

# Chapter 308-100 WAC

## DRIVERS' LICENSES—SPECIAL PROVISIONS

### WAC

308-100-005	Definitions.
308-100-010	Vehicles requiring a commercial driver's license for their operation.
308-100-020	Commercial driver's license—Eligibility.
308-100-031	Skill and training requirements for commercial driver's license.
308-100-033	Minimum training requirements.
308-100-035	Employer certification.
308-100-038	Commercial driver's license—Additional restrictions.
308-100-040	Examination requirement for commercial driver's license.
308-100-050	Examination fees.
308-100-060	Waiver applications and forms.
308-100-090	Commercial motor vehicle instruction permits.
308-100-100	Intrastate waiver.
308-100-110	Expiration date—Extension or renewal by mail.
308-100-120	Extra-territorial convictions—Notification.
308-100-130	Serious traffic violations.
308-100-135	Out-of-service order violations.
308-100-140	Third-party tester.
308-100-150	Third-party tester—Qualifications.
308-100-160	Test requirements.
308-100-170	Test route approval.
308-100-180	Third-party testing fee.
308-100-190	Requirements for exceeding base fee.
308-100-200	Third-party tester—Termination.
308-100-210	Recreational vehicle—Definition.
308-100-400	Formal hearings—Continuances.

### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-100-030	Motor vehicles which may be operated pursuant to the endorsement. [Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16. WSR 89-18-003, § 308-100-030, filed 8/24/89, effective 9/24/89; Order 1, § 308-100-030, filed 1/5/68.] Repealed by WSR 93-22-071, filed 11/1/93, effective 12/2/93. Statutory Authority: RCW 46.01.110.
308-100-070	Effective date for endorsement requirements. [Order 1, § 308-100-070, filed 1/5/68.] Repealed by WSR 82-03-046 (Order 668 DOL), filed 1/19/82. Statutory Authority: RCW 46.01.110.
308-100-080	Definition of terms. [Order 106 MV, § 308-100-080, filed 8/17/71; Order 691101, § 308-100-080, filed 11/26/69; Order 1, § 308-100-080, filed 1/5/68.] Repealed by WSR 89-18-003, filed 8/24/89, effective 9/24/89. Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16.

**WAC 308-100-005 Definitions.** The definitions of this section apply throughout this chapter unless the context clearly requires otherwise:

- (1) "Agribusiness" means a private carrier who in the normal course of business primarily transports:
  - (a) Farm machinery, farm equipment, implements of husbandry, farm supplies and materials used in farming;
  - (b) Agricultural inputs, such as seed, feed, fertilizer and crop protection products;
  - (c) Unprocessed agricultural commodities as defined in RCW 17.21.020, where such commodities are produced by farmers, ranchers, vineyardists, or orchardists; or
  - (d) Any combination of (a) through (c).
- (2) "Classroom instruction" means training provided through lectures, demonstrations, audiovisual presentations,

computer-based instruction, driving simulation devices, or similar means. Instruction occurring outside a classroom is included if it does not involve actual operation of a commercial motor vehicle and its components by the student.

(3) "Employee" means any operator of a commercial motor vehicle, including full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent, owner operator contractors, while in the course of operating a commercial motor vehicle, who are either directly employed by or under lease to an employer.

(4) "Employer" means a person or entity that hires one or more individuals to operate a commercial motor vehicle on a regular basis during their normal course of employment and whose primary purpose is not to train operators of commercial motor vehicles.

(5) "Hour," as used in connection with training requirements, means no less than fifty minutes of training or instruction.

(6) "Lab" means a teaching environment involving a nonmoving vehicle for hands on instruction supported by classroom material.

(7) "Observation" means the careful watching, as a passenger in a commercial motor vehicle, of street driving during the hours of course instruction, recording lessons learned and applying classroom material.

(8) "Proficiency development" means driving exercises that will allow more time to develop the skills needed to demonstrate proficiency, competence, and confidence in the street driving and backing maneuvers portions of a course.

(9) "Range" means an area closed from the public where driving activities are practiced.

(10) "Street driving" means driving a commercial motor vehicle on a public road, where the traffic laws are enforced, consisting of city street, country road, and freeway driving.

