
SENATE BILL 5763

State of Washington

66th Legislature

2019 Regular Session

By Senators Wagoner, Takko, and Honeyford

1 AN ACT Relating to collector truck operators; amending RCW
2 46.25.010, 46.25.050, and 46.25.055; providing an effective date; and
3 declaring an emergency.

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

5 **Sec. 1.** RCW 46.25.010 and 2018 c 49 s 4 are each amended to read
6 as follows:

7 The definitions set forth in this section apply throughout this
8 chapter.

9 (1) "Alcohol" means any substance containing any form of alcohol,
10 including but not limited to ethanol, methanol, propanol, and
11 isopropanol.

12 (2) "Alcohol concentration" means:

13 (a) The number of grams of alcohol per one hundred milliliters of
14 blood; or

15 (b) The number of grams of alcohol per two hundred ten liters of
16 breath.

17 (3) "Commercial driver's license" (CDL) means a license issued to
18 an individual under chapter 46.20 RCW that has been endorsed in
19 accordance with the requirements of this chapter to authorize the
20 individual to drive a class of commercial motor vehicle.

1 (4) The "commercial driver's license information system" (CDLIS)
2 is the information system established pursuant to 49 U.S.C. Sec.
3 31309 to serve as a clearinghouse for locating information related to
4 the licensing and identification of commercial motor vehicle drivers.

5 (5) "Commercial learner's permit" (CLP) means a permit issued
6 under RCW 46.25.052 for the purposes of behind-the-wheel training.

7 (6) "Commercial motor vehicle" means a motor vehicle or
8 combination of motor vehicles used in commerce to transport
9 passengers or property if the motor vehicle:

10 (a) Has a gross combination weight rating or gross combination
11 weight of 11,794 kilograms or more (26,001 pounds or more), whichever
12 is greater, inclusive of any towed unit or units with a gross vehicle
13 weight rating or gross vehicle weight of more than 4,536 kilograms
14 (10,000 pounds or more), whichever is greater; or

15 (b) Has a gross vehicle weight rating or gross vehicle weight of
16 11,794 kilograms or more (26,001 pounds or more), whichever is
17 greater; or

18 (c) Is designed to transport sixteen or more passengers,
19 including the driver; or

20 (d) Is of any size and is used in the transportation of hazardous
21 materials as defined in this section; or

22 (e) Is a school bus regardless of weight or size.

23 (7) "Conviction" means an unvacated adjudication of guilt, or a
24 determination that a person has violated or failed to comply with the
25 law in a court of original jurisdiction or by an authorized
26 administrative tribunal, an unvacated forfeiture of bail or
27 collateral deposited to secure the person's appearance in court, a
28 plea of guilty or nolo contendere accepted by the court, the payment
29 of a fine or court cost, entry into a deferred prosecution program
30 under chapter 10.05 RCW, or violation of a condition of release
31 without bail, regardless of whether or not the penalty is rebated,
32 suspended, or probated.

33 (8) "Disqualification" means a prohibition against driving a
34 commercial motor vehicle.

35 (9) "Drive" means to drive, operate, or be in physical control of
36 a motor vehicle in any place open to the general public for purposes
37 of vehicular traffic. For purposes of RCW 46.25.100, 46.25.110, and
38 46.25.120, "drive" includes operation or physical control of a motor
39 vehicle anywhere in the state.

1 (10) "Drugs" are those substances as defined by RCW 69.04.009,
2 including, but not limited to, those substances defined by 49 C.F.R.
3 Sec. 40.3.

4 (11) "Employer" means any person, including the United States, a
5 state, or a political subdivision of a state, who owns or leases a
6 commercial motor vehicle, or assigns a person to drive a commercial
7 motor vehicle.

8 (12) "Gross vehicle weight rating" (GVWR) means the value
9 specified by the manufacturer as the maximum loaded weight of a
10 single vehicle. The GVWR of a combination or articulated vehicle,
11 commonly referred to as the "gross combined weight rating" or GCWR,
12 is the GVWR of the power unit plus the GVWR of the towed unit or
13 units. If the GVWR of any unit cannot be determined, the actual gross
14 weight will be used. If a vehicle with a GVWR of less than 11,794
15 kilograms (26,001 pounds or less) has been structurally modified to
16 carry a heavier load, then the actual gross weight capacity of the
17 modified vehicle, as determined by RCW 46.44.041 and 46.44.042, will
18 be used as the GVWR.

