

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1752

Chapter 224, Laws of 2013

63rd Legislature
2013 Regular Session

MOTOR VEHICLES--COMMERCIAL--FEDERAL REGULATIONS

EFFECTIVE DATE: 07/08/14 - Except sections 2, 15, 16, and 17,
which become effective 07/28/13.

Passed by the House March 5, 2013
Yeas 96 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 15, 2013
Yeas 48 Nays 0

BRAD OWEN

President of the Senate

Approved May 14, 2013, 11:14 a.m.

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1752** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

May 14, 2013

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1752

Passed Legislature - 2013 Regular Session

State of Washington 63rd Legislature 2013 Regular Session

By House Transportation (originally sponsored by Representatives Orcutt, Clibborn, and Ryu; by request of Department of Licensing)

READ FIRST TIME 02/28/13.

1 AN ACT Relating to requirements for the operation of commercial
2 motor vehicles in compliance with federal regulations; amending RCW
3 46.01.130, 46.25.010, 46.25.010, 46.25.050, 46.25.060, 46.25.070,
4 46.25.075, 46.25.080, 46.25.100, 46.25.130, 46.25.160, 46.61.667, and
5 46.61.668; adding new sections to chapter 46.25 RCW; and providing an
6 effective date.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

8 **Sec. 1.** RCW 46.01.130 and 2010 c 161 s 203 are each amended to
9 read as follows:

10 The director:

11 (1) Shall supervise and control the issuing of vehicle certificates
12 of title, vehicle registrations, and vehicle license plates, and has
13 the full power to do all things necessary and proper to carry out the
14 provisions of the law relating to the registration of vehicles;

15 (2) May appoint and employ deputies, assistants, representatives,
16 and clerks;

17 (3) May establish branch offices in different parts of the state;

18 (4) May appoint county auditors in Washington state or, in the

1 absence of a county auditor, the department or an official of county
2 government as agents for applications for and the issuance of vehicle
3 certificates of title and vehicle registrations; and

4 (5)(a) Shall investigate the conviction records and pending charges
5 of any current employee of or prospective employee being considered for
6 any position with the department (~~(that)~~) who has or will have:

7 (i)(A) The ability to create or modify records of applicants for
8 enhanced drivers' licenses and identicards issued under RCW 46.20.202;
9 and

10 (~~(i)~~) (B) The ability to issue enhanced drivers' licenses and
11 identicards under RCW 46.20.202; or

12 (ii) The ability to conduct examinations under RCW 46.25.060.

13 (b) The investigation consists of a background check as authorized
14 under RCW 10.97.050, 43.43.833, and 43.43.834, and the federal bureau
15 of investigation. The background check must be conducted through the
16 Washington state patrol criminal identification section and may include
17 a national check from the federal bureau of investigation, which is
18 through the submission of fingerprints. The director shall use the
19 information solely to determine the character, suitability, and
20 competence of current or prospective employees subject to this section.

21 (c) The director shall investigate the conviction records and
22 pending charges of an employee subject to (~~this subsection~~):

23 (i) Subsection (5)(a)(i) of this section every five years; and

24 (ii) Subsection (5)(a)(ii) of this section as required under 49
25 C.F.R. Sec. 384.228 as it existed on the effective date of this
26 section, or such subsequent date as may be provided by the department
27 by rule, consistent with the purposes of this section.

28 (d) Criminal justice agencies shall provide the director with
29 information that they may possess and that the director may require
30 solely to determine the employment suitability of current or
31 prospective employees subject to this section.

32 **Sec. 2.** RCW 46.25.010 and 2011 c 227 s 1 are each amended to read
33 as follows:

34 The definitions set forth in this section apply throughout this
35 chapter.

36 (1) "Alcohol" means any substance containing any form of alcohol,

1 including but not limited to ethanol, methanol, propanol, and
2 isopropanol.

3 (2) "Alcohol concentration" means:

4 (a) The number of grams of alcohol per one hundred milliliters of
5 blood; or

6 (b) The number of grams of alcohol per two hundred ten liters of
7 breath.

8 (3) "Commercial driver's license" (CDL) means a license issued to
9 an individual under chapter 46.20 RCW that has been endorsed in
10 accordance with the requirements of this chapter to authorize the
11 individual to drive a class of commercial motor vehicle.

12 (4) The "commercial driver's license information system" (CDLIS) is
13 the information system established pursuant to 49 U.S.C. Sec. 31309 to
14 serve as a clearinghouse for locating information related to the
15 licensing and identification of commercial motor vehicle drivers.

16 (5) "Commercial driver's instruction permit" means a permit issued
17 under RCW 46.25.060(5).

18 (6) "Commercial motor vehicle" means a motor vehicle or combination
19 of motor vehicles used in commerce to transport passengers or property
20 if the motor vehicle:

21 (a) Has a gross (~~vehicle~~) combination weight rating or gross
22 combination weight of 11,794 kilograms or more (26,001 pounds or more),
23 whichever is greater, inclusive of ((a)) any towed unit or units with
24 a gross vehicle weight rating or gross vehicle weight of more than
25 4,536 kilograms (10,000 pounds or more), whichever is greater; or

26 (b) Has a gross vehicle weight rating or gross vehicle weight of
27 11,794 kilograms or more (26,001 pounds or more), whichever is greater;
28 or

29 (c) Is designed to transport sixteen or more passengers, including
30 the driver; or

31 (d) Is of any size and is used in the transportation of hazardous
32 materials as defined in this section; or

33 (e) Is a school bus regardless of weight or size.

34 (7) "Conviction" means an unvacated adjudication of guilt, or a
35 determination that a person has violated or failed to comply with the
36 law in a court of original jurisdiction or by an authorized
37 administrative tribunal, an unvacated forfeiture of bail or collateral
38 deposited to secure the person's appearance in court, a plea of guilty

1 or nolo contendere accepted by the court, the payment of a fine or
2 court cost, entry into a deferred prosecution program under chapter
3 10.05 RCW, or violation of a condition of release without bail,
4 regardless of whether or not the penalty is rebated, suspended, or
5 probated.

6 (8) "Disqualification" means a prohibition against driving a
7 commercial motor vehicle.

8 (9) "Drive" means to drive, operate, or be in physical control of
9 a motor vehicle in any place open to the general public for purposes of
10 vehicular traffic. For purposes of RCW 46.25.100, 46.25.110, and
11 46.25.120, "drive" includes operation or physical control of a motor
12 vehicle anywhere in the state.

13 (10) "Drugs" are those substances as defined by RCW 69.04.009,
14 including, but not limited to, those substances defined by 49 C.F.R.
15 Sec. 40.3.

16 (11) "Employer" means any person, including the United States, a
17 state, or a political subdivision of a state, who owns or leases a
18 commercial motor vehicle, or assigns a person to drive a commercial
19 motor vehicle.

20 (12) "Gross vehicle weight rating" (GVWR) means the value specified
21 by the manufacturer as the maximum loaded weight of a single vehicle.
22 The GVWR of a combination or articulated vehicle, commonly referred to
23 as the "gross combined weight rating" or GCWR, is the GVWR of the power
24 unit plus the GVWR of the towed unit or units. If the GVWR of any unit
25 cannot be determined, the actual gross weight will be used. If a
26 vehicle with a GVWR of less than 11,794 kilograms (26,001 pounds or
27 less) has been structurally modified to carry a heavier load, then the
28 actual gross weight capacity of the modified vehicle, as determined by
29 RCW 46.44.041 and 46.44.042, will be used as the GVWR.

