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HOUSE BILL 2754

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State of Washington

54th Legislature

1996 Regular Session

By Representatives McMahan, R. Fisher, Cairnes and Sterk; by request of Department of Licensing

Read first time 01/18/96. Referred to Committee on Transportation.

1 AN ACT Relating to commercial driver's licenses; amending RCW  
2 46.25.010, 46.25.080, 46.25.090, and 46.20.205; prescribing penalties;  
3 and providing an effective date.

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

5 **Sec. 1.** RCW 46.25.010 and 1989 c 178 s 3 are each amended to read  
6 as follows:

7 The definitions set forth in this section apply throughout this  
8 chapter.

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

12 (2) "Alcohol concentration" means:

13 (a) The number of grams of alcohol per one hundred milliliters of  
14 blood; or

15 (b) The number of grams of alcohol per two hundred ten liters of  
16 breath.

17 (3) "Commercial driver's license" (CDL) means a license issued in  
18 accordance with the requirements of this chapter to an individual that  
19 authorizes the individual to drive a class of commercial motor vehicle.

1 (4) The "commercial driver's license information system" (CDLIS) is  
2 the information system established pursuant to the CMVSA to serve as a  
3 clearinghouse for locating information related to the licensing and  
4 identification of commercial motor vehicle drivers.

5 (5) "Commercial driver's instruction permit" means a permit issued  
6 under RCW 46.25.060(4).

7 (6) "Commercial motor vehicle" means a motor vehicle designed or  
8 used to transport passengers or property:

9 (a) If the vehicle has a gross weight rating of 26,001 or more  
10 pounds;

11 (b) If the vehicle is designed to transport sixteen or more  
12 passengers, including the driver; or

13 (c) If the vehicle is transporting hazardous materials and is  
14 required to be identified by a placard in accordance with 49 C.F.R.  
15 part 172, subpart F(~~or~~

16 ~~(d) If the vehicle is a school bus as defined in RCW 46.04.521~~  
17 ~~regardless of weight or size)).~~

18 (7) "Conviction" has the definition set forth in RCW 46.20.270.

19 (8) "Disqualification" means a prohibition against driving a  
20 commercial motor vehicle.

21 (9) "Drive" means to drive, operate, or be in physical control of  
22 a motor vehicle in any place open to the general public for purposes of  
23 vehicular traffic. For purposes of RCW 46.25.100, 46.25.110, and  
24 46.25.120, "drive" includes operation or physical control of a motor  
25 vehicle anywhere in the state.

26 (10) "Drugs" are those substances as defined by RCW 69.04.009.

27 (11) "Employer" means any person, including the United States, a  
28 state, or a political subdivision of a state, who owns or leases a  
29 commercial motor vehicle, or assigns a person to drive a commercial  
30 motor vehicle.

31 (12) "Gross vehicle weight rating" (GVWR) means the value specified  
32 by the manufacturer as the maximum loaded weight of a single or a  
33 combination or articulated vehicle, or the registered gross weight,  
34 (~~whichever is greater~~) where this value cannot be determined. The  
35 GVWR of a combination or articulated vehicle, commonly referred to as  
36 the "gross combined weight rating" or GCWR, is the GVWR of the power  
37 unit plus the GVWR of the towed unit or units.

1 (13) "Hazardous materials" has the same meaning found in Section  
2 103 of the Hazardous Materials Transportation Act (49 App. U.S.C. 1801  
3 et ((~~seq~~)) seq.).

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

9 (15) "Out-of-service order" means a temporary prohibition against  
10 driving a commercial motor vehicle.

11 (16) "Serious traffic violation" means:

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

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

15 (c) A violation of a state or local law relating to motor vehicle  
16 traffic control, other than a parking violation, arising in connection  
17 with an accident or collision resulting in death to any person; and

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

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

23 (18) "Tank vehicle" means a vehicle that is designed to transport  
24 a liquid or gaseous material within a tank that is either permanently  
25 or temporarily attached to the vehicle or the chassis. Tank vehicles  
26 include, but are not limited to cargo tanks and portable tanks.  
27 However, this definition does not include portable tanks having a rated  
28 capacity under one thousand gallons.

29 (19) "United States" means the fifty states and the District of  
30 Columbia.

