

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1306

Chapter 153, Laws of 2011

62nd Legislature
2011 Regular Session

COMMERCIAL DRIVER'S LICENSE--EXEMPTION--AGRIBUSINESS PURPOSES

EFFECTIVE DATE: 07/01/11

Passed by the House April 13, 2011
Yeas 96 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 7, 2011
Yeas 48 Nays 0

BRAD OWEN

President of the Senate

Approved April 22, 2011, 1:57 p.m.

CHRISTINE GREGOIRE

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 **HOUSE BILL 1306** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

April 22, 2011

**Secretary of State
State of Washington**

HOUSE BILL 1306

AS AMENDED BY THE SENATE

Passed Legislature - 2011 Regular Session

State of Washington

62nd Legislature

2011 Regular Session

By Representatives Lytton, Bailey, Dahlquist, Billig, Clibborn, Armstrong, McCune, Blake, Lias, Takko, Chandler, Johnson, Frockt, Fitzgibbon, and Smith

Read first time 01/18/11. Referred to Committee on Transportation.

1 AN ACT Relating to removing the expiration date for exempting
2 applicants who operate commercial motor vehicles for agribusiness
3 purposes from certain commercial driver's license requirements;
4 amending RCW 46.25.060; providing an effective date; and declaring an
5 emergency.

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

7 **Sec. 1.** RCW 46.25.060 and 2009 c 339 s 1 are each amended to read
8 as follows:

9 (1)(a) No person may be issued a commercial driver's license unless
10 that person is a resident of this state, has successfully completed a
11 course of instruction in the operation of a commercial motor vehicle
12 that has been approved by the director or has been certified by an
13 employer as having the skills and training necessary to operate a
14 commercial motor vehicle safely, and has passed a knowledge and skills
15 test for driving a commercial motor vehicle that complies with minimum
16 federal standards established by federal regulation enumerated in 49
17 C.F.R. part 383, subparts G and H, and has satisfied all other
18 requirements of the CMVSA in addition to other requirements imposed by
19 state law or federal regulation. The tests must be prescribed and

1 conducted by the department. In addition to the fee charged for
2 issuance or renewal of any license, the applicant shall pay a fee of no
3 more than ten dollars for each classified knowledge examination,
4 classified endorsement knowledge examination, or any combination of
5 classified license and endorsement knowledge examinations. The
6 applicant shall pay a fee of no more than one hundred dollars for each
7 classified skill examination or combination of classified skill
8 examinations conducted by the department.

9 (b) The department may authorize a person, including an agency of
10 this or another state, an employer, a private driver training facility,
11 or other private institution, or a department, agency, or
12 instrumentality of local government, to administer the skills test
13 specified by this section under the following conditions:

14 (i) The test is the same which would otherwise be administered by
15 the state;

16 (ii) The third party has entered into an agreement with the state
17 that complies with the requirements of 49 C.F.R. part 383.75; and

18 (iii) The director has adopted rules as to the third party testing
19 program and the development and justification for fees charged by any
20 third party.

21 (c) If the applicant's primary use of a commercial driver's license
22 is for any of the following, then the applicant shall pay a fee of no
23 more than seventy-five dollars for each classified skill examination or
24 combination of classified skill examinations whether conducted by the
25 department or a third-party tester:

26 (i) Public benefit not-for-profit corporations that are federally
27 supported head start programs; or

28 (ii) Public benefit not-for-profit corporations that support early
29 childhood education and assistance programs as described in RCW
30 43.215.405(~~(+4)~~) (2).

31 (2) The department shall work with the office of the superintendent
32 of public instruction to develop modified P1 and P2 skill examinations
33 that also include the skill examination components required to obtain
34 an "S" endorsement. In no event may a new applicant for an "S"
35 endorsement be required to take two separate examinations to obtain an
36 "S" endorsement and either a P1 or P2 endorsement, unless that
37 applicant is upgrading his or her existing commercial driver's license

1 to include an "S" endorsement. The combined P1/S or P2/S skill
2 examination must be offered to the applicant at the same cost as a
3 regular P1 or P2 skill examination.

4 (3)(a) The department may waive the skills test and the requirement
5 for completion of a course of instruction in the operation of a
6 commercial motor vehicle specified in this section for a commercial
7 driver's license applicant who meets the requirements of 49 C.F.R. part
8 383.77.

9 (b) An applicant who operates a commercial motor vehicle for
10 agribusiness purposes is exempt from the course of instruction
11 completion and employer skills and training certification requirements
12 under this section. By January 1, 2010, the department shall submit
13 recommendations regarding the continuance of this exemption to the
14 transportation committees of the legislature. For purposes of this
15 subsection (3)(b), "agribusiness" means a private carrier who in the
16 normal course of business primarily transports:

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

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

21 (iii) Unprocessed agricultural commodities, as defined in RCW
22 17.21.020, where such commodities are produced by farmers, ranchers,
23 vineyardists, or orchardists; or

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

25 ~~((This subsection (3)(b) expires July 1, 2011.))~~ The department
26 shall notify the transportation committees of the legislature if the
27 federal government takes action affecting the exemption provided in
28 this subsection (3)(b).

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

37 (5)(a) The department may issue a commercial driver's instruction
38 permit to an applicant who is at least eighteen years of age and holds

1 a valid Washington state driver's license and who has submitted a
2 proper application, passed the general knowledge examination required
3 for issuance of a commercial driver's license under subsection (1) of
4 this section, and paid the appropriate fee for the knowledge
5 examination and an application fee of ten dollars.

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

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

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

19 NEW SECTION. **Sec. 2.** This act is necessary for the immediate
20 preservation of the public peace, health, or safety, or support of the
21 state government and its existing public institutions, and takes effect
22 July 1, 2011.

Passed by the House April 13, 2011.

Passed by the Senate April 7, 2011.

Approved by the Governor April 22, 2011.

Filed in Office of Secretary of State April 22, 2011.