30 (13) "Hazardous materials" means any material that has been
31 designated as hazardous under 49 U.S.C. Sec. 5103 and is required to be
32 placarded under subpart F of 49 C.F.R. Part 172 or any quantity of a
33 material listed as a select agent or toxin in 42 C.F.R. Part 73.

34 (14) "Motor vehicle" means a vehicle, machine, tractor, trailer, or
35 semitrailer propelled or drawn by mechanical power used on highways, or
36 any other vehicle required to be registered under the laws of this
37 state, but does not include a vehicle, machine, tractor, trailer, or
38 semitrailer operated exclusively on a rail.

1 (15) "Out-of-service order" means a declaration by an authorized
2 enforcement officer of a federal, state, Canadian, Mexican, or local
3 jurisdiction that a driver, a commercial motor vehicle, or a motor
4 carrier operation is out-of-service pursuant to 49 C.F.R. Secs. 386.72,
5 392.5, 395.13, 396.9, or compatible laws, or the North American uniform
6 out-of-service criteria.

7 (16) "Positive alcohol confirmation test" means an alcohol
8 confirmation test that:

9 (a) Has been conducted by a breath alcohol technician under 49
10 C.F.R. Part 40; and

11 (b) Indicates an alcohol concentration of 0.04 or more.

12 A report that a person has refused an alcohol test, under
13 circumstances that constitute the refusal of an alcohol test under 49
14 C.F.R. Part 40, will be considered equivalent to a report of a positive
15 alcohol confirmation test for the purposes of this chapter.

16 (17) "School bus" means a commercial motor vehicle used to
17 transport preprimary, primary, or secondary school students from home
18 to school, from school to home, or to and from school-sponsored events.
19 School bus does not include a bus used as a common carrier.

20 (18) "Serious traffic violation" means:

21 (a) Excessive speeding, defined as fifteen miles per hour or more
22 in excess of the posted limit;

23 (b) Reckless driving, as defined under state or local law;

24 (c) Driving while using a hand-held mobile telephone, defined as a
25 violation of RCW 46.61.667(1)(b) or an equivalent administrative rule
26 or local law, ordinance, rule, or resolution;

27 (d) Texting, defined as a violation of RCW 46.61.668(1)(b) or an
28 equivalent administrative rule or local law, ordinance, rule, or
29 resolution;

30 (e) A violation of a state or local law relating to motor vehicle
31 traffic control, other than a parking violation, arising in connection
32 with an accident or collision resulting in death to any person;

33 ~~((d))~~ (f) Driving a commercial motor vehicle without obtaining a
34 commercial driver's license;

35 ~~((e))~~ (g) Driving a commercial motor vehicle without a commercial
36 driver's license in the driver's possession; however, any individual
37 who provides proof to the court by the date the individual must appear

1 in court or pay any fine for such a violation, that the individual held
2 a valid CDL on the date the citation was issued, is not guilty of a
3 "serious traffic ~~((offense))~~ violation";

4 ~~((f))~~ (h) Driving a commercial motor vehicle without the proper
5 class of commercial driver's license endorsement or endorsements for
6 the specific vehicle group being operated or for the passenger or type
7 of cargo being transported; and

8 ~~((g))~~ (i) Any other violation of a state or local law relating to
9 motor vehicle traffic control, other than a parking violation, that the
10 department determines by rule to be serious.

11 (19) "State" means a state of the United States and the District of
12 Columbia.

13 (20) "Substance abuse professional" means an alcohol and drug
14 specialist meeting the credentials, knowledge, training, and continuing
15 education requirements of 49 C.F.R. Sec. 40.281.

16 (21) "Tank vehicle" means ~~((a))~~ any commercial motor vehicle that
17 is designed to transport ~~((a))~~ any liquid or gaseous materials within
18 a tank or tanks having an individual rated capacity of more than one
19 hundred nineteen gallons and an aggregate rated capacity of one
20 thousand gallons or more that is either permanently or temporarily
21 attached to the vehicle or the chassis. ~~((Tank vehicles include, but~~
22 ~~are not limited to cargo tanks and portable tanks. However, this~~
23 ~~definition does not include portable tanks having a rated capacity~~
24 ~~under one thousand gallons.)) A commercial motor vehicle transporting
25 an empty storage container tank, not designed for transportation, with
26 a rated capacity of one thousand gallons or more that is temporarily
27 attached to a flatbed trailer is not considered a tank vehicle.~~

28 (22) "Type of driving" means one of the following:

29 (a) "Nonexcepted interstate," which means the CDL holder or
30 applicant operates or expects to operate in interstate commerce, is
31 both subject to and meets the qualification requirements under 49
32 C.F.R. Part 391 as it existed on January 30, 2012, or such subsequent
33 date as may be provided by the department by rule, consistent with the
34 purposes of this section, and is required to obtain a medical
35 examiner's certificate under 49 C.F.R. Sec. 391.45 as it existed on
36 January 30, 2012, or such subsequent date as may be provided by the
37 department by rule, consistent with the purposes of this section;

1 (b) "Excepted interstate," which means the CDL holder or applicant
2 operates or expects to operate in interstate commerce, but engages
3 exclusively in transportation or operations excepted under 49 C.F.R.
4 Secs. 390.3(f), 391.2, 391.68, or 398.3, as they existed on January 30,
5 2012, or such subsequent date as may be provided by the department by
6 rule, consistent with the purposes of this section, from all or parts
7 of the qualification requirements of 49 C.F.R. Part 391 as it existed
8 on January 30, 2012, or such subsequent date as may be provided by the
9 department by rule, consistent with the purposes of this section, and
10 is therefore not required to obtain a medical examiner's certificate
11 under 49 C.F.R. Sec. 391.45 as it existed on January 30, 2012, or such
12 subsequent date as may be provided by the department by rule,
13 consistent with the purposes of this section;

14 (c) "Nonexcepted intrastate," which means the CDL holder or
15 applicant operates only in intrastate commerce and is therefore subject
16 to state driver qualification requirements; or

17 (d) "Excepted intrastate," which means the CDL holder or applicant
18 operates in intrastate commerce, but engages exclusively in
19 transportation or operations excepted from all or parts of the state
20 driver qualification requirements.

21 (23) "United States" means the fifty states and the District of
22 Columbia.

23 (24) "Verified positive drug test" means a drug test result or
24 validity testing result from a laboratory certified under the authority
25 of the federal department of health and human services that:

26 (a) Indicates a drug concentration at or above the cutoff
27 concentration established under 49 C.F.R. Sec. 40.87; and

28 (b) Has undergone review and final determination by a medical
29 review officer.

30 A report that a person has refused a drug test, under circumstances
31 that constitute the refusal of a federal department of transportation
32 drug test under 49 C.F.R. Part 40, will be considered equivalent to a
33 report of a verified positive drug test for the purposes of this
34 chapter.

35 **Sec. 3.** RCW 46.25.010 and 2013 c ... s 2 (section 2 of this act)
36 are each amended to read as follows:

1 The definitions set forth in this section apply throughout this
2 chapter.

3 (1) "Alcohol" means any substance containing any form of alcohol,
4 including but not limited to ethanol, methanol, propanol, and
5 isopropanol.

6 (2) "Alcohol concentration" means:

7 (a) The number of grams of alcohol per one hundred milliliters of
8 blood; or

9 (b) The number of grams of alcohol per two hundred ten liters of
10 breath.

11 (3) "Commercial driver's license" (CDL) means a license issued to
12 an individual under chapter 46.20 RCW that has been endorsed in
13 accordance with the requirements of this chapter to authorize the
14 individual to drive a class of commercial motor vehicle.

