

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5631

67th Legislature
2022 Regular Session

Passed by the Senate February 8, 2022
Yeas 49 Nays 0

President of the Senate

Passed by the House March 2, 2022
Yeas 97 Nays 0

**Speaker of the House of
Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5631** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5631

Passed Legislature - 2022 Regular Session

State of Washington

67th Legislature

2022 Regular Session

By Senate Transportation (originally sponsored by Senators Kuderer, Brown, Dhingra, Fortunato, Lovick, Nobles, Stanford, Van De Wege, Warnick, J. Wilson, and L. Wilson)

READ FIRST TIME 01/28/22.

1 AN ACT Relating to making human trafficking a disqualifying
2 offense for a commercial driver's license and coming into compliance
3 with the requirements of the federal motor carrier safety
4 administration; amending RCW 46.25.090; and providing an effective
5 date.

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

7 **Sec. 1.** RCW 46.25.090 and 2017 c 87 s 5 are each amended to read
8 as follows:

9 (1) A person is disqualified from driving a commercial motor
10 vehicle for a period of not less than one year if a report has been
11 received by the department pursuant to RCW 46.20.308 or 46.25.120, or
12 if the person has been convicted of a first violation, within this or
13 any other jurisdiction, of:

14 (a) Driving a motor vehicle under the influence of alcohol or any
15 drug;

16 (b) Driving a commercial motor vehicle while the alcohol
17 concentration in the person's system is 0.04 or more or any
18 measurable amount of THC concentration, or driving a noncommercial
19 motor vehicle while the alcohol concentration in the person's system
20 is 0.08 or more, or is 0.02 or more if the person is under age
21 twenty-one, or with a THC concentration of 5.00 nanograms per

1 milliliter of whole blood or more, or a THC concentration above 0.00
2 if the person is under the age of twenty-one, as determined by any
3 testing methods approved by law in this state or any other state or
4 jurisdiction;

5 (c) Leaving the scene of an accident involving a motor vehicle
6 driven by the person;

7 (d) Using a motor vehicle in the commission of a felony;

8 (e) Refusing to submit to a test or tests to determine the
9 driver's alcohol concentration or the presence of any drug while
10 driving a motor vehicle;

11 (f) Driving a commercial motor vehicle when, as a result of prior
12 violations committed while operating a commercial motor vehicle, the
13 driver's commercial driver's license is revoked, suspended, or
14 canceled, or the driver is disqualified from operating a commercial
15 motor vehicle;

16 (g) Causing a fatality through the negligent operation of a
17 commercial motor vehicle, including but not limited to the crimes of
18 vehicular homicide and negligent homicide.

19 If any of the violations set forth in this subsection occurred
20 while transporting hazardous material, the person is disqualified for
21 a period of not less than three years.

22 (2) A person is disqualified for life if it has been determined
23 that the person has committed or has been convicted of two or more
24 violations of any of the offenses specified in subsection (1) of this
25 section, or any combination of those offenses, arising from two or
26 more separate incidents.

27 (3) The department may adopt rules, in accordance with federal
28 regulations, establishing guidelines, including conditions, under
29 which a disqualification for life under subsection (2) of this
30 section may be reduced to a period of not less than ten years.

31 (4) A person is disqualified from driving a commercial motor
32 vehicle for life who (~~uses~~):

33 (a) Uses a motor vehicle in the commission of a felony involving
34 the manufacture, distribution, or dispensing of a controlled
35 substance, as defined by chapter 69.50 RCW, or possession with intent
36 to manufacture, distribute, or dispense a controlled substance, as
37 defined by chapter 69.50 RCW; or

38 (b) Uses a motor vehicle in the commission of any trafficking
39 offense under RCW 9A.40.100, which offenses are deemed consistent

1 with felonies involving severe forms of trafficking in persons as
2 described by the federal motor carrier safety administration.

3 (5) (a) A person is disqualified from driving a commercial motor
4 vehicle for a period of:

5 (i) Not less than sixty days if:

6 (A) Convicted of or found to have committed a second serious
7 traffic violation while driving a commercial motor vehicle; or

8 (B) Convicted of reckless driving, where there has been a prior
9 serious traffic violation; or

10 (ii) Not less than one hundred twenty days if:

11 (A) Convicted of or found to have committed a third or subsequent
12 serious traffic violation while driving a commercial motor vehicle;
13 or

14 (B) Convicted of reckless driving, where there has been two or
15 more prior serious traffic violations.

16 (b) The disqualification period under (a) (ii) of this subsection
17 must be in addition to any other previous period of disqualification.

