

# SENATE BILL REPORT

## SB 6483

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As Reported By Senate Committee On:  
Highways & Transportation, February 9, 2004

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

**Brief Description:** Modifying commercial driver's license provisions.

**Sponsors:** Senators Swecker, Haugen and Oke; by request of Department of Licensing.

**Brief History:**

**Committee Activity:** Highways & Transportation: 2/5/04, 2/9/04 [DPS].

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### SENATE COMMITTEE ON HIGHWAYS & TRANSPORTATION

**Majority Report:** That Substitute Senate Bill No. 6483 be substituted therefor, and the substitute bill do pass.

Signed by Senators Horn, Chair; Swecker, Vice Chair; Esser, Haugen, Jacobsen, Kastama, Murray, Oke, Poulsen and Spanel.

**Staff:** Kimberly Johnson (786-7346)

**Background:** The Federal Motor Carrier Safety Improvement Act of 1999 made several modifications to federal commercial driver's license (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 2003, but an extension has been granted. The length of the extension runs from April to December 2004 and Washington is waiting for federal approval of its extension application. Failure to comply with these new regulations would subject Washington to potential decertification. Decertification of the state CDL could lead to the following: (1) loss of a percentage of federal highway funding; (2) loss of Federal Motor Carrier Safety grants; and (3) commercial drivers operating under a Washington CDL would not be allowed to operate commercial motor vehicles in any activity deemed to be interstate commerce.

**Summary of Substitute Bill:** The following changes are made to the statutes governing commercial driver's licenses:

- "Masking" of traffic violations from the driving records of a CDL holder is prohibited.
- Additional traffic violations and offenses that would disqualify a person from driving a commercial motor vehicle are added.

- CDL applicants who are applying in Washington for the first time must provide the Department of Licensing a driving record from every state in which the applicant has been licensed in the last ten years.
- The disqualification of a CDL is provided for, where the holder has caused a fatality through the negligent operation of a commercial motor vehicle.
- The immediate disqualification of a CDL is authorized where the holder has been determined to constitute an imminent hazard by the federal DOT.
- Instruction permit holders must be at least 18 years of age, have passed a general knowledge examination, and paid the appropriate application and exam fees.
- CDL instruction permit holders are prohibited from operating a commercial motor vehicle transporting hazardous materials.
- A new endorsement category for school bus operation is created.
- The following definitions are updated: "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 is 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 must 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:** Not requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** We will lose federal funding if the changes in this bill are not implemented. For the State Patrol that is up to 4.5 million in Federal Motor Carrier Safety Administration Program grants. There may need to be a couple of minor amendments to clear up some technical discrepancies between the federal law and the bill. We recognize that federal law requires states to change the way the states administer the CDL or risk losing federal funds. We have concerns that portions of this bill go beyond what is required by the federal government and would like to offer suggestions. Also, we have concerns about the testing requirements for school bus drivers and ask that the new tests for skills be combined into existing testing requirements.

**Testimony Against:** None.

**Testified:** Jim Fitzgeralds, ATU Legislative Council (pro with concerns); David Westberg, Stationary Engineers (pro with concerns); Fred Fakkema, Washington State Patrol (pro); Derek Goudriaan, Department of Licensing (pro).