

Chapter 308-100 WAC

DRIVERS' LICENSES—SPECIAL PROVISIONS

WAC

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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 Repealed by WSR 93-22-071, filed 11/1/93, effective 12/2/93.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.
308-100-031	Skill and training requirements for commercial driver's license. [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.] Repealed by WSR 19-01-078, filed 12/17/18, effective 1/17/19. Statutory Authority: RCW 46.01.110, 46.25.010, 46.25.060, 46.25.140 and 49 C.F.R., Parts 380, 383, and 384.
308-100-038	Commercial driver's license—Additional restrictions. [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.] Repealed by WSR 19-01-078, filed 12/17/18, effective 1/17/19. Statutory Authority: RCW 46.01.110, 46.25.010, 46.25.060, 46.25.140 and 49 C.F.R., Parts 380, 383, and 384.
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 Repealed by WSR 82-03-046 (Order 668 DOL), filed 1/19/82.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 Repealed by WSR 89-18-003, filed 8/24/89, effective 9/24/89.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) "Behind-the-wheel (BTW) range training" means training provided by a BTW instructor when a student has

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actual control of the power unit during a driving lesson conducted for backing, street driving, and proficiency development. BTW range training does not include time a student spends observing the operation of a CMV when he or she is not in control of the vehicle.

(2) "Behind-the-wheel (BTW) instructor" means an individual who provides BTW training involving the actual operation of a CMV by a student on a range or a public road and meets one of these qualifications:

(a) Holds a CDL of the same (or higher) class and with all endorsements necessary to operate the CMV for which training is to be provided and has at least two years of experience driving a CMV requiring a CDL of the same or higher class and/or the same endorsement and meets all applicable state qualification requirements for CMV instructors; or

(b) Holds a CDL of the same (or higher) class and with all endorsements necessary to operate the CMV for which training is to be provided and has at least two years of experience as a BTW CMV instructor and meets all applicable state qualification requirements for CMV instructors.

(c) **Exception applicable to (a) and (b) of this definition:** A BTW instructor who provides training solely on a range which is not a public road is not required to hold a CDL of the same (or higher) class and with all endorsements necessary to operate the CMV for which training is to be provided, as long as the instructor previously held a CDL of the same (or higher) class and with all endorsements necessary to operate the CMV for which training is to be provided, and complies with the other requirements set forth in (a) or (b) of this definition.

(d) If an instructor's CDL has been canceled, suspended, or revoked due to any of the disqualifying offenses identified in C.F.R. 383.51, the instructor is prohibited from engaging in BTW instruction for two years following the date his or her CDL is reinstated.

(3) "Certified test route" means:

(a) Test route that is approved and assigned by the department.

(b) The areas for completing the pretrip inspection, basic controls and road test as approved by the department for the administration of a commercial driver license skills test.

(4) "Classroom/theory instruction" means knowledge instruction on the operation of a CMV and related matters provided by a theory instructor 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.

(5) "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.

(6) "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.

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

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

(9) "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.

(10) "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.

(11) "Range" means an area closed from the public where driving activities are practiced, free of obstructions, enables the driver to maneuver safely and free from interference from other vehicles and hazards, and has adequate sight lines.

(12) "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.

(13) "Theory instructor" means an individual who provides knowledge instruction on the operation of a CMV and meets one of these qualifications:

(a) Holds a CDL of the same (or higher) class and with all endorsements necessary to operate the CMV for which training is to be provided and has at least two years of experience driving a CMV requiring a CDL of the same (or higher) class and/or the same endorsement and meets all applicable state qualification requirements for CMV instructors; or

(b) Holds a CDL of the same (or higher) class and with all endorsements necessary to operate the CMV for which training is to be provided and has at least two years of experience as a BTW CMV instructor and meets all applicable state qualification requirements for CMV instructors.

(c) **Exceptions applicable to (a) and (b) of this definition:** An instructor is not required to hold a CDL of the same (or higher) class and with all endorsements necessary to operate the CMV for which training is to be provided, if the instructor previously held a CDL of the same (or higher) class and complies with the other requirements set forth in (a) or (b) of this definition.

(d) If an instructor's CDL has been canceled, suspended, or revoked due to any of the disqualifying offenses identified in C.F.R. 383.51, the instructor is prohibited from engaging in theory instruction for two years following the date his or her CDL is reinstated.

(14) "Training institute/provider" means an entity that is approved by the department, to provide training as required by RCW 46.25.060 (1)(a)(ii):

(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 or 308-100-035.

[Statutory Authority: RCW 46.01.110, 46.25.010, 46.25.060, 46.25.140 and 49 C.F.R., Parts 380, 383, and 384. WSR 19-01-078, § 308-100-005, filed 12/17/18, effective 1/17/19. 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 308-100-033 Minimum training requirements.

