

WSR 25-06-086

EXPEDITED RULES

DEPARTMENT OF LICENSING

[Filed March 5, 2025, 8:48 a.m.]

Title of Rule and Other Identifying Information: WAC 308-100-020 Commercial driver's license—Eligibility.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The Federal Motor Carrier Safety Administration has updated guidance to permit Deferred Action for Childhood Arrival (DACA) individuals eligible for a nondomiciled commercial driver's license (CDL).

Reasons Supporting Proposal: The current WAC is silent on DACA individuals, and has conflicting information for individuals from Mexico and Canada that may also be DACA-eligible for a nondomiciled [CDL]. This incorporates by reference the new federal regulation that defines DACA individuals.

Statutory Authority for Adoption: RCW 46.25.140 Rules.

Statute Being Implemented: WAC 308-100-020 Commercial driver's license—Eligibility.

Rule is necessary because of federal law, [no further information supplied by agency].

Name of Proponent: Washington state legislature, governmental.

Name of Agency Personnel Responsible for Drafting: James Manuel, 1125 Washington Street S.E., Olympia, WA 98501, 360-634-5278; Implementation and Enforcement: Peter Reed, 1125 Washington Street S.E., Olympia, WA 98501, 360-902-3893.

This notice meets the following criteria to use the expedited adoption process for these rules:

Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: The Federal Motor Carrier Safety Administration has updated guidance to permit DACA individuals eligible for a nondomiciled CDL. Thus, the department of licensing is adopting rules to align with C.F.R.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Ellis Starrett, Department of Licensing, 1125 Washington Street S.E., Olympia, WA 98504, phone 360-902-3846, email rulescoordinator@dol.wa.gov, BEGINNING March 5, 2025, AND RECEIVED BY May 5, 2025.

March 5, 2025
Ellis Starrett

RDS-6187.1

AMENDATORY SECTION (Amending WSR 23-23-180, filed 11/22/23, effective 12/23/23)

WAC 308-100-020 Commercial driver's license—Eligibility. (1)

Any person who is at least 18 years of age and who meets the requirements of chapter 46.25 RCW may apply to the department for a commercial driver's license.

(2) For the purposes of clarifying when a CDL cannot be issued to citizens of Canada or Mexico:

(a) A driver who is a citizen of Canada or Mexico must be a resident of Washington, and either be a citizen of the U.S. or have an unexpired Permanent Resident (Green) Card (Form I-551) to obtain a Washington CDL.

(b) A driver who is a citizen of Canada or Mexico that is a resident of Washington but only has an employment authorization document cannot be issued a Washington or (~~non-Domiciled~~) nondomiciled CDL.

(c) A driver who meets the criteria for Deferred Action for Childhood Arrivals as defined at 8 C.F.R. Part 236, Subpart C is eligible for a nondomiciled CDL.