

HOUSE BILL REPORT

SSB 5631

As Reported by House Committee On:
Transportation

Title: An act relating to making human trafficking a disqualifying offense for a commercial driver's license and coming into compliance with the requirements of the federal motor carrier safety administration.

Brief Description: Making human trafficking a disqualifying offense for a commercial driver's license and coming into compliance with the requirements of the federal motor carrier safety administration.

Sponsors: Senate Committee on Transportation (originally sponsored by Senators Kuderer, Brown, Dhingra, Fortunato, Lovick, Nobles, Stanford, Van De Wege, Warnick, Wilson, J. and Wilson, L.).

Brief History:

Committee Activity:

Transportation: 2/24/22, 2/28/22 [DP].

Brief Summary of Substitute Bill

- Disqualifies a person from driving a commercial motor vehicle for a first violation of a human trafficking offense.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass. Signed by 28 members: Representatives Fey, Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Berry, Chapman, Dent, Donaghy, Duerr, Entenman, Goehner, Griffey, Hackney, Klicker, McCaslin, Orcutt, Paul, Ramel, Riccelli, Slatter, Sutherland, Taylor, Valdez, Walsh and Wicks.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Staff: Jennifer Harris (786-7143).

Background:

Commercial Motor Vehicle Driving Disqualification.

A person is disqualified from driving a commercial motor vehicle for one year or more by the Department of Licensing (DOL) for:

- various offenses relating to driving under the influence of an intoxicating liquor or any drug;
- refusal to submit to a test to determine the driver's alcohol concentration or presence of any drug while driving a motor vehicle;
- leaving the scene of an accident involving a motor vehicle driven by the person;
- driving a commercial motor vehicle when, as a result of prior violations while operating a commercial motor vehicle, the driver's commercial driver's license (CDL) is revoked, suspended, or canceled, or the driver is disqualified from operating a commercial motor vehicle; or
- causing a fatality through the negligent operating of a commercial motor vehicle, including but not limited to vehicular homicide and negligent homicide.

If a person has committed or been convicted of two or more violations of any of the above offenses arising from two or more separate incidents, the person is disqualified for life from driving a commercial motor vehicle. A person is also disqualified from driving a commercial motor vehicle for life who uses a motor vehicle in the commission of a felony involving the manufacture, distribution, or dispensing of a controlled substance, or involving possession with intent to manufacture, distribute, or dispense a controlled substance.

The DOL may adopt rules, in accordance with federal regulations, establishing guidelines and conditions under which a disqualification for life may be reduced to a period of not less than 10 years.

Federal Law and Driver Disqualification.

Federal law sets disqualification period terms for the offenses specified above, ranging from one year to life. As of September 23, 2019, federal law also requires disqualification for life for using a commercial motor vehicle in the commission of a felony involving an act or practice of severe forms of trafficking in persons, without any eligibility for reinstatement.

Federal law prohibits a state from issuing a commercial driver's license to an individual during a period in which the individual is disqualified under federal law from operating a commercial motor vehicle. If a state violates this restriction, the penalty for a first instance of non-compliance is up to 4 percent, and for a second instance is up to 8 percent, of funds apportioned for the state's National Highway Performance Program and Surface

Transportation Block Grant Program.

A state must come into substantial compliance with the federal disqualification rule for trafficking in persons as soon as is practicable after the effective date of the federal law change, but no later than September 23, 2022.

Human Trafficking in Federal Law.

Federal law defines "severe forms of trafficking in persons" as:

1. sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or
2. the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

Summary of Bill:

A person is disqualified from driving a commercial motor vehicle for a period of not less than one year who uses a motor vehicle in the commission of a human trafficking offense in state law. State law trafficking offenses are deemed consistent with felonies involving severe forms of trafficking in persons as set forth in applicable federal law.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect on September 23, 2022.

Staff Summary of Public Testimony:

(In support) This bill aligns with federal requirements and will bring the state into compliance with Federal Motor Carrier Safety Administration requirements. Human trafficking is a horrible crime. Drivers are the eyes and ears of the highway and collaborate with law enforcement to address criminal activity in this area. This bill takes the necessary steps to make it harder on traffickers and will make all of our communities safer.

(Opposed) None.

Persons Testifying: Taylor Gardner, Washington Association of Sheriffs and Police Chiefs; Jeff DeVere, Washington Trucking Associations; and Beau Perschbacher,

Washington Department of Licensing.

Persons Signed In To Testify But Not Testifying: None.