18 (c) For purposes of determining prior serious traffic violations
19 under this subsection, each conviction of or finding that a driver
20 has committed a serious traffic violation while driving a commercial
21 motor vehicle or noncommercial motor vehicle, arising from a separate
22 incident occurring within a three-year period, must be counted.

23 (6) A person is disqualified from driving a commercial motor
24 vehicle for a period of:

25 (a) Not less than one hundred eighty days nor more than one year
26 if convicted of or found to have committed a first violation of an
27 out-of-service order while driving a commercial vehicle;

28 (b) Not less than two years nor more than five years if, during a
29 ten-year period, the person is convicted of or is found to have
30 committed two violations of out-of-service orders while driving a
31 commercial motor vehicle in separate incidents;

32 (c) Not less than three years nor more than five years if, during
33 a ten-year period, the person is convicted of or is found to have
34 committed three or more violations of out-of-service orders while
35 driving commercial motor vehicles in separate incidents;

36 (d) Not less than one hundred eighty days nor more than two years
37 if the person is convicted of or is found to have committed a first
38 violation of an out-of-service order while transporting hazardous
39 materials, or while operating motor vehicles designed to transport
40 sixteen or more passengers, including the driver. A person is

1 disqualified for a period of not less than three years nor more than
2 five years if, during a ten-year period, the person is convicted of
3 or is found to have committed subsequent violations of out-of-service
4 orders, in separate incidents, while transporting hazardous
5 materials, or while operating motor vehicles designed to transport
6 sixteen or more passengers, including the driver.

7 (7) A person is disqualified from driving a commercial motor
8 vehicle if a report has been received by the department under RCW
9 46.25.125 that the person has received a verified positive drug test
10 or positive alcohol confirmation test as part of the testing program
11 conducted under 49 C.F.R. 40. A disqualification under this
12 subsection remains in effect until the person undergoes a drug and
13 alcohol assessment by a substance abuse professional meeting the
14 requirements of 49 C.F.R. 40, and the person presents evidence of
15 satisfactory participation in or successful completion of a drug or
16 alcohol treatment and/or education program as recommended by the
17 substance abuse professional, and until the person has met the
18 requirements of RCW 46.25.100. The substance abuse professional shall
19 forward a diagnostic evaluation and treatment recommendation to the
20 department of licensing for use in determining the person's
21 eligibility for driving a commercial motor vehicle. Persons who are
22 disqualified under this subsection more than twice in a five-year
23 period are disqualified for life.

24 (8)(a) A person is disqualified from driving a commercial motor
25 vehicle for the period of time specified in (b) of this subsection if
26 he or she is convicted of or is found to have committed one of the
27 following six offenses at a railroad-highway grade crossing while
28 operating a commercial motor vehicle in violation of a federal,
29 state, or local law or regulation:

30 (i) For drivers who are not required to always stop, failing to
31 slow down and check that the tracks are clear of an approaching train
32 or other on-track equipment;

33 (ii) For drivers who are not required to always stop, failing to
34 stop before reaching the crossing, if the tracks are not clear;

35 (iii) For drivers who are always required to stop, failing to
36 stop before driving onto the crossing;

37 (iv) For all drivers, failing to have sufficient space to drive
38 completely through the crossing without stopping;

39 (v) For all drivers, failing to obey a traffic control device or
40 the directions of an enforcement officer at the crossing;

1 (vi) For all drivers, failing to negotiate a crossing because of
2 insufficient undercarriage clearance.

3 (b) A person is disqualified from driving a commercial motor
4 vehicle for a period of:

5 (i) Not less than sixty days if the driver is convicted of or is
6 found to have committed a first violation of a railroad-highway grade
7 crossing violation;

8 (ii) Not less than one hundred twenty days if the driver is
9 convicted of or is found to have committed a second railroad-highway
10 grade crossing violation in separate incidents within a three-year
11 period;

12 (iii) Not less than one year if the driver is convicted of or is
13 found to have committed a third or subsequent railroad-highway grade
14 crossing violation in separate incidents within a three-year period.

15 (9) A person is disqualified from driving a commercial motor
16 vehicle for not more than one year if a report has been received by
17 the department from the federal motor carrier safety administration
18 that the person's driving has been determined to constitute an
19 imminent hazard as defined by 49 C.F.R. 383.5. A person who is
20 simultaneously disqualified from driving a commercial motor vehicle
21 under this subsection and under other provisions of this chapter, or
22 under 49 C.F.R. 383.52, shall serve those disqualification periods
23 concurrently.

24 (10) Within ten days after suspending, revoking, or canceling a
25 commercial driver's license or disqualifying a driver from operating
26 a commercial motor vehicle, the department shall update its records
27 to reflect that action.

28 NEW SECTION. **Sec. 2.** This act takes effect September 23, 2022.

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