15 (4) The "commercial driver's license information system" (CDLIS) is
16 the information system established pursuant to 49 U.S.C. Sec. 31309 to
17 serve as a clearinghouse for locating information related to the
18 licensing and identification of commercial motor vehicle drivers.

19 (5) "Commercial (~~driver's instruction~~) learner's permit" (CLP)
20 means a permit issued under (~~RCW 46.25.060(5)~~) section 5 of this act
21 for the purposes of behind-the-wheel training.

22 (6) "Commercial motor vehicle" means a motor vehicle or combination
23 of motor vehicles used in commerce to transport passengers or property
24 if the motor vehicle:

25 (a) Has a gross combination weight rating or gross combination
26 weight of 11,794 kilograms or more (26,001 pounds or more), whichever
27 is greater, inclusive of a towed unit with a gross vehicle weight
28 rating or gross vehicle weight of more than 4,536 kilograms (10,000
29 pounds or more), whichever is greater; or

30 (b) Has a gross vehicle weight rating or gross vehicle weight of
31 11,794 kilograms or more (26,001 pounds or more), whichever is greater;
32 or

33 (c) Is designed to transport sixteen or more passengers, including
34 the driver; or

35 (d) Is of any size and is used in the transportation of hazardous
36 materials as defined in this section; or

37 (e) Is a school bus regardless of weight or size.

1 (7) "Conviction" means an unvacated adjudication of guilt, or a
2 determination that a person has violated or failed to comply with the
3 law in a court of original jurisdiction or by an authorized
4 administrative tribunal, an unvacated forfeiture of bail or collateral
5 deposited to secure the person's appearance in court, a plea of guilty
6 or nolo contendere accepted by the court, the payment of a fine or
7 court cost, entry into a deferred prosecution program under chapter
8 10.05 RCW, or violation of a condition of release without bail,
9 regardless of whether or not the penalty is rebated, suspended, or
10 probated.

11 (8) "Disqualification" means a prohibition against driving a
12 commercial motor vehicle.

13 (9) "Drive" means to drive, operate, or be in physical control of
14 a motor vehicle in any place open to the general public for purposes of
15 vehicular traffic. For purposes of RCW 46.25.100, 46.25.110, and
16 46.25.120, "drive" includes operation or physical control of a motor
17 vehicle anywhere in the state.

18 (10) "Drugs" are those substances as defined by RCW 69.04.009,
19 including, but not limited to, those substances defined by 49 C.F.R.
20 Sec. 40.3.

21 (11) "Employer" means any person, including the United States, a
22 state, or a political subdivision of a state, who owns or leases a
23 commercial motor vehicle, or assigns a person to drive a commercial
24 motor vehicle.

25 (12) "Gross vehicle weight rating" (GVWR) means the value specified
26 by the manufacturer as the maximum loaded weight of a single vehicle.
27 The GVWR of a combination or articulated vehicle, commonly referred to
28 as the "gross combined weight rating" or GCWR, is the GVWR of the power
29 unit plus the GVWR of the towed unit or units. If the GVWR of any unit
30 cannot be determined, the actual gross weight will be used. If a
31 vehicle with a GVWR of less than 11,794 kilograms (26,001 pounds or
32 less) has been structurally modified to carry a heavier load, then the
33 actual gross weight capacity of the modified vehicle, as determined by
34 RCW 46.44.041 and 46.44.042, will be used as the GVWR.

35 (13) "Hazardous materials" means any material that has been
36 designated as hazardous under 49 U.S.C. Sec. 5103 and is required to be
37 placarded under subpart F of 49 C.F.R. Part 172 or any quantity of a
38 material listed as a select agent or toxin in 42 C.F.R. Part 73.

1 (14) "Motor vehicle" means a vehicle, machine, tractor, trailer, or
2 semitrailer propelled or drawn by mechanical power used on highways, or
3 any other vehicle required to be registered under the laws of this
4 state, but does not include a vehicle, machine, tractor, trailer, or
5 semitrailer operated exclusively on a rail.

6 (15) "Out-of-service order" means a declaration by an authorized
7 enforcement officer of a federal, state, Canadian, Mexican, or local
8 jurisdiction that a driver, a commercial motor vehicle, or a motor
9 carrier operation is out-of-service pursuant to 49 C.F.R. Secs. 386.72,
10 392.5, 395.13, 396.9, or compatible laws, or the North American uniform
11 out-of-service criteria.

12 (16) "Positive alcohol confirmation test" means an alcohol
13 confirmation test that:

14 (a) Has been conducted by a breath alcohol technician under 49
15 C.F.R. Part 40; and

16 (b) Indicates an alcohol concentration of 0.04 or more.

17 A report that a person has refused an alcohol test, under
18 circumstances that constitute the refusal of an alcohol test under 49
19 C.F.R. Part 40, will be considered equivalent to a report of a positive
20 alcohol confirmation test for the purposes of this chapter.

21 (17) "School bus" means a commercial motor vehicle used to
22 transport preprimary, primary, or secondary school students from home
23 to school, from school to home, or to and from school-sponsored events.
24 School bus does not include a bus used as a common carrier.

25 (18) "Serious traffic violation" means:

26 (a) Excessive speeding, defined as fifteen miles per hour or more
27 in excess of the posted limit;

28 (b) Reckless driving, as defined under state or local law;

29 (c) Driving while using a hand-held wireless communications device,
30 defined as a violation of RCW 46.61.667(1)(b) or an equivalent
31 administrative rule or local law, ordinance, rule, or resolution;

32 (d) Texting, defined as a violation of RCW 46.61.668(1)(b) or an
33 equivalent administrative rule or local law, ordinance, rule, or
34 resolution;

35 (e) A violation of a state or local law relating to motor vehicle
36 traffic control, other than a parking violation, arising in connection
37 with an accident or collision resulting in death to any person;

1 (f) Driving a commercial motor vehicle without obtaining a
2 commercial driver's license;

3 (g) Driving a commercial motor vehicle without a commercial
4 driver's license in the driver's possession; however, any individual
5 who provides proof to the court by the date the individual must appear
6 in court or pay any fine for such a violation, that the individual held
7 a valid CDL on the date the citation was issued, is not guilty of a
8 "serious traffic violation";

9 (h) Driving a commercial motor vehicle without the proper class of
10 commercial driver's license endorsement or endorsements for the
11 specific vehicle group being operated or for the passenger or type of
12 cargo being transported; and

13 (i) Any other violation of a state or local law relating to motor
14 vehicle traffic control, other than a parking violation, that the
15 department determines by rule to be serious.

16 (19) "State" means a state of the United States and the District of
17 Columbia.

18 (20) "Substance abuse professional" means an alcohol and drug
19 specialist meeting the credentials, knowledge, training, and continuing
20 education requirements of 49 C.F.R. Sec. 40.281.

21 (21) "Tank vehicle" means any commercial motor vehicle that is
22 designed to transport any liquid or gaseous materials within a tank or
23 tanks having an individual rated capacity of more than one hundred
24 nineteen gallons and an aggregate rated capacity of one thousand
25 gallons or more that is either permanently or temporarily attached to
26 the vehicle or the chassis. A commercial motor vehicle transporting an
27 empty storage container tank, not designed for transportation, with a
28 rated capacity of one thousand gallons or more that is temporarily
29 attached to a flatbed trailer is not considered a tank vehicle.

