

WSR 26-09-081

PROPOSED RULES

WASHINGTON STATE PATROL

[Filed April 15, 2026, 8:54 a.m.]

[Original Notice.]

Preproposal statement of inquiry was filed as WSR 26-04-089.

Hearing Location(s): On May 26, 2026, at 9:00 a.m., at 106 11th Street S.E., Suite 4020, Olympia, WA.

Date of Intended Adoption: May 26, 2026.

Submit Written Comments to: Kimberly Mathis, Rules Coordinator, 106 11th Street S.E., Olympia, WA 98507, email wsprules@wsp.wa.gov, beginning April 16, 2026, 6:00 a.m., by May 26, 2026, 5:00 p.m.

Assistance for Persons with Disabilities: Contact Kimberly Mathis, rules coordinator, phone 360-596-4017, email wsprules@wsp.wa.gov, by May 25, 2026.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: WAC 446-65-010 (1)(r) adopts certain specifically identified federal safety regulations, including 49 C.F.R. Part 391 Qualification of drivers, but does not permit intrastate drivers between the ages of 18 and 21. The federal minimum age requirement of 21, as stated in 49 C.F.R. § 391.11 (b)(1), is applied by default. This is inconsistent with Washington's longstanding practice of allowing commercial drivers between the ages of 18 and 21 to operate eligible commercial vehicles intrastate. The lack of clear language explicitly authorizing drivers aged 18 to 21 to operate commercial motor vehicles intrastate creates confusion for both carriers and enforcement agencies. As a result, WAC 446-65-010 should be amended to expressly permit drivers aged 18 to 21 to operate eligible commercial vehicles intrastate.

Reasons Supporting Proposal: The proposal aligns state rule language with long-standing Washington practice, eliminating ambiguity, and ensuring consistent interpretation by carriers, drivers, and enforcement agencies.

Statutory Authority for Adoption: RCW 46.32.020 and 46.48.170.

Statute Being Implemented: RCW 46.32.020 and 46.48.170.

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

Name of Proponent: Governmental.

Name of Agency Personnel Responsible for Drafting: Kimberly Mathis, Olympia, Washington, 360-596-4017; Implementation and Enforcement: Kevin Valentine, Commercial Vehicle Enforcement Officer, Olympia, Washington, 360-596-3803.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. A cost-benefit analysis is not required per RCW 34.05.328 (5)(a)(i)-(ii) and (b)(iii).

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

Is exempt under RCW 19.85.025(4).

Scope of exemption for rule proposal:

Is fully exempt.

April 15, 2026

John R. Batiste
Chief

RDS-7076.1

AMENDATORY SECTION (Amending WSR 25-19-049, filed 9/10/25, effective 10/11/25)

WAC 446-65-010 Transportation requirements. (1) The Washington state patrol hereby adopts the following parts of Title 49 Code of Federal Regulations (C.F.R.), as they exist on April 25, 2025, for motor carriers used in intrastate or interstate commerce in their entirety:

- (a) Part 40 Procedures for transportation workplace drug and alcohol testing programs.
- (b) Part 325 Compliance with interstate motor carrier noise emission standards.
- (c) Part 350 Commercial motor carrier safety assistance program.
- (d) Part 355 Compatibility of state laws and regulations affecting interstate motor carrier operations.
- (e) Part 365 Rules governing applications for operating authority.
- (f) Part 367 Standards for registration with states.
- (g) Part 372 Exemptions, commercial zones and terminal areas.
- (h) Part 373 Receipts and bills.
- (i) Part 376 Lease and interchange of vehicles.
- (j) Part 379 Preservation of records.
- (k) Part 380 Special training requirements.
- (l) Part 381 Waivers, exemptions, and pilot programs.
- (m) Part 382 Controlled substances and alcohol use and testing.
- (n) Part 383 Compliance with commercial driver's license program.
- (o) Part 385 Safety fitness procedures.
- (p) Part 387 Minimum levels of financial responsibility for motor carriers.
- (q) Part 390 General.
- (r) Part 391 Qualification of drivers. Provided that 49 C.F.R. 391 subpart D (Tests), and E (Physical Qualifications and Examinations) do not apply to motor carriers operating vehicles with gross vehicle weight rating between 10,001 lbs. and 26,000 lbs. operating intrastate, and not used to transport hazardous materials in a quantity requiring placarding, and that 49 C.F.R. Sec. 391.11 (b) (1) (minimum age requirement) does not apply to drivers 18 through 20 years of age operating solely in intrastate commerce under these same conditions.
- (s) Part 392 Driving of motor vehicles.
- (t) Part 393 Parts and accessories necessary for safe operation.
- (u) Part 395 Hours of service of drivers: Except if a company has drivers of commercial motor vehicle of any size, hauling logs from the point of production or driving in dump truck operations in intrastate commerce provided that:
 - (i) The driver must:

(A) Operate within a 100 air-mile radius of the location where the driver reports to work and the driver must return to the work reporting location at the end of each duty tour;

(B) Have at least 10 consecutive hours off duty separating each on-duty period;

(C) Not drive:

- More than 12 hours following at least 10 hours off duty; or
- After the 14th hour after coming on duty on at least five days of any period of seven consecutive days; and

- After the 16th hour after coming on duty on no more than two days of any period of seven consecutive days; and

- After having been on duty for 80 hours in seven consecutive days if the employing motor carrier does not operate commercial motor vehicle every day of the week; or

- After having been on duty for 90 hours in eight consecutive days if the employing motor carrier operates commercial motor vehicle every day of the week; in any period of seven or eight consecutive days may end with the beginning of any off-duty period of 24 or more consecutive hours.

(ii) The motor carrier that employs the driver must maintain and retain for a period of 12 months accurate and true time recordings showing:

(A) The time the driver reports for duty each day;

(B) The total number of hours the driver is on duty each day;

(C) The total number of hours the driver drives each day;

(D) The time the driver is released from duty each day; and

(E) The total time the driver is driving and on duty for the preceding seven days.

(v) Part 396 Inspection, repair, and maintenance.

(w) Part 397 Transportation of hazardous materials; driving and parking rules.

(2) As provided in Part 395, exemption for agricultural transporters, the harvest dates are defined in RCW 46.32.130.

(3) Links to the C.F.R. are available on the Washington state patrol website at www.wsp.wa.gov. Copies of the C.F.R. may also be ordered through the United States Government Printing Office, 732 N. Capitol Street N.W., Washington, D.C. 20401.