(11) "Training institute" means:

(a) An institution of higher learning accredited by the Northwest Association of Schools and Colleges or by an accrediting association recognized by the higher education board;

(b) A licensed private vocational school as that term is defined by RCW 28C.10.020(7); or

(c) An entity in another state that the department has determined provides training or instruction equivalent to that required under WAC 308-100-033.

[Statutory Authority: RCW 46.01.110, 46.25.060, and 46.25.140. WSR 08-16-017, § 308-100-005, filed 7/25/08, effective 8/25/08.]

**WAC 308-100-010 Vehicles requiring a commercial driver's license for their operation.** The director of the department of licensing hereby finds that the following vehicles require special operating skills by the drivers of those vehicles:

- (1) Single vehicles with a gross vehicle weight rating (GVWR) of 26,001 pounds or more;
- (2) Any combination of vehicles where:
  - (a) The vehicle being driven has a GVWR of 26,001 pounds or more; or
  - (b) The vehicle being towed has a GVWR of 10,001 pounds or more and the gross combination weight rating (GCWR) of the vehicles is 26,001 pounds or more;
- (3) Vehicles designed to transport sixteen or more passengers, including the driver;
- (4) Vehicles used in the transportation of hazardous materials that requires the vehicle to be identified with a placard under 49 C.F.R., part 172, subpart F; and
- (5) All public school buses, regardless of capacity.

All persons driving such vehicles, other than those exempt under RCW 46.25.050, must have a commercial driver's license with the proper classification(s) and endorsements.

As used in this section, "gross vehicle weight rating" has the meaning defined by RCW 46.25.010(12).

[Statutory Authority: RCW 46.01.110, 46.25.010, 46.25.060, and 46.25.140. WSR 00-18-068, § 308-100-010, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 46.01.110 and 46.25.140. WSR 90-17-028, § 308-100-010, filed 8/8/90, effective 9/8/90. Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16. WSR 89-18-003, § 308-100-010, filed 8/24/89, effective 9/24/89. Statutory Authority: RCW 46.01.110. WSR 87-19-129 (Order DS 3), § 308-100-010, filed 9/22/87; WSR 82-03-046 (Order 668 DOL), § 308-100-010, filed 1/19/82; Order 106 MV, § 308-100-010, filed 8/17/71; Order 691101, § 308-100-010, filed 11/26/69; Order 1, § 308-100-010, filed 1/5/68.]

**WAC 308-100-020 Commercial driver's license—Eligibility.** Any person who is at least eighteen years of age and who meets the requirements of chapter 46.25 RCW may apply to the department for a commercial driver's license.

[Statutory Authority: RCW 46.01.110, 46.25.010, 46.25.060, and 46.25.140. WSR 00-18-068, § 308-100-020, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16. WSR 89-18-003, § 308-100-020, filed 8/24/89, effective 9/24/89. Statutory Authority: RCW 46.01.110. WSR 82-03-046 (Order 668 DOL), § 308-100-020, filed 1/19/82; Order 106 MV, § 308-100-020, filed 8/17/71; Order 1, § 308-100-020, filed 1/5/68.]

**WAC 308-100-031 Skill and training requirements for commercial driver's license.** An applicant for a commercial driver's license must complete the minimum training requirements specified under WAC 308-100-033, unless waived under RCW 46.25.060(3). The department also may issue a commercial driver's license to an applicant certified by an employer under WAC 308-100-035 as having the skills and training necessary to operate a commercial motor vehicle safely. Until June 30, 2011, the department may issue a commercial driver's license that is restricted to the operation of a commercial motor vehicle for agribusiness purposes under WAC 308-100-038 to an applicant who does not otherwise meet the requirements of this section.

[Statutory Authority: RCW 46.25.140 and 46.01.110. WSR 09-20-019, § 308-100-031, filed 9/28/09, effective 10/29/09. Statutory Authority: RCW 46.01.110, 46.25.060, and 46.25.140. WSR 08-16-017, § 308-100-031, filed 7/25/08, effective 8/25/08.]