19 (13) "Hazardous materials" means any material that has been
20 designated as hazardous under 49 U.S.C. Sec. 5103 and is required to
21 be placarded under subpart F of 49 C.F.R. Part 172 or any quantity of
22 a material listed as a select agent or toxin in 42 C.F.R. Part 73.

23 (14) "Motor vehicle" means a vehicle, machine, tractor, trailer,
24 or semitrailer propelled or drawn by mechanical power used on
25 highways, or any other vehicle required to be registered under the
26 laws of this state, but does not include a vehicle, machine, tractor,
27 trailer, or semitrailer operated exclusively on a rail.

28 (15)(a) "Nondomiciled CLP or CDL" means a permit or license,
29 respectively, issued under RCW 46.25.054 to a person who meets one of
30 the following criteria:

31 (i) Is domiciled in a foreign country as provided in 49 C.F.R.
32 Sec. 383.23(b)(1) as it existed on October 1, 2017, or such
33 subsequent date as may be provided by the department by rule,
34 consistent with the purposes of this section; or

35 (ii) Is domiciled in another state as provided in 49 C.F.R. Sec.
36 383.23(b)(2) as it existed on October 1, 2017, or such subsequent
37 date as may be provided by the department by rule, consistent with
38 the purposes of this section.

1 (b) The definition in this subsection (15) applies exclusively to
2 the use of the term in this chapter and is not to be applied in any
3 other chapter of the Revised Code of Washington.

4 (16) "Out-of-service order" means a declaration by an authorized
5 enforcement officer of a federal, state, Canadian, Mexican, or local
6 jurisdiction that a driver, a commercial motor vehicle, or a motor
7 carrier operation is out-of-service pursuant to 49 C.F.R. Secs.
8 386.72, 392.5, 395.13, 396.9, or compatible laws, or the North
9 American uniform out-of-service criteria.

10 (17) "Positive alcohol confirmation test" means an alcohol
11 confirmation test that:

12 (a) Has been conducted by a breath alcohol technician under 49
13 C.F.R. Part 40; and

14 (b) Indicates an alcohol concentration of 0.04 or more.

15 A report that a person has refused an alcohol test, under
16 circumstances that constitute the refusal of an alcohol test under 49
17 C.F.R. Part 40, will be considered equivalent to a report of a
18 positive alcohol confirmation test for the purposes of this chapter.

19 (18) "School bus" means a commercial motor vehicle used to
20 transport preprimary, primary, or secondary school students from home
21 to school, from school to home, or to and from school-sponsored
22 events. School bus does not include a bus used as a common carrier.

23 (19) "Serious traffic violation" means:

24 (a) Excessive speeding, defined as fifteen miles per hour or more
25 in excess of the posted limit;

26 (b) Reckless driving, as defined under state or local law;

27 (c) Driving while using a personal electronic device, defined as
28 a violation of RCW 46.61.672, which includes in the activities it
29 prohibits driving while holding a personal electronic device in
30 either or both hands and using a hand or finger for texting, or an
31 equivalent administrative rule or local law, ordinance, rule, or
32 resolution;

33 (d) A violation of a state or local law relating to motor vehicle
34 traffic control, other than a parking violation, arising in
35 connection with an accident or collision resulting in death to any
36 person;

37 (e) Driving a commercial motor vehicle without obtaining a
38 commercial driver's license;

39 (f) Driving a commercial motor vehicle without a commercial
40 driver's license in the driver's possession; however, any individual

1 who provides proof to the court by the date the individual must
2 appear in court or pay any fine for such a violation, that the
3 individual held a valid CDL on the date the citation was issued, is
4 not guilty of a "serious traffic violation";

5 (g) Driving a commercial motor vehicle without the proper class
6 of commercial driver's license endorsement or endorsements for the
7 specific vehicle group being operated or for the passenger or type of
8 cargo being transported; and

9 (h) Any other violation of a state or local law relating to motor
10 vehicle traffic control, other than a parking violation, that the
11 department determines by rule to be serious.

