

WSR 23-17-158

PERMANENT RULES

WASHINGTON STATE PATROL

[Filed August 23, 2023, 5:59 a.m., effective October 1, 2023]

Effective Date of Rule: October 1, 2023.

Purpose: WAC 446-65-010(1) needs to be amended to bring all the Code of Federal Regulations adopted by reference current to October 1, 2023.

Citation of Rules Affected by this Order: Amending WAC 446-65-010.

Statutory Authority for Adoption: RCW 46.32.020 and 46.48.170.

Adopted under notice filed as WSR 23-15-040 on July 11, 2023.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 1, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: August 23, 2023.

John R. Batiste
Chief

OTS-4342.3

AMENDATORY SECTION (Amending WSR 21-22-087, filed 11/2/21, effective 12/3/21)

WAC 446-65-010 Transportation requirements. (1) The Washington state patrol hereby adopts the following parts of Title 49 Code of Federal Regulations (C.F.R.), as they exist on October 1, ((2020)) 2023, for motor carriers used in intrastate or interstate commerce in their entirety:

- (a) Part 40 Procedures for transportation workplace drug and alcohol testing programs.
- (b) Part 325 Compliance with interstate motor carrier noise emission standards.
- (c) Part 350 Commercial motor carrier safety assistance program.
- (d) Part 355 Compatibility of state laws and regulations affecting interstate motor carrier operations.
- (e) Part 365 Rules governing applications for operating authority.
- (f) Part 367 Standards for registration with states.
- (g) Part 372 Exemptions, commercial zones and terminal areas.
- (h) Part 373 Receipts and bills.
- (i) Part 376 Lease and interchange of vehicles.

- (j) Part 379 Preservation of records.
 - (k) Part 380 Special training requirements.
 - (l) Part 381 Waivers, exemptions, and pilot programs.
 - (m) Part 382 Controlled substances and alcohol use and testing.
 - (n) Part 383 Compliance with commercial driver's license program.
 - (o) Part 385 Safety fitness procedures.
 - (p) Part 387 Minimum levels of financial responsibility for motor carriers.
 - (q) Part 390 General.
 - (r) Part 391 Qualification of drivers. Provided that 49 C.F.R. 391 subpart D (Tests), and E (Physical Qualifications and Examinations) do not apply to motor carriers operating vehicles with gross vehicle weight rating between 10,001 lbs. and 26,000 lbs. operating intrastate, and not used to transport hazardous materials in a quantity requiring placarding.
 - (s) Part 392 Driving of motor vehicles.
 - (t) Part 393 Parts and accessories necessary for safe operation.
 - (u) Part 395 Hours of service of drivers: Except if a company has drivers of commercial motor vehicle of any size, hauling logs from the point of production or driving in dump truck operations in intrastate commerce provided that:
 - (i) The driver must:
 - (A) Operate within a (~~one hundred~~) 100 air-mile radius of the location where the driver reports to work and the driver must return to the work reporting location at the end of each duty tour;
 - (B) Have at least (~~ten~~) 10 consecutive hours off duty separating each on-duty period;
 - (C) Not drive:
 - More than (~~twelve~~) 12 hours following at least (~~ten~~) 10 hours off duty; or
 - After the (~~fourteenth~~) 14th hour after coming on duty on at least five days of any period of seven consecutive days; and
 - After the (~~sixteenth~~) 16th hour after coming on duty on no more than two days of any period of seven consecutive days; and
 - After having been on duty for (~~eighty~~) 80 hours in seven consecutive days if the employing motor carrier does not operate commercial motor vehicle every day of the week; or
 - After having been on duty for (~~ninety~~) 90 hours in eight consecutive days if the employing motor carrier operates commercial motor vehicle every day of the week; in any period of seven or eight consecutive days may end with the beginning of any off-duty period of (~~twenty-four~~) 24 or more consecutive hours.
 - (ii) The motor carrier that employs the driver must maintain and retain for a period of (~~twelve~~) 12 months accurate and true time recordings showing:
 - (A) The time the driver reports for duty each day;
 - (B) The total number of hours the driver is on duty each day;
 - (C) The total number of hours the driver drives each day;
 - (D) The time the driver is released from duty each day; and
 - (E) The total time the driver is driving and on duty for the preceding seven days.
 - (v) Part 396 Inspection, repair, and maintenance.
 - (w) Part 397 Transportation of hazardous materials; driving and parking rules.
- (2) As provided in Part 395, exemption for agricultural transporters, the harvest dates are defined in RCW 46.32.130.

(3) Links to the (~~C.F.R.s.~~) C.F.R. are available on the Washington state patrol website at www.wsp.wa.gov. Copies of the (~~C.F.R.s.~~) C.F.R. may also be ordered through the United States Government Printing Office, 732 N. Capitol Street N.W., Washington, D.C. 20401.