

SENATE BILL REPORT

SSB 5631

As Passed Senate, February 8, 2022

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: 1/20/22, 1/27/22 [DPS].

Floor Activity: Passed Senate: 2/8/22, 49-0.

Brief Summary of First Substitute Bill

- Disqualifies a person convicted of human trafficking offenses from holding a commercial driver license for life.
- Brings the state into compliance with requirements of the Federal Motor Carrier Safety Administration.

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: That Substitute Senate Bill No. 5631 be substituted therefor, and the substitute bill do pass.

Signed by Senators Lias, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland, Das, Fortunato, Hawkins, Holy, Lovelett, Lovick, Nguyen, Nobles, Randall, Sheldon, Wilson, C. and Wilson, J.

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: Bryon Moore (786-7726)

Background: A person must have a commercial driver license (CDL) 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, including 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:

- is a resident of the state;
- has successfully completed an approved commercial-driver instruction course;
- has passed a knowledge and skills test that complies with state and federal requirements; and
- 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 that a person is physically qualified to drive a commercial vehicle. DOL may also issue an instruction permit, which expires after six months, to a person who has passed the general knowledge examination. A holder of an instruction permit may drive a commercial vehicle if accompanied by a licensed commercial driver.

Commercial driver licenses are issued with classifications, endorsements, and restrictions. The classification of a license depends upon the GVWR of the vehicle to be driven. A person may be disqualified from driving a commercial motor vehicle as a result of certain convictions. The disqualification period ranges from 60 days to life depending on the number and type of offense or offenses.

The federal government also regulates commercial drivers under the Federal Motor Carriers Safety Administration (FMCSA). These regulations include driver license standards and driver qualifications. States must comply with certain federal requirements, and the Secretary of Transportation (secretary) withholds a portion of federal funding from noncomplying states. In the first year of noncompliance, the secretary withholds up to 4 percent of certain funds. For subsequent years, the withholding increases to 8 percent. If a state fails to comply, the secretary issues an order prohibiting that state from issuing any CDLs until the state complies with federal law.

In 2019, the FMCSA adopted a rule requiring states to permanently disqualify an individual that uses a commercial vehicle while committing a felony involving a severe form of human trafficking. The date required for states to substantially comply is September 23, 2022.

Summary of First Substitute Bill: A conviction of a human trafficking offense under state law disqualifies a person from holding a commercial driver license for life.

Appropriation: None.

Fiscal Note: Available.

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

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

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: By making human trafficking a disqualifying offense for being a commercial driver, this bill brings the state into compliance with federal requirements that go into effect later this year. Human trafficking is serious and heinous crime, and it impacts everyone. The individuals that perpetrate these crimes are often doing so against some of the most vulnerable people in our society, such as the poor, persons of color, or those just seeking a better life. The offense often involves a commercial vehicle. This maintains the professionalism of the truck drivers serving the state and brings accountability to people that commit these crimes.

Persons Testifying: PRO: Senator Patty Kuderer, Prime Sponsor; Jeff DeVere, Washington Trucking Associations; Beau Perschbacher, WA Dept. of Licensing; Taylor Gardner, WASPC.

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