

# SENATE BILL REPORT

## SSB 6330

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As Passed Senate, February 10, 2018

**Title:** An act relating to medical certificate requirements for applicants and holders of commercial drivers' licenses and commercial learners' permits.

**Brief Description:** Concerning medical certificate requirements for applicants and holders of commercial drivers' licenses and commercial learners' permits.

**Sponsors:** Senate Committee on Transportation (originally sponsored by Senators Hobbs and King; by request of Department of Licensing).

**Brief History:**

**Committee Activity:** Transportation: 1/23/18, 1/29/18 [DPS].

**Floor Activity:**

Passed Senate: 2/10/18, 46-1.

**Brief Summary of First Substitute Bill**

- Modifies requirements for medical examiner certificates in order to comply with certain federal requirements regarding commercial driver's licenses (CDL).

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### SENATE COMMITTEE ON TRANSPORTATION

**Majority Report:** That Substitute Senate Bill No. 6330 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Chase, Cleveland, Dhingra, Liias, McCoy, O'Ban, Sheldon, Takko, Walsh, Wellman and Zeiger.

**Staff:** Bryon Moore (786-7726)

**Background:** Federal Law. Under federal law, a CDL or commercial learner's permit (CLP) holder may not operate a commercial motor vehicle in interstate commerce unless the holder is medically certified as physically qualified to do so (non-excepted interstate), or unless the holder solely engages in certain exempted driving categories (exempted interstate). For the purposes of the regulation of the operation of commercial vehicles in intrastate commerce, the federal government will withhold certain federal funds if states do not meet standards for

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medical certification that are comparable to federal medical standards, unless deviations from it are based on sound medical judgement and appropriate performance standards. Prior to January 30, 2015, federal law required that a CDL or CLP holder was required to carry the original or a copy of a current medical examiner's certificate indicating that the holder was physically qualified to drive a commercial motor vehicle.

Beginning on January 30, 2014, existing CDL and CLP holders were required to provide the state with an original or copy of a current certificate and the state was required to post medical certification statuses to the Commercial Driver's License Information System (CDLIS), which is used by all states. From January 30, 2015, until June 22, 2018, as long as an individual submits a current medical examiner's certificate to the state, the individual is only required to carry the original or a copy of the certificate for 15 days after the date the certification was issued. Beginning on June 22, 2018, a CDL or CLP holder will no longer need to carry, on their person, the medical examiner's certificate. This is because, as of that date, an electronic copy of medical examiner's certifications will be submitted by all medical examiners to the Federal Motor Carrier Safety Administration (FMCSA); the FMCSA will then provide this information to the state, and the state will be required to post a medical qualification status of certified on the driver record in the CDLIS.

State Law. A person may not drive a commercial motor vehicle unless the person is physically qualified to do so as specified under federal law and by state law and regulation. The person must carry on their person the original or a physical copy of the medical examiner certificate. It is a traffic infraction for a CDL or CLP holder to drive a commercial motor vehicle without having on their person the original or a photographic copy of a medical examiner's certificate. This traffic infraction is subject to a base penalty of \$250. The base penalty is reduced to \$50 if the person provides proof that the person had been issued the appropriate medical examiner's certificate at the time the infraction occurred.

Any person applying for a CDL or CLP must certify that the person expects to engage in non-excepted interstate, excepted interstate, non-excepted intrastate, or excepted intrastate driving. A CDL or CLP applicant or holder who certifies that applicant or holder expects to engage in non-excepted interstate driving must provide a copy of a medical examiner's certificate to the Department of Licensing (DOL), and DOL must post this information to the CDLIS within ten calendar days.

Excepted intrastate means that a CDL or CLP holder operates in intrastate commerce, but engages exclusively in transportation or operations excepted from all or parts of state driver qualification requirements.

**Summary of First Substitute Bill:** It is a traffic infraction for a CDL or CLP holder to drive a commercial motor vehicle while being downgraded by the DOL for not maintaining a medical certification with the DOL.

Unless engaged in excepted intrastate travel only, a CDL or CLP applicant or holder must provide a copy of a medical examiner's certificate to the DOL, and the DOL must post this information to the CDLIS within ten calendar days. When the DOL receives an electronic copy of the medical examiner's certificate from the FMCSA, the DOL must post the medical status of the CDL or CLP holder to his or her CDLIS driver record.

The definition of excepted intrastate is narrowed to require that a CDL or CLP holder with this designation not operate a commercial motor vehicle in the state.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Effective Date:** The bill takes effect on April 30, 2019.

**Staff Summary of Public Testimony on Original Bill:** *The committee recommended a different version of the bill than what was heard.* PRO: This removes the burden of having to maintain a paper copy of their medical certificate. It provides consistency among the commercial drivers and will help reduce problems. This assures compliance by all commercial drivers.

**Persons Testifying:** PRO: Sheri Call, Washington Trucking Associations; Beau Perschbacher, DOL.

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