
Transportation Committee

ESSB 5544

Brief Description: Increasing the types of commercial driver waivers allowed for military veterans.

Sponsors: Senate Committee on Transportation (originally sponsored by Senators Hobbs, King, Saldaña, Zeiger, Mullet, Padden, Fortunato, O'Ban and Wilson, L.).

Brief Summary of Engrossed Substitute Bill

- Removes the Department of Licensing's (DOL's) authority to waive the commercial driver's license (CDL) driving skills examination for current and former military service members that meet requirements of the federal waiver program.
- Modifies the documentation that the DOL must require an applicant to the CDL waiver program to submit by mandating that specific military forms be provided with a commander's signature.
- Permits additional CDL education and training to be made available to former military service members based on their level of experience, interest, or if their military driving experience occurred prior to two years before they apply for a CDL.
- Eliminates the requirement that commercial driver training schools must be authorized by the DOL to administer valid driving skills and knowledge examinations when the examinees are current or former military service members.

Hearing Date: 3/21/19

Staff: Jennifer Harris (786-7143).

Background:

Commercial Driver's Licenses.

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.

The operation of commercial motor vehicles is regulated by federal and state law. In the United States, a commercial driver's license (CDL) or commercial learner's permit (CLP) is required to operate any motor vehicle that meets the following criteria:

1. has a gross combination weight rating or gross combination weight of 26,001 pounds or more, whichever is greater, inclusive of a towed unit or units with a gross vehicle weight rating or gross vehicle weight of more than 10,000 pounds;
2. has a gross vehicle weight rating or gross vehicle weight of 26,001 pounds or more, whichever is greater;
3. is designed to transport 16 or more passengers, including the driver; or
4. is of any size and is used in the transportation of hazardous materials as defined in federal law.

In order to operate a commercial motor vehicle in Washington, a person must hold a CDL issued by the Department of Licensing (DOL) with the applicable endorsements for the vehicle that is being driven. There are three classes of CDL issued by the DOL based on the type of vehicle and its cargo: (1) Class A to qualify for categories 1 through 3 above; (2) Class B to qualify for categories 2 and 3 above; and (3) Class C to qualify for category 3 above.

Under federal law, the DOL is required to issue CDLs and CLPs in accordance with federal standards.

Commercial Driver's License Applicant Requirements.

To be issued a commercial driver's license (CDL) in Washington, in addition to meeting medical certification requirements, a person must:

1. be a resident of the state;
2. have successfully completed a course of instruction in the operation of a commercial motor vehicle approved by the DOL or have been certified by an employer as having the skills and training necessary to operate a commercial motor vehicle safely;
3. have been issued a CLP, which requires passage of a general knowledge (written) examination;
4. have passed knowledge (written) and driving skills (on-road) examinations for driving a commercial motor vehicle that complies with minimum federal standards, in addition to any state requirements.

Commercial Driver's License Training.

The DOL minimum training requirements include 160 total hours of training for a Class A CDL and 80 total hours of training for a Class B or Class C CDL. Training is divided between: (1) classroom instruction; (2) street driving training; (3) training in backing maneuvers; (4) proficiency development; and (5) combined lab training, range training, and observation. Additional training is required to qualify for additional CDL endorsements. (Commercial Driver's License endorsements authorize CDL drivers to drive certain types of vehicles and/or vehicles with a certain number of passengers or specific types of cargo.)

Commercial Driver's License Examinations.

Commercial motor vehicle examinations must be authorized and administered by the DOL, except that the DOL may authorize another entity or person to administer the skills examination if: (1) the examination is the same as an examination the DOL would administer; (2) the third party enters into an agreement with the state that complies with federal requirements; and (3) the DOL has administrative rules in place related to third-party testing. A state may not permit a third party to administer CDL knowledge examinations unless an employee of the state who is authorized to supervise knowledge testing is present during the testing.

The federal government may withhold federal-aid highway funds and may decertify a state CDL program if a state is found to be in substantial noncompliance with federal program requirements, including if the federal government finds that the state is not properly administering CDL knowledge and driving skills examinations.

Commercial Driver's License Waiver Program.

