

HOUSE BILL REPORT

HB 1229

As Passed Legislature

Title: An act relating to certain commercial motor vehicle provisions.

Brief Description: Concerning certain commercial motor vehicle provisions.

Sponsors: Representatives Moscoso, Armstrong and Kenney; by request of Department of Licensing.

Brief History:

Committee Activity:

Transportation: 1/26/11, 1/31/11 [DP].

Floor Activity:

Passed House: 2/14/11, 94-0.

Senate Amended.

Passed Senate: 3/29/11, 46-1.

House Refused to Concur.

Senate Amended.

Passed Senate: 4/21/11, 40-5.

House Concurred.

Passed House: 4/21/11, 56-41.

Passed Legislature.

Brief Summary of Bill

- Requires every person who applies for a commercial driver's license (CDL) to self-certify that he or she expects to engage in one of four types of driving. For a two-year period, the Department of Licensing (DOL) may require those who hold a CDL prior to the effective date of the act to self-certify driving type.
- Requires CDL applicants and CDL holders who self-certify for nonexcepted interstate driving to provide a medical examiner's certificate to the DOL.
- Requires the DOL to downgrade a license for failure to self-certify driving type or failure to submit a medical examiner's certificate when one is required.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

- Requires the DOL to meet certain requirements related to recordkeeping for drivers' self-certification and medical examiner's certificates, driver notifications, and downgrading licenses for failure to comply.
- Increases minimum disqualification periods and monetary penalties for a CDL holder who violates an out-of-service order.
- Increases monetary penalties for an employer who allows the operation of a commercial motor vehicle when there is an out-of-service order.
- Increases the fee to receive an original, a renewal, and an extension of a CDL.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass. Signed by 29 members: Representatives Clibborn, Chair; Billig, Vice Chair; Lias, Vice Chair; Armstrong, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Angel, Asay, Eddy, Finn, Fitzgibbon, Jinkins, Johnson, Klippert, Kristiansen, Ladenburg, McCune, Moeller, Morris, Moscoso, Overstreet, Reykdal, Rivers, Rodne, Rolfes, Ryu, Shea, Takko, Upthegrove and Zeiger.

Staff: Wendy Malkin (786-7114).

Background:

The Commercial Motor Vehicle Safety Act of 1986 (Act) established minimum national standards that states must meet when issuing commercial driver's licenses (CDLs). Under the Act, the Federal Motor Carrier Safety Administration (FMCSA) issues standards that require states to issue CDLs to certain commercial motor vehicle drivers only after the driver passes knowledge and skills tests administered by the state, that are related to the type of vehicle the driver expects to operate. In addition, the Act requires that CDL holders meet FMCSA medical standards.

A CDL is required in Washington to operate certain types of vehicles. Commercial driver's license holders are not required to indicate to the Department of Licensing (DOL) whether they engage in interstate commerce. Both intrastate and interstate commercial motor vehicle drivers must meet minimum medical standards. Drivers are not required to submit a medical certificate to the DOL, but drivers must possess a medical certificate while driving a commercial motor vehicle. The DOL grants medical waivers for intrastate drivers, and the FMCSA grants medical waivers for interstate drivers.

Beginning January 30, 2012, states must comply with revised federal requirements for licensing commercial motor vehicle drivers. The revisions are primarily related to requirements for driver self-certification of driving type, requirements for medical examiner certificates, and requirements for the DOL regarding recordkeeping for drivers' self-certification and medical certificates, driver notifications, and downgrading licenses for failure to comply.

If Washington does not comply with the revised federal requirements, the FMCSA may decertify Washington's CDL program. Decertification of the state CDL could lead to the following: (1) loss of 5 percent (\$16-17 million) of federal highway funds for the first year of noncompliance and loss of 10 percent (\$32-34 million) of federal highway funds for subsequent years, and (2) commercial drivers operating under a Washington CDL would not be allowed to operate commercial motor vehicles in any activity deemed to be interstate commerce.

