

SENATE BILL REPORT

SHB 2223

As Reported by Senate Committee On:
Transportation, April 6, 2009

Title: An act relating to commercial driver's license applicants who operate commercial motor vehicles for agribusiness purposes.

Brief Description: Exempting applicants who operate commercial motor vehicles for agribusiness purposes from certain commercial driver's license requirements.

Sponsors: House Committee on Transportation (originally sponsored by Representatives Clibborn, Johnson and Morrell).

Brief History: Passed House: 3/09/09, 95-1.

Committee Activity: Transportation: 3/30/09, 4/06/09 [DPA].

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass as amended.

Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker, Ranking Minority Member; Becker, Delvin, Jacobsen, Jarrett, Kastama, Kauffman, Kilmer, King and Sheldon.

Staff: Janice Baumgardt (786-7319)

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 that person 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; 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.

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.

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 that has been issued a valid commercial driver's license in another state and is transferring to Washington.

Summary of Bill (Recommended Amendments): 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 in order to obtain a commercial driver's license. The exemption expires July 1, 2011. DOL is directed to make recommendations to the Legislature in January 2010, as to whether or not to continue this exemption.

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 produced by farmers, ranchers, vineyardists, or orchardists.

A private carrier is defined in statute as a person who transports by the person's own motor vehicle, with or without compensation, property which 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.

EFFECT OF CHANGES MADE BY TRANSPORTATION COMMITTEE (Recommended Amendments): The exemption in the bill heard in committee expired in 2014. The striking amendment added language requiring DOL to give its recommendations on continuing the exemption.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony on Substitute House Bill: PRO: It's difficult to amortize the costs of training drivers who drive only a few months.

OTHER: Education and training are important for all commercial vehicle drivers.

Persons Testifying: PRO: Jim Fitzgerald, FarWest Agribusiness Association.

OTHER: Jeff Devere, Washington State Patrol; Tandy Alexander, DOL.