Under state law, the DOL may waive the driving skills examination and course instruction requirements if the CDL applicant meets federal requirements for the current and former military service members waiver program. As permitted by a state, individuals who meet the requirements of the federal waiver program may waive out of taking the general knowledge examination, as well as the driving skills and other knowledge examinations.

To waive out of the driving skills examination requirement, in addition to the requirements above, a current or former military service member with a current driver's license must also provide a driving record that includes certain commercial motor vehicle driving experience. At a minimum, federal law mandates that states require the applicant to provide evidence of and certify that he or she:

- is regularly employed or was regularly employed within the last year in a military position requiring operation of a commercial motor vehicle;
- was exempted from CDL requirements under federal law because he or she operated a commercial motor vehicle for military purposes and met certain other requirements; and
- was operating a vehicle representative of the commercial motor vehicle type the driver applicant operates or expects to operate for at least the two years immediately preceding separation from the military.

The DOL requires applicants to submit a completed waiver signed by their commanding officer and a copy of their DD Form 214 (Certificate of Release or Discharge from Active Duty), NGB Form 22 (Report of Separation and Military Service for the Army and Air National Guard), or equivalent document that shows the applicant's discharge date or current active status and at least two years of military driving experience.

Under the waiver program, federal law permits military and military veterans to also waive out of the knowledge examinations. State law, however, currently prohibits this. Under federal law, to waive out of the knowledge examination requirements, a current or former military service member must certify and provide evidence that, during the one-year period prior to applying for a CDL, he or she:

- is or was regularly employed and designated as a Motor Transport Operator (Army), PATRIOT Launching Station Operator (Army), Fueler (Army), Vehicle Operator (Air

- Force), Fueller (Air Force), Payment and Construction Equipment Operator (Air Force), Motor Vehicle Operator (Marine Corps), or Equipment Operator (Navy); and
- is operating a vehicle representative of the commercial motor vehicle type the driver applicant expects to operate under separation from the military, or operated such a vehicle type immediately preceding separation from the military.

Under federal law, an applicant must also certify that during the two-year period prior to applying for a CDL for the driving skills examination waiver, or during the one-year period prior to applying for a CDL for the knowledge examination waiver, he or she:

- has not simultaneously held more than one civilian license (in addition to the military license);
- has not had any license suspended, revoked, or cancelled;
- has not had any convictions for any type of motor vehicle for disqualifying offenses under federal law;
- has not had more than one conviction for any type of motor vehicle for serious traffic violations (as defined in federal law); and
- has not had any conviction for a violation of military, state, or local law relating to motor vehicle traffic control (other than a parking violation) arising in connection with any traffic accident, and has no record of an accident in which he or she was at fault.

Under the federal military waiver program, a state may waive endorsement requirements for current or former military service members if certain additional criteria are met for passenger endorsements, tank vehicle endorsements, and hazardous material endorsements.

Summary of Bill:

Commercial Driver's License Waiver Program.

The DOL may no longer waive the CDL driving skills examination for current and former military service members that meet requirements of the federal waiver program.

To waive the CDL course instruction requirement for current and former military service members, the DOL is required to verify a military service member's driving experience by obtaining and recording "Department of Defense Form 346," for documentation of training, and "Department of Defense Form 348," for documentation of military license. (These references refer to Army form numbers, rather than Department of Defense forms.) Each form is required to include the signature of an authorized commander to verify the number of years of driving experience, the miles driven, the type of vehicle driven, and the rank and position of the military service member. The DOL must verify that the qualifying experience has been completed within the past two years.

Commercial Driver's License Training.

Additional CDL education and training may be made available to former military service members based on their level of experience, interest, or if their military driving experience occurred prior to two years before they apply for a CDL. However, driving skills and knowledge examinations are still required for these individuals.

Commercial Driver's License Examinations.

Commercial driver training schools no longer must be authorized by the DOL to administer valid driving skills and knowledge examinations when the examinees are current or former military service members. Instead, these examinations may be administered by any federal Veteran's Affairs-approved commercial driver training school in the state. (This is not consistent with the federal CDL program requirements detailed above, since federal rules prohibit third parties from administering knowledge examinations in most instances.)

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect on October 1, 2019.