31 **Sec. 2.** RCW 46.25.080 and 1989 c 178 s 10 are each amended to read  
32 as follows:

33 (1) The commercial driver's license must be marked "commercial  
34 driver's license" or "CDL," and must be, to the maximum extent  
35 practicable, tamperproof. It must include, but not be limited to, the  
36 following information:

37 (a) The name and residence address of the person;

38 (b) The person's color photograph;

1 (c) A physical description of the person including sex, height,  
2 weight, and eye color;

3 (d) Date of birth;

4 (e) The person's Social Security number or any number or identifier  
5 deemed appropriate by the department;

6 (f) The person's signature;

7 (g) The class or type of commercial motor vehicle or vehicles that  
8 the person is authorized to drive, together with any endorsements or  
9 restrictions;

10 (h) The name of the state; and

11 (i) The dates between which the license is valid.

12 (2) Commercial driver's licenses may be issued with the  
13 classifications, endorsements, and restrictions set forth in this  
14 subsection. The holder of a valid commercial driver's license may  
15 drive all vehicles in the class for which that license is issued and  
16 all lesser classes of vehicles except motorcycles and vehicles that  
17 require an endorsement, unless the proper endorsement appears on the  
18 license.

19 (a) Licenses may be classified as follows:

20 (i) Class A is a combination of vehicles with a gross combined  
21 weight rating (GCWR) of 26,001 pounds or more, if the GVWR of the  
22 vehicle being towed is in excess of 10,000 pounds.

23 (ii) Class B is a single vehicle with a GVWR of 26,001 pounds or  
24 more, and any such vehicle towing a vehicle not in excess of 10,000  
25 pounds.

26 (iii) Class C is a single vehicle with a GVWR of less than 26,001  
27 pounds or any such vehicle towing a vehicle with a GVWR not in excess  
28 of 10,000 pounds consisting of:

29 (A) Vehicles designed to transport sixteen or more passengers,  
30 including the driver; or

31 (B) Vehicles used in the transportation of hazardous materials that  
32 requires the vehicle to be identified with a placard under 49 C.F.R.,  
33 part 172, subpart F(~~and~~

34 ~~(C) School buses designed to carry fewer than sixteen passengers~~)).

35 (b) The following endorsements and restrictions may be placed on a  
36 license:

37 (i) "H" authorizes the driver to drive a vehicle transporting  
38 hazardous materials.

1 (ii) "K" restricts the driver to vehicles not equipped with air  
2 brakes.

3 (iii) "T" authorizes driving double and triple trailers.

4 (iv) "P<sub>1</sub>" authorizes driving all vehicles carrying passengers.

5 (v) "P<sub>2</sub>" authorizes driving vehicles with a GVWR of less than  
6 26,001 pounds carrying passengers.

7 (vi) "N" authorizes driving tank vehicles.

8 (~~(vi)~~) (vii) "X" represents a combination of hazardous materials  
9 and tank vehicle endorsements.

10 The license may be issued with additional endorsements and  
11 restrictions as established by rule of the director.

12 (3) Before issuing a commercial driver's license, the department  
13 shall obtain driving record information through the commercial driver's  
14 license information system, the national driver register, and from the  
15 current state of record.

16 (4) Within ten days after issuing a commercial driver's license,  
17 the department must notify the commercial driver's license information  
18 system of that fact, and provide all information required to ensure  
19 identification of the person.

20 (5) A commercial driver's license shall expire in the same manner  
21 as provided in RCW 46.20.181.

22 (6) When applying for renewal of a commercial driver's license, the  
23 applicant shall complete the application form required by RCW  
24 46.25.070(1), providing updated information and required  
25 certifications. If the applicant wishes to retain a hazardous  
26 materials endorsement, the applicant shall take and pass the written  
27 test for a hazardous materials endorsement.

28 **Sec. 3.** RCW 46.25.090 and 1989 c 178 s 11 are each amended to read  
29 as follows:

30 (1) A person is disqualified from driving a commercial motor  
31 vehicle for a period of not less than one year if a report has been  
32 received by the department pursuant to RCW 46.25.120, or if the person  
33 has been convicted of a first violation, within this or any other  
34 jurisdiction, of:

35 (a) Driving a commercial motor vehicle under the influence of  
36 alcohol or any drug;

37 (b) Driving a commercial motor vehicle while the alcohol  
38 concentration in the person's system is 0.04 or more as determined by

1 any testing methods approved by law in this state or any other state or  
2 jurisdiction;

3 (c) Leaving the scene of an accident involving a commercial motor  
4 vehicle driven by the person;

5 (d) Using a commercial motor vehicle in the commission of a felony;

6 (e) Refusing to submit to a test to determine the driver's alcohol  
7 concentration while driving a motor vehicle.

