

SSB 5544 - S AMD 80  
By Senator Hobbs

ADOPTED 02/27/2019

1 Strike everything after the enacting clause and insert the  
2 following:

3 **"Sec. 1.** RCW 46.25.060 and 2015 3rd sp.s. c 44 s 207 are each  
4 amended to read as follows:

5 (1)(a) No person may be issued a commercial driver's license  
6 unless that person:

7 (i) Is a resident of this state;

8 (ii) Has successfully completed a course of instruction in the  
9 operation of a commercial motor vehicle that has been approved by the  
10 director or has been certified by an employer as having the skills  
11 and training necessary to operate a commercial motor vehicle safely;

12 (iii) If he or she does not hold a valid commercial driver's  
13 license of the appropriate classification, has been issued a  
14 commercial learner's permit under RCW 46.25.052; and

15 (iv) Has passed a knowledge and skills examination for driving a  
16 commercial motor vehicle that complies with minimum federal standards  
17 established by federal regulation enumerated in 49 C.F.R. Part 383,  
18 subparts F, G, and H, in addition to other requirements imposed by  
19 state law or federal regulation. The department may not allow the  
20 person to take the skills examination during the first fourteen days  
21 after initial issuance of the person's commercial learner's permit.  
22 The examinations must be prescribed and conducted by the department.

23 (b) In addition to the fee charged for issuance or renewal of any  
24 license, the applicant shall pay a fee of no more than ten dollars  
25 until June 30, 2016, and thirty-five dollars beginning July 1, 2016,  
26 for the classified knowledge examination, classified endorsement  
27 knowledge examination, or any combination of classified license and  
28 endorsement knowledge examinations. The applicant shall pay a fee of  
29 no more than one hundred dollars until June 30, 2016, and two hundred  
30 fifty dollars beginning July 1, 2016, for each classified skill  
31 examination or combination of classified skill examinations conducted  
32 by the department.

1 (c) The department may authorize a person, including an agency of  
2 this or another state, an employer, a private driver training  
3 facility, or other private institution, or a department, agency, or  
4 instrumentality of local government, to administer the skills  
5 examination specified by this section under the following conditions:

6 (i) The examination is the same which would otherwise be  
7 administered by the state;

8 (ii) The third party has entered into an agreement with the state  
9 that complies with the requirements of 49 C.F.R. Sec. 383.75; and

10 (iii) The director has adopted rules as to the third party  
11 testing program and the development and justification for fees  
12 charged by any third party.

13 (d) If the applicant's primary use of a commercial driver's  
14 license is for any of the following, then the applicant shall pay a  
15 fee of no more than seventy-five dollars until June 30, 2016, and two  
16 hundred twenty-five dollars beginning July 1, 2016, for the  
17 classified skill examination or combination of classified skill  
18 examinations whether conducted by the department or a third-party  
19 tester:

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

22 (ii) Public benefit not-for-profit corporations that support  
23 early childhood education and assistance programs as described in RCW  
24 (~~(43.215.405(2))~~) 43.216.505.

25 (e) Beginning July 1, 2016, if the applicant's primary use of a  
26 commercial driver's license is to drive a school bus, the applicant  
27 shall pay a fee of no more than one hundred dollars for the  
28 classified skill examination or combination of classified skill  
29 examinations conducted by the department.

30 (f) Beginning July 1, 2016, payment of the examination fees under  
31 this subsection entitles the applicant to take the examination up to  
32 two times in order to pass.

33 (2)(a) The department may waive (~~the skills examination and~~)  
34 the requirement for completion of a course of instruction in the  
35 operation of a commercial motor vehicle specified in this section for  
36 a commercial driver's license applicant who meets the requirements of  
37 49 C.F.R. Sec. 383.77.

38 (b) For current or former military service members that meet the  
39 requirements of 49 C.F.R. Sec. 383.77, the department must require  
40 verification of a military service member's driving experience to

1 ensure the requirements for a military waiver are met. The department  
2 must obtain and record the training documents of the federal  
3 department of defense form 346 for training documentation and verify  
4 the federal department of defense form 348 for military license. The  
5 form documentation must also include the signature of an authorized  
6 commander to verify the number of years of driving experience, miles  
7 driven, if applicable, the type of vehicle driven, and provide the  
8 rank and position of the military service member. The department must  
9 verify the experience has been completed within the last two years.

