
SUBSTITUTE SENATE BILL 5009

State of Washington

69th Legislature

2025 Regular Session

By Senate Early Learning & K-12 Education (originally sponsored by Senators Braun, Wellman, Bateman, Christian, Conway, Cortes, Dozier, Gildon, Harris, King, Krishnadasan, Lovelett, Nobles, Schoesler, Shewmake, Short, Slatter, Wagoner, Warnick, and J. Wilson)

READ FIRST TIME 02/06/25.

1 AN ACT Relating to accommodating multiple vehicle types for
2 transporting students; amending RCW 28A.160.150, 28A.160.170,
3 28A.160.180, 28A.160.195, 28A.160.210, 46.25.010, and 46.25.050; and
4 providing an effective date.

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

6 **Sec. 1.** RCW 28A.160.150 and 2009 c 548 s 304 are each amended to
7 read as follows:

8 Funds allocated for transportation costs, except for funds
9 provided for transportation and transportation services to and from
10 school shall be in addition to the basic education allocation. The
11 distribution formula developed in RCW 28A.160.150 through 28A.160.180
12 shall be for allocation purposes only and shall not be construed as
13 mandating specific levels of pupil transportation services by local
14 districts nor the type of vehicle to be used for pupil
15 transportation. School districts are encouraged to use a vehicle type
16 deemed by a district to be a safe and cost-effective manner of
17 transporting its students, including using school buses and other
18 vehicles, and may use the student transportation allocation
19 accordingly. Operating costs as determined under RCW 28A.160.150
20 through 28A.160.180 shall be funded at (~~one hundred~~) 100 percent or
21 as close thereto as reasonably possible for transportation of an

1 eligible student to and from school as defined in RCW 28A.160.160(3).
2 In addition, funding shall be provided for transportation services
3 for students living within the walk area as determined under RCW
4 28A.160.160(5).

5 **Sec. 2.** RCW 28A.160.170 and 2021 c 234 s 3 are each amended to
6 read as follows:

7 Each district shall submit three times each year to the
8 superintendent of public instruction during October, February, and
9 May of each year a report containing the following:

10 (1)(a) The number of eligible students transported to and from
11 school as provided for in RCW 28A.160.150, along with identification
12 of stop locations and school locations, and (b) the number of miles
13 driven per vehicle type for pupil transportation services as
14 authorized in RCW 28A.160.150 the previous school year; and

15 (2) Other operational data and descriptions as required by the
16 superintendent to determine allocation requirements for each
17 district. The superintendent shall require that districts separate
18 the costs of operating the program for the transportation of eligible
19 students to and from school as defined by RCW 28A.160.160(3), non-to-
20 and-from-school pupil transportation costs, and costs to provide
21 expanded services under RCW 28A.160.185(1) in the annual financial
22 statement. The cost, quantity, and type of all fuel purchased by
23 school districts for use in to-and-from-school transportation shall
24 be included in the annual financial statement.

25 Each district shall submit the information required in this
26 section on a timely basis as a condition of the continuing receipt of
27 school transportation moneys.

28 **Sec. 3.** RCW 28A.160.180 and 2009 c 548 s 307 are each amended to
29 read as follows:

30 Each district's annual student transportation allocation shall be
31 determined by the superintendent of public instruction in the
32 following manner:

33 (1) The superintendent shall annually calculate the
34 transportation allocation for those services provided for in RCW
35 28A.160.150, inclusive of all vehicle types used. The allocation
36 formula may be adjusted to include such additional differential
37 factors as basic and special passenger counts as defined by the

1 superintendent of public instruction, average distance to school, and
2 number of locations served.

3 (2) The allocation shall be based on a regression analysis of the
4 number of basic and special students transported and as many other
5 site characteristics that are identified as being statistically
6 significant.

7 (3) The transportation allocation for transporting students in
8 district-owned passenger cars, as defined in RCW 46.04.382, pursuant
9 to RCW 28A.160.010 for services provided for in RCW 28A.160.150 if a
10 school district deems it advisable to use such vehicles after the
11 school district board of directors has considered the safety of the
12 students being transported as well as the economy of utilizing a
13 district-owned passenger car in lieu of a school bus (~~is the private~~
14 ~~vehicle reimbursement rate in effect on September 1st of each school~~
15 ~~year~~) must be included in the overall determination of the
16 district's annual student transportation allocation. Students
17 transported in district-owned passenger cars must be included in the
18 corresponding basic or special passenger counts, average distance to
19 school, and number of locations served.

