

HOUSE BILL REPORT

SHB 1597

As Passed Legislature

Title: An act relating to physical examinations for commercial drivers' licenses.

Brief Description: Allowing holders of commercial drivers' licenses to delay a physical examination.

Sponsors: By House Committee on Transportation (originally sponsored by Representatives Mielke, Armstrong, Boldt, Orcutt, Wood, Woods, Kristiansen, Campbell, Hatfield, Sump and Schoesler).

Brief History:

Committee Activity:

Transportation: 2/19/03, 2/27/03 [DPS].

Floor Activity:

Passed House: 3/11/03, 92-1.

Passed Senate: 4/11/03, 39-10.

Passed Legislature.

Brief Summary of Substitute Bill

- Eliminates the current requirement that an applicant for a commercial driver's license (CDL) or instruction permit provide proof of physical capacity as a condition of receiving the license.
- Makes it a traffic infraction for a holder of a CDL or instruction permit to drive a commercial vehicle unless they are carrying on their person a medical certificate stating that he or she is fit to drive a commercial vehicle, and establishes a penalty for violation.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 27 members: Representatives Murray, Chair; Rockefeller, Vice Chair; Simpson, Vice Chair; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Anderson, Armstrong, Bailey, Campbell, Clibborn, Edwards, Flannigan, Hankins, Hatfield, Hudgins, Kristiansen, Lovick, Mielke, Morris, Nixon, Romero, Schindler, Shabro, Sullivan, Wallace, Wood and Woods.

Minority Report: Do not pass. Signed by 2 members: Representatives Cooper and Dickerson.

Staff: Jill Satran (786-7315).

Background:

Under current state law, an applicant for a commercial driver's license (CDL) or commercial driver instruction permit in Washington must provide proof that he or she has undergone a physical exam that meets the federal requirements for commercial drivers. Thus, the existing state statute links the two requirements of physical capacity and licensing. Under the federal rules, a driver must provide proof of physical capacity and a valid CDL, but the two are separate requirements.

Summary of Substitute Bill:

The intent section of HB 1597 sets out several findings:

- the current economic conditions place a severe hardship on commercial drivers;
- commercial drivers who may not be working may not be able to afford the cost of the physical exam required to maintain their CDL;
- Washington's laws should be harmonized with federal requirements by separating the requirement to prove physical capacity from the requirement that the individual possess a valid CDL; and
- allowing commercial drivers to delay their physical exam until they are actually driving a commercial vehicle will prevent unnecessary expenditures and hardships on commercial vehicle drivers.

The requirement that an application for a CDL or a CDL instruction permit must include proof of a physical exam that meets the federal standards is eliminated.

A new section is added to the Uniform Commercial Drivers Licenses Act prohibiting individuals from driving a commercial motor vehicle unless he or she is physically qualified to do so, and is physically carrying a copy of a medical examiner's certificate that states he or she is fit to drive a commercial vehicle. An exception is provided for drivers of farm vehicles.

This bill makes it a traffic infraction for a person to drive a commercial vehicle without having a copy of the medical examiner's certificate on their person and establishes a penalty for the infraction of \$250. This amount can be reduced to \$50 if the individual can provide proof that he or she had the certificate at the time of the infraction.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: Current law requires that an individual must have a current medical examiner's certificate in order to maintain their commercial driver's license. These exams can be expensive and in these difficult economic times, when many drivers are not actually working, some individuals may be forced to surrender their license because without work they cannot afford to have the exam. This bill would allow these individuals to keep their license and get the exam only when they are actually going to be driving a commercial vehicle.

This bill also clarifies in statute that driving a commercial vehicle without having had this exam does constitute a traffic offense.

Testimony Against: None.

Testified: Representative Mielke, prime sponsor.