

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5763

66th Legislature
2019 Regular Session

Passed by the Senate March 5, 2019
Yeas 46 Nays 2

President of the Senate

Passed by the House April 16, 2019
Yeas 98 Nays 0

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5763** as passed by Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5763

Passed Legislature - 2019 Regular Session

State of Washington

66th Legislature

2019 Regular Session

By Senate Transportation (originally sponsored by Senators Wagoner, Takko, and Honeyford)

READ FIRST TIME 03/01/19.

1 AN ACT Relating to collector truck operators; amending RCW
2 46.25.010 and 46.25.050; and providing an effective date.

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

4 **Sec. 1.** RCW 46.25.010 and 2018 c 49 s 4 are each amended to read
5 as follows:

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

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

11 (2) "Alcohol concentration" means:

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

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

16 (3) "Commercial driver's license" (CDL) means a license issued to
17 an individual under chapter 46.20 RCW that has been endorsed in
18 accordance with the requirements of this chapter to authorize the
19 individual to drive a class of commercial motor vehicle.

20 (4) The "commercial driver's license information system" (CDLIS)
21 is the information system established pursuant to 49 U.S.C. Sec.

1 31309 to serve as a clearinghouse for locating information related to
2 the licensing and identification of commercial motor vehicle drivers.

3 (5) "Commercial learner's permit" (CLP) means a permit issued
4 under RCW 46.25.052 for the purposes of behind-the-wheel training.

5 (6) "Commercial motor vehicle" means a motor vehicle or
6 combination of motor vehicles used in commerce to transport
7 passengers or property if the motor vehicle:

8 (a) Has a gross combination weight rating or gross combination
9 weight of 11,794 kilograms or more (26,001 pounds or more), whichever
10 is greater, inclusive of any towed unit or units with a gross vehicle
11 weight rating or gross vehicle weight of more than 4,536 kilograms
12 (10,000 pounds or more), whichever is greater; or

13 (b) Has a gross vehicle weight rating or gross vehicle weight of
14 11,794 kilograms or more (26,001 pounds or more), whichever is
15 greater; or

16 (c) Is designed to transport sixteen or more passengers,
17 including the driver; or

18 (d) Is of any size and is used in the transportation of hazardous
19 materials as defined in this section; or

20 (e) Is a school bus regardless of weight or size.

21 (7) "Conviction" means an unvacated adjudication of guilt, or a
22 determination that a person has violated or failed to comply with the
23 law in a court of original jurisdiction or by an authorized
24 administrative tribunal, an unvacated forfeiture of bail or
25 collateral deposited to secure the person's appearance in court, a
26 plea of guilty or nolo contendere accepted by the court, the payment
27 of a fine or court cost, entry into a deferred prosecution program
28 under chapter 10.05 RCW, or violation of a condition of release
29 without bail, regardless of whether or not the penalty is rebated,
30 suspended, or probated.

31 (8) "Disqualification" means a prohibition against driving a
32 commercial motor vehicle.

33 (9) "Drive" means to drive, operate, or be in physical control of
34 a motor vehicle in any place open to the general public for purposes
35 of vehicular traffic. For purposes of RCW 46.25.100, 46.25.110, and
36 46.25.120, "drive" includes operation or physical control of a motor
37 vehicle anywhere in the state.

38 (10) "Drugs" are those substances as defined by RCW 69.04.009,
39 including, but not limited to, those substances defined by 49 C.F.R.
40 Sec. 40.3.

1 (11) "Employer" means any person, including the United States, a
2 state, or a political subdivision of a state, who owns or leases a
3 commercial motor vehicle, or assigns a person to drive a commercial
4 motor vehicle.

5 (12) "Gross vehicle weight rating" (GVWR) means the value
6 specified by the manufacturer as the maximum loaded weight of a
7 single vehicle. The GVWR of a combination or articulated vehicle,
8 commonly referred to as the "gross combined weight rating" or GCWR,
9 is the GVWR of the power unit plus the GVWR of the towed unit or
10 units. If the GVWR of any unit cannot be determined, the actual gross
11 weight will be used. If a vehicle with a GVWR of less than 11,794
12 kilograms (26,001 pounds or less) has been structurally modified to
13 carry a heavier load, then the actual gross weight capacity of the
14 modified vehicle, as determined by RCW 46.44.041 and 46.44.042, will
15 be used as the GVWR.

16 (13) "Hazardous materials" means any material that has been
17 designated as hazardous under 49 U.S.C. Sec. 5103 and is required to
18 be placarded under subpart F of 49 C.F.R. Part 172 or any quantity of
19 a material listed as a select agent or toxin in 42 C.F.R. Part 73.

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

25 (15)(a) "Nondomiciled CLP or CDL" means a permit or license,
26 respectively, issued under RCW 46.25.054 to a person who meets one of
27 the following criteria:

28 (i) Is domiciled in a foreign country as provided in 49 C.F.R.
29 Sec. 383.23(b)(1) as it existed on October 1, 2017, or such
30 subsequent date as may be provided by the department by rule,
31 consistent with the purposes of this section; or

32 (ii) Is domiciled in another state as provided in 49 C.F.R. Sec.
33 383.23(b)(2) as it existed on October 1, 2017, or such subsequent
34 date as may be provided by the department by rule, consistent with
35 the purposes of this section.

