

SENATE BILL REPORT

SB 6591

As of February 6, 2016

Title: An act relating to the issuance of nondomiciled commercial drivers' licenses and commercial learners' permits to nonresidents.

Brief Description: Concerning the issuance of nondomiciled commercial drivers' licenses and commercial learners' permits to nonresidents.

Sponsors: Senators Hobbs, Fain, Jayapal and Liias; by request of Department of Licensing.

Brief History:

Committee Activity: Transportation: 2/02/16.

SENATE COMMITTEE ON TRANSPORTATION

Staff: Kim Johnson (786-7472)

Background: The operation of commercial motor vehicles is regulated under both state and federal law. In order to operate a commercial motor vehicle in Washington, a person generally must hold a commercial driver's license (CDL), issued by the Department of Licensing (DOL), with the applicable endorsements for the vehicle that is being driven. DOL issues commercial learner's permits (CLP) that authorize a person who passes the CDL knowledge test to operate a commercial motor vehicle under the supervision of a qualified CDL holder.

Currently, in addition to certain personally identifying information and driving history, an applicant for a CDL or CLP must provide to DOL a social security number and proof of US Citizenship or lawful presence in the United States. DOL is not authorized to issue what are called non-domiciled CDLs or CLPs to persons who are domiciled in a foreign jurisdiction or another state. Domicile generally means a place of permanent residence.

The Federal Motor Carrier Safety Administration's (FMCSA) rules governing the issuance of CDLs and CLPs allow for states to issue these documents to certain persons that are domiciled in a foreign country or in another state.

Summary of Bill: The definition of "drive" is amended to remove the requirement that the road be open to the general public for vehicular traffic.

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.

DOL is authorized to issue a CDL or CLP to the following nonresidents:

- a person who is domiciled in a foreign country, who provides an unexpired employment authorization document issued by the United States Citizenship and Immigration Services or an unexpired foreign passport with an approved I-94 form documenting the applicant's most recent admittance into the United States.
- a person who is domiciled in a state that is prohibited from issuing CDLs and CLPs by the FMCSA.

A nonresident applicant must surrender any CDL or CLP issued by another state.

A non-domiciled CDL or CLP must be marked "non-domiciled" on the face of the document and is valid only when accompanied by a valid driver's license issued by Washington or the person's jurisdiction of domicile.

Persons who have been issued a non-domiciled CDL or CLP are subject to all applicable requirements for disqualifications from operating a commercial motor vehicle and must notify DOL of any disqualifications or license suspensions or revocations regardless of whether in the United States or the person's jurisdiction of domicile.

Additionally, for CDLs and CLPs issued to an individual who has temporary lawful status in the United States:

- the document is valid only when accompanied by valid evidence that the individual is authorized to stay in the United States;
- the document must expire no later than the first anniversary of the individual's birthdate that occurs after the expiration of the individual's authorized stay in the United States, or if there is no expiration of the individuals' authorization to stay the United States, one year from the first anniversary of the individual's first birthdate that occurs after issuance; and
- the document may be renewed if the individual presents valid evidence that temporary lawful status in the United States is still in effect or has been extended.

Beginning July 1, 2019, the expiration date of a CDL or CLP issued to an individual who has temporary lawful status in the United States will be tied to the individual's authorized stay in the United States, and if there is not an expiration date for the authorized stay, then the document will expire one year from the date of issuance.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: The bill contains several effective dates. Please refer to the bill.

Staff Summary of Public Testimony: PRO: CDL laws are almost exclusively administered at the federal level, and the state's role is to really carry these laws out. Federal changes to the CDL occurred in 2013 that required lawful presence in order to obtain a CDL. Additionally, since 2013 the non-domiciled CDL has been an option for states. DOL needs

state law changes in order to issue a non-domiciled CDL. There are certain people that are here legally and are applying for a new license, or renewing an existing license, that may not be able to qualify for the CDL because they are not a lawful permanent resident. This could mean a person losing their job. We have reached out to a number of stakeholder groups. Non-domiciled applicants will still have to meet all other requirements for a CDL.

CON: We have a situation where jobs will be going to people who are not permanent legal residents of the United States. Recently our driver training school taught over 1000 new veterans, and it as a great feeling to help these people moving into employment in this field. There are many veterans who could qualify for a CDL, and now they will have to compete with people who are not permanent residents or citizens. I prefer to see these licenses go to people who have taken a step towards citizenship or permanent residence as the current law/ practice provides.

Persons Testifying: PRO: Tony Sermonti, Department of Licensing.

CON: Dion McNeeley, Commercial Driver School.

Persons Signed In To Testify But Not Testifying: No one.