

# SENATE BILL REPORT

## SHB 1273

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As Reported by Senate Committee On:  
Transportation, March 29, 2017

**Title:** An act relating to the alignment of state statutes with federal standards for the issuance of nondomiciled commercial drivers' licenses and nondomiciled commercial learners' permits.

**Brief Description:** Concerning the alignment of state statutes with federal standards for the issuance of nondomiciled commercial drivers' licenses and nondomiciled commercial learners' permits.

**Sponsors:** House Committee on Transportation (originally sponsored by Representatives Ryu, Farrell, Fey and Ortiz-Self; by request of Department of Licensing).

**Brief History:** Passed House: 2/20/17, 82-15.

**Committee Activity:** Transportation: 3/13/17, 3/29/17 [DPA, DNP].

### Brief Summary of Amended Bill

- Authorizes the Department of Licensing (DOL) to issue a Commercial Driver's License (CDL) or Commercial Learner's Permit (CLP) to (1) a person who is domiciled in a foreign country if that person provides valid documentary evidence that the person is authorized to stay or work in the United States and meets other requirements, or (2) a person who is domiciled in another state that is out of compliance with certain federal CDL and CLP requirements, provided the person meets other requirements.
- Requires that the CDL or CLP issued to the persons listed above be marked non-domiciled on the face of the license.

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### SENATE COMMITTEE ON TRANSPORTATION

**Majority Report:** Do pass as amended.

Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Liias, Assistant Ranking Minority Member; Cleveland, Fortunato, Hawkins, O'Ban, Saldaña, Takko, Van De Wege, Walsh and Wilson.

**Minority Report:** Do not pass.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Signed by Senator Ericksen.

**Staff:** Kim Johnson (786-7472)

**Background:** The operation of commercial motor vehicles is regulated under both state and federal law. In order to operate a commercial motor vehicle in Washington, a person generally must hold a CDL, issued by the DOL, with the applicable endorsements for the vehicle that is being driven. DOL issues CLP that authorize a person who passes the CDL knowledge test to operate a commercial motor vehicle under the supervision of a qualified CDL holder.

Currently, in addition to certain personally identifying information and driving history, an applicant for a CDL or CLP must provide to DOL a social security number and proof of US Citizenship or lawful presence in the United States. DOL is not authorized to issue what are called non-domiciled CDLs or CLPs to persons who are domiciled in a foreign jurisdiction or another state. Domicile generally means a place of permanent residence. The Federal Motor Carrier Safety Administration's (FMCSA) rules governing the issuance of CDLs and CLPs allow for states to issue these documents to certain persons that are domiciled in a foreign country or in another state.

**Summary of Amended Bill:** Subject to meeting all other requirements for a CDL or CLP, DOL is authorized to issue a CDL or CLP to the following nonresidents:

- a person who is domiciled in a foreign country, who provides an unexpired employment authorization document issued by the United States Citizenship and Immigration Services or an unexpired foreign passport with an approved I-94 form documenting the applicant's most recent admittance into the United States; or
- a person who is domiciled in a state that is prohibited from issuing CDLs and CLPs by the FMCSA.

A nonresident applicant must surrender any CDL or CLP issued by another state.

A non-domiciled CDL or CLP must be marked non-domiciled on the face of the document and is valid only when accompanied by a valid driver's license issued by Washington or the person's jurisdiction of domicile.

Persons who have been issued a non-domiciled CDL or CLP are subject to all applicable requirements for disqualifications from operating a commercial motor vehicle and must notify DOL of any disqualifications or license suspensions or revocations regardless of whether in the United States or the person's jurisdiction of domicile.

Additionally, for CDLs and CLPs issued to an individual who has temporary lawful status in the United States:

- the document is valid only when accompanied by valid evidence that the individual is authorized to stay in the United States;
- the document must expire no later than the first anniversary of the individual's birthdate that occurs after the expiration of the individual's authorized stay in the United States, or if there is no expiration of the individuals' authorization to stay the

- United States, one year from the first anniversary of the individual's first birthdate that occurs after issuance; and
- the document may be renewed if the individual presents valid evidence that employment authorization document or temporary lawful status in the United States is still in effect or has been extended.

Beginning June 1, 2018, the expiration date of a CDL or CLP issued to an individual who has temporary lawful status in the United States will be tied to the individual's authorized stay in the United States, and if there is not an expiration date for the authorized stay, then the document will expire one year from the date of issuance.

**EFFECT OF TRANSPORTATION COMMITTEE AMENDMENT(S):**

- Removes technical clean up language related to updating the reference to a mobile telephone in the definition of a serious traffic violation for a commercial motor vehicle operator.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** The bill contains several effective dates. Please refer to the bill.

**Staff Summary of Public Testimony on Substitute House Bill:** *The committee recommended a different version of the bill than what was heard.* PRO: Federal law allows CDLs to be issued to people who are lawfully here on a more temporary basis. This bill aligns our state law with what federal law allows. Today a person who is lawfully present but who is not a citizen or permanent resident cannot get a CDL in our state. We are depriving our businesses of workers. DOL will continue to check the lawful presence of an applicant for a CDL or CLP with or without this bill. A nondomiciled CLP or CDL applicant will have to demonstrate all of the same safety knowledge and skills as any other CDL or CLP applicant.

Many industries, including the trucking industry, rely on having a workforce eligible to operate commercial vehicles. Our state businesses need more CDL holders and there are many people that are lawfully here and want to do this work that can't unless we change the law.

CON: We have been working at my driving school with helping veterans be trained to operate commercial motor vehicles. Training veterans should be where we target federal job training funds, not on people who are not citizens and who do not intend to be here permanently. Veterans are more employable in our experience. There is a public safety aspect that needs to be considered in allowing these people to obtain a CDL.

**Persons Testifying:** PRO: Representative Cindy Ryu, Prime Sponsor; Sheri Call, Washington Trucking Associations; Mike Ennis, AWB; Tony Sermonti, Dept of Licensing.

CON: Dion McNeeley, President Commercial Driver School; Celeste Leilani, Commercial Driver School Placement Specialist.

**Persons Signed In To Testify But Not Testifying:** No one.