

CERTIFICATION OF ENROLLMENT

HOUSE BILL 2284

Chapter 193, Laws of 2002

57th Legislature
2002 Regular Session

COMMERCIAL MOTOR VEHICLES--DRIVER DISQUALIFICATION--RAILROAD
CROSSINGS

EFFECTIVE DATE: 6/13/02

Passed by the House February 11, 2002
Yeas 97 Nays 0

FRANK CHOPP
**Speaker of the House of
Representatives**

Passed by the Senate March 7, 2002
Yeas 49 Nays 0

BRAD OWEN
President of the Senate

Approved March 27, 2002

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

I, Cynthia Zehnder, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 2284** as passed by the House of Representatives and the Senate on the dates hereon set forth.

CYNTHIA ZEHNDER
Chief Clerk

FILED

March 27, 2002 - 9:13 a.m.

**Secretary of State
State of Washington**

HOUSE BILL 2284

Passed Legislature - 2002 Regular Session

State of Washington

57th Legislature

2002 Regular Session

By Representatives Fisher, Hatfield, Mitchell and Haigh; by request of
Department of Licensing

Read first time 01/14/2002. Referred to Committee on Transportation.

1 AN ACT Relating to the disqualification of drivers of commercial
2 motor vehicles; and amending RCW 46.25.090.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 46.25.090 and 1996 c 30 s 3 are each amended to read
5 as follows:

6 (1) A person is disqualified from driving a commercial motor
7 vehicle for a period of not less than one year if a report has been
8 received by the department pursuant to RCW 46.25.120, or if the person
9 has been convicted of a first violation, within this or any other
10 jurisdiction, of:

11 (a) Driving a commercial motor vehicle under the influence of
12 alcohol or any drug;

13 (b) Driving a commercial motor vehicle while the alcohol
14 concentration in the person's system is 0.04 or more as determined by
15 any testing methods approved by law in this state or any other state or
16 jurisdiction;

17 (c) Leaving the scene of an accident involving a commercial motor
18 vehicle driven by the person;

19 (d) Using a commercial motor vehicle in the commission of a felony;

1 (e) Refusing to submit to a test to determine the driver's alcohol
2 concentration while driving a motor vehicle.

3 If any of the violations set forth in this subsection occurred
4 while transporting a hazardous material required to be identified by a
5 placard, the person is disqualified for a period of not less than three
6 years.

7 (2) A person is disqualified for life if it has been determined
8 that the person has committed or has been convicted of two or more
9 violations of any of the offenses specified in subsection (1) of this
10 section, or any combination of those offenses, arising from two or more
11 separate incidents. Only offenses committed after October 1, 1989, may
12 be considered in applying this subsection.

13 (3) The department may adopt rules, in accordance with federal
14 regulations, establishing guidelines, including conditions, under which
15 a disqualification for life under subsection (2) of this section may be
16 reduced to a period of not less than ten years.

17 (4) A person is disqualified from driving a commercial motor
18 vehicle for life who uses a commercial motor vehicle in the commission
19 of a felony involving the manufacture, distribution, or dispensing of
20 a controlled substance, as defined by chapter 69.50 RCW, or possession
21 with intent to manufacture, distribute, or dispense a controlled
22 substance, as defined by chapter 69.50 RCW.

23 (5) A person is disqualified from driving a commercial motor
24 vehicle for a period of not less than sixty days if convicted of or
25 found to have committed two serious traffic violations, or one hundred
26 twenty days if convicted of or found to have committed three serious
27 traffic violations, committed in a commercial motor vehicle arising
28 from separate incidents occurring within a three-year period.

29 (6) A person is disqualified from driving a commercial motor
30 vehicle for a period of:

31 (a) Not less than ninety days nor more than one year if convicted
32 of or found to have committed a first violation of an out-of-service
33 order;

34 (b) Not less than one year nor more than five years if, during a
35 ten-year period, the person is convicted of or is found to have
36 committed two violations of out-of-service orders in separate
37 incidents;

38 (c) Not less than three years nor more than five years if, during
39 a ten-year period, the person is convicted of or is found to have

1 committed three or more violations of out-of-service orders in separate
2 incidents;

3 (d) Not less than one hundred eighty days nor more than two years
4 if the person is convicted of or is found to have committed a first
5 violation of an out-of-service order while transporting hazardous
6 materials required to be placarded under the Hazardous Materials
7 Transportation Act (46 U.S.C. Sec. 1801-1813), or while operating motor
8 vehicles designed to transport sixteen or more passengers, including
9 the driver. A person is disqualified for a period of not less than
10 three years nor more than five years if, during a ten-year period, the
11 person is convicted of or is found to have committed subsequent
12 violations of out-of-service orders, in separate incidents, while
13 transporting hazardous materials required to be placarded under the
14 Hazardous Materials Transportation Act, or while operating motor
15 vehicles designed to transport sixteen or more passengers, including
16 the driver.

17 (7)(a) A person is disqualified from driving a commercial motor
18 vehicle for the period of time specified in (b) of this subsection if
19 he or she is convicted of or is found to have committed one of the
20 following six offenses at a railroad-highway grade crossing while
21 operating a commercial motor vehicle in violation of a federal, state,
22 or local law or regulation:

23 (i) For drivers who are not required to always stop, failing to
24 slow down and check that the tracks are clear of an approaching train;

25 (ii) For drivers who are not required to always stop, failing to
26 stop before reaching the crossing, if the tracks are not clear;

27 (iii) For drivers who are always required to stop, failing to stop
28 before driving onto the crossing;

29 (iv) For all drivers, failing to have sufficient space to drive
30 completely through the crossing without stopping;

31 (v) For all drivers, failing to obey a traffic control device or
32 the directions of an enforcement officer at the crossing;

33 (vi) For all drivers, failing to negotiate a crossing because of
34 insufficient undercarriage clearance.

35 (b) A person is disqualified from driving a commercial motor
36 vehicle for a period of:

37 (i) Not less than sixty days if the driver is convicted of or is
38 found to have committed a first violation of a railroad-highway grade
39 crossing violation;

1 (ii) Not less than one hundred twenty days if the driver is
2 convicted of or is found to have committed a second railroad-highway
3 grade crossing violation in separate incidents within a three-year
4 period;

5 (iii) Not less than one year if the driver is convicted of or is
6 found to have committed a third or subsequent railroad-highway grade
7 crossing violation in separate incidents within a three-year period.

8 (8) Within ten days after suspending, revoking, or canceling a
9 commercial driver's license, the department shall update its records to
10 reflect that action. After suspending, revoking, or canceling a
11 nonresident commercial driver's privileges, the department shall notify
12 the licensing authority of the state that issued the commercial
13 driver's license.

Passed the House February 11, 2002.

Passed the Senate March 7, 2002.

Approved by the Governor March 27, 2002.

Filed in Office of Secretary of State March 27, 2002.