(1) Approval for a course of instruction in the operation of a commercial motor vehicle will only be granted if the course of instruction:

(a) Is provided by, and under the direct supervision of, a training provider that has an application with the department approving the course of instruction offered by the training provider. Beginning on February 7, 2020, the training provider must also be listed on the Federal Motor Carrier Safety Administration's Training Provider Registry that is established under 49 C.F.R. 380.700; and

(b) **Class A course - Minimum requirements for approval:** A course of instruction for students seeking a class A CDL must follow the class A training curriculum defined in C.F.R. Appendix A to Part 380 as it existed on the (effective date of the WAC). The course must include not less than:

- (i) Forty hours of classroom instruction;
- (ii) Eighteen hours of street driving training;
- (iii) Sixteen hours of training in backing maneuvers;
- (iv) Sixteen hours of proficiency development; and
- (v) Seventy hours of combined lab training, range training, and observation.

(c) **Class B course - Minimum Requirements:** A course of instruction for students seeking a class B CDL must follow the class B training curriculum defined in C.F.R. Appendix B to Part 380 as it existed on the (effective date of the WAC). The course must include not less than:

- (i) Forty hours of classroom instruction;
- (ii) Fourteen hours of street driving training;
- (iii) Eight hours of training in backing maneuvers;
- (iv) Eight hours of proficiency development; and
- (v) Ten hours of combined lab training, range training, and observation.

(d) **Class C course - Minimum requirements:** A course of instruction for students seeking a class C CDL must follow the class B training curriculum defined in C.F.R. Appendix B to Part 380 as it existed on the (effective date of the WAC). The course must include not less than:

- (i) Forty hours of classroom instruction;
- (ii) Fourteen hours of street driving training;
- (iii) Eight hours of training in backing maneuvers;
- (iv) Eight hours of proficiency development; and
- (v) Ten hours of combined lab training, range training, and observation.

(e) **Upgrade from either class B or C to class A - Minimum requirements:** A course of instruction for students seeking to upgrade from a class B or C to a class A must follow the class A behind the wheel training curriculum defined in C.F.R. Appendix A to Part 380 as it existed on the (effective date of the WAC). The course must include not less than:

- (i) Eighteen hours of street driving training;
- (ii) Sixteen hours of training in backing maneuvers;
- (iii) Sixteen hours of proficiency development; and
- (iv) Thirty hours of combined lab training, range training, and observation.

(f) **Upgrade from a class C to class B - Minimum requirements:** A course of instruction for students seeking to upgrade from a class C to a class B must follow the class B behind the wheel training curriculum defined in C.F.R. Appendix B to Part 380 as it existed on the (effective date of the WAC). The course must include not less than:

- (i) Fourteen hours of street driving training;
- (ii) Eight hours of training in backing maneuvers;
- (iii) Eight hours of proficiency development; and
- (iv) Ten hours of combined lab training, range training, and observation.

(g) **Passenger endorsement - Minimum requirements:** A course of instruction for students seeking a passenger endorsement must follow the passenger endorsement training curriculum defined in C.F.R. Appendix C to Part 380 as it existed on the (effective date of the WAC). The course must include not less than:

- (i) Four hours of classroom/theory instruction;
- (ii) Ten hours of proficiency development.

(h) **School bus endorsement - Minimum requirements:** A course of instruction for students seeking a school bus endorsement must follow the school bus endorsement training curriculum defined in C.F.R. Appendix D to Part 380 as it existed on the (effective date of the WAC). The course must include not less than:

- (i) Twenty hours of classroom/theory instruction;
- (ii) Ten hours of proficiency development.

(i) **Passenger and school bus endorsement - Minimum requirements:** A course of instruction for students seeking a passenger and school bus endorsement must follow the passenger and school bus endorsement training curriculum defined in C.F.R. Appendix C and D to Part 380 as it existed on the (effective date of the WAC). The course must include not less than:

- (i) Twenty hours of classroom/theory instruction;
- (ii) Ten hours of proficiency development.

(j) **Hazardous material endorsement - Minimum requirements:** A course of instruction for students seeking a HAZMAT endorsement must follow the hazardous material endorsement training curriculum defined in C.F.R. Appendix E to Part 380 as it existed on the (effective date of the WAC). The course must include not less than: Twenty hours of classroom/theory instruction;

(k) In addition to the class A, B, and C curriculum as defined above, each class room training must include a minimum thirty minute section on "Truckers Against Trafficking."

(2) Students must complete all portions of the training within one year of completing the first portion.

