

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 2223**

Chapter 339, Laws of 2009

61st Legislature  
2009 Regular Session

COMMERCIAL DRIVERS' LICENSES--AGRIBUSINESS PURPOSES

EFFECTIVE DATE: 07/26/09

Passed by the House April 20, 2009  
Yeas 94 Nays 1

FRANK CHOPP

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**Speaker of the House of Representatives**

Passed by the Senate April 10, 2009  
Yeas 46 Nays 0

BRAD OWEN

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**President of the Senate**

Approved May 5, 2009, 2:19 p.m.

CHRISTINE GREGOIRE

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**Governor of the State of Washington**

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2223** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

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**Chief Clerk**

FILED

May 8, 2009

**Secretary of State  
State of Washington**

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**SUBSTITUTE HOUSE BILL 2223**

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AS AMENDED BY THE SENATE

Passed Legislature - 2009 Regular Session

**State of Washington                      61st Legislature                      2009 Regular Session**

**By** House Transportation (originally sponsored by Representatives  
Clibborn, Johnson, and Morrell)

READ FIRST TIME 03/03/09.

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

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. By January 1, 2010, the department shall submit  
10 recommendations regarding the continuance of this exemption to the  
11 transportation committees of the legislature. For purposes of this  
12 subsection (3)(b), "agribusiness" means a private carrier who in the  
13 normal course of business primarily transports:

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

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

18 (iii) Unprocessed agricultural commodities, as defined in RCW  
19 17.21.020, where such commodities are produced by farmers, ranchers,  
20 vineyardists, or orchardists; or

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

22 This subsection (3)(b) expires July 1, 2011.

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

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

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

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

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

Passed by the House April 20, 2009.

Passed by the Senate April 10, 2009.

Approved by the Governor May 5, 2009.

Filed in Office of Secretary of State May 8, 2009.