans to more quickly apply the skills they acquired in  
6 the military to serve their communities as they have served the  
7 country.

8 **Sec. 2.** RCW 46.25.060 and 2015 3rd sp.s. c 44 s 207 are each  
9 amended to read as follows:

10 (1)(a) No person may be issued a commercial driver's license  
11 unless that person:

12 (i) Is a resident of this state;

13 (ii) Has successfully completed a course of instruction in the  
14 operation of a commercial motor vehicle that has been approved by the  
15 director or has been certified by an employer as having the skills  
16 and training necessary to operate a commercial motor vehicle safely;

17 (iii) If he or she does not hold a valid commercial driver's  
18 license of the appropriate classification, has been issued a  
19 commercial learner's permit under RCW 46.25.052; and

20 (iv) Has passed a knowledge and skills examination for driving a  
21 commercial motor vehicle that complies with minimum federal standards  
22 established by federal regulation enumerated in 49 C.F.R. Part 383,  
23 subparts F, G, and H, in addition to other requirements imposed by  
24 state law or federal regulation. The department may not allow the  
25 person to take the skills examination during the first fourteen days  
26 after initial issuance of the person's commercial learner's permit.  
27 The examinations must be prescribed and conducted by the department.

28 (b) In addition to the fee charged for issuance or renewal of any  
29 license, the applicant shall pay a fee of no more than ten dollars  
30 until June 30, 2016, and thirty-five dollars beginning July 1, 2016,  
31 for the classified knowledge examination, classified endorsement  
32 knowledge examination, or any combination of classified license and  
33 endorsement knowledge examinations. The applicant shall pay a fee of  
34 no more than one hundred dollars until June 30, 2016, and two hundred  
35 fifty dollars beginning July 1, 2016, for each classified skill  
36 examination or combination of classified skill examinations conducted  
37 by the department.

38 (c) The department may authorize a person, including an agency of  
39 this or another state, an employer, a private driver training

1 facility, or other private institution, or a department, agency, or  
2 instrumentality of local government, to administer the skills  
3 examination specified by this section under the following conditions:

4 (i) The examination is the same which would otherwise be  
5 administered by the state;

6 (ii) The third party has entered into an agreement with the state  
7 that complies with the requirements of 49 C.F.R. Sec. 383.75; and

8 (iii) The director has adopted rules as to the third party  
9 testing program and the development and justification for fees  
10 charged by any third party.

11 (d) If the applicant's primary use of a commercial driver's  
12 license is for any of the following, then the applicant shall pay a  
13 fee of no more than seventy-five dollars until June 30, 2016, and two  
14 hundred twenty-five dollars beginning July 1, 2016, for the  
15 classified skill examination or combination of classified skill  
16 examinations whether conducted by the department or a third-party  
17 tester:

18 (i) Public benefit not-for-profit corporations that are federally  
19 supported head start programs; or

20 (ii) Public benefit not-for-profit corporations that support  
21 early childhood education and assistance programs as described in RCW  
22 (~~(43.215.405(2))~~) 43.216.505.

23 (e) Beginning July 1, 2016, if the applicant's primary use of a  
24 commercial driver's license is to drive a school bus, the applicant  
25 shall pay a fee of no more than one hundred dollars for the  
26 classified skill examination or combination of classified skill  
27 examinations conducted by the department.

28 (f) Beginning July 1, 2016, payment of the examination fees under  
29 this subsection entitles the applicant to take the examination up to  
30 two times in order to pass.

31 (2)(a) The department may waive the skills examination and the  
32 requirement for completion of a course of instruction in the  
33 operation of a commercial motor vehicle specified in this section for  
34 a commercial driver's license applicant who meets the requirements of  
35 49 C.F.R. Sec. 383.77. For current or former military service members  
36 that meet the requirements of 49 C.F.R. Sec. 383.77, the department  
37 may also waive the requirements for a knowledge test for commercial  
38 driver's license applicants. Beginning December 1, 2020, the  
39 department shall provide an annual report to the house and senate  
40 transportation committees and the joint committee on veterans' and

1 military affairs of the legislature on the number and types of  
2 waivers granted pursuant to this subsection.

3 (b) An applicant who operates a commercial motor vehicle for  
4 agribusiness purposes is exempt from the course of instruction  
5 completion and employer skills and training certification  
6 requirements under this section. By January 1, 2010, the department  
7 shall submit recommendations regarding the continuance of this  
8 exemption to the transportation committees of the legislature. For  
9 purposes of this subsection (2)(b), "agribusiness" means a private  
10 carrier who in the normal course of business primarily transports:

11 (i) Farm machinery, farm equipment, implements of husbandry, farm  
12 supplies, and materials used in farming;

13 (ii) Agricultural inputs, such as seed, feed, fertilizer, and  
14 crop protection products;

15 (iii) Unprocessed agricultural commodities, as defined in RCW  
16 17.21.020, where such commodities are produced by farmers, ranchers,  
17 vineyardists, or orchardists; or

18 (iv) Any combination of (b)(i) through (iii) of this subsection.

19 The department shall notify the transportation committees of the  
20 legislature if the federal government takes action affecting the  
21 exemption provided in this subsection (2)(b).

22 (3) A commercial driver's license or commercial learner's permit  
23 may not be issued to a person while the person is subject to a  
24 disqualification from driving a commercial motor vehicle, or while  
25 the person's driver's license is suspended, revoked, or canceled in  
26 any state, nor may a commercial driver's license be issued to a  
27 person who has a commercial driver's license issued by any other  
28 state unless the person first surrenders all such licenses, which  
29 must be returned to the issuing state for cancellation.

30 (4) The fees under this section must be deposited into the  
31 highway safety fund unless prior to July 1, 2023, the actions  
32 described in (a) or (b) of this subsection occur, in which case the  
33 portion of the revenue that is the result of the fee increased in  
34 section 207, chapter 44, Laws of 2015 3rd sp. sess. must be  
35 distributed to the connecting Washington account created under RCW  
36 46.68.395.

37 (a) Any state agency files a notice of rule making under chapter  
38 34.05 RCW for a rule regarding a fuel standard based upon or defined  
39 by the carbon intensity of fuel, including a low carbon fuel standard  
40 or clean fuel standard.

1           (b) Any state agency otherwise enacts, adopts, orders, or in any  
2 way implements a fuel standard based upon or defined by the carbon  
3 intensity of fuel, including a low carbon fuel standard or clean fuel  
4 standard.

5           (c) Nothing in this subsection acknowledges, establishes, or  
6 creates legal authority for the department of ecology or any other  
7 state agency to enact, adopt, order, or in any way implement a fuel  
8 standard based upon or defined by the carbon intensity of fuel,  
9 including a low carbon fuel standard or clean fuel standard.

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