[Statutory Authority: RCW 46.01.110, 46.25.010, 46.25.060, 46.25.140 and 49 C.F.R., Parts 380, 383, and 384. WSR 19-01-078, § 308-100-033, filed 12/17/18, effective 1/17/19. 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. (1) An employer may certify that one of its employees has the skills and training necessary to operate a commercial motor vehicle safely by certifying the employee has demonstrated proficiency in the elements of the course of instruction required in WAC 308-100-033, with the exception of the minimum required hours, on a form provided by the department. The certification must include the classification or endorsements of commercial motor vehicle that the employee is competent to operate.

(2) The certification must be provided to the department electronically. Beginning on February 7, 2020, an employer

may only certify that an applicant for a CDL has the skills and training necessary to operate a commercial motor vehicle safely if the employee has successfully completed training with a training provider listed on FMCSA's Training Provider Registry established under 49 C.F.R. 380.700.

(3) The department must receive an electronic notification of successful completion prior to an employee taking a skills test.

[Statutory Authority: RCW 46.01.110, 46.25.010, 46.25.060, 46.25.140 and 49 C.F.R., Parts 380, 383, and 384. WSR 19-01-078, § 308-100-035, filed 12/17/18, effective 1/17/19. 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 308-100-036 Reporting training results. (1) A training provider and employer must provide electronic notification to the department when a student successfully completes a course of instruction described in WAC 308-100-033 for schools and WAC 308-100-035 for employers.

(2) The notification of course completion must consist of:

(a) A certification that the student/employee demonstrated proficiency in all elements of the curriculum required in subsection (1) of this section;

- (b) Driver license number;
- (c) Phone number;
- (d) Type of training;
- (e) Classroom hours completed;
- (f) Backing hours completed;
- (g) Street driving hours completed;
- (h) Proficiency hours completed;
- (i) Range hours completed;
- (j) Course start date;
- (k) Course completion date; and
- (l) Instructor.

(3) The department must receive an electronic notification of successful completion prior to a student/employee taking a skills test.

[Statutory Authority: RCW 46.01.110, 46.25.010, 46.25.060, 46.25.140 and 49 C.F.R., Parts 380, 383, and 384. WSR 19-01-078, § 308-100-036, filed 12/17/18, effective 1/17/19.]

WAC 308-100-040 Examination requirement for commercial driver's license. 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 and endorsement(s) for which they seek the commercial driver's license.

The department will conduct knowledge and skills examinations that at a minimum meet the requirements of 49 C.F.R. 383.133, as it existed on (effective date of WAC).

[Statutory Authority: RCW 46.01.110, 46.25.010, 46.25.060, 46.25.140 and 49 C.F.R., Parts 380, 383, and 384. WSR 19-01-078, § 308-100-040, filed 12/17/18, effective 1/17/19. 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.]

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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 thirty-five 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 two hundred fifty dollars and entitles the applicant to take the examination up to two times in order to pass.

(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 two hundred twenty-five dollars and entitles the applicant to take the examination up to two times in order to pass:

(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.

(c) If the applicant's primary use of a commercial driver's license is to drive a school bus, the applicant shall pay a fee of no more than one hundred dollars for the classified skill examination or combination of classified skill examinations conducted by the department and entitles the applicant to take the examination up to two times in order to pass.

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

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

[Statutory Authority: RCW 46.25.140 and 46.01.110. WSR 17-22-074, § 308-100-050, filed 10/27/17, effective 11/27/17. 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

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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.

[Statutory Authority: RCW 46.01.110, 46.25.010, 46.25.060, 46.25.140 and 49 C.F.R., Parts 380, 383, and 384. WSR 19-01-078, § 308-100-100, filed 12/17/18, effective 1/17/19. 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 Renewal online. 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 a renewal by mail or online 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 or online.

[Statutory Authority: RCW 46.01.110, 46.25.010, 46.25.060, 46.25.140 and 49 C.F.R., Parts 380, 383, and 384. WSR 19-01-078, § 308-100-110, filed 12/17/18, effective 1/17/19. 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.]

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;

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(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;

(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. (1) The department may enter into an agreement with third-party testers to conduct the commercial driver's license classified skill examination.

(a) 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.

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(b) 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.

(c) 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.

(2) Allow the department and/or FMCSA to conduct announced and unannounced audits.

(3) Allow the department and/or FMCSA co-score along with the third-party examiner during a CDL skills test.

(4) Must initiate and maintain a bond in an amount determined by the department. Not required for a third-party tester that is a government entity.

(5) Must only use third-party examiners who have successfully completed a formal CDL skills test examiner training course as prescribed by the state and have been certified by the state to conduct skills test.

(6) Must only use third-party examiners with an active status maintained by the department.

(7) Must submit skills testing appointments to the state no later than three days prior to conducting test.