20 (4) Prior to June 1st of each year the superintendent shall
21 submit to the office of financial management, and the education and
22 fiscal committees of the legislature, a report outlining the
23 methodology and rationale used in determining the statistical
24 coefficients for each site characteristic used to determine the
25 allocation for the following year.

26 **Sec. 4.** RCW 28A.160.195 and 2024 c 345 s 4 are each amended to
27 read as follows:

28 (1) The superintendent of public instruction, in consultation
29 with the regional transportation coordinators of the educational
30 service districts, shall establish a minimum number of (~~school bus~~)
31 student transportation vehicle categories considering the capacity
32 and type of vehicles required by school districts in Washington. The
33 superintendent, in consultation with the regional transportation
34 coordinators of the educational service districts, shall establish
35 competitive specifications for each category of (~~school bus~~)
36 vehicle. The categories shall be developed to produce minimum long-
37 range operating costs, including costs of equipment and all costs in
38 operating the vehicles. The competitive specifications shall meet
39 federal motor vehicle safety standards, minimum state specifications

1 as established by rule by the superintendent, and supported options
2 as determined by the superintendent in consultation with the regional
3 transportation coordinators of the educational service districts. The
4 superintendent may solicit and accept price quotes for a rear-engine
5 category school bus that shall be reimbursed at the price of the
6 corresponding front engine category.

7 (2) After establishing (~~school-bus~~) vehicle categories and
8 competitive specifications, the superintendent of public instruction
9 shall solicit competitive price quotes for base (~~buses~~) vehicles
10 from (~~school-bus~~) dealers to be in effect for one year and shall
11 establish a list of all accepted price quotes in each category
12 obtained under this subsection. The superintendent shall also solicit
13 price quotes for optional features and equipment.

14 (3)(a) The superintendent shall base the level of reimbursement
15 to school districts and educational service districts for (~~school~~
16 ~~buses~~) vehicles on the lowest quote for the base (~~bus~~) vehicle in
17 each category. School districts and educational service districts
18 shall be reimbursed for (~~buses~~) vehicles purchased only through a
19 lowest-price competitive bid process conducted under RCW 28A.335.190
20 or through the state bid process established by this section.

21 (b) Once the total cost of ownership of zero emission school
22 buses is at or below the total cost of ownership of diesel school
23 buses, as determined under the formulas adopted by rule pursuant to
24 RCW 28A.160.260, school districts may only receive reimbursement for
25 the purchase of zero emission school buses, unless the district has
26 been granted an exception under RCW 28A.160.260(3). For the purposes
27 of this subsection, "zero emission school bus" means a school bus
28 that produces zero exhaust emission of any air pollutant and any
29 greenhouse gas other than water vapor. This subsection (3)(b) does
30 not apply to other vehicles used in lieu of school buses.

31 (4) Notwithstanding RCW 28A.335.190, school districts and
32 educational service districts may purchase at the quoted price
33 directly from any dealer who is on the list established under
34 subsection (2) of this section. School districts and educational
35 service districts may make their own selections for (~~school-buses~~)
36 vehicles, but shall be reimbursed at the rates determined under
37 subsection (3) of this section and RCW 28A.160.200. District-selected
38 options shall not be reimbursed by the state.

1 (5) This section does not prohibit school districts or
2 educational service districts from conducting their own competitive
3 bid process.

4 (6) As used in this section, "student transportation vehicle" and
5 "vehicle" mean a school bus or other vehicle used in lieu of a school
6 bus.

7 (7) The superintendent of public instruction may adopt rules
8 under chapter 34.05 RCW to implement this section.

9 **Sec. 5.** RCW 28A.160.210 and 2006 c 263 s 906 are each amended to
10 read as follows:

11 (1) In addition to other powers and duties, the superintendent of
12 public instruction shall adopt rules governing the training and
13 qualifications of school bus drivers. Such rules shall be designed to
14 insure that persons will not be employed to operate school buses
15 unless they possess such physical health and driving skills as are
16 necessary to safely operate school buses: PROVIDED, That such rules
17 shall insure that school bus drivers are provided a due process
18 hearing before any certification required by such rules is canceled:
19 PROVIDED FURTHER, That such rules shall not conflict with the
20 authority of the department of licensing to license school bus
21 drivers in accordance with chapter 46.25 RCW. The superintendent of
22 public instruction may obtain a copy of the driving record, as
23 maintained by the department of licensing, for consideration when
24 evaluating a school bus driver's driving skills.