[Ch. 308-100 WAC p. 2]

### **WAC 308-100-033 Minimum training requirements.**

(1) To ensure the quality of the training given, a training course acceptable to the director must:

(a) Be provided by, and under the direct supervision of, a training institute; and

(b) Be not less than:

(i) One hundred sixty hours if the applicant is applying for a class A commercial driver's license, including not less than:

(A) Forty hours of classroom instruction;

(B) Eighteen hours of street driving training;

(C) Sixteen hours of training in backing maneuvers;

(D) Sixteen hours of proficiency development; and

(E) Seventy hours of combined lab training, range training, and observation;

(ii) Forty-eight hours if the applicant is applying for a class B commercial driver's license, including not less than:

(A) Twenty hours of classroom instruction;

(B) Fourteen hours of street driving training;

(C) Four hours of training in backing maneuvers;

(D) Four hours of proficiency development; and

(E) Six hours of combined lab training, range training, and observation;

(iii) Thirty-six hours if the applicant is applying for a class C commercial driver's license, including not less than:

(A) Twenty hours of classroom instruction;

(B) Eight hours of street driving training;

(C) Two hours of training in backing maneuvers;

(D) Two hours of proficiency development; and

(E) Four hours of combined lab training, range training, and observation.

(2) A licensed private vocational school must maintain individual student records. Student records shall document for each student:

(a) Course attendance, starting, and ending dates;

(b) The dates and times for each session;

(c) The number of hours spent on each category of instruction covered; and

(d) The name and signature of the instructor who provided each session of instruction or training.

(3) Student records must be maintained by a licensed private vocational school for the past five years from the date instruction or training has ended and must be made available for inspection at the request of the department.

(4) A licensed private vocational school may issue a certificate of completion on a form provided by the department to a student who has received the training required under subsection (1) of this section. An accredited institution of higher learning may issue a certificate of completion to a student who has received appropriate training. A certificate issued under this subsection must be used by a student to demonstrate to the department that he or she has met the minimum requirements required under this section.

[Statutory Authority: RCW 46.01.110, 46.25.060, and 46.25.140. WSR 08-16-017, § 308-100-033, filed 7/25/08, effective 8/25/08.]

**WAC 308-100-035 Employer certification.** An employer may certify an applicant for a commercial driver's license as having the skills and training necessary to operate a commercial motor vehicle safely on a form provided by the department. The certification must include the classification

(1/14/15)

or endorsements of commercial motor vehicle that the employee or prospective employee is competent to operate.

[Statutory Authority: RCW 46.01.110, 46.25.060, and 46.25.140. WSR 08-16-017, § 308-100-035, filed 7/25/08, effective 8/25/08.]

**WAC 308-100-038 Commercial driver's license—Additional restrictions.** In addition to the endorsements and restrictions that may be placed on a commercial driver's license under RCW 46.25.080 (2)(b), the department may place a "Z" restriction on a driver's license to indicate that there is a specific restriction on file with the department. Specific restrictions for commercial driver's licenses that may be kept on file include:

"Agribusiness" restricts the driver to commercial motor vehicles being operated for agribusiness purposes.

[Statutory Authority: RCW 46.01.110, 46.25.060, and 46.25.140. WSR 08-16-017, § 308-100-038, filed 7/25/08, effective 8/25/08.]

**WAC 308-100-040 Examination requirement for commercial driver's license.** (1) Persons applying for a commercial driver's license will be required to pass a written examination testing their knowledge of motor vehicle laws, rules of the road, and of the class of vehicle for which they are seeking the commercial driver's license. They will also be required to demonstrate successfully their operating skills for the class of vehicle for which they seek the commercial driver's license. Skill examinations under this subsection shall consist of three components:

- (a) Pretrip inspection;
- (b) Basic controls; and
- (c) Road test.

(2) The department may conduct written examinations in a group setting. Group examinations may be conducted at job sites, union halls, or other locations deemed appropriate by the department. If the department is conducting the written examination in a group setting, the payment of the basic fee and knowledge examination fee may be deferred until the applicant completes his or her application for a commercial driver's license.

[Statutory Authority: RCW 46.01.110, 46.25.060, and 46.25.140. WSR 07-24-025, § 308-100-040, filed 11/28/07, effective 12/29/07. Statutory Authority: RCW 46.01.110, 46.25.010, 46.25.060, and 46.25.140. WSR 00-18-068, § 308-100-040, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16. WSR 89-18-003, § 308-100-040, filed 8/24/89, effective 9/24/89; Order 1, § 308-100-040, filed 1/5/68.]

