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**SENATE BILL 5251**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Senators Valdez, Boehnke, Kuderer, Liias, Mullet, Nobles, Saldaña, Shewmake, Torres, and C. Wilson; by request of Department of Licensing

Read first time 01/11/23. Referred to Committee on Transportation.

1 AN ACT Relating to streamlining the licensing process for a  
2 commercial driver's license by allowing the department to waive  
3 requirements for applicants that previously surrendered the license,  
4 allowing the license to be renewed online, and modifying the license  
5 test fees; amending RCW 46.25.088 and 46.25.060; and providing an  
6 effective date.

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

8 **Sec. 1.** RCW 46.25.088 and 2013 c 224 s 11 are each amended to  
9 read as follows:

10 (1) A CDL expires in the same manner as provided in RCW  
11 46.20.181.

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

13 (a) Complete the application form required under RCW  
14 46.25.070(1), providing updated information and required  
15 certifications, and meet all the requirements of RCW 46.25.070 and 49  
16 C.F.R. Sec. 383.71; and

17 (b) (~~Submit the application to the department in person; and~~  
18 ~~(e)~~) If the applicant wishes to retain a hazardous materials  
19 endorsement, take and pass the written test for a hazardous materials  
20 endorsement.

1       **Sec. 2.** RCW 46.25.060 and 2021 c 317 s 23 are each amended to  
2 read as follows:

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

5       (i) Is a resident of this state;

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

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

13       (iv) Has passed a knowledge and skills examination for driving a  
14 commercial motor vehicle that complies with minimum federal standards  
15 established by federal regulation enumerated in 49 C.F.R. Part 383,  
16 subparts F, G, and H, in addition to other requirements imposed by  
17 state law or federal regulation. The department may not allow the  
18 person to take the skills examination during the first ~~((fourteen))~~  
19 14 days after initial issuance of the person's commercial learner's  
20 permit. The examinations must be prescribed and conducted by the  
21 department.

22       (b) In addition to the fee charged for issuance or renewal of any  
23 license, the applicant shall pay a fee of no more than ~~((ten~~  
24 ~~dollars))~~ \$10 until June 30, 2016, and ~~((thirty-five dollars))~~ \$35  
25 beginning July 1, 2016, for the classified knowledge examination,  
26 classified endorsement knowledge examination, or any combination of  
27 classified license and endorsement knowledge examinations. ~~((The))~~  
28 Before January 1, 2024, the applicant shall pay a fee of no more than  
29 ~~((one hundred dollars until June 30, 2016, and two hundred fifty~~  
30 ~~dollars beginning July 1, 2016, for each))~~ \$250 for up to two  
31 classified skill ~~((examination))~~ examinations or combination of  
32 classified skill examinations conducted by the department. Beginning  
33 January 1, 2024, the applicant shall pay a fee of no more than \$175  
34 for each examination.

35       (c) The department may authorize a person, including an agency of  
36 this or another state, an employer, a private driver training  
37 facility, or other private institution, or a department, agency, or  
38 instrumentality of local government, to administer the skills  
39 examination specified by this section under the following conditions:

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

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

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

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

15 ~~(i) Public benefit not-for-profit corporations that are federally  
16 supported head start programs; or~~

17 ~~(ii) Public benefit not-for-profit corporations that support  
18 early childhood education and assistance programs as described in RCW  
19 43.216.505.~~

20 ~~(e))~~ Beginning July 1, 2016, if the applicant's primary use of a  
21 commercial driver's license is to drive a school bus, the applicant  
22 shall pay a fee of no more than ~~((one hundred dollars))~~ \$100 for the  
23 classified skill examination or combination of classified skill  
24 examinations conducted by the department.

25 ~~((f) Beginning July 1, 2016, payment of the examination fees  
26 under this subsection))~~ (e) Before January 1, 2024, payment of the  
27 classified skill examination fee only entitles an applicant to take  
28 the classified skill examination up to two times in order to pass.  
29 Beginning January 1, 2024, payment of the examination fee entitles an  
30 applicant to take a classified skill examination once, except a test  
31 taken under (d) of this subsection, which entitles the applicant to  
32 take the classified skill examination up to two times in order to  
33 pass.

34 (2) (a) The department may waive all or part of the commercial  
35 driver's license or commercial learner's permit qualification  
36 standards for applicants who previously have voluntarily surrendered  
37 a commercial driver's license.

38 (b) The department may waive the skills examination and the  
39 requirement for completion of a course of instruction in the  
40 operation of a commercial motor vehicle specified in this section for

1 a commercial driver's license applicant who meets the requirements of  
2 49 C.F.R. Sec. 383.77. For current or former military service members  
3 that meet the requirements of 49 C.F.R. Sec. 383.77, the department  
4 may also waive the requirements for a knowledge test for commercial  
5 driver's license applicants. Beginning December 1, 2021, the  
6 department shall provide an annual report to the house and senate  
7 transportation committees and the joint committee on veterans' and  
8 military affairs of the legislature on the number and types of  
9 waivers granted pursuant to this subsection.

10 ~~((b))~~ (c) An applicant who operates a commercial motor vehicle  
11 for agribusiness purposes is exempt from the course of instruction  
12 completion and employer skills and training certification  
13 requirements under this section. By January 1, 2010, the department  
14 shall submit recommendations regarding the continuance of this  
15 exemption to the transportation committees of the legislature. For  
16 purposes of this subsection (2) ~~((b))~~ (c), "agribusiness" means a  
17 private carrier who in the normal course of business primarily  
18 transports:

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

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

23 (iii) Unprocessed agricultural commodities, as defined in RCW  
24 17.21.020, where such commodities are produced by farmers, ranchers,  
25 vineyardists, or orchardists; or

26 (iv) Any combination of ~~((b))~~ (c)(i) through (iii) of this  
27 subsection.

28 The department shall notify the transportation committees of the  
29 legislature if the federal government takes action affecting the  
30 exemption provided in this subsection (2) ~~((b))~~ (c).

31 (3) A commercial driver's license or commercial learner's permit  
32 may not be issued to a person while the person is subject to a  
33 disqualification from driving a commercial motor vehicle, or while  
34 the person's driver's license is suspended, revoked, or canceled in  
35 any state, nor may a commercial driver's license be issued to a  
36 person who has a commercial driver's license issued by any other  
37 state unless the person first surrenders all such licenses, which  
38 must be returned to the issuing state for cancellation.

39 (4) The fees under this section must be deposited into the  
40 highway safety fund unless prior to July 1, 2023, the actions

1 described in (a) or (b) of this subsection occur, in which case the  
2 portion of the revenue that is the result of the fee increased in  
3 section 207, chapter 44, Laws of 2015 3rd sp. sess. must be  
4 distributed to the connecting Washington account created under RCW  
5 46.68.395.

6 (a) Any state agency files a notice of rule making under chapter  
7 34.05 RCW, absent explicit legislative authorization enacted  
8 subsequent to July 1, 2015, for a rule regarding a fuel standard  
9 based upon or defined by the carbon intensity of fuel, including a  
10 low carbon fuel standard or clean fuel standard.

11 (b) Any state agency otherwise enacts, adopts, orders, or in any  
12 way implements a fuel standard based upon or defined by the carbon  
13 intensity of fuel, including a low carbon fuel standard or clean fuel  
14 standard, without explicit legislative authorization enacted  
15 subsequent to July 1, 2015.

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

21 NEW SECTION. **Sec. 3.** This act takes effect January 1, 2024.

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