30 (22) "Type of driving" means one of the following:

31 (a) "Nonexcepted interstate," which means the CDL or CLP holder or
32 applicant operates or expects to operate in interstate commerce, is
33 both subject to and meets the qualification requirements under 49
34 C.F.R. Part 391 as it existed on (~~January 30, 2012~~) the effective
35 date of this section, or such subsequent date as may be provided by the
36 department by rule, consistent with the purposes of this section, and
37 is required to obtain a medical examiner's certificate under 49 C.F.R.

1 Sec. 391.45 as it existed on (~~January 30, 2012~~) the effective date of
2 this section, or such subsequent date as may be provided by the
3 department by rule, consistent with the purposes of this section;

4 (b) "Excepted interstate," which means the CDL or CLP holder or
5 applicant operates or expects to operate in interstate commerce, but
6 engages exclusively in transportation or operations excepted under 49
7 C.F.R. Secs. 390.3(f), 391.2, 391.68, or 398.3, as they existed on
8 (~~January 30, 2012~~) the effective date of this section, or such
9 subsequent date as may be provided by the department by rule,
10 consistent with the purposes of this section, from all or parts of the
11 qualification requirements of 49 C.F.R. Part 391 as it existed on
12 (~~January 30, 2012~~) the effective date of this section, or such
13 subsequent date as may be provided by the department by rule,
14 consistent with the purposes of this section, and is therefore not
15 required to obtain a medical examiner's certificate under 49 C.F.R.
16 Sec. 391.45 as it existed on (~~January 30, 2012~~) the effective date of
17 this section, or such subsequent date as may be provided by the
18 department by rule, consistent with the purposes of this section;

19 (c) "Nonexcepted intrastate," which means the CDL or CLP holder or
20 applicant operates only in intrastate commerce and is therefore subject
21 to state driver qualification requirements; or

22 (d) "Excepted intrastate," which means the CDL or CLP holder or
23 applicant operates in intrastate commerce, but engages exclusively in
24 transportation or operations excepted from all or parts of the state
25 driver qualification requirements.

26 (23) "United States" means the fifty states and the District of
27 Columbia.

28 (24) "Verified positive drug test" means a drug test result or
29 validity testing result from a laboratory certified under the authority
30 of the federal department of health and human services that:

31 (a) Indicates a drug concentration at or above the cutoff
32 concentration established under 49 C.F.R. Sec. 40.87; and

33 (b) Has undergone review and final determination by a medical
34 review officer.

35 A report that a person has refused a drug test, under circumstances
36 that constitute the refusal of a federal department of transportation
37 drug test under 49 C.F.R. Part 40, will be considered equivalent to a

1 report of a verified positive drug test for the purposes of this
2 chapter.

3 **Sec. 4.** RCW 46.25.050 and 2011 c 142 s 1 are each amended to read
4 as follows:

5 (1) Drivers of commercial motor vehicles (~~shall~~) must obtain a
6 commercial driver's license as required under this chapter. Except
7 when driving under a commercial (~~driver's instruction~~) learner's
8 permit and a valid (~~automobile or classified~~) driver's license and
9 accompanied by the holder of a commercial driver's license valid for
10 the vehicle being driven, no person may drive a commercial motor
11 vehicle unless the person holds and is in immediate possession of a
12 commercial driver's license and applicable endorsements valid for the
13 vehicle they are driving. However, this requirement does not apply to
14 any person:

15 (a) Who is the operator of a farm vehicle, and the vehicle is:

16 (i) Controlled and operated by a farmer;

17 (ii) Used to transport either agricultural products, which in this
18 section include Christmas trees and wood products harvested from
19 private tree farms and transported by vehicles weighing no more than
20 forty thousand pounds licensed gross vehicle weight, farm machinery,
21 farm supplies, animal manure, animal manure compost, or any combination
22 of those materials to or from a farm;

23 (iii) Not used in the operations of a common or contract motor
24 carrier; and

25 (iv) Used within one hundred fifty miles of the person's farm; or

26 (b) Who is a firefighter or law enforcement officer operating
27 emergency equipment, and:

28 (i) The firefighter or law enforcement officer has successfully
29 completed a driver training course approved by the director; and

30 (ii) The firefighter or law enforcement officer carries a
31 certificate attesting to the successful completion of the approved
32 training course; or

33 (c) Who is operating a recreational vehicle for noncommercial
34 purposes. As used in this section, "recreational vehicle" includes a
35 vehicle towing a horse trailer for a noncommercial purpose; or

36 (d) Who is operating a commercial motor vehicle for military
37 purposes. This exception is applicable to active duty military

1 personnel; members of the military reserves; members of the national
2 guard on active duty, including personnel on full-time national guard
3 duty, personnel on part-time national guard training, and national
4 guard military technicians (civilians who are required to wear military
5 uniforms); and active duty United States coast guard personnel. This
6 exception is not applicable to United States reserve technicians.

7 (2) No person may drive a commercial motor vehicle while his or her
8 driving privilege is suspended, revoked, or canceled, while subject to
9 disqualification, or in violation of an out-of-service order.
10 Violations of this subsection shall be punished in the same way as
11 violations of RCW 46.20.342(1).

12 (3) The department (~~shall~~) must, to the extent possible, enter
13 into reciprocity agreements with adjoining states to allow the waivers
14 described in subsection (1) of this section to apply to drivers holding
15 commercial driver's licenses from those adjoining states.

16 NEW SECTION. Sec. 5. A new section is added to chapter 46.25 RCW
17 to read as follows:

18 (1) The department may issue a CLP to an applicant who is at least
19 eighteen years of age and holds a valid Washington state driver's
20 license and who has:

21 (a) Submitted an application on a form or in a format provided by
22 the department;

23 (b) Passed the general knowledge examination required for issuance
24 of a CDL under RCW 46.25.060 for the commercial motor vehicle
25 classification in which the applicant operates or expects to operate;
26 and

27 (c) Paid the appropriate examination fee or fees and an application
28 fee of ten dollars.

29 (2) A CLP must be marked "commercial learner's permit" or "CLP,"
30 and must be, to the maximum extent practicable, tamperproof. Other
31 than a photograph of the applicant, it must include, but not be limited
32 to, the information required on a CDL under RCW 46.25.080(1).

33 (3) The holder of a CLP may drive a commercial motor vehicle on a
34 highway only when in possession of a valid driver's license and
35 accompanied by the holder of a valid CDL who has the proper CDL
36 classification and endorsement or endorsements necessary to operate the
37 commercial motor vehicle. The CDL holder must at all times be

1 physically present in the front seat of the vehicle next to the CLP
2 holder or, in the case of a passenger vehicle, directly behind or in
3 the first row behind the driver and must have the CLP holder under
4 observation and direct supervision.

5 (4) A CLP may be classified in the same manner as a CDL under RCW
6 46.25.080(2)(a).

7 (5) CLPs may be issued with only P, S, or N endorsements as
8 described in RCW 46.25.080(2)(b).

9 (a) The holder of a CLP with a P endorsement must have taken and
10 passed the P endorsement knowledge examination. The holder of a CLP
11 with a P endorsement is prohibited from operating a commercial motor
12 vehicle carrying passengers other than authorized employees or
13 representatives of the department and the federal motor carrier safety
14 administration, examiners, other trainees, and the CDL holder
15 accompanying the CLP holder as required under subsection (2) of this
16 section. The P endorsement must be class specific.

17 (b) The holder of a CLP with an S endorsement must have taken and
18 passed the S endorsement knowledge examination. The holder of a CLP
19 with an S endorsement is prohibited from operating a school bus with
20 passengers other than authorized employees or representatives of the
21 department and the federal motor carrier safety administration,
22 examiners, other trainees, and the CDL holder accompanying the CLP
23 holder as required under subsection (2) of this section.