12 (20) "State" means a state of the United States and the District
13 of Columbia.

14 (21) "Substance abuse professional" means an alcohol and drug
15 specialist meeting the credentials, knowledge, training, and
16 continuing education requirements of 49 C.F.R. Sec. 40.281.

17 (22) "Tank vehicle" means any commercial motor vehicle that is
18 designed to transport any liquid or gaseous materials within a tank
19 or tanks having an individual rated capacity of more than one hundred
20 nineteen gallons and an aggregate rated capacity of one thousand
21 gallons or more that is either permanently or temporarily attached to
22 the vehicle or the chassis. A commercial motor vehicle transporting
23 an empty storage container tank, not designed for transportation,
24 with a rated capacity of one thousand gallons or more that is
25 temporarily attached to a flatbed trailer is not considered a tank
26 vehicle.

27 (23) "Type of driving" means one of the following:

28 (a) "Nonexcepted interstate," which means the CDL or CLP holder
29 or applicant operates or expects to operate in interstate commerce,
30 is both subject to and meets the qualification requirements under 49
31 C.F.R. Part 391 as it existed on April 30, 2019, or such subsequent
32 date as may be provided by the department by rule, consistent with
33 the purposes of this section, and is required to obtain a medical
34 examiner's certificate under 49 C.F.R. Sec. 391.45 as it existed on
35 April 30, 2019, or such subsequent date as may be provided by the
36 department by rule, consistent with the purposes of this section;

37 (b) "Excepted interstate," which means the CDL or CLP holder or
38 applicant operates or expects to operate in interstate commerce, but
39 engages exclusively in transportation or operations excepted under 49
40 C.F.R. Secs. 390.3(f), 391.2, 391.68, or 398.3, as they existed on

1 April 30, 2019, or such subsequent date as may be provided by the
2 department by rule, consistent with the purposes of this section,
3 from all or parts of the qualification requirements of 49 C.F.R. Part
4 391 as it existed on April 30, 2019, or such subsequent date as may
5 be provided by the department by rule, consistent with the purposes
6 of this section, and is required to obtain a medical examiner's
7 certificate in accordance with procedures provided in 49 C.F.R. Sec.
8 391.45 as it existed on April 30, 2019, or such subsequent date as
9 may be provided by the department by rule, consistent with the
10 purposes of this section;

11 (c) "Nonexcepted intrastate," which means the CDL or CLP holder
12 or applicant operates only in intrastate commerce and is required to
13 obtain a medical examiner's certificate in accordance with procedures
14 provided in 49 C.F.R. Sec. 391.45 as it existed on April 30, 2019, or
15 such subsequent date as may be provided by the department by rule,
16 consistent with the purposes of this section; or

17 (d) "Excepted intrastate," which means the CDL or CLP holder
18 wishes to maintain a CDL or CLP but not operate a commercial motor
19 vehicle without changing his or her self-certification type.

20 (24) "United States" means the fifty states and the District of
21 Columbia.

22 (25) "Verified positive drug test" means a drug test result or
23 validity testing result from a laboratory certified under the
24 authority of the federal department of health and human services
25 that:

26 (a) Indicates a drug concentration at or above the cutoff
27 concentration established under 49 C.F.R. Sec. 40.87; and

28 (b) Has undergone review and final determination by a medical
29 review officer.

30 A report that a person has refused a drug test, under
31 circumstances that constitute the refusal of a federal department of
32 transportation drug test under 49 C.F.R. Part 40, will be considered
33 equivalent to a report of a verified positive drug test for the
34 purposes of this chapter.

35 (26) "Collector truck" means a vehicle that:

36 (a) Has current registration;

37 (b) Is older than thirty years old;

38 (c) Is a vehicle that meets the weight criteria of subsection 6
39 of this section;

40 (d) Is capable of safely operating on the highway;

1 (e) Is used for occasional use to and from truck conventions,
2 auto shows, circuses, parades, displays, special excursions, and
3 antique vehicle club meetings;

4 (f) Is used for the pleasure of others without compensation; and

5 (g) Is not used in the operations of a common or contract motor
6 carrier and not used for commercial purposes.