10 (i) In order to better prepare military service members for  
11 transition to commercial driver employment, careers in construction  
12 and transportation, and to understand Washington state's commercial  
13 driver's license laws, hours of service, log book, and related  
14 civilian requirements, the former military service member must take  
15 the basic skills examination and the knowledge test.

16 (ii) To improve employability in careers in construction and  
17 transportation, additional education and training may be made  
18 available to former military service members based on their level of  
19 experience, interest, or if current experience is older than two  
20 years, or not able to be verified. The basic skills examination and  
21 the knowledge test basic skills may be taken at any federal veterans  
22 affairs approved commercial driver training schools in Washington  
23 state.

24 (c) An applicant who operates a commercial motor vehicle for  
25 agribusiness purposes is exempt from the course of instruction  
26 completion and employer skills and training certification  
27 requirements under this section. By January 1, 2010, the department  
28 shall submit recommendations regarding the continuance of this  
29 exemption to the transportation committees of the legislature. For  
30 purposes of this subsection (2) ~~((b))~~ (c), "agribusiness" means a  
31 private carrier who in the normal course of business primarily  
32 transports:

33 (i) Farm machinery, farm equipment, implements of husbandry, farm  
34 supplies, and materials used in farming;

35 (ii) Agricultural inputs, such as seed, feed, fertilizer, and  
36 crop protection products;

37 (iii) Unprocessed agricultural commodities, as defined in RCW  
38 17.21.020, where such commodities are produced by farmers, ranchers,  
39 vineyardists, or orchardists; or

1 (iv) Any combination of (~~(b)~~) (c)(i) through (iii) of this  
2 subsection.

3 The department shall notify the transportation committees of the  
4 legislature if the federal government takes action affecting the  
5 exemption provided in this subsection (2)(~~(b)~~) (c).

6 (3) A commercial driver's license or commercial learner's permit  
7 may not be issued to a person while the person is subject to a  
8 disqualification from driving a commercial motor vehicle, or while  
9 the person's driver's license is suspended, revoked, or canceled in  
10 any state, nor may a commercial driver's license be issued to a  
11 person who has a commercial driver's license issued by any other  
12 state unless the person first surrenders all such licenses, which  
13 must be returned to the issuing state for cancellation.

14 (4) The fees under this section must be deposited into the  
15 highway safety fund unless prior to July 1, 2023, the actions  
16 described in (a) or (b) of this subsection occur, in which case the  
17 portion of the revenue that is the result of the fee increased in  
18 section 207, chapter 44, Laws of 2015 3rd sp. sess. must be  
19 distributed to the connecting Washington account created under RCW  
20 46.68.395.

21 (a) Any state agency files a notice of rule making under chapter  
22 34.05 RCW for a rule regarding a fuel standard based upon or defined  
23 by the carbon intensity of fuel, including a low carbon fuel standard  
24 or clean fuel standard.

25 (b) Any state agency otherwise enacts, adopts, orders, or in any  
26 way implements a fuel standard based upon or defined by the carbon  
27 intensity of fuel, including a low carbon fuel standard or clean fuel  
28 standard.

29 (c) Nothing in this subsection acknowledges, establishes, or  
30 creates legal authority for the department of ecology or any other  
31 state agency to enact, adopt, order, or in any way implement a fuel  
32 standard based upon or defined by the carbon intensity of fuel,  
33 including a low carbon fuel standard or clean fuel standard.

34 NEW SECTION. **Sec. 2.** This act takes effect October 1, 2019."

**ADOPTED 02/27/2019**

1        On page 1, line 2 of the title, after "veterans;" strike the  
2 remainder of the title and insert "amending RCW 46.25.060; and  
3 providing an effective date."

EFFECT: (1) The provisions allowing the Department of Licensing (DOL) to waive the knowledge test portion of the commercial driver's license (CDL) for applicants with demonstrated comparable recent military experience are modified. The current law provisions that also allow DOL to waive the basic skills examination for CDL for applicants with demonstrated comparable recent military experience are also modified. A waiver from the actual passage of either the basic skills examination or knowledge test portion for a former military service member may still be obtained, but the applicant must first take the two tests. Specific federal military training and licensing documentation requirements are specified. DOL is required to verify the comparable military experience has been completed within the last two years.

(2) Additional discretionary CDL training is specifically called out as permissive activity for former military service members based on their level of experience, interest, or if current experience is older than 2 years, or not able to be verified. The requirements for an annual report on the number and types of waivers granted pursuant to the legislation are removed.

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