(8) Must maintain copies of the following records at its principal place of business.

(a) A copy of the state certificate authorizing to administer CDL skills tests for the classes and types of CMVs listed;

(b) A copy of the current third-party agreement;

(c) A copy of each completed CDL skills test scoring sheet for the current year and the past two calendar years;

(d) A copy of the state approved test route(s); and

(e) A copy of each third-party examiner's training record.

(9) Must submit skills test scores within the same day as the test conducted.

(10) Prohibit a third-party examiner from:

(a) Testing other third-party examiners.

(b) Testing a driver who has been trained by the examiner, regarding commercial vehicle operation or skills test practice.

(c) Testing any family member, relative or friend.

(d) Having another examiner who is a family member conduct tests for your school or organization.

(e) Testing a driver who has attended a school owned or operated by the same ownership organization you work for except for government owned and operated organizations.

[Statutory Authority: RCW 46.01.110, 46.25.010, 46.25.060, 46.25.140 and 49 C.F.R., Parts 380, 383, and 384. WSR 19-01-078, § 308-100-140, filed 12/17/18, effective 1/17/19. 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 examiner—Qualifications. A person applying to be a third-party examiner must meet the following requirements:

(1) Hold an active CDL;

(2) Have two years or more experience operating commercial motor vehicles representative of the class of vehicle for which he or she would conduct testing;

(3) Have five years of total driving experience;

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

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

(b) 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;

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

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

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

(f) Convicted of and found to have committed any of the following felony offenses or any crime involving fraud, moral turpitude, dishonesty, or corruption.

(5) The applicant has not been convicted of no more than one conviction or finding that the person committed two or more serious traffic violations, as defined in WAC 308-100-130, within three years preceding the date of application;

(6) The applicant has not been convicted of four or more moving traffic violations, as defined in WAC 308-104-160, within three years preceding the date of application;

(7) The applicant has not been convicted of two or more moving traffic violations, as defined in WAC 308-104-160, within one year preceding the date of application;

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

(9) 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;

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

(11) Submit to announced or unannounced audits;

(12) Attend all training required by the department of licensing;

(13) Must test a minimum of ten different applicants per calendar year or at the discretion of the department, complete recertification requirements; and

(14) Failure to maintain the above qualifications will result in the termination of a third-party examiner.

[Statutory Authority: RCW 46.01.110, 46.25.010, 46.25.060, 46.25.140 and 49 C.F.R., Parts 380, 383, and 384. WSR 19-01-078, § 308-100-150, filed 12/17/18, effective 1/17/19. 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. The skills test given by a third party are the same as those that would otherwise be given by the state using the same version of the skills test, the same written instructions for test applicants, and the same score sheets as those prescribed by the department. Any applicant aggrieved by the outcome of a test conducted by a

third-party examiner may petition the department for review of the scoring procedure used by the third-party examiner.

[Statutory Authority: RCW 46.01.110, 46.25.010, 46.25.060, 46.25.140 and 49 C.F.R., Parts 380, 383, and 384. WSR 19-01-078, § 308-100-160, filed 12/17/18, effective 1/17/19. 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. (1) The test route used by a third-party examiner must be approved by the department prior to its use for commercial driver license skill testing purposes.

(2) Skills testing is prohibited at a training facility or route except for transit organizations and educational school districts that are owned and operated by a government entity.

[Statutory Authority: RCW 46.01.110, 46.25.010, 46.25.060, 46.25.140 and 49 C.F.R., Parts 380, 383, and 384. WSR 19-01-078, § 308-100-170, filed 12/17/18, effective 1/17/19. 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 (b) of this subsection, the base fee for each classified skill examination or combination of skill examinations conducted by a third-party tester shall not be more than two hundred fifty dollars and entitles the applicant to take the examination up to two times in order to pass.

(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 two hundred twenty-five dollars and entitles the applicant to take the examination up to two times in order to pass:

(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).

(c) If the applicant's primary use of a commercial driver's license is to drive a school bus, the applicant shall pay a fee of no more than one hundred dollars for the classified skill examination or combination of classified skill examinations conducted by the department and entitles the applicant to take the examination up to two times in order to pass.

(2) 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.

(3) 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.

(4) Fees paid for a test that is deemed invalid by the department must be reimbursed immediately to the applicant.

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

[Statutory Authority: RCW 46.01.110, 46.25.010, 46.25.060, 46.25.140 and 49 C.F.R., Parts 380, 383, and 384. WSR 19-01-078, § 308-100-180, filed 12/17/18, effective 1/17/19. Statutory Authority: RCW 46.25.140 and 46.01.110. WSR 17-22-074, § 308-100-180, filed 10/27/17, effective 11/27/17. 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-

(12/17/18)

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 service 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.]