**WAC 308-100-050 Examination fees.** (1) The examination fee for each commercial driver's license knowledge examination, commercial driver's license endorsement knowledge examination, or any combination of commercial driver's license and endorsement knowledge examinations, shall be ten dollars.

(2)(a) Except as provided in subsection (2)(b) of this section, the examination fee for each commercial driver's license skill examination conducted by the department shall be one hundred dollars.

(b) If the applicant's primary use of a commercial driver's license is for any of the following, then the examination fee for each commercial driver's license skill examination conducted by the department shall be seventy-five dollars:

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

(ii) Public benefit not-for-profit corporations that support early childhood education and assistance programs as described in RCW 43.215.405.

(3) An applicant who has failed the skill examination must retest and pay the full fee required under subsection (2) of this section.

(4) Drivers selected for reexamination by the department may be subject to costs associated with the testing.

(5) The fees in this section are in addition to the regular drivers' licensing fees.

[Statutory Authority: RCW 46.01.110, 46.20.049, and 46.20.505. WSR 13-03-018, § 308-100-050, filed 1/7/13, effective 2/7/13. Statutory Authority: RCW 46.01.110, 46.25.060, and 46.25.140. WSR 07-24-025, § 308-100-050, filed 11/28/07, effective 12/29/07. Statutory Authority: RCW 46.01.110, 46.25.010, 46.25.060, and 46.25.140. WSR 00-18-068, § 308-100-050, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 46.01.110, 46.20.470 and 46.20.505. WSR 00-02-017, § 308-100-050, filed 12/27/99, effective 7/1/00. Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16. WSR 89-18-003, § 308-100-050, filed 8/24/89, effective 9/24/89. Statutory Authority: RCW 46.01.110. WSR 82-03-046 (Order 668 DOL), § 308-100-050, filed 1/19/82; Order 691101, § 308-100-050, filed 11/26/69; Order 1, § 308-100-050, filed 1/5/68.]

#### **WAC 308-100-060 Waiver applications and forms.**

An application for a waiver from examination must be submitted on forms supplied by the department of licensing.

[Statutory Authority: RCW 46.01.110. WSR 82-03-046 (Order 668 DOL), § 308-100-060, filed 1/19/82; Order 691101, § 308-100-060, filed 11/26/69; Order 1, § 308-100-060, filed 1/5/68.]

#### **WAC 308-100-090 Commercial motor vehicle instruction permits.**

Any person who is at least eighteen years of age and who meets the requirements of RCW 46.25.060(4) may apply to the department for an instruction permit for the operation of a commercial motor vehicle. When operating a commercial motor vehicle on a highway, the instruction permit holder must be accompanied by the holder of a commercial driver's license valid for the vehicle being driven, with no less than two years of driving experience with the class of commercial motor vehicle being operated, and no less than five years of total driving experience. The holder of the commercial driver's license must occupy the seat beside the individual for the purpose of giving instruction in driving the commercial motor vehicle.

[Statutory Authority: RCW 46.01.110, 46.25.060, 46.25.140. WSR 03-10-024, § 308-100-090, filed 4/28/03, effective 5/29/03; Order 108 MV, § 308-100-090, filed 9/14/71.]

**WAC 308-100-100 Intrastate waiver.** A person who is not physically qualified to drive a commercial motor vehicle under section 391.41 of the Federal Motor Carrier Safety Regulations (49 C.F.R. 391.41), and who is otherwise qualified to drive a motor vehicle in the state of Washington, may apply to the department of licensing for an intrastate waiver. Upon receipt of the application for an intrastate waiver, the department shall review and evaluate the driver's physical qualifications to operate a motor vehicle in the state of Washington, and shall issue an intrastate waiver if the applicant meets all applicable licensing requirements and is qualified to operate a motor vehicle within the state of Washington.

[Statutory Authority: RCW 46.01.110, 46.25.010, 46.25.060, and 46.25.140. WSR 00-18-068, § 308-100-100, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16. WSR 89-18-003, § 308-100-100, filed 8/24/89, effective 9/24/89.]

