

# SENATE BILL REPORT

## SSB 6552

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As Passed Senate, February 11, 2006

**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: 01/26/06, 2/6/06 [DPS].

Passed Senate: 2/11/06, 41-0.

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### SENATE COMMITTEE ON TRANSPORTATION

**Majority Report:** That Substitute Senate Bill No. 6552 be substituted therefor, and the substitute bill do pass.

Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Ranking Minority Member; Benton, Berkey, Eide, Esser, Kastama, Mulliken, Oke, Sheldon, Spanel, Swecker and Weinstein.

**Staff:** Dory On (786-7321)

**Background:** The operation of commercial motor vehicles is regulated by state and federal law. The state's failure to comply with federal regulations pertaining to operators of commercial motor vehicles may result in de-certification of Washington's Commercial Driver's License (CDL) program and a loss of federal transportation funds, and Washington drivers may be prohibited from operating commercial motor vehicles in interstate commerce.

A federal audit conducted in November 2004 found Washington out of compliance with several federal regulations pertaining to operators of commercial motor vehicles.

**Summary of Bill:** The following changes are made to the statutes governing commercial drivers' 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; and
- 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.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

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

**Testimony For:** This bill is needed to keep Washington in compliance with federal regulations relating to commercial drivers. Failure to comply could result in a loss of \$800,000 in federal funds during the first year of non-compliance, and \$1,600,000 during each subsequent year of non-compliance.

**Testimony Against:** None.

**Who Testified:** PRO: Sharon Whitehead, Department of Licensing; Clark Holloway, Department of Licensing; Coral Estes, Washington State Patrol.

**House Amendment(s):** The House amendment directs the Department of Licensing, to the extent possible, to enter into reciprocity agreements with adjoining states to provide CDL exemptions to residents of other states who otherwise qualify for exemptions.