

# HOUSE BILL REPORT

## SHB 1752

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**As Passed House:**  
March 5, 2013

**Title:** An act relating to requirements for the operation of commercial motor vehicles in compliance with federal regulations.

**Brief Description:** Modifying requirements for the operation of commercial motor vehicles in compliance with federal regulations.

**Sponsors:** House Committee on Transportation (originally sponsored by Representatives Orcutt, Clibborn and Ryu; by request of Department of Licensing).

**Brief History:**

**Committee Activity:**

Transportation: 2/19/13, 2/25/13 [DPS].

**Floor Activity:**

Passed House: 3/5/13, 96-0.

**Brief Summary of Substitute Bill**

- Makes changes to the commercial driver's licenses, applications, and commercial learner's permits laws in order to comply with federal law and avoid the withholding of federal funds that would result from noncompliance.

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### HOUSE COMMITTEE ON TRANSPORTATION

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 31 members: Representatives Clibborn, Chair; Fey, Vice Chair; Liias, Vice Chair; Moscoso, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Overstreet, Assistant Ranking Minority Member; Angel, Bergquist, Farrell, Fitzgibbon, Freeman, Habib, Hayes, Johnson, Klippert, Kochmar, Kretz, Kristiansen, Moeller, Morris, O'Ban, Riccelli, Rodne, Ryu, Sells, Shea, Takko, Tarleton, Upthegrove and Zeiger.

**Staff:** Andrew Russell (786-7143).

**Background:**

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

A person must have a commercial driver's license (CDL) in order to legally drive a commercial vehicle in Washington. Several types of vehicles are characterized as "commercial vehicles" under Washington law. Any single vehicle with a gross vehicle weight rating (GVWR) of 26,001 pounds or more is a commercial vehicle. This designation also covers any combination of vehicles if the vehicle being driven has a GVWR of 26,001 pounds or more, or the towed vehicle has a GVWR of 10,001 pounds when the combined GVWR equals 26,001 pounds or more. Vehicles that are designed to carry 16 or more passengers are considered "commercial vehicles," as are school buses. Finally, certain vehicles that carry hazardous materials are also considered "commercial vehicles."

To obtain a CDL, a person must apply to the Department of Licensing (DOL) and pay the application fee. The DOL will not issue a CDL to a person unless that person is: (1) a resident of the state; (2) has successfully completed an approved commercial-driver instruction course; (3) has passed a knowledge and skills test that complies with state and federal requirements; and (4) has fulfilled the requirements of the federal Commercial Motor Vehicle Safety Act, together with any other state laws or other federal regulations. Finally, a medical examiner must certify that a person is physically qualified to drive a commercial vehicle. The DOL may also issue an instruction permit, which expires after six months, to a person who has passed the general knowledge examination. A holder of an instruction permit may drive a commercial vehicle if accompanied by a licensed commercial driver.

Commercial driver's licenses are issued with classifications, endorsements, and restrictions. The classification of a license depends upon the GVWR of the vehicle to be driven. A driver can be endorsed to: (1) operate a vehicle carrying hazardous materials; (2) drive double or triple trailers; (3) carry passengers; (4) drive tank vehicles; and (5) operate a school bus. Additionally, a driver can be restricted from operating a vehicle with air brakes. Finally, a license may contain a medical variance that has been issued to the driver.

A CDL expires the same as any other driver's license, in general, on the sixth anniversary of the licensee's birthday following the issuance of the license. In order to renew a license, the licensee must provide the same information and make the same certifications as a first-time applicant. A person may be disqualified from driving a commercial motor vehicle as a result of a conviction for, among other things, driving under the influence of alcohol or any drug. A person may also be disqualified for receiving a verified positive drug test or alcohol confirmation as part of a workplace testing process.