25 (2) The rules adopted by the superintendent of public instruction
26 governing the training and qualifications of school bus drivers must
27 also apply to drivers transporting students in a Washington state
28 patrol-inspected school vehicle other than a school bus. A driver
29 that exclusively transports students in such a vehicle must have the
30 appropriate driver's license for the vehicle, and may not be required
31 to hold a commercial driver's license.

32 **Sec. 6.** RCW 46.25.010 and 2023 c 35 s 1 are each amended to read
33 as follows:

34 The definitions set forth in this section apply throughout this
35 chapter.

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

1 (2) "Alcohol concentration" means:
2 (a) The number of grams of alcohol per one hundred milliliters of
3 blood; or
4 (b) The number of grams of alcohol per two hundred ten liters of
5 breath.
6 (3) "Commercial driver's license" (CDL) means a license issued to
7 an individual under chapter 46.20 RCW that has been endorsed in
8 accordance with the requirements of this chapter to authorize the
9 individual to drive a class of commercial motor vehicle.
10 (4) The "commercial driver's license information system" (CDLIS)
11 is the information system established pursuant to 49 U.S.C. Sec.
12 31309 to serve as a clearinghouse for locating information related to
13 the licensing and identification of commercial motor vehicle drivers.
14 (5) "Commercial learner's permit" (CLP) means a permit issued
15 under RCW 46.25.052 for the purposes of behind-the-wheel training.
16 (6) "Commercial motor vehicle" means a motor vehicle or
17 combination of motor vehicles used in commerce to transport
18 passengers or property if the motor vehicle:
19 (a) Has a gross combination weight rating or gross combination
20 weight of 11,794 kilograms or more (26,001 pounds or more), whichever
21 is greater, inclusive of any towed unit or units with a gross vehicle
22 weight rating or gross vehicle weight of more than 4,536 kilograms
23 (10,000 pounds or more), whichever is greater; or
24 (b) Has a gross vehicle weight rating or gross vehicle weight of
25 11,794 kilograms or more (26,001 pounds or more), whichever is
26 greater; or
27 (c) Is designed to transport 16 or more passengers, including the
28 driver; or
29 (d) Is of any size and is used in the transportation of hazardous
30 materials as defined in this section; or
31 (e) Is a school bus regardless of weight or size.
32 (7) "Conviction" means an unvacated adjudication of guilt, or a
33 determination that a person has violated or failed to comply with the
34 law in a court of original jurisdiction or by an authorized
35 administrative tribunal, an unvacated forfeiture of bail or
36 collateral deposited to secure the person's appearance in court, a
37 plea of guilty or nolo contendere accepted by the court, the payment
38 of a fine or court cost, entry into a deferred prosecution program
39 under chapter 10.05 RCW, or violation of a condition of release

1 without bail, regardless of whether or not the penalty is rebated,
2 suspended, or probated.

3 (8) "Disqualification" means a prohibition against driving a
4 commercial motor vehicle.

5 (9) "Drive" means to drive, operate, or be in physical control of
6 a motor vehicle in any place open to the general public for purposes
7 of vehicular traffic. For purposes of RCW 46.25.100, 46.25.110, and
8 46.25.120, "drive" includes operation or physical control of a motor
9 vehicle anywhere in the state.

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

13 (11) "Employer" means any person, including the United States, a
14 state, or a political subdivision of a state, who owns or leases a
15 commercial motor vehicle, or assigns a person to drive a commercial
16 motor vehicle.

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

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

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

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

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

5 (ii) Is domiciled in another state as provided in 49 C.F.R. Sec.
6 383.23(b)(2) as it existed on October 1, 2017, or such subsequent
7 date as may be provided by the department by rule, consistent with
8 the purposes of this section.

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

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

18 (17) "Positive alcohol confirmation test" means an alcohol
19 confirmation test that:

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

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

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

27 (18) "School bus" means a commercial motor vehicle used to
28 transport preprimary, primary, or secondary school students from home
29 to school, from school to home, or to and from school-sponsored
30 events. School bus does not include a student transportation vehicle
31 with a seating capacity of 10 or fewer persons, including the driver,
32 or a bus used as a common carrier.