36 (b) The definition in this subsection (15) applies exclusively to
37 the use of the term in this chapter and is not to be applied in any
38 other chapter of the Revised Code of Washington.

39 (16) "Out-of-service order" means a declaration by an authorized
40 enforcement officer of a federal, state, Canadian, Mexican, or local

1 jurisdiction that a driver, a commercial motor vehicle, or a motor
2 carrier operation is out-of-service pursuant to 49 C.F.R. Secs.
3 386.72, 392.5, 395.13, 396.9, or compatible laws, or the North
4 American uniform out-of-service criteria.

5 (17) "Positive alcohol confirmation test" means an alcohol
6 confirmation test that:

7 (a) Has been conducted by a breath alcohol technician under 49
8 C.F.R. Part 40; and

9 (b) Indicates an alcohol concentration of 0.04 or more.

10 A report that a person has refused an alcohol test, under
11 circumstances that constitute the refusal of an alcohol test under 49
12 C.F.R. Part 40, will be considered equivalent to a report of a
13 positive alcohol confirmation test for the purposes of this chapter.

14 (18) "School bus" means a commercial motor vehicle used to
15 transport preprimary, primary, or secondary school students from home
16 to school, from school to home, or to and from school-sponsored
17 events. School bus does not include a bus used as a common carrier.

18 (19) "Serious traffic violation" means:

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

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

22 (c) Driving while using a personal electronic device, defined as
23 a violation of RCW 46.61.672, which includes in the activities it
24 prohibits driving while holding a personal electronic device in
25 either or both hands and using a hand or finger for texting, or an
26 equivalent administrative rule or local law, ordinance, rule, or
27 resolution;

28 (d) A violation of a state or local law relating to motor vehicle
29 traffic control, other than a parking violation, arising in
30 connection with an accident or collision resulting in death to any
31 person;

32 (e) Driving a commercial motor vehicle without obtaining a
33 commercial driver's license;

34 (f) Driving a commercial motor vehicle without a commercial
35 driver's license in the driver's possession; however, any individual
36 who provides proof to the court by the date the individual must
37 appear in court or pay any fine for such a violation, that the
38 individual held a valid CDL on the date the citation was issued, is
39 not guilty of a "serious traffic violation";

1 (g) Driving a commercial motor vehicle without the proper class
2 of commercial driver's license endorsement or endorsements for the
3 specific vehicle group being operated or for the passenger or type of
4 cargo being transported; and

5 (h) Any other violation of a state or local law relating to motor
6 vehicle traffic control, other than a parking violation, that the
7 department determines by rule to be serious.

8 (20) "State" means a state of the United States and the District
9 of Columbia.

10 (21) "Substance abuse professional" means an alcohol and drug
11 specialist meeting the credentials, knowledge, training, and
12 continuing education requirements of 49 C.F.R. Sec. 40.281.

13 (22) "Tank vehicle" means any commercial motor vehicle that is
14 designed to transport any liquid or gaseous materials within a tank
15 or tanks having an individual rated capacity of more than one hundred
16 nineteen gallons and an aggregate rated capacity of one thousand
17 gallons or more that is either permanently or temporarily attached to
18 the vehicle or the chassis. A commercial motor vehicle transporting
19 an empty storage container tank, not designed for transportation,
20 with a rated capacity of one thousand gallons or more that is
21 temporarily attached to a flatbed trailer is not considered a tank
22 vehicle.

23 (23) "Type of driving" means one of the following:

24 (a) "Nonexcepted interstate," which means the CDL or CLP holder
25 or applicant operates or expects to operate in interstate commerce,
26 is both subject to and meets the qualification requirements under 49
27 C.F.R. Part 391 as it existed on April 30, 2019, or such subsequent
28 date as may be provided by the department by rule, consistent with
29 the purposes of this section, and is required to obtain a medical
30 examiner's certificate under 49 C.F.R. Sec. 391.45 as it existed on
31 April 30, 2019, or such subsequent date as may be provided by the
32 department by rule, consistent with the purposes of this section;

33 (b) "Excepted interstate," which means the CDL or CLP holder or
34 applicant operates or expects to operate in interstate commerce, but
35 engages exclusively in transportation or operations excepted under 49
36 C.F.R. Secs. 390.3(f), 391.2, 391.68, or 398.3, as they existed on
37 April 30, 2019, or such subsequent date as may be provided by the
38 department by rule, consistent with the purposes of this section,
39 from all or parts of the qualification requirements of 49 C.F.R. Part
40 391 as it existed on April 30, 2019, or such subsequent date as may