24 (c) The holder of a CLP with an N endorsement must have taken and
25 passed the N endorsement knowledge examination. The holder of a CLP
26 with an N endorsement may only operate an empty tank vehicle and is
27 prohibited from operating any tank vehicle that previously contained
28 hazardous materials and has not been purged of any residue.

29 (6) A CLP may be issued with appropriate restrictions as described
30 in RCW 46.25.080(2)(c). In addition, a CLP may be issued with the
31 following restrictions:

32 (a) "P" restricts the driver from operating a bus with passengers;

33 (b) "X" restricts the driver from operating a tank vehicle that
34 contains cargo; and

35 (c) Any restriction as established by rule of the department.

36 (7) The holder of a CLP is not authorized to operate a commercial
37 motor vehicle transporting hazardous materials.

1 (8) A CLP may not be issued for a period to exceed one hundred
2 eighty days. The department may renew the CLP for one additional one
3 hundred eighty-day period without requiring the CLP holder to retake
4 the general and endorsement knowledge examinations.

5 (9) The department must transmit the fees collected for CLPs to the
6 state treasurer for deposit in the highway safety fund.

7 **Sec. 6.** RCW 46.25.060 and 2011 c 153 s 1 are each amended to read
8 as follows:

9 (1)(a) No person may be issued a commercial driver's license unless
10 that person:

11 (i) Is a resident of this state((~~τ~~))i

12 (ii) Has successfully completed a course of instruction in the
13 operation of a commercial motor vehicle that has been approved by the
14 director or has been certified by an employer as having the skills and
15 training necessary to operate a commercial motor vehicle safely((~~τ~~))i

16 (iii) If he or she does not hold a valid commercial driver's
17 license of the appropriate classification, has been issued a commercial
18 learner's permit under section 5 of this act; and

19 (iv) Has passed a knowledge and skills ((~~test~~)) examination for
20 driving a commercial motor vehicle that complies with minimum federal
21 standards established by federal regulation enumerated in 49 C.F.R.
22 Part 383, subparts F, G, and H, ((~~and has satisfied all other~~
23 requirements of the CMVSA)) in addition to other requirements imposed
24 by state law or federal regulation. The department may not allow the
25 person to take the skills examination during the first fourteen days
26 after initial issuance of the person's commercial learner's permit.
27 The ((~~tests~~)) examinations must be prescribed and conducted by the
28 department.

29 (b) In addition to the fee charged for issuance or renewal of any
30 license, the applicant shall pay a fee of no more than ten dollars for
31 each classified knowledge examination, classified endorsement knowledge
32 examination, or any combination of classified license and endorsement
33 knowledge examinations. The applicant shall pay a fee of no more than
34 one hundred dollars for each classified skill examination or
35 combination of classified skill examinations conducted by the
36 department.

1 ((b)) (c) The department may authorize a person, including an
2 agency of this or another state, an employer, a private driver training
3 facility, or other private institution, or a department, agency, or
4 instrumentality of local government, to administer the skills ((test))
5 examination specified by this section under the following conditions:

6 (i) The ((test)) examination is the same which would otherwise be
7 administered by the state;

8 (ii) The third party has entered into an agreement with the state
9 that complies with the requirements of 49 C.F.R. ((part)) Sec. 383.75;
10 and

11 (iii) The director has adopted rules as to the third party testing
12 program and the development and justification for fees charged by any
13 third party.

14 ((e)) (d) If the applicant's primary use of a commercial driver's
15 license is for any of the following, then the applicant shall pay a fee
16 of no more than seventy-five dollars for each classified skill
17 examination or combination of classified skill examinations whether
18 conducted by the department or a third-party tester:

19 (i) Public benefit not-for-profit corporations that are federally
20 supported head start programs; or

21 (ii) Public benefit not-for-profit corporations that support early
22 childhood education and assistance programs as described in RCW
23 43.215.405(2).

24 (2) ~~((The — department — shall — work — with — the — office — of — the~~
25 ~~superintendent — of — public — instruction — to — develop — modified — P1 — and — P2~~
26 ~~skill — examinations — that — also — include — the — skill — examination — components~~
27 ~~required — to — obtain — an — "S" — endorsement. — In — no — event — may — a — new — applicant~~
28 ~~for — an — "S" — endorsement — be — required — to — take — two — separate — examinations — to~~
29 ~~obtain — an — "S" — endorsement — and — either — a — P1 — or — P2 — endorsement, — unless~~
30 ~~that — applicant — is — upgrading — his — or — her — existing — commercial — driver's~~
31 ~~license — to — include — an — "S" — endorsement. — The — combined — P1/S — or — P2/S — skill~~
32 ~~examination — must — be — offered — to — the — applicant — at — the — same — cost — as — a~~
33 ~~regular — P1 — or — P2 — skill — examination.~~

34 (3)) (a) The department may waive the skills ((test)) examination
35 and the requirement for completion of a course of instruction in the
36 operation of a commercial motor vehicle specified in this section for
37 a commercial driver's license applicant who meets the requirements of
38 49 C.F.R. ((part)) Sec. 383.77.

1 (b) An applicant who operates a commercial motor vehicle for
2 agribusiness purposes is exempt from the course of instruction
3 completion and employer skills and training certification requirements
4 under this section. By January 1, 2010, the department shall submit
5 recommendations regarding the continuance of this exemption to the
6 transportation committees of the legislature. For purposes of this
7 subsection ~~((3))~~ (2)(b), "agribusiness" means a private carrier who
8 in the normal course of business primarily transports:

9 (i) Farm machinery, farm equipment, implements of husbandry, farm
10 supplies, and materials used in farming;

11 (ii) Agricultural inputs, such as seed, feed, fertilizer, and crop
12 protection products;

13 (iii) Unprocessed agricultural commodities, as defined in RCW
14 17.21.020, where such commodities are produced by farmers, ranchers,
15 vineyardists, or orchardists; or

16 (iv) Any combination of (b)(i) through (iii) of this subsection.

17 The department shall notify the transportation committees of the
18 legislature if the federal government takes action affecting the
19 exemption provided in this subsection ~~((3))~~ (2)(b).

20 ~~((4))~~ (3) A commercial driver's license or commercial ~~((driver's~~
21 ~~instruction))~~ learner's permit may not be issued to a person while the
22 person is subject to a disqualification from driving a commercial motor
23 vehicle, or while the person's driver's license is suspended, revoked,
24 or canceled in any state, nor may a commercial driver's license be
25 issued to a person who has a commercial driver's license issued by any
26 other state unless the person first surrenders all such licenses, which
27 must be returned to the issuing state for cancellation.

