

HOUSE BILL REPORT

SSB 6552

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: Senate Committee on Transportation (originally sponsored by Senators Benson, Haugen, Mulliken, Berkey and Sheldon; by request of Department of Licensing).

Brief History:

Committee Activity:

Transportation: 2/20/06, 2/22/06 [DPA].

**Brief Summary of Substitute Bill
(As Amended by House Committee)**

- Makes a variety of statutory changes in order to bring Washington's commercial driver's license program into compliance with federal regulations pertaining to the operation of commercial motor vehicles.
- Directs the Department of Licensing to enter into agreements with adjoining states to treat the operators of farm vehicles and emergency equipment from those states in the same fashion as Washington citizens.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass as amended. Signed by 28 members: Representatives Murray, Chair; Wallace, Vice Chair; Woods, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Appleton, Buck, Campbell, Clibborn, Curtis, Dickerson, Ericksen, Flannigan, Hankins, Holmquist, Hudgins, Jarrett, Kilmer, Lovick, Morris, Nixon, Rodne, Schindler, Sells, Shabro, Simpson, Takko, Upthegrove and Wood.

Staff: David Munnecke (786-7315).

Background:

In order to operate a commercial motor vehicle in Washington, a person generally must hold a commercial driver's license with the applicable endorsements for the vehicle they are driving.

However, this requirement does not apply to the following persons:

- the operator of a farm vehicle controlled and operated by a farmer. The vehicle itself must also be used to transport agricultural products, farm machinery, or farm supplies to or from a farm. Finally, the vehicle cannot be used in the operations of a common or contract motor carrier and it must be used within 150 miles of the person's farm;
- a firefighter or law enforcement officer operating emergency equipment who has completed an approved driver training course; and
- the operator of a recreational vehicle used for noncommercial purposes.

The operation of commercial motor vehicles is regulated under both state and federal law. A federal audit conducted in November 2004 found Washington out of compliance with several federal regulations pertaining to operators of commercial motor vehicles.

The state's failure to comply with federal regulations pertaining to operators of commercial motor vehicles could result in de-certification of Washington's Commercial Driver's License (CDL) program and a loss of federal transportation funds. Washington drivers could also be prohibited from operating commercial motor vehicles in interstate commerce.

Summary of Amended Bill:

The following changes are made to the Washington statutes governing commercial driver's licenses and motor vehicles:

- A court must immediately forward an abstract of court records pertaining to certain convictions or traffic infractions to the Department of Licensing.
- The definition of conviction for general purposes of motor vehicle law is expanded to include the payment of court costs or pleas of *nolo contendere* ("no contest"). The definition of "conviction" for CDL purposes is distinct from the definition of "conviction" for general motor vehicle purposes, and equivalent to the federal definition of "conviction" for CDL purposes.
- The definition of "gross vehicle weight rating" (GVWR) does not permit substitution of the registered gross weight of the vehicle if the maximum loaded weight cannot be determined. The definition of gross vehicle weight rating refers to the weight of a single vehicle. Combined or articulated vehicles are included only in the definition of gross combined weight rating. Actual gross weight will be used if the GVWR of a unit cannot be determined. The actual gross weight capacity will be used in the case of a vehicle that has been structurally modified to carry a heavier load.
- The definition of "out-of-service order" is clarified and made equivalent to the federal definition of "out-of-service order."
- Active duty military personnel operating commercial motor vehicles for military purposes are exempted from CDL requirements.

- The circumstances under which a person is disqualified from driving a commercial vehicle are expanded to include: (1) driving noncommercial vehicles while having a certain blood alcohol concentration and (2) refusing to submit to drug tests.
- Disqualification periods imposed must be in addition to any other previous period of disqualification in the following cases: (1) upon conviction of a third or subsequent serious traffic violation while driving a commercial vehicle or (2) upon conviction of reckless driving where there have been two or more prior serious traffic violations.
- Disqualification periods based upon a determination that a person's driving is an imminent hazard must be served concurrently with certain other disqualification periods that are imposed simultaneously.
- Deferral of court findings or order entries may not be granted to a person who was operating a commercial vehicle at the time of the traffic violation.

The Department of Licensing, pursuant to 49 CFR 383.3(d), is also directed to enter into reciprocal agreements with adjoining states to exempt persons from those states who are operating farm vehicles and emergency equipment and meet certain requirements, from the requirement to hold a commercial driver's license.

Amended Bill Compared to Substitute Bill:

The Department of Licensing is directed, pursuant to 49 CFR 383.3(d), to enter into reciprocal agreements with adjoining states to exempt persons from those states who are operating farm vehicles and emergency equipment and meet certain requirements, from the requirement to hold a commercial driver's license.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: The state of Washington needs to be in compliance with federal requirements regarding commercial driver's licenses.

Testimony Against: None.

Persons Testifying: Clark Holloway and Sharon Whitehead, Department of Licensing.

Persons Signed In To Testify But Not Testifying: None.