7 (27) "Collector truck operator" means an operator of a
8 noncommercial vehicle that is being exclusively owned and operated as
9 a collector truck.

10 **Sec. 2.** RCW 46.25.050 and 2013 c 224 s 4 are each amended to
11 read as follows:

12 (1) Drivers of commercial motor vehicles must obtain a commercial
13 driver's license as required under this chapter. Except when driving
14 under a commercial learner's permit and a valid driver's license and
15 accompanied by the holder of a commercial driver's license valid for
16 the vehicle being driven, no person may drive a commercial motor
17 vehicle unless the person holds and is in immediate possession of a
18 commercial driver's license and applicable endorsements valid for the
19 vehicle they are driving. However, this requirement does not apply to
20 any person:

21 (a) Who is the operator of a farm vehicle, and the vehicle is:

22 (i) Controlled and operated by a farmer;

23 (ii) Used to transport either agricultural products, which in
24 this section include Christmas trees and wood products harvested from
25 private tree farms and transported by vehicles weighing no more than
26 forty thousand pounds licensed gross vehicle weight, farm machinery,
27 farm supplies, animal manure, animal manure compost, or any
28 combination of those materials to or from a farm;

29 (iii) Not used in the operations of a common or contract motor
30 carrier; and

31 (iv) Used within one hundred fifty miles of the person's farm; or

32 (b) Who is a firefighter or law enforcement officer operating
33 emergency equipment, and:

34 (i) The firefighter or law enforcement officer has successfully
35 completed a driver training course approved by the director; and

36 (ii) The firefighter or law enforcement officer carries a
37 certificate attesting to the successful completion of the approved
38 training course; or

1 (c) Who is operating a recreational vehicle for noncommercial
2 purposes. As used in this section, "recreational vehicle" includes a
3 vehicle towing a horse trailer for a noncommercial purpose; or

4 (d) Who is operating a commercial motor vehicle for military
5 purposes. This exception is applicable to active duty military
6 personnel; members of the military reserves; members of the national
7 guard on active duty, including personnel on full-time national guard
8 duty, personnel on part-time national guard training, and national
9 guard military technicians (civilians who are required to wear
10 military uniforms); and active duty United States coast guard
11 personnel. This exception is not applicable to United States reserve
12 technicians; or

13 (e) Who is a collector truck operator using the vehicle in
14 accordance with RCW 46.25.010.

15 (2) No person may drive a commercial motor vehicle while his or
16 her driving privilege is suspended, revoked, or canceled, while
17 subject to disqualification, or in violation of an out-of-service
18 order. Violations of this subsection shall be punished in the same
19 way as violations of RCW 46.20.342(1).

20 (3) The department must, to the extent possible, enter into
21 reciprocity agreements with adjoining states to allow the waivers
22 described in subsection (1) of this section to apply to drivers
23 holding commercial driver's licenses from those adjoining states.

24 **Sec. 3.** RCW 46.25.055 and 2018 c 49 s 1 are each amended to read
25 as follows:

26 (1) Except as provided in 49 C.F.R. Sec. 391.67 as it existed on
27 April 30, 2019, or subsection (2) of this section, or such subsequent
28 date as may be provided by the department by rule, consistent with
29 the purposes of this section, a person may not drive a commercial
30 motor vehicle unless he or she is physically qualified to do so and
31 is medically examined and certified in accordance with procedures
32 provided in 49 C.F.R. Sec. 391.43 as it existed on April 30, 2019, or
33 such subsequent date as may be provided by the department by rule,
34 consistent with the purposes of this section.

35 (2) A collector truck operator, as defined in RCW 46.25.010, is
36 exempt from the medical examination and certification requirements of
37 subsection (1) of this section.

1 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
2 preservation of the public peace, health, or safety, or support of
3 the state government and its existing public institutions, and takes
4 effect July 1, 2019.

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