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HOUSE BILL 1306

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State of Washington

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2011 Regular Session

**By** Representatives Lytton, Bailey, Dahlquist, Billig, Clibborn, Armstrong, McCune, Blake, Lias, Takko, Chandler, Johnson, Frockt, Fitzgibbon, and Smith

Read first time 01/18/11. Referred to Committee on Transportation.

1 AN ACT Relating to removing the expiration date for exempting  
2 applicants who operate commercial motor vehicles for agribusiness  
3 purposes from certain commercial driver's license requirements;  
4 amending RCW 46.25.060; providing an effective date; and declaring an  
5 emergency.

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

7 **Sec. 1.** RCW 46.25.060 and 2009 c 339 s 1 are each amended to read  
8 as follows:

9 (1)(a) No person may be issued a commercial driver's license unless  
10 that person is a resident of this state, has successfully completed a  
11 course of instruction in the operation of a commercial motor vehicle  
12 that has been approved by the director or has been certified by an  
13 employer as having the skills and training necessary to operate a  
14 commercial motor vehicle safely, and has passed a knowledge and skills  
15 test for driving a commercial motor vehicle that complies with minimum  
16 federal standards established by federal regulation enumerated in 49  
17 C.F.R. part 383, subparts G and H, and has satisfied all other  
18 requirements of the CMVSA in addition to other requirements imposed by  
19 state law or federal regulation. The tests must be prescribed and

1 conducted by the department. In addition to the fee charged for  
2 issuance or renewal of any license, the applicant shall pay a fee of no  
3 more than ten dollars for each classified knowledge examination,  
4 classified endorsement knowledge examination, or any combination of  
5 classified license and endorsement knowledge examinations. The  
6 applicant shall pay a fee of no more than one hundred dollars for each  
7 classified skill examination or combination of classified skill  
8 examinations conducted by the department.

9 (b) The department may authorize a person, including an agency of  
10 this or another state, an employer, a private driver training facility,  
11 or other private institution, or a department, agency, or  
12 instrumentality of local government, to administer the skills test  
13 specified by this section under the following conditions:

14 (i) The test is the same which would otherwise be administered by  
15 the state;

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

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

21 (c) If the applicant's primary use of a commercial driver's license  
22 is for any of the following, then the applicant shall pay a fee of no  
23 more than seventy-five dollars for each classified skill examination or  
24 combination of classified skill examinations whether conducted by the  
25 department or a third-party tester:

26 (i) Public benefit not-for-profit corporations that are federally  
27 supported head start programs; or

28 (ii) Public benefit not-for-profit corporations that support early  
29 childhood education and assistance programs as described in RCW  
30 43.215.405(~~(+4)~~) (2).

31 (2) The department shall work with the office of the superintendent  
32 of public instruction to develop modified P1 and P2 skill examinations  
33 that also include the skill examination components required to obtain  
34 an "S" endorsement. In no event may a new applicant for an "S"  
35 endorsement be required to take two separate examinations to obtain an  
36 "S" endorsement and either a P1 or P2 endorsement, unless that  
37 applicant is upgrading his or her existing commercial driver's license

1 to include an "S" endorsement. The combined P1/S or P2/S skill  
2 examination must be offered to the applicant at the same cost as a  
3 regular P1 or P2 skill examination.

4 (3)(a) The department may waive the skills test and the requirement  
5 for completion of a course of instruction in the operation of a  
6 commercial motor vehicle specified in this section for a commercial  
7 driver's license applicant who meets the requirements of 49 C.F.R. part  
8 383.77.

9 (b) An applicant who operates a commercial motor vehicle for  
10 agribusiness purposes is exempt from the course of instruction  
11 completion and employer skills and training certification requirements  
12 under this section. By January 1, 2010, the department shall submit  
13 recommendations regarding the continuance of this exemption to the  
14 transportation committees of the legislature. For purposes of this  
15 subsection (3)(b), "agribusiness" means a private carrier who in the  
16 normal course of business primarily transports:

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

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

21 (iii) Unprocessed agricultural commodities, as defined in RCW  
22 17.21.020, where such commodities are produced by farmers, ranchers,  
23 vineyardists, or orchardists; or

24 (iv) Any combination of (b)(i) through (iii) of this subsection.

25 (~~This subsection (3)(b) expires July 1, 2011.~~)

26 (4) A commercial driver's license or commercial driver's  
27 instruction permit may not be issued to a person while the person is  
28 subject to a disqualification from driving a commercial motor vehicle,  
29 or while the person's driver's license is suspended, revoked, or  
30 canceled in any state, nor may a commercial driver's license be issued  
31 to a person who has a commercial driver's license issued by any other  
32 state unless the person first surrenders all such licenses, which must  
33 be returned to the issuing state for cancellation.

34 (5)(a) The department may issue a commercial driver's instruction  
35 permit to an applicant who is at least eighteen years of age and holds  
36 a valid Washington state driver's license and who has submitted a  
37 proper application, passed the general knowledge examination required

1 for issuance of a commercial driver's license under subsection (1) of  
2 this section, and paid the appropriate fee for the knowledge  
3 examination and an application fee of ten dollars.

4 (b) A commercial driver's instruction permit may not be issued for  
5 a period to exceed six months. Only one renewal or reissuance may be  
6 granted within a two-year period.

7 (c) The holder of a commercial driver's instruction permit may  
8 drive a commercial motor vehicle on a highway only when accompanied by  
9 the holder of a commercial driver's license valid for the type of  
10 vehicle driven who occupies a seat beside the individual for the  
11 purpose of giving instruction in driving the commercial motor vehicle.  
12 The holder of a commercial driver's instruction permit is not  
13 authorized to operate a commercial motor vehicle transporting hazardous  
14 materials.

15 (d) The department shall transmit the fees collected for commercial  
16 driver's instruction permits to the state treasurer.

17 NEW SECTION. **Sec. 2.** This act is necessary for the immediate  
18 preservation of the public peace, health, or safety, or support of the  
19 state government and its existing public institutions, and takes effect  
20 July 1, 2011.

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