**WAC 308-100-110 Expiration [date]—Extension or renewal by mail.** Except as otherwise provided by this section, any person who is outside the state at the time his or her commercial driver's license expires may request an extension or renewal by mail as permitted by RCW 46.20.120(3). The department shall not renew an endorsement to a commercial driver's license for the operation of a vehicle transporting hazardous materials by mail, and any extension granted for such endorsement shall be for no more than forty-five days after the date the commercial driver's license would normally expire.

[Statutory Authority: RCW 46.01.110, 46.25.010, 46.25.060, and 46.25.140. WSR 00-18-068, § 308-100-110, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16. WSR 89-18-003, § 308-100-110, filed 8/24/89, effective 9/24/89.]

**Reviser's note:** RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

**WAC 308-100-120 Extra-territorial convictions—Notification.** A driver of a commercial motor vehicle required to notify the department of an extra-territorial conviction under the provisions of section 5, chapter 178, Laws of 1989, shall make such notification on a form provided by the department, or by other correspondence providing the information required on the department's form.

[Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16. WSR 89-18-003, § 308-100-120, filed 8/24/89, effective 9/24/89.]

**WAC 308-100-130 Serious traffic violations.** In addition to the violations enumerated in RCW 46.25.010, "Serious traffic violation" shall include:

- (1) Negligent driving in the first or second degree, as defined by RCW 46.61.5249, 46.61.525, or 46.61.526;
- (2) Following too closely, as defined by RCW 46.61.-145, or 46.61.635;
- (3) Failure to stop, as defined by RCW 46.61.055, 46.61.065, 46.61.195, 46.61.200, 46.61.365, 46.61.370, 46.61.375, or 46.61.385;
- (4) Failure to yield right of way, as defined by RCW 46.61.180, 46.61.185, 46.61.190, 46.61.202, 46.61.205, 46.61.210, 46.61.212, 46.61.215, 46.61.220, 46.61.235, 46.61.245, 46.61.261, 46.61.300, or 46.61.427;
- (5) Speed too fast for conditions, as defined by RCW 46.61.400;
- (6) Improper lane change or travel, as defined by RCW 46.61.070, 46.61.105, 46.61.140, 46.61.290, or 46.61.608;
- (7) Improper or erratic lane changes, including:
  - (a) Improper overtaking on the right, as defined by RCW 46.61.115;
  - (b) Improper overtaking on the left, as defined by RCW 46.61.110, 46.61.120, or 46.61.130; and
  - (c) Improper driving to left of center of roadway, as defined by RCW 46.61.125;
- (8) Reckless endangerment of emergency zone workers, as defined by RCW 46.61.212;

[Ch. 308-100 WAC p. 4]

(9) Reckless endangerment of roadway workers, as defined by RCW 46.61.527; and

(10) A conviction of an administrative rule or local law, ordinance, rule, or resolution of this state, the federal government, or any other state, of an offense substantially similar to a violation included in this section.

[Statutory Authority: RCW 46.01.110, 46.25.010, and 46.25.140. WSR 14-20-053, § 308-100-130, filed 9/25/14, effective 10/26/14; WSR 09-10-085, § 308-100-130, filed 5/6/09, effective 6/6/09. Statutory Authority: RCW 46.01.110, 46.25.010, 46.25.060, and 46.25.140. WSR 00-18-068, § 308-100-130, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16. WSR 89-18-003, § 308-100-130, filed 8/24/89, effective 9/24/89.]

**WAC 308-100-135 Out-of-service order violations.** As required for compliance with federal regulation 49 C.F.R. 383.51(e), the department may not impose a minimum period of disqualification of less than:

- (1) One hundred eighty days when disqualifying a person from operating a commercial motor vehicle under RCW 46.25.090 (6)(a); or
- (2) Two years when disqualifying a person from operating a commercial motor vehicle under RCW 46.25.090 (6)(b).

[Statutory Authority: RCW 46.01.110, 46.25.140. WSR 10-15-020, § 308-100-135, filed 7/9/10, effective 8/9/10.]