The federal government also regulates commercial drivers under the Federal Motor Carriers Safety Administration. These regulations include driver's license standards and driver qualifications. States must comply with certain federal requirements, and the Secretary of Transportation (Secretary) will withhold a portion of federal funding from noncomplying states. In the first year of noncompliance, the Secretary will withhold up to 4 percent of certain funds. For subsequent years, the withholding increases to 8 percent. In addition, if a state fails to comply, the Secretary will issue an order prohibiting that state from issuing any CDLs until the state comes into compliance with federal law.

### **Summary of Substitute Bill:**

#### Background Checks.

The DOL must investigate the conviction records of employees who conduct knowledge and skills examinations, or who will conduct such examinations. The DOL must do such checks annually.

#### Definitions.

The definition of a "commercial vehicle" includes those vehicles that have a gross vehicle weight of 26,001 pounds or more, alone or in combination with towed units. Additionally, the definition of a "serious traffic violation," which carries a mandatory license disqualification period of 60 days, is expanded to include driving while using a hand-held mobile telephone and texting. Finally, the definition of a "tank vehicle" covers only those vehicles carrying a tank or tanks with an aggregate capacity greater than 1,000 gallons, unless that tank is empty and temporarily attached to a flatbed trailer.

#### Commercial Learner's Permit.

A new applicant must obtain a commercial learner's permit (CLP) prior to obtaining a CDL; however, a CLP holder may not take the CDL examination within 14 days of receiving his or her CLP. Such a permit may include endorsements and restrictions. A permit applicant must take an endorsement knowledge exam and is prevented from operating the vehicle under certain circumstances; an operator with either a "P" or "S" permit endorsement may not operate a vehicle with passengers other than an examiner or trainee, an operator with an "N" permit endorsement may operate only vehicles with empty tanks. Any fees collected for CLP applications or examinations must be deposited in the Highway Safety Fund. Finally, a CLP holder is subject to the same disqualification provisions as a CDL holder.

#### CLP Application.

An applicant for a CLP must meet certain federal requirements. First, the applicant must certify: (1) that he or she is not subject to any disqualification; (2) that the motor vehicle in which the person takes the driving skills test is representative of the type of motor vehicle he or she expects to operate; and (3) that he or she does not have a driver's license from more than one state. Additionally, the person must identify the type of vehicle he or she expects to operate, provide his or her social security number, provide proof of citizenship, and provide proof that the state to which the application is made is his or her state of domicile. Finally, CDL holders seeking to renew their license must also meet the same requirements.

#### Classes, Endorsements, and Restrictions.

New terminology is used to refer to each class: Class A is known as a "combination vehicle;" Class B is a "heavy straight vehicle;" and Class C is a "small vehicle." Additionally, the new "P" endorsement allows a driver to operate any vehicle with passengers, except a school bus. Valid restrictions now include being restricted from operating: (1) a motor vehicle equipped with a manual transmission; (2) a commercial motor vehicle in interstate travel; (3) a class A passenger vehicle; (4) both class A and class B passenger vehicles; and (5) a tractor-trailer motor vehicle.

#### Traffic Infractions.

A person is guilty of a traffic infraction, which may become part of the driver's record, if he or she uses a mobile telephone, including sending, reading, or writing a text message, while driving a commercial vehicle. It is not an infraction, however, if the vehicle is parked to the side of, or off of, a highway and has stopped in a location where it can safely remain

stationary. Additionally, it is not an infraction if such use was necessary to communicate with emergency services personnel, or if the telephone is used in a hands-free mode. Finally, this provision does not restrict the use of two-way or citizens band radio services.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** This bill takes effect July 8, 2014, except for sections 2, 15, and 16, relating to definitions and traffic infractions for use of a mobile telephone, which take effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) The DOL is applying for grants, and it typically receives positive feedback from the federal government on these applications. The bill brings the DOL into compliance with federal requirements.

(Opposed) None.

**Persons Testifying:** Representative Orcutt, prime sponsor; and Tony Sermonti, Department of Licensing.

**Persons Signed In To Testify But Not Testifying:** None.