
ENGROSSED HOUSE BILL 2188

State of Washington

66th Legislature

2020 Regular Session

By Representatives Leavitt, Gildon, Dufault, Chapman, Eslick, Orwall, Appleton, Slatter, Ryu, Van Werven, Griffey, Young, Wylie, Doglio, Volz, and Riccelli

Prefiled 12/03/19. Read first time 01/13/20. Referred to Committee on Transportation.

1 AN ACT Relating to increasing the types of commercial driver's
2 license qualification waivers allowed for military veterans; amending
3 RCW 46.25.060; creating a new section; and providing an effective
4 date.

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

6 NEW SECTION. **Sec. 1.** Over half a million United States military
7 veterans live in Washington state and contribute to the state's
8 economic vitality. While active military, many trained in civilian
9 occupations and were well-prepared to contribute to the state as
10 civilians once they left military service. However, many job markets
11 are regulated through licensing, and veterans can find themselves at
12 a disadvantage in obtaining these licenses compared with those
13 trained in the private sector.

14 Commercial truck and bus drivers are in high demand; individuals
15 are required to have commercial driver's licenses to qualify for
16 these jobs. In the case of military veterans who obtain the necessary
17 driving experience while in the military, there is already a waiver
18 program in place to enable these veterans to waive out of the skills
19 examination and course of instruction requirements. However, they are
20 still required to take the knowledge test to obtain a commercial
21 driver's license in Washington.

1 The legislature believes that expanding the waiver program to
2 include the knowledge test will remove an unnecessary obstacle for
3 qualifying veterans. The legislature values the military service of
4 veterans and believes that the removal of this barrier will enable
5 qualifying veterans to more quickly apply the skills they acquired in
6 the military to serve their communities as they have served the
7 country.

8 **Sec. 2.** RCW 46.25.060 and 2015 3rd sp.s. c 44 s 207 are each
9 amended to read as follows:

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

12 (i) Is a resident of this state;

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

17 (iii) If he or she does not hold a valid commercial driver's
18 license of the appropriate classification, has been issued a
19 commercial learner's permit under RCW 46.25.052; and

20 (iv) Has passed a knowledge and skills examination for driving a
21 commercial motor vehicle that complies with minimum federal standards
22 established by federal regulation enumerated in 49 C.F.R. Part 383,
23 subparts F, G, and H, in addition to other requirements imposed by
24 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 examinations must be prescribed and conducted by the department.

28 (b) In addition to the fee charged for issuance or renewal of any
29 license, the applicant shall pay a fee of no more than ten dollars
30 until June 30, 2016, and thirty-five dollars beginning July 1, 2016,
31 for the classified knowledge examination, classified endorsement
32 knowledge examination, or any combination of classified license and
33 endorsement knowledge examinations. The applicant shall pay a fee of
34 no more than one hundred dollars until June 30, 2016, and two hundred
35 fifty dollars beginning July 1, 2016, for each classified skill
36 examination or combination of classified skill examinations conducted
37 by the department.

38 (c) The department may authorize a person, including an agency of
39 this or another state, an employer, a private driver training

1 facility, or other private institution, or a department, agency, or
2 instrumentality of local government, to administer the skills
3 examination specified by this section under the following conditions:

4 (i) The examination is the same which would otherwise be
5 administered by the state;

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

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

11 (d) If the applicant's primary use of a commercial driver's
12 license is for any of the following, then the applicant shall pay a
13 fee of no more than seventy-five dollars until June 30, 2016, and two
14 hundred twenty-five dollars beginning July 1, 2016, for the
15 classified skill examination or combination of classified skill
16 examinations whether conducted by the department or a third-party
17 tester:

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

20 (ii) Public benefit not-for-profit corporations that support
21 early childhood education and assistance programs as described in RCW
22 (~~(43.215.405(2))~~) 43.216.505.

23 (e) Beginning July 1, 2016, if the applicant's primary use of a
24 commercial driver's license is to drive a school bus, the applicant
25 shall pay a fee of no more than one hundred dollars for the
26 classified skill examination or combination of classified skill
27 examinations conducted by the department.

28 (f) Beginning July 1, 2016, payment of the examination fees under
29 this subsection entitles the applicant to take the examination up to
30 two times in order to pass.

31 (2)(a) The department may waive the skills examination and the
32 requirement for completion of a course of instruction in the
33 operation of a commercial motor vehicle specified in this section for
34 a commercial driver's license applicant who meets the requirements of
35 49 C.F.R. Sec. 383.77. For current or former military service members
36 that meet the requirements of 49 C.F.R. Sec. 383.77, the department
37 may also waive the requirements for a knowledge test for commercial
38 driver's license applicants. Beginning December 1, 2021, the
39 department shall provide an annual report to the house and senate
40 transportation committees and the joint committee on veterans' and

1 military affairs of the legislature on the number and types of
2 waivers granted pursuant to this subsection.

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

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

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

15 (iii) Unprocessed agricultural commodities, as defined in RCW
16 17.21.020, where such commodities are produced by farmers, ranchers,
17 vineyardists, or orchardists; or

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

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

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

30 (4) The fees under this section must be deposited into the
31 highway safety fund unless prior to July 1, 2023, the actions
32 described in (a) or (b) of this subsection occur, in which case the
33 portion of the revenue that is the result of the fee increased in
34 section 207, chapter 44, Laws of 2015 3rd sp. sess. must be
35 distributed to the connecting Washington account created under RCW
36 46.68.395.

37 (a) Any state agency files a notice of rule making under chapter
38 34.05 RCW for a rule regarding a fuel standard based upon or defined
39 by the carbon intensity of fuel, including a low carbon fuel standard
40 or clean fuel standard.

1 (b) Any state agency otherwise enacts, adopts, orders, or in any
2 way implements a fuel standard based upon or defined by the carbon
3 intensity of fuel, including a low carbon fuel standard or clean fuel
4 standard.

5 (c) Nothing in this subsection acknowledges, establishes, or
6 creates legal authority for the department of ecology or any other
7 state agency to enact, adopt, order, or in any way implement a fuel
8 standard based upon or defined by the carbon intensity of fuel,
9 including a low carbon fuel standard or clean fuel standard.

10 NEW SECTION. **Sec. 3.** This act takes effect January 1, 2021.

--- END ---