WSR 26-16-010
PROPOSED RULES
WASHINGTON STATE PATROL
[Filed July 23, 2026, 10:30 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 26-10-080.

Hearing Location(s): On September 8, 2026, at 10:00 a.m., at Washington State Patrol (WSP), Helen Somers Building, 106 11th Street S.E., Room 4020, Olympia, WA 98507 [98501].

Date of Intended Adoption: September 8, 2026.

Submit Written Comments to: Kimberly Mathis, Rules Coordinator, 106 11th Street S.E., Olympia, WA 98507 [98501], email wsprules@wsp.wa.gov, beginning July 23, 2026, 4:00 p.m., by September 8, 2026, 12:00 p.m.

Assistance for Persons with Disabilities: Contact Kimberly Mathis, Rules Coordinator, phone 360-596-4017, email wsprules@wsp.wa.gov, by September 8, 2026.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: WAC 446-65-010(1) needs to be amended to bring all C.F.R. adopted by reference current to April 25, 2026.

Reasons Supporting Proposal: Failure to update WAC 446-65-010(1) to incorporate all of the recent amendments to C.F.R.s adopted by reference therein could jeopardize grant funding to the state. Therefore, the adoption of this rule change, which brings all C.F.R.s incorporated by reference current to April 25, 2026, will allow enforcement of all of the federal regulations contained in WAC and will enable the uninterrupted receipt of grant funds to Washington, both of which will preserve the public health, safety, and general welfare of our citizens.

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, Title 49 C.F.R.

Name of Proponent: WSP, governmental.

Name of Agency Personnel Responsible for Drafting: Kimberly Mathis, Olympia, Washington, 360-596-4017; Implementation and Enforcement: WSP, Olympia, Washington, 360-596-3807.

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 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Citation of the specific federal statute or regulation and description of the consequences to the state if the rule is not adopted: Title 49 C.F.R. The proposed rule will allow the permanent adoption of C.F.R.s identified in WAC 446-65-010(1) and the continued enforcement of all of the current federal regulations contained in WAC and will enable the uninterrupted receipt of grant funds to Washington.

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.

July 23, 2026
John R. Batiste
Chief

RDS-7323.1

AMENDATORY SECTION (Amending WSR 26-12-032, filed 5/27/26, effective 6/27/26)

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~~)) 2026, 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.