

HOUSE BILL REPORT

HB 2532

As Reported by House Committee On:
Transportation

Title: An act relating to commercial driver's licenses.

Brief Description: Modifying commercial driver's license provisions.

Sponsors: Representative Simpson, G.; by request of Department of Licensing.

Brief History:

Committee Activity:

Transportation: 1/28/04, 2/4/04 [DPS].

Brief Summary of Substitute Bill

- Modifying state Commercial Driver License (CDL) provisions to come into compliance with federal regulations.
- Amends provisions related to licensing and disqualification of CDL holders; adds a separate CDL endorsement for operation of a school bus; and modifies hazardous material endorsement requirements to comply with federal Hazardous Materials security threat assessment requirements.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 29 members: Representatives Murray, Chair; Rockefeller, Vice Chair; Simpson, G., Vice Chair; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Armstrong, Bailey, Campbell, Clibborn, Cooper, Dickerson, Edwards, Flannigan, Hankins, Hatfield, Hudgins, Kristiansen, Lovick, Mielke, Morris, Nixon, Rodne, Romero, Schindler, Shabro, Sullivan, Wallace, Wood and Woods.

Staff: Jill Satran (786-7315).

Background:

The Federal Motor Carrier Safety Improvement Act of 1999 (MCSIA) made several modifications to federal CDL regulations. States are required to come into substantial compliance with these regulations before September 2005. In addition, new federal rules

have been added regarding security threat assessments of individuals applying for a Hazardous Materials endorsement for a CDL. States were required to come into compliance with these new regulations prior to September of 2003, but an extension has been granted. Failure to comply with these new regulations would subject Washington to potential decertification. If this occurs, Washington may lose federal highway funding and commercial drivers operating under a Washington CDL would not be allowed to operate commercial motor vehicles in other states.

Summary of Substitute Bill:

In order to comply with new federal regulations, this bill amends the Uniform Commercial Driver's License Act to:

- Prohibit "masking" of traffic violations from the driving records of a CDL holder.
- Add additional traffic violations and offenses that would disqualify a person from driving a commercial motor vehicle.
- Require the Department of Licensing to obtain a new CDL applicant's driving record from every state in which they have been licensed in the last 10 years.
- Provide for the disqualification of a CDL where the holder has caused a fatality through the negligent operation of a commercial motor vehicle.
- Permit the immediate disqualification of a CDL where the holder has been determined to constitute an imminent hazard by the federal DOT.
- Require instruction permit holders to be at least eighteen years of age, to have passed a general knowledge examination, and paid the appropriate application and exam fees.
- Prohibit CDL instruction permit holders from operating a commercial motor vehicle transporting hazardous materials.
- Create a new endorsement category for school bus operation.
- Update definitions of "hazardous materials," "school bus," and "serious traffic violations."

Substitute Bill Compared to Original Bill:

If a CDL holder receives a violation for not having a CDL in his or her possession at the time of the stop, it will not be considered a "serious traffic offense" if the driver can prove that he or she held a valid CDL on the date the citation was issued.

It is not a disqualifying offense if a CDL holder found to have a blood alcohol level of .04 percent while driving a private vehicle.

The Department of Licensing and the Office of Superintendent of Public Instruction are required to provide an expanded P1 or P2 skill examination that also tests for the "S" endorsement (school bus drivers) and requires that the modified examination not be an additional cost beyond what a school bus driver currently pays to obtain a CDL.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed, except for sections 1, 5, 7, 8 and 10, which take effect July 1, 2005.

Testimony For: This legislation is required to bring Washington's commercial driver laws in compliance with federal regulations. If we don't bring the laws into compliance, Washington is at risk of losing federal highway funds (5 percent in the first year and 10 percent in the second year and thereafter.)

School bus drivers would have to take a specific test for the new endorsement. Federal law says they need additional skills because they are transporting children. Current school bus drivers who have been driving for the past two years would be grandfathered in through September 2005 on the skills test.

Under hazardous wastes, operators transporting hazardous waste are required to be fingerprinted and have background checks. The cost to the driver would be approximately \$49. This complies with new homeland security regulations.

(With amendments) Two items in the bill go beyond existing federal requirements and we would like to see them revised to meet but not exceed the federal regulations.

Testimony Against: None.

Persons Testifying: Derek Goudriaan, Department of Licensing; and Fred Fakkema, Washington State Patrol.

(With amendments) Sherry Appleton, Amalgamated Transit Union Legislative Council.

Persons Signed In To Testify But Not Testifying: None.