

# HOUSE BILL REPORT

## HB 1306

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### As Reported by House Committee On: Transportation

**Title:** An act relating to removing the expiration date for exempting applicants who operate commercial motor vehicles for agribusiness purposes from certain commercial driver's license requirements.

**Brief Description:** Removing the expiration date for exempting applicants who operate commercial motor vehicles for agribusiness purposes from certain commercial driver's license requirements.

**Sponsors:** Representatives Lytton, Bailey, Dahlquist, Billig, Clibborn, Armstrong, McCune, Blake, Liias, Takko, Chandler, Johnson, Frockt, Fitzgibbon and Smith.

**Brief History:**

**Committee Activity:**

Transportation: 1/27/11, 1/31/11 [DP].

#### Brief Summary of Bill

- Removes the July 1, 2011, expiration date on a section that exempts applicants for a commercial driver's license who operate a commercial motor vehicle for agribusiness purposes from the requirement of either successfully completing a course of instruction in the operation of a commercial motor vehicle or being certified by an employer as having the skills and training necessary to safely operate a commercial motor vehicle.

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### HOUSE COMMITTEE ON TRANSPORTATION

**Majority Report:** Do pass. Signed by 29 members: Representatives Clibborn, Chair; Billig, Vice Chair; Liias, Vice Chair; Armstrong, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Angel, Asay, Eddy, Finn, Fitzgibbon, Jinkins, Johnson, Klippert, Kristiansen, Ladenburg, McCune, Moeller, Morris, Moscoso, Overstreet, Reykdal, Rivers, Rodne, Rolfes, Ryu, Shea, Takko, Upthegrove and Zeiger.

**Staff:** Wendy Malkin (786-7114).

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

## **Background:**

The operation of commercial motor vehicles is regulated under both state and federal law. In order to operate a commercial motor vehicle in Washington, a person generally must hold a commercial driver's license with the applicable endorsements for the vehicle he or she is driving. However, this requirement does not apply to the following persons:

- a firefighter or law enforcement officer operating emergency equipment who has completed an approved driver training course;
- the operator of a recreational vehicle used for noncommercial purposes;
- the operator of a commercial motor vehicle for military purposes; or
- the operator of a farm vehicle controlled and operated by a farmer. The vehicle itself must also be used to transport agricultural products, farm machinery, or farm supplies to or from a farm. Finally, the vehicle may not be used in the operations of a common or contract motor carrier, and it must be used within 150 miles of the person's farm.

To receive a commercial driver's license from Washington, an applicant must be a resident of the state, pass knowledge and skills tests that comply with minimum federal standards, and successfully complete a course of instruction in the operation of a commercial motor vehicle that has been approved by the Director of the Department of Licensing (DOL) or be certified by an employer as having the skills and training necessary to safely operate a commercial motor vehicle. The DOL may waive the requirement for instruction in the operation of a commercial motor vehicle for an applicant who has been issued a valid commercial driver's license in another state and is transferring to Washington.

Applicants for a commercial driver's license who operate a commercial motor vehicle for agribusiness purposes are exempt from the requirement of either successfully completing a course of instruction in the operation of a commercial motor vehicle that has been approved by the Director of the DOL or being certified by an employer as having the skills and training necessary to safely operate a commercial motor vehicle. The exemption expires July 1, 2011.

Agribusiness is defined for purposes of the exemption described above as a private carrier who in the normal course of business primarily transports:

- farm machinery, farm equipment, and other materials used in farming;
- agricultural inputs such as seeds, feed, fertilizers, and crop protection products; or
- unprocessed agricultural commodities, which are defined as plants or parts of plants, animals, or animal products that are produced by farmers, ranchers, vineyardists, or orchardists.

A private carrier is defined by statute as a person who transports by his or her own motor vehicle, with or without compensation, property that is owned or is being bought or sold by the person, or property where the person is the seller, purchaser, lessee, or bailee and the transportation is incidental to and in furtherance of some other primary business conducted by the person in good faith.

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## **Summary of Bill:**

The bill removes the July 1, 2011, expiration date on a section that exempts applicants for a commercial driver's license who operate a commercial motor vehicle for agribusiness purposes from the requirement of either successfully completing a course of instruction in the operation of a commercial motor vehicle or being certified by an employer as having the skills and training necessary to safely operate a commercial motor vehicle.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill contains an emergency clause and takes effect July 1, 2011.

**Staff Summary of Public Testimony:**

(In support) This is an important bill for the agricultural community. The exemption helps agribusiness facilitate the movement of products for farmers. Washington agriculture generates a substantial amount of money in the state. Washington is the third largest agricultural exporter in the nation. Agricultural producers cannot do well without the support of agribusiness. It is important for agribusiness to have the assistance of the exemption because, unlike commercial carriers, agribusiness drivers are not on the road 12 months out of the year, so they cannot amortize costs over a year. The 160-hour class requirement is a large expense for agribusiness drivers. Agribusiness drivers are safe. We still have to pass the written test and the driving test. We found no data related to any safety issues or problems related to the exemption. We want to make the exemption permanent.

(Opposed) None.

**Persons Testifying:** Representative Lytton, prime sponsor; and Tom McBride and Jim Fitzgerald, FarWest Agribusiness Association.

**Persons Signed In To Testify But Not Testifying:** None.