8 If any of the violations set forth in this subsection occurred  
9 while transporting a hazardous material required to be identified by a  
10 placard, the person is disqualified for a period of not less than three  
11 years.

12 (2) A person is disqualified for life if it has been determined  
13 that the person has committed or has been convicted of two or more  
14 violations of any of the offenses specified in subsection (1) of this  
15 section, or any combination of those offenses, arising from two or more  
16 separate incidents. Only offenses committed after October 1, 1989, may  
17 be considered in applying this subsection.

18 (3) The department may adopt rules, in accordance with federal  
19 regulations, establishing guidelines, including conditions, under which  
20 a disqualification for life under subsection (2) of this section may be  
21 reduced to a period of not less than ten years.

22 (4) A person is disqualified from driving a commercial motor  
23 vehicle for life who uses a commercial motor vehicle in the commission  
24 of a felony involving the manufacture, distribution, or dispensing of  
25 a controlled substance, as defined by chapter 69.50 RCW, or possession  
26 with intent to manufacture, distribute, or dispense a controlled  
27 substance, as defined by chapter 69.50 RCW.

28 (5) A person is disqualified from driving a commercial motor  
29 vehicle for a period of not less than sixty days if convicted of or  
30 found to have committed two serious traffic violations, or one hundred  
31 twenty days if convicted of or found to have committed three serious  
32 traffic violations, committed in a commercial motor vehicle arising  
33 from separate incidents occurring within a three-year period.

34 (6) A person is disqualified from driving a commercial motor  
35 vehicle for a period of:

36 (a) Not less than ninety days nor more than one year if convicted  
37 of or found to have committed a first violation of an out-of-service  
38 order;

1 (b) Not less than one year nor more than five years if, during a  
2 ten-year period, the person is convicted of or is found to have  
3 committed two violations of out-of-service orders in separate  
4 incidents;

5 (c) Not less than three years nor more than five years if, during  
6 a ten-year period, the person is convicted of or is found to have  
7 committed three or more violations of out-of-service orders in separate  
8 incidents;

9 (d) Not less than one hundred eighty days nor more than two years  
10 if the person is convicted of or is found to have committed a first  
11 violation of an out-of-service order while transporting hazardous  
12 materials required to be placarded under the Hazardous Materials  
13 Transportation Act (46 U.S.C. Sec. 1801-1813), or while operating motor  
14 vehicles designed to transport sixteen or more passengers, including  
15 the driver. A person is disqualified for a period of not less than  
16 three years nor more than five years if, during a ten-year period, the  
17 person is convicted of or is found to have committed subsequent  
18 violations of out-of-service orders, in separate incidents, while  
19 transporting hazardous materials required to be placarded under the  
20 Hazardous Materials Transportation Act, or while operating motor  
21 vehicles designed to transport sixteen or more passengers, including  
22 the driver.

23 (7) Within ten days after suspending, revoking, or canceling a  
24 commercial driver's license, the department shall update its records to  
25 reflect that action. After suspending, revoking, or canceling a  
26 nonresident commercial driver's privileges, the department shall notify  
27 the licensing authority of the state that issued the commercial  
28 driver's license.

29 **Sec. 4.** RCW 46.20.205 and 1994 c 57 s 52 are each amended to read  
30 as follows:

31 Whenever any person after applying for or receiving a driver's  
32 license or identicard moves from the address named in the application  
33 or in the license or identicard issued to him or her or when the name  
34 of a licensee or holder of an identicard is changed by marriage or  
35 otherwise, the person shall within ten days thereafter notify the  
36 department in writing on a form provided by the department of his or  
37 her old and new addresses or of such former and new names and of the  
38 number of any license then held by him or her. The written

1 notification, or other means as designated by rule of the department,  
2 is the exclusive means by which the address of record maintained by the  
3 department concerning the licensee or identicard holder may be changed.  
4 The form must contain a place for the person to indicate that the  
5 address change is not for voting purposes. The department of licensing  
6 shall notify the secretary of state by the means described in RCW  
7 29.07.270(3) of all change of address information received by means of  
8 this form except information on persons indicating that the change is  
9 not for voting purposes. Any notice regarding the cancellation,  
10 suspension, revocation, disqualification, probation, or nonrenewal of  
11 the driver's license, commercial driver's license, driving privilege,  
12 or identicard mailed to the address of record of the licensee or  
13 identicard holder is effective notwithstanding the licensee's or  
14 identicard holder's failure to receive the notice.

15 NEW SECTION. **Sec. 5.** This act takes effect October 1, 1996.

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