

SENATE BILL REPORT

ESB 6352

As Passed Senate, February 18, 2002

Title: An act relating to commercial drivers' offenses.

Brief Description: Preventing masking of commercial drivers' offenses.

Sponsors: Senators Gardner, Benton, Haugen, Kline, Horn and Rasmussen.

Brief History:

Committee Activity: Transportation: 1/23/02, 1/29/02 [DP].

Passed Senate: 2/18/02, 48-0.

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass.

Signed by Senators Haugen, Chair; Gardner, Vice Chair; Benton, Finkbeiner, Horn, Jacobsen, Kastama, Keiser, McAuliffe, McDonald, Oke, Prentice, T. Sheldon and Shin.

Staff: Dean Carlson (786-7305)

Background: The Federal Motor Carrier Safety Improvement Act of 1999 enacted measures to reduce the number and severity of commercial motor vehicle crashes through increased inspections and compliance reviews, stronger enforcement measures, and improvements to the commercial driver's license program. This piece of legislation requires the states to change or adopt a wide array of policies regarding commercial motor vehicle safety.

As a result of the Federal Motor Carrier Safety Improvement Act of 1999, federal law now prohibits states from masking or withholding violations or convictions from a commercial driver's license record. Indications show that the deferral programs in Washington for commercial motor vehicle drivers could put Washington out of compliance with respect to the federal prohibition on masking. If Washington does not substantially comply with the new federal commercial driver's licensing requirements, the state's commercial driver's licensing program could be shut down, and federal transportation funds could be withheld.

Summary of Bill: A person charged with a traffic infraction, misdemeanor, or gross misdemeanor under Title 46 RCW while driving a commercial motor vehicle cannot enter into a deferral program or have the findings deferred. A person's personal driver's abstract may be released for consideration of the same person's commercial driving policy and a commercial driver's abstract may be released for consideration of the same person's personal driving policy.

Appropriation: None.

Fiscal Note: Requested on January 17, 2002.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: We have been in support of this type of measure for several years. Motor vehicle records are important to evaluate risk of loss and commercial records are an important part of this process. It would increase the safety of people driving commercial trucks.

Testimony Against: None.

Testified: Basil Badley, American Insurance Association (pro); Bill Stauffacher, Independent Insurance Agents and Brokers of WA; Mel Sorensen, National Association of Independent Insurers, Allstate Insurance Co.