**WAC 308-100-140 Third-party tester.** The department may enter into an agreement with third-party testers to conduct the commercial driver's license classified skill examination. An agreement will only be made where the department has determined that a need for a third-party tester exists in the location covered by the third-party tester, and that the third-party tester is otherwise qualified. In counties where there are no third-party testers, or where not extending or renewing an agreement would result in no third-party testers, the department will not base the determination of need solely on the expected number of applicants for a commercial driver's license in those locations. The department may suspend an agreement with a third-party tester for any length of time upon a showing of good cause. An agreement between the department and a third-party tester will be valid for no more than two years, provided that the department may extend an agreement for up to an additional two years at its discretion. The department may renew an agreement if it has determined that a need for a third-party tester still exists in the location covered by the third-party tester.

[Statutory Authority: RCW 46.01.110 and 46.25.060. WSR 02-04-076, § 308-100-140, filed 2/1/02, effective 3/4/02; WSR 01-09-062, § 308-100-140, filed 4/16/01, effective 5/17/01. Statutory Authority: RCW 46.01.110, 46.25.010, 46.25.060, and 46.25.140. WSR 00-18-068, § 308-100-140, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16. WSR 89-18-003, § 308-100-140, filed 8/24/89, effective 9/24/89.]

**WAC 308-100-150 Third-party tester—Qualifications.** A third-party tester is a person meeting the minimum qualifications who is trained, tested and certified by the department to conduct a standardized behind-the-wheel test of a commercial driver, such test to be used in determining the driver's qualification to obtain a commercial driver's

(1/14/15)

license. A person applying to be a third-party tester must meet the following requirements:

(1) Be qualified and licensed to operate and have no less than two years of experience operating vehicles representative of the class of vehicle for which he or she would conduct testing and has no less than five years of total driving experience;

(2) A check of the person's driving record shows:

(a) The person has not been convicted or found to have committed any of the following offenses within the three year period preceding the date of application:

(i) Driving a motor vehicle while under the influence of alcohol or any drug;

(ii) Driving a commercial motor vehicle while the alcohol concentration in the person's system is 0.04 or more as determined by any testing methods approved by law in this state or any other state or jurisdiction;

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

(iv) Using a commercial motor vehicle in the commission of a felony; and

(v) Refusing to submit to a test to determine the driver's alcohol concentration while driving a motor vehicle;

(b) No more than one conviction or finding that the person committed a serious traffic violation, as defined in WAC 308-100-130 (**Serious traffic violations**), within three years preceding the date of application;

(c) No driver's license suspension, cancellation, revocation, disqualification, or denial within three years preceding the date of application; and

(d) No more than one conviction or finding that the person committed a moving traffic violation within one year or more than three convictions or findings that the person committed moving traffic violations within three years preceding the date of application. Defective equipment violations shall not be considered moving traffic violations for the purpose of determining the applicant's qualification;

(3) Complete an acceptable application on a form prescribed by the department;

(4) Have no conviction of a felony or any crime involving violence, dishonesty, deceit, indecency, degeneracy, or moral turpitude;

(5) Maintain or be employed by a business or agency in which driver testing records would be maintained and available to the state or federal representatives for announced or unannounced inspections and audits;

(6) Be or be employed by a licensed business or government agency within the state of Washington or within fifty miles of state boundaries;

(7) Submit to announced or unannounced audits; and

(8) Attend all training required by the department of licensing.

Failure to maintain the above qualifications will result in the termination of a third-party tester agreement.

[Statutory Authority: RCW 46.01.110, 46.25.010, 46.25.060, and 46.25.140. WSR 00-18-068, § 308-100-150, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16. WSR 89-18-003, § 308-100-150, filed 8/24/89, effective 9/24/89.]

**WAC 308-100-160 Test requirements.** Any test conducted by a third party tester shall conform to the testing

(1/14/15)

requirements established by the department. If the test includes additional requirements, the performance of an applicant for a commercial driver's license on the additional portions shall not be considered for commercial driver license skill testing purposes. Any applicant aggrieved by the outcome of a test conducted by a third party tester may petition the department for review of the scoring procedure used by the third party tester.

[Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16. WSR 89-18-003, § 308-100-160, filed 8/24/89, effective 9/24/89.]