The Washington State Patrol may issue an out-of-service order on a commercial vehicle if the vehicle is unsafe to operate or if the driver commits certain violations. A person is disqualified from driving a commercial motor vehicle for not less than 90 days but not more than a year for the first violation of an out-of-service order. A person is disqualified from driving a commercial motor vehicle for not less than one year but not more than five years for two violations of an out-of-service order in a 10-year period.

In addition, monetary penalties may be assessed for violators of out-of-service orders. A driver who is convicted of violating an out-of-service order on a vehicle is subject to a civil penalty of not less than \$1,100 but not more than \$2,750 for each violation. An employer who allows the operation of a commercial motor vehicle while there is an out-of-service order on the vehicle is subject to a civil penalty of not less than \$2,750 but not more than \$11,000.

The fee for issuing each class of CDL is \$30 for the original license and subsequent renewals. The fee to renew or extend a CDL for a period other than five years is \$6 for each year that the license is extended or renewed.

Summary of Bill:

Various changes are made to Washington's CDL requirements.

A person who applies for a CDL must certify that he or she expects to engage in one of four types of driving: nonexcepted interstate, excepted interstate, nonexcepted intrastate, or excepted intrastate. For a two-year period of time, the DOL may require a person who holds a CDL prior to the effective date of this act to self-certify driving type.

Definitions are added for each of the four types of driving. Those who engage in excepted interstate driving are not required to obtain a medical certificate. Those who engage in excepted intrastate driving are excepted from all or parts of the state CDL driver qualification requirements. A person who self-certifies that he or she expects to engage in nonexcepted interstate driving must submit a medical examiner's certificate to the DOL.

A category labeled "V" has been added to the endorsements and restrictions to indicate that a driver has been issued a federal medical variance.

If a driver fails to self-certify or provide a medical examiner's certificate when one is required, the DOL must mark the commercial driver license information system (CDLIS) driver's status as "not-certified" and must start procedures to downgrade the driver's license.

A driver whose CDL has been downgraded may restore his or her CDL privileges by providing the necessary documents to the DOL.

If a driver's medical certification or medical variance information expires, the DOL must provide notification that the driver will be given a noncertified medical status, and the DOL must provide notification that the driver's CDL privileges will be removed unless the driver changes his or her self-certification of driving type. If a driver is given a noncertified medical status, the DOL must initiate procedures for downgrading the driver's license.

Recordkeeping requirements are revised for the DOL:

- Within 10 days of issuance of a CDL, the DOL must notify the CDLIS.
- The DOL must maintain the self-certification of driving type in the driver's record and in the CDLIS driver record.
- The DOL must retain the medical examiner's certificate for three years after it is issued.
- Within 10 days of receiving a submitted medical examiner's certificate, the DOL must post the information from the certificate to the CDLIS.
- The DOL must update the medical certification status of the driver to "not-certified" within 10 days of a medical certificate expiring or being rescinded.
- The DOL must update the CDLIS driver record to include medical variance information within 10 days of receiving the information.

Minimum disqualification periods are increased for a driver who violates an out-of-service order. A person is disqualified from driving a commercial motor vehicle for not less than 180 days but not more than a year for the first violation of an out-of-service order. A person is disqualified from driving a commercial motor vehicle for not less than two years but not more than five years for two violations of an out-of-service order in a 10-year period.

Monetary penalties for drivers and employers for violations of out-of-service orders are increased. A driver who is convicted of violating an out-of-service order is subject to a civil penalty of not less than \$2,500 for a first violation and not less than \$5,000 for a second or subsequent violation. An employer who allows the operation of a commercial motor vehicle when there is an out-of-service order is subject to a penalty of not less than \$2,750 but not more than \$25,000.

The fee for issuing each class of CDL is increased to \$61 for the original license and subsequent renewals. The fee to renew or extend a CDL for a period other than five years is \$12.20 for each year that the license is extended or renewed.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect January 30, 2012.

Staff Summary of Public Testimony:

(In support) This bill is necessary to maintain critical highway funds. The DOL will develop improved recordkeeping to make it easier for drivers to comply with the new requirements. They urge your support.

(Opposed) None.

Persons Testifying: Representative Moscoso, prime sponsor; Clark Holloway and Tandy Alexander, Department of Licensing.

Persons Signed In To Testify But Not Testifying: None.