
HOUSE BILL 2223

State of Washington 61st Legislature 2009 Regular Session

By Representatives Clibborn, Johnson, and Morrell

Read first time 02/16/09. Referred to Committee on Transportation.

1 AN ACT Relating to commercial driver's license applicants who
2 operate commercial motor vehicles for agribusiness purposes; and
3 amending RCW 46.25.060.

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

5 **Sec. 1.** RCW 46.25.060 and 2007 c 418 s 1 are each amended to read
6 as follows:

7 (1)(a) No person may be issued a commercial driver's license unless
8 that person is a resident of this state, has successfully completed a
9 course of instruction in the operation of a commercial motor vehicle
10 that has been approved by the director or has been certified by an
11 employer as having the skills and training necessary to operate a
12 commercial motor vehicle safely, and has passed a knowledge and skills
13 test for driving a commercial motor vehicle that complies with minimum
14 federal standards established by federal regulation enumerated in 49
15 C.F.R. part 383, subparts G and H, and has satisfied all other
16 requirements of the CMVSA in addition to other requirements imposed by
17 state law or federal regulation. The tests must be prescribed and
18 conducted by the department. In addition to the fee charged for
19 issuance or renewal of any license, the applicant shall pay a fee of no

1 more than ten dollars for each classified knowledge examination,
2 classified endorsement knowledge examination, or any combination of
3 classified license and endorsement knowledge examinations. The
4 applicant shall pay a fee of no more than one hundred dollars for each
5 classified skill examination or combination of classified skill
6 examinations conducted by the department.

7 (b) The department may authorize a person, including an agency of
8 this or another state, an employer, a private driver training facility,
9 or other private institution, or a department, agency, or
10 instrumentality of local government, to administer the skills test
11 specified by this section under the following conditions:

12 (i) The test is the same which would otherwise be administered by
13 the state;

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

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

19 (c) If the applicant's primary use of a commercial driver's license
20 is for any of the following, then the applicant shall pay a fee of no
21 more than seventy-five dollars for each classified skill examination or
22 combination of classified skill examinations whether conducted by the
23 department or a third-party tester:

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

26 (ii) Public benefit not-for-profit corporations that support early
27 childhood education and assistance programs as described in RCW
28 43.215.405(4).

29 (2) The department shall work with the office of the superintendent
30 of public instruction to develop modified P1 and P2 skill examinations
31 that also include the skill examination components required to obtain
32 an "S" endorsement. In no event may a new applicant for an "S"
33 endorsement be required to take two separate examinations to obtain an
34 "S" endorsement and either a P1 or P2 endorsement, unless that
35 applicant is upgrading his or her existing commercial driver's license
36 to include an "S" endorsement. The combined P1/S or P2/S skill
37 examination must be offered to the applicant at the same cost as a
38 regular P1 or P2 skill examination.

1 (3)(a) The department may waive the skills test and the requirement
2 for completion of a course of instruction in the operation of a
3 commercial motor vehicle specified in this section for a commercial
4 driver's license applicant who meets the requirements of 49 C.F.R. part
5 383.77.

6 (b) An applicant who operates a commercial motor vehicle for
7 agribusiness purposes is exempt from the course of instruction
8 completion and employer skills and training certification requirements
9 under this section. For purposes of this subsection (3)(b),
10 "agribusiness" means a private carrier who in the normal course of
11 business primarily transports:

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

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

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

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

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

28 (5)(a) The department may issue a commercial driver's instruction
29 permit to an applicant who is at least eighteen years of age and holds
30 a valid Washington state driver's license and who has submitted a
31 proper application, passed the general knowledge examination required
32 for issuance of a commercial driver's license under subsection (1) of
33 this section, and paid the appropriate fee for the knowledge
34 examination and an application fee of ten dollars.

35 (b) A commercial driver's instruction permit may not be issued for
36 a period to exceed six months. Only one renewal or reissuance may be
37 granted within a two-year period.

1 (c) The holder of a commercial driver's instruction permit may
2 drive a commercial motor vehicle on a highway only when accompanied by
3 the holder of a commercial driver's license valid for the type of
4 vehicle driven who occupies a seat beside the individual for the
5 purpose of giving instruction in driving the commercial motor vehicle.
6 The holder of a commercial driver's instruction permit is not
7 authorized to operate a commercial motor vehicle transporting hazardous
8 materials.

9 (d) The department shall transmit the fees collected for commercial
10 driver's instruction permits to the state treasurer.

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