**WAC 308-100-170 Test route approval.** The test route used by a third party tester must be approved by the department prior to its use for commercial driver license skill testing purposes.

[Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16. WSR 89-18-003, § 308-100-170, filed 8/24/89, effective 9/24/89.]

**WAC 308-100-180 Third-party testing fee.** (1)(a) Except as provided in WAC 308-100-190 or subsection (1)(b) of this section, the base fee for each classified skill examination or combination of skill examinations conducted by a third-party tester shall not be more than one hundred dollars.

(b) If the applicant's primary use of a commercial driver's license is for any of the following, then the examination fee for each commercial driver's license skill examination conducted by a third-party tester shall not be more than seventy-five dollars:

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

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

(2) An applicant who has failed the skill examination must retest and pay the full fee required under subsection (1) of this section.

(3) The base fee shall apply only to the conducting of the examination, and is separate from any additional fees, such as vehicle use fees, which may be charged by the third-party tester. Any additional fees to be charged shall be reported to the department.

(4) Fees owed to a third-party tester under this section must be paid by the applicant as provided in the third-party tester agreement entered into under WAC 308-100-140.

(5) The fees in this section are in addition to the regular drivers' licensing fees.

[Statutory Authority: RCW 46.01.110, 46.25.060, and 46.25.140. WSR 15-03-048, § 308-100-180, filed 1/14/15, effective 2/14/15; WSR 07-24-025, § 308-100-180, filed 11/28/07, effective 12/29/07; WSR 03-10-024, § 308-100-180, filed 4/28/03, effective 5/29/03. Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16. WSR 89-18-003, § 308-100-180, filed 8/24/89, effective 9/24/89.]

**WAC 308-100-190 Requirements for exceeding base fee.** A third-party tester may petition the department for a waiver of the skill examination fee ceiling imposed by WAC 308-100-180 (Third-party testing fee). The third-party tester shall indicate the amount of the proposed fee, the location of the test and provide detailed justification for the increase. The department may grant the higher fee, provided that the ser-

[Ch. 308-100 WAC p. 5]

vice cannot be performed within a reasonable time by another tester at the standard fee. The department will review any complaints regarding higher fees, and may impose a reduction where warranted.

[Statutory Authority: RCW 46.01.110, 46.25.010, 46.25.060, and 46.25.140. WSR 00-18-068, § 308-100-190, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16. WSR 89-18-003, § 308-100-190, filed 8/24/89, effective 9/24/89.]

**WAC 308-100-200 Third-party tester—Termination.** The department may terminate an agreement with a third-party tester providing commercial driver's license skill examinations where the volume of applicants for commercial driver's licenses makes such third-party testing unnecessary, or upon a showing of good cause.

[Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16. WSR 89-18-003, § 308-100-200, filed 8/24/89, effective 9/24/89.]

**WAC 308-100-210 Recreational vehicle—Definition.** For the purposes of RCW 46.25.050 (1)(c), the term "recreational vehicle" shall include vehicles used exclusively for noncommercial purposes which are:

- (1) Primarily designed for recreational, camping, or travel use;
- (2) Towing a horse trailer; or
- (3) Rental trucks having no more than two axles (one steering and one drive axle) used strictly and exclusively to transport personal possessions.

[Statutory Authority: RCW 46.01.110 and 46.25.140. WSR 90-17-028, § 308-100-210, filed 8/8/90, effective 9/8/90.]

**WAC 308-100-400 Formal hearings—Continuances.** (1) After a hearing has been scheduled pursuant to RCW 46.25.120(5), it may be continued, rescheduled, or adjourned only at the discretion of the hearing officer.

(2) A hearing officer must continue a hearing scheduled pursuant to RCW 46.25.120(5) in the event a law enforcement officer whose attendance is required fails to appear. A hearing continued under this subsection must be adjourned until such time as the officer may be compelled to attend by issuance of a subpoena under RCW 46.20.332. A subpoena issued to compel the attendance of an officer is subject to enforcement under RCW 7.21.060.

[Statutory Authority: RCW 46.01.110, 46.20.308, 46.25.120. WSR 06-15-081, § 308-100-400, filed 7/14/06, effective 8/14/06.]