28 ~~((5)(a) The department may issue a commercial driver's instruction~~
29 ~~permit to an applicant who is at least eighteen years of age and holds~~
30 ~~a valid Washington state driver's license and who has submitted a~~
31 ~~proper application, passed the general knowledge examination required~~
32 ~~for issuance of a commercial driver's license under subsection (1) of~~
33 ~~this section, and paid the appropriate fee for the knowledge~~
34 ~~examination and an application fee of ten dollars.~~

35 ~~(b) A commercial driver's instruction permit may not be issued for~~
36 ~~a period to exceed six months. Only one renewal or reissuance may be~~
37 ~~granted within a two-year period.~~

1 ~~(c) The holder of a commercial driver's instruction permit may~~
2 ~~drive a commercial motor vehicle on a highway only when accompanied by~~
3 ~~the holder of a commercial driver's license valid for the type of~~
4 ~~vehicle driven who occupies a seat beside the individual for the~~
5 ~~purpose of giving instruction in driving the commercial motor vehicle.~~
6 ~~The holder of a commercial driver's instruction permit is not~~
7 ~~authorized to operate a commercial motor vehicle transporting hazardous~~
8 ~~materials.~~

9 ~~(d) The department shall transmit the fees collected for commercial~~
10 ~~driver's instruction permits to the state treasurer.))~~

11 **Sec. 7.** RCW 46.25.070 and 2004 c 187 s 4 are each amended to read
12 as follows:

13 (1) The application for a commercial driver's license or commercial
14 ~~((driver's instruction))~~ learner's permit must include the following:

15 (a) The full name and current mailing and residential address of
16 the person;

17 (b) A physical description of the person, including sex, height,
18 weight, and eye color;

19 (c) Date of birth;

20 (d) The applicant's social security number;

21 (e) The person's signature;

22 (f) Certifications including those required by 49 C.F.R. ~~((part))~~
23 Sec. 383.71~~((a))~~;

24 (g) The names of all states where the applicant has previously been
25 licensed to drive any type of motor vehicle during the previous ten
26 years;

27 (h) Any other information required by the department; and

28 (i) A consent to release driving record information to parties
29 identified in chapter 46.52 RCW and this chapter.

30 (2) An applicant for a commercial driver's license or commercial
31 learner's permit, and every licensee seeking to renew his or her
32 license, must meet the requirements of 49 C.F.R. Sec. 383.71 as it
33 existed on the effective date of this section, or such subsequent date
34 as may be provided by the department by rule, consistent with the
35 purposes of this section.

36 (3) An applicant for a hazardous materials endorsement must submit

1 an application and comply with federal transportation security
2 administration requirements as specified in 49 C.F.R. Part 1572(~~(, and~~
3 ~~meet the requirements specified in 49 C.F.R. 383.71(a)(9))~~).

4 ~~((3))~~ (4) When a licensee changes his or her name, mailing
5 address, or residence address, the person shall notify the department
6 as provided in RCW 46.20.205.

7 ~~((4))~~ (5) No person who has been a resident of this state for
8 thirty days may drive a commercial motor vehicle under the authority of
9 a commercial driver's license issued by another jurisdiction.

10 **Sec. 8.** RCW 46.25.075 and 2011 c 227 s 3 are each amended to read
11 as follows:

12 (1)~~((a))~~ Any person applying for a CDL or CLP must certify that
13 he or she is or expects to be engaged in one of the following types of
14 driving:

15 ~~((i))~~ (a) Nonexcepted interstate;

16 ~~((ii))~~ (b) Excepted interstate;

17 ~~((iii))~~ (c) Nonexcepted intrastate; or

18 ~~((iv))~~ (d) Excepted intrastate.

19 ~~((b) From January 30, 2012, to January 30, 2014, the department~~
20 ~~may require that any person holding a CDL prior to January 30, 2012,~~
21 ~~must provide the department with the certification required under (a)~~
22 ~~of this subsection. The CDL of a person failing to submit the required~~
23 ~~certification is subject to downgrade under subsection (4) of this~~
24 ~~section.))~~

25 (2) A CDL or CLP applicant or holder who certifies under subsection
26 (1)(a)~~((i))~~ of this section that he or she is or expects to be
27 engaged in nonexcepted interstate commerce must provide a copy of a
28 medical examiner's certificate prepared by a medical examiner, as
29 defined in 49 C.F.R. Sec. 390.5 as it existed on ~~((January 30, 2012))~~
30 the effective date of this section, or such subsequent date as may be
31 provided by the department by rule, consistent with the purposes of
32 this section. Upon submission, a copy of the medical examiner's
33 certificate must be date-stamped by the department. A CDL or CLP
34 holder who certifies under subsection (1)(a)~~((i))~~ of this section
35 must submit a copy of each subsequently issued medical examiner's
36 certificate.

1 (3) For each operator of a commercial motor vehicle required to
2 have a (~~commercial driver's license~~) CDL or CLP, the department must
3 meet the following requirements:

4 (a)(i) The driver's self-certification of type of driving under
5 subsection (1) of this section must be maintained on the driver's
6 record and the CDLIS driver record;

7 (ii) The copy of a medical examiner's certificate, when submitted
8 under subsection (2) of this section, must (~~by [be]~~) be retained for
9 three years beyond the date the certificate was issued; and

10 (iii) When a medical examiner's certificate is submitted under
11 subsection (2) of this section, the information required under 49
12 C.F.R. Sec. 383.73(~~(j)(1)(iii)~~) as it existed on (~~January 30, 2012~~)
13 the effective date of this section, or such subsequent date as may be
14 provided by the department by rule, consistent with the purposes of
15 this section must be posted to the CDLIS driver record within ten
16 calendar days from the date submitted. The indicator of medical
17 certification status, such as "certified" or "not-certified," must be
18 maintained on the driver's record.

19 (b) Within ten calendar days of the driver's medical certification
20 status expiring or a medical variance expiring or being rescinded, the
21 medical certification status of the driver must be updated to "not-
22 certified."

23 (c) Within ten calendar days of receiving information from the
24 federal motor carrier safety administration regarding issuance or
25 renewal of a medical variance for a driver, the department must update
26 the CDLIS driver record to include the medical variance information.

27 (4)(a) If a driver's medical certification or medical variance
28 expires, or the federal motor carrier safety administration notifies
29 the department that a medical variance was removed or rescinded, the
30 department must:

31 (i) Notify the driver of his or her "not-certified" medical
32 certification status and that the (~~CDL~~) privilege of operating a
33 commercial motor vehicle will be removed from the (~~driver's license~~)
34 CDL or CLP unless the driver submits a current medical certificate or
35 medical variance, or changes his or her self-certification to driving
36 only in excepted or intrastate commerce; and

37 (ii) Initiate procedures for downgrading the (~~license~~) CDL or

1 CLP. The CDL or CLP downgrade must be completed and recorded within
2 sixty days of the driver's medical certification status becoming "not-
3 certified" to operate a commercial motor vehicle.

4 (b) (~~Beginning January 30, 2014,~~) If a driver fails to provide
5 the department with the certification required in subsection (1) of
6 this section, or a current medical examiner's certificate if the driver
7 self-certifies under subsection (1)(a)(~~(i)~~) of this section that he
8 or she is operating in nonexcepted interstate commerce as required in
9 subsection (2) of this section, the department must mark the CDLIS
10 driver record as "not-certified" and initiate a CDL or CLP downgrade in
11 accordance with (a)(ii) of this subsection.

12 (c) A driver whose CDL or CLP has been downgraded under this
13 subsection may restore the CDL or CLP privilege by providing the
14 necessary certifications or medical variance information to the
15 department.

16 **Sec. 9.** RCW 46.25.080 and 2011 c 227 s 2 are each amended to read
17 as follows:

18 (1) The commercial driver's license must be marked "commercial
19 driver's license" or "CDL," and must be, to the maximum extent
20 practicable, tamperproof. It must include, but not be limited to, the
21 following information:

22 (a) The name and residence address of the person;

23 (b) The person's color photograph;

24 (c) A physical description of the person including sex, height,
25 weight, and eye color;

26 (d) Date of birth;

27 (e) The person's social security number or any number or identifier
28 deemed appropriate by the department;

29 (f) The person's signature;

30 (g) The class or type of commercial motor vehicle or vehicles that
31 the person is authorized to drive, together with any endorsements or
32 restrictions;

33 (h) The name of the state; and

34 (i) The dates between which the license is valid.