33 (19) "Serious traffic violation" means:

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

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

37 (c) Driving while using a personal electronic device, defined as
38 a violation of RCW 46.61.672, which includes in the activities it
39 prohibits driving while holding a personal electronic device in
40 either or both hands and using a hand or finger for texting, or an

1 equivalent administrative rule or local law, ordinance, rule, or
2 resolution;

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

7 (e) Driving a commercial motor vehicle without obtaining a
8 commercial driver's license;

9 (f) Driving a commercial motor vehicle without a commercial
10 driver's license in the driver's possession; however, any individual
11 who provides proof to the court by the date the individual must
12 appear in court or pay any fine for such a violation, that the
13 individual held a valid CDL on the date the citation was issued, is
14 not guilty of a "serious traffic violation";

15 (g) Driving a commercial motor vehicle without the proper class
16 of commercial driver's license endorsement or endorsements for the
17 specific vehicle group being operated or for the passenger or type of
18 cargo being transported; and

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

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

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

27 (22) "Tank vehicle" means any commercial motor vehicle that is
28 designed to transport any liquid or gaseous materials within a tank
29 or tanks having an individual rated capacity of more than 119 gallons
30 and an aggregate rated capacity of 1,000 gallons or more that is
31 either permanently or temporarily attached to the vehicle or the
32 chassis. A commercial motor vehicle transporting an empty storage
33 container tank, not designed for transportation, with a rated
34 capacity of 1,000 gallons or more that is temporarily attached to a
35 flatbed trailer is not considered a tank vehicle.

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

37 (a) "Nonexcepted interstate," which means the CDL or CLP holder
38 or applicant operates or expects to operate in interstate commerce,
39 is both subject to and meets the qualification requirements under 49
40 C.F.R. Part 391 as it existed on April 30, 2019, or such subsequent

1 date as may be provided by the department by rule, consistent with
2 the purposes of this section, and is required to obtain a medical
3 examiner's certificate under 49 C.F.R. Sec. 391.45 as it existed on
4 April 30, 2019, or such subsequent date as may be provided by the
5 department by rule, consistent with the purposes of this section;

6 (b) "Excepted interstate," which means the CDL or CLP holder or
7 applicant operates or expects to operate in interstate commerce, but
8 engages exclusively in transportation or operations excepted under 49
9 C.F.R. Secs. 390.3(f), 391.2, 391.68, or 398.3, as they existed on
10 April 30, 2019, or such subsequent date as may be provided by the
11 department by rule, consistent with the purposes of this section,
12 from all or parts of the qualification requirements of 49 C.F.R. Part
13 391 as it existed on April 30, 2019, or such subsequent date as may
14 be provided by the department by rule, consistent with the purposes
15 of this section, and is required to obtain a medical examiner's
16 certificate in accordance with procedures provided in 49 C.F.R. Sec.
17 391.45 as it existed on April 30, 2019, or such subsequent date as
18 may be provided by the department by rule, consistent with the
19 purposes of this section;

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

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

29 (24) "United States" means the 50 states and the District of
30 Columbia.

31 (25) "Collector truck" means a vehicle that:

32 (a) Has current registration;

33 (b) Is older than 30 years old;

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

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

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

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

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

3 (26) "Collector truck operator" means an operator of a
4 noncommercial vehicle that is being exclusively owned and operated as
5 a collector truck.

6 **Sec. 7.** RCW 46.25.050 and 2019 c 195 s 2 are each amended to
7 read as follows:

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

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

18 (i) Controlled and operated by a farmer;

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

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

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

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

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

32 (ii) The firefighter or law enforcement officer carries a
33 certificate attesting to the successful completion of the approved
34 training course; or

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

38 (d) Who is operating a commercial motor vehicle for military
39 purposes. This exception is applicable to active duty military

1 personnel; members of the military reserves; members of the national
2 guard on active duty, including personnel on full-time national guard
3 duty, personnel on part-time national guard training, and national
4 guard military technicians (civilians who are required to wear
5 military uniforms); and active duty United States coast guard
6 personnel. This exception is not applicable to United States reserve
7 technicians; or

8 (e) Who is a collector truck operator using the vehicle in
9 accordance with RCW 46.25.010; or

10 (f) Who operates a student transportation vehicle other than a
11 school bus as defined in RCW 46.25.010.

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

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

21 NEW SECTION. **Sec. 8.** Sections 2 through 4 of this act take
22 effect September 1, 2026.

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