1 be provided by the department by rule, consistent with the purposes
2 of this section, and is required to obtain a medical examiner's
3 certificate in accordance with procedures provided in 49 C.F.R. Sec.
4 391.45 as it existed on April 30, 2019, or such subsequent date as
5 may be provided by the department by rule, consistent with the
6 purposes of this section;

7 (c) "Nonexcepted intrastate," which means the CDL or CLP holder
8 or applicant operates only in intrastate commerce and is required to
9 obtain a medical examiner's certificate in accordance with procedures
10 provided in 49 C.F.R. Sec. 391.45 as it existed on April 30, 2019, or
11 such subsequent date as may be provided by the department by rule,
12 consistent with the purposes of this section; or

13 (d) "Excepted intrastate," which means the CDL or CLP holder
14 wishes to maintain a CDL or CLP but not operate a commercial motor
15 vehicle without changing his or her self-certification type.

16 (24) "United States" means the fifty states and the District of
17 Columbia.

18 (25) "Verified positive drug test" means a drug test result or
19 validity testing result from a laboratory certified under the
20 authority of the federal department of health and human services
21 that:

22 (a) Indicates a drug concentration at or above the cutoff
23 concentration established under 49 C.F.R. Sec. 40.87; and

24 (b) Has undergone review and final determination by a medical
25 review officer.

26 A report that a person has refused a drug test, under
27 circumstances that constitute the refusal of a federal department of
28 transportation drug test under 49 C.F.R. Part 40, will be considered
29 equivalent to a report of a verified positive drug test for the
30 purposes of this chapter.

31 (26) "Collector truck" means a vehicle that:

32 (a) Has current registration;

33 (b) Is older than thirty years old;

34 (c) Is a vehicle that meets the weight criteria of subsection (6)
35 of this section;

36 (d) Is capable of safely operating on the highway;

37 (e) Is used for occasional use to and from truck conventions,
38 auto shows, circuses, parades, displays, special excursions, and
39 antique vehicle club meetings;

40 (f) Is used for the pleasure of others without compensation; and

1 (g) Is not used in the operations of a common or contract motor
2 carrier and not used for commercial purposes.

3 (27) "Collector truck operator" means an operator of a
4 noncommercial vehicle that is being exclusively owned and operated as
5 a collector truck.

6 **Sec. 2.** RCW 46.25.050 and 2013 c 224 s 4 are each amended to
7 read as follows:

8 (1) Drivers of commercial motor vehicles must obtain a commercial
9 driver's license as required under this chapter. Except when driving
10 under a commercial learner's permit and a valid driver's license and
11 accompanied by the holder of a commercial driver's license valid for
12 the vehicle being driven, no person may drive a commercial motor
13 vehicle unless the person holds and is in immediate possession of a
14 commercial driver's license and applicable endorsements valid for the
15 vehicle they are driving. However, this requirement does not apply to
16 any person:

17 (a) Who is the operator of a farm vehicle, and the vehicle is:

18 (i) Controlled and operated by a farmer;

19 (ii) Used to transport either agricultural products, which in
20 this section include Christmas trees and wood products harvested from
21 private tree farms and transported by vehicles weighing no more than
22 forty thousand pounds licensed gross vehicle weight, farm machinery,
23 farm supplies, animal manure, animal manure compost, or any
24 combination of those materials to or from a farm;

25 (iii) Not used in the operations of a common or contract motor
26 carrier; and

27 (iv) Used within one hundred fifty miles of the person's farm; or

28 (b) Who is a firefighter or law enforcement officer operating
29 emergency equipment, and:

30 (i) The firefighter or law enforcement officer has successfully
31 completed a driver training course approved by the director; and

32 (ii) The firefighter or law enforcement officer carries a
33 certificate attesting to the successful completion of the approved
34 training course; or

35 (c) Who is operating a recreational vehicle for noncommercial
36 purposes. As used in this section, "recreational vehicle" includes a
37 vehicle towing a horse trailer for a noncommercial purpose; or

38 (d) Who is operating a commercial motor vehicle for military
39 purposes. This exception is applicable to active duty military

1 personnel; members of the military reserves; members of the national
2 guard on active duty, including personnel on full-time national guard
3 duty, personnel on part-time national guard training, and national
4 guard military technicians (civilians who are required to wear
5 military uniforms); and active duty United States coast guard
6 personnel. This exception is not applicable to United States reserve
7 technicians; or

8 (e) Who is a collector truck operator using the vehicle in
9 accordance with RCW 46.25.010.

10 (2) No person may drive a commercial motor vehicle while his or
11 her driving privilege is suspended, revoked, or canceled, while
12 subject to disqualification, or in violation of an out-of-service
13 order. Violations of this subsection shall be punished in the same
14 way as violations of RCW 46.20.342(1).

15 (3) The department must, to the extent possible, enter into
16 reciprocity agreements with adjoining states to allow the waivers
17 described in subsection (1) of this section to apply to drivers
18 holding commercial driver's licenses from those adjoining states.

19 NEW SECTION. **Sec. 3.** This act takes effect October 1, 2019.

--- END ---