35 (2) Commercial driver's licenses may be issued with the
36 classifications, endorsements, and restrictions set forth in this
37 subsection. The holder of a valid commercial driver's license may

1 drive all vehicles in the class for which that license is issued and
2 all lesser classes of vehicles except motorcycles and vehicles that
3 require an endorsement, unless the proper endorsement appears on the
4 license.

5 (a) Licenses may be classified as follows:

6 (i) Class A is a combination (~~(of vehicles with a gross combined~~
7 ~~weight rating (GCWR) of 26,001 pounds or more, if the GVWR of the~~
8 ~~vehicle or vehicles being towed is in excess of 10,000 pounds))~~
9 vehicle.

10 (ii) Class B is a (~~(single vehicle with a GVWR of 26,001 pounds or~~
11 ~~more, and any such vehicle towing a vehicle not in excess of 10,000~~
12 ~~pounds))~~ heavy straight vehicle.

13 (iii) Class C is a (~~(single vehicle with a GVWR of less than 26,001~~
14 ~~pounds or any such vehicle towing a vehicle with a GVWR not in excess~~
15 ~~of 10,000 pounds consisting of))~~ small vehicle that is:

16 (A) (~~(Vehicles))~~ Designed to transport sixteen or more passengers,
17 including the driver; or

18 (B) (~~(Vehicles))~~ Used in the transportation of hazardous materials.

19 (b) The following endorsements (~~(and restrictions))~~ may be placed
20 on a license:

21 (i) "H" authorizes the driver to drive a vehicle transporting
22 hazardous materials.

23 (~~(ii) ("K" restricts the driver to vehicles not equipped with air~~
24 ~~brakes.~~

25 (~~(iii))~~) "T" authorizes driving double and triple trailers.

26 (~~(iv) "P1" authorizes driving all vehicles, other than school~~
27 ~~buses, carrying passengers.~~

28 (~~(v) "P2" authorizes driving vehicles with a GVWR of less than~~
29 ~~26,001 pounds, other than school buses, carrying sixteen or more~~
30 ~~passengers, including the driver.~~

31 (~~(vi))~~) (iii) "P" authorizes driving vehicles carrying passengers,
32 other than school buses.

33 (iv) "N" authorizes driving tank vehicles.

34 (~~(vii))~~) (v) "X" represents a combination of hazardous materials
35 and tank vehicle endorsements.

36 (~~(viii))~~) (vi) "S" authorizes driving school buses.

37 (~~(ix))~~) (c) The following restrictions may be placed on a license:

1 (i) "E" restricts the driver from operating a commercial motor
2 vehicle equipped with a manual transmission.

3 (ii) "K" restricts the driver from interstate operation of a
4 commercial motor vehicle.

5 (iii) "L" restricts the driver from operating a commercial motor
6 vehicle equipped with air brakes.

7 (iv) "M" restricts the driver from operating class A passenger
8 vehicles.

9 (v) "N" restricts the driver from operating class A and B passenger
10 vehicles.

11 (vi) "O" restricts the driver from operating tractor-trailer
12 commercial motor vehicles.

13 (vii) "V" means that the driver has been issued a medical variance.

14 (viii) "Z" restricts the driver from operating a commercial motor
15 vehicle equipped with full air brakes.

16 (d) The license may be issued with additional endorsements and
17 restrictions as established by rule of the director.

18 ~~((3) All school bus drivers must have either a "P1" or "P2"~~
19 ~~endorsement depending on the GVWR of the school bus being driven.~~

20 ~~(4) Before issuing a commercial driver's license, the department~~
21 ~~shall obtain driving record information:~~

22 ~~(a) Through the commercial driver's license information system;~~

23 ~~(b) Through the national driver register;~~

24 ~~(c) From the current state of record; and~~

25 ~~(d) From all states where the applicant was previously licensed~~
26 ~~over the last ten years to drive any type of motor vehicle.~~

27 ~~A check under (d) of this subsection need be done only once, either~~
28 ~~at the time of application for a new commercial driver's license, or~~
29 ~~upon application for a renewal of a commercial driver's license for the~~
30 ~~first time after July 1, 2005, provided a notation is made on the~~
31 ~~driver's record confirming that the driving record check has been made~~
32 ~~and noting the date it was completed.~~

33 ~~(5) Within ten days after issuing a commercial driver's license,~~
34 ~~the department must notify the commercial driver's license information~~
35 ~~system of the information required under 49 C.F.R. Sec. 383.73 as it~~
36 ~~existed on January 30, 2012, or such subsequent date as may be provided~~
37 ~~by the department by rule, consistent with the purposes of this section~~

1 and provide all information required to ensure identification of the
2 person.

3 ~~(6) A commercial driver's license shall expire in the same manner~~
4 ~~as provided in RCW 46.20.181.~~

5 ~~(7) When applying for renewal of a commercial driver's license, the~~
6 ~~applicant shall:~~

7 ~~(a) Complete the application form required by RCW 46.25.070(1),~~
8 ~~providing updated information and required certifications;~~

9 ~~(b) Submit the application to the department in person; and~~

10 ~~(c) If the applicant wishes to retain a hazardous materials~~
11 ~~endorsement, take and pass the written test for a hazardous materials~~
12 ~~endorsement.))~~

13 NEW SECTION. **Sec. 10.** A new section is added to chapter 46.25 RCW
14 to read as follows:

15 (1)(a) Before issuing a CDL or CLP, the department must obtain
16 driving record information:

17 (i) Through the commercial driver's license information system;

18 (ii) Through the national driver register;

19 (iii) From the current state of record; and

20 (iv) From all states where the applicant was previously licensed
21 over the last ten years to drive any type of motor vehicle.

22 (b) A driving record check under (a)(iv) of this subsection need
23 only be performed once at the time of initial issuance of a CDL or CLP,
24 provided a notation is made on the driver's record confirming that the
25 driving record check has been made and noting the date it was
26 completed.

27 (2) Within ten days after issuing a CDL or CLP, the department must
28 notify the commercial driver's license information system of the
29 information required under 49 C.F.R. Sec. 383.73 as it existed on the
30 effective date of this section, or such subsequent date as may be
31 provided by the department by rule, consistent with the purposes of
32 this section and provide all information required to ensure
33 identification of the person.

34 NEW SECTION. **Sec. 11.** A new section is added to chapter 46.25 RCW
35 to read as follows:

36 (1) A CDL expires in the same manner as provided in RCW 46.20.181.

1 (2) When applying for renewal of a CDL, the applicant must:

2 (a) Complete the application form required under RCW 46.25.070(1),
3 providing updated information and required certifications, and meet all
4 the requirements of RCW 46.25.070 and 49 C.F.R. Sec. 383.71;

5 (b) Submit the application to the department in person; and

6 (c) If the applicant wishes to retain a hazardous materials
7 endorsement, take and pass the written test for a hazardous materials
8 endorsement.

9 **Sec. 12.** RCW 46.25.100 and 2002 c 272 s 4 are each amended to read
10 as follows:

11 When a person has been disqualified from operating a commercial
12 motor vehicle, the person is not entitled to have the commercial
13 driver's license or commercial learner's permit restored until after
14 the expiration of the appropriate disqualification period required
15 under RCW 46.25.090 or until the department has received a drug and
16 alcohol assessment and evidence is presented of satisfactory
17 participation in or completion of any required drug or alcohol
18 treatment program for ending the disqualification under RCW
19 46.25.090(7). After expiration of the appropriate period and upon
20 payment of a requalification fee of twenty dollars, or one hundred
21 fifty dollars if the person has been disqualified under RCW
22 46.25.090(7), the person may apply for a new, duplicate, or renewal
23 commercial driver's license or commercial learner's permit as provided
24 by law. If the person has been disqualified for a period of one year
25 or more, the person shall demonstrate that he or she meets the
26 commercial driver's license or commercial learner's permit
27 qualification standards specified in RCW 46.25.060.

28 **Sec. 13.** RCW 46.25.130 and 2004 c 187 s 8 are each amended to read
29 as follows:

30 (1) Within ten days after receiving a report of the conviction of
31 or finding that a traffic infraction has been committed by any
32 nonresident holder of a commercial driver's license or commercial
33 learner's permit, or any nonresident operating a commercial motor
34 vehicle, for any violation of state law or local ordinance relating to
35 motor vehicle traffic control, other than parking violations, the

1 department shall notify the driver licensing authority in the licensing
2 state of the conviction.

3 (2)(a) No later than ten days after disqualifying any nonresident
4 holder of a commercial driver's license or commercial learner's permit
5 from operating a commercial motor vehicle, or revoking, suspending, or
6 canceling the nonresident driving privileges of the nonresident holder
7 of a commercial driver's license or commercial learner's permit for at
8 least sixty days, the department must notify the state that issued the
9 license of the disqualification, revocation, suspension, or
10 cancellation.

11 (b) The notification must include both the disqualification and the
12 violation that resulted in the disqualification, revocation,
13 suspension, or cancellation. The notification and the information it
14 provides must be recorded on the driver's record.

15 **Sec. 14.** RCW 46.25.160 and 2004 c 187 s 9 are each amended to read
16 as follows:

17 Notwithstanding any law to the contrary, a person may drive a
18 commercial motor vehicle if the person has a commercial driver's
19 license or commercial (~~driver's instruction~~) learner's permit issued
20 by any state or jurisdiction in accordance with the minimum federal
21 standards for the issuance of commercial motor vehicle driver's
22 licenses or permits, if the person's license or permit is not
23 suspended, revoked, or canceled, and if the person is not disqualified
24 from driving a commercial motor vehicle or is subject to an out-of-
25 service order.

26 **Sec. 15.** RCW 46.61.667 and 2010 c 223 s 3 are each amended to read
27 as follows:

28 (1)(a) Except as provided in subsections (2)(a) and (3)(a) of this
29 section, a person operating a moving motor vehicle while holding a
30 wireless communications device to his or her ear is guilty of a traffic
31 infraction.

32 (b) Except as provided in subsection (2)(b) and (3)(b) of this
33 section, a person driving a commercial motor vehicle, as defined in RCW
34 46.25.010, including while temporarily stationary because of traffic,
35 a traffic control device, or other momentary delays, while using a
36 hand-held mobile telephone is guilty of a traffic infraction. For

1 purposes of this subsection, "driving" does not include operating a
2 commercial motor vehicle with or without the motor running when the
3 driver has moved the vehicle to the side of, or off, a highway and has
4 stopped in a location where the vehicle can safely remain stationary.

5 (2)(a) Subsection (1)(a) of this section does not apply to a person
6 operating:

7 ((+a)) (i) An authorized emergency vehicle, or a tow truck
8 responding to a disabled vehicle;

9 ((+b)) (ii) A moving motor vehicle using a wireless communications
10 device in hands-free mode;

11 ((+c)) (iii) A moving motor vehicle using a hand-held wireless
12 communications device to:

13 ((+i)) (A) Report illegal activity;

14 ((+ii)) (B) Summon medical or other emergency help;

15 ((+iii)) (C) Prevent injury to a person or property; or

16 ((+iv)) (D) Relay information that is time sensitive between a
17 transit or for-hire operator and that operator's dispatcher, in which
18 the device is permanently affixed to the vehicle; or

19 ((+d)) (iv) A moving motor vehicle while using a hearing aid.

20 (b) Subsection (1)(b) of this section does not apply to a person
21 operating a commercial motor vehicle:

22 (i) When necessary to communicate with law enforcement officials or
23 other emergency services; or

24 (ii) Using a mobile telephone in hands-free mode.

25 (3)(a) Subsection (1)(a) of this section does not restrict the
26 operation of an amateur radio station by a person who holds a valid
27 amateur radio operator license issued by the federal communications
28 commission.

29 (b) Subsection (1)(b) of this section does not restrict the
30 operation of two-way or citizens band radio services.

31 (4) For purposes of this section, "hands-free mode" means the use
32 of a wireless communications device with a speaker phone, headset, or
33 earpiece.

34 (5) The state preempts the field of regulating the use of wireless
35 communications devices in motor vehicles, and this section supersedes
36 any local laws, ordinances, orders, rules, or regulations enacted by a
37 political subdivision or municipality to regulate the use of wireless
38 communications devices by the operator of a motor vehicle.

1 (6) Infractions that result from the use of a wireless
2 communications device while operating a motor vehicle under subsection
3 (1)(a) of this section shall not become part of the driver's record
4 under RCW 46.52.101 and 46.52.120. Additionally, a finding that a
5 person has committed a traffic infraction under subsection (1)(a) of
6 this section shall not be made available to insurance companies or
7 employers.

8 **Sec. 16.** RCW 46.61.668 and 2010 c 223 s 4 are each amended to read
9 as follows:

10 (1)(a) Except as provided in subsection (2)(a) of this section, a
11 person operating a moving noncommercial motor vehicle who, by means of
12 an electronic wireless communications device, sends, reads, or writes
13 a text message, is guilty of a traffic infraction.

14 (b) Except as provided in subsection (2)(b) of this section, a
15 person driving a commercial motor vehicle, as defined in RCW 46.25.010,
16 including while temporarily stationary because of traffic, a traffic
17 control device, or other momentary delays, who, by means of an
18 electronic wireless communications device, sends, reads, or writes a
19 text message, is guilty of a traffic infraction. For purposes of this
20 subsection, "driving" does not include operating a commercial motor
21 vehicle with or without the motor running when the driver has moved the
22 vehicle to the side of, or off, a highway and has stopped in a location
23 where the vehicle can safely remain stationary.

24 (c) A person does not send, read, or write a text message when he
25 or she reads, selects, or enters a phone number or name in a wireless
26 communications device for the purpose of making a phone call.

27 (2)(a) Subsection (1)(a) of this section does not apply to a person
28 operating:

- 29 ((+a)) (i) An authorized emergency vehicle;
- 30 ((+b)) (ii) A voice-operated global positioning or navigation
31 system that is affixed to the vehicle and that allows the user to send
32 or receive messages without diverting visual attention from the road or
33 engaging the use of either hand; or
- 34 ((+c)) (iii) A moving motor vehicle while using an electronic
35 wireless communications device to:
 - 36 ((+i)) (A) Report illegal activity;
 - 37 ((+ii)) (B) Summon medical or other emergency help;

1 (~~(iii)~~) (C) Prevent injury to a person or property; or
2 (~~(iv)~~) (D) Relay information that is time sensitive between a
3 transit or for-hire operator and that operator's dispatcher, in which
4 the device is permanently affixed to the vehicle.

5 (b) Subsection (1)(b) of this section does not apply to a person
6 operating a commercial motor vehicle when necessary to communicate with
7 law enforcement officials or other emergency services.

8 (3) Infractions under subsection (1)(a) of this section shall not
9 become part of the driver's record under RCW 46.52.101 and 46.52.120.
10 Additionally, a finding that a person has committed a traffic
11 infraction under subsection (1)(a) of this section shall not be made
12 available to insurance companies or employers.

13 NEW SECTION. Sec. 17. Sections 1 and 3 through 14 of this act
14 take effect July 8, 2014.

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