
ENGROSSED SUBSTITUTE SENATE BILL 5544

State of Washington

66th Legislature

2019 Regular Session

By Senate Transportation (originally sponsored by Senators Hobbs, King, Saldaña, Zeiger, Mullet, Padden, Fortunato, O'Ban, and Wilson, L.)

READ FIRST TIME 02/14/19.

1 AN ACT Relating to increasing the types of commercial driver
2 waivers allowed for military veterans; amending RCW 46.25.060; and
3 providing an effective date.

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

5 **Sec. 1.** RCW 46.25.060 and 2015 3rd sp.s. c 44 s 207 are each
6 amended to read as follows:

7 (1)(a) No person may be issued a commercial driver's license
8 unless that person:

9 (i) Is a resident of this state;

10 (ii) Has successfully completed a course of instruction in the
11 operation of a commercial motor vehicle that has been approved by the
12 director or has been certified by an employer as having the skills
13 and training necessary to operate a commercial motor vehicle safely;

14 (iii) If he or she does not hold a valid commercial driver's
15 license of the appropriate classification, has been issued a
16 commercial learner's permit under RCW 46.25.052; and

17 (iv) Has passed a knowledge and skills examination for driving a
18 commercial motor vehicle that complies with minimum federal standards
19 established by federal regulation enumerated in 49 C.F.R. Part 383,
20 subparts F, G, and H, in addition to other requirements imposed by
21 state law or federal regulation. The department may not allow the

1 person to take the skills examination during the first fourteen days
2 after initial issuance of the person's commercial learner's permit.
3 The examinations must be prescribed and conducted by the department.

4 (b) In addition to the fee charged for issuance or renewal of any
5 license, the applicant shall pay a fee of no more than ten dollars
6 until June 30, 2016, and thirty-five dollars beginning July 1, 2016,
7 for the classified knowledge examination, classified endorsement
8 knowledge examination, or any combination of classified license and
9 endorsement knowledge examinations. The applicant shall pay a fee of
10 no more than one hundred dollars until June 30, 2016, and two hundred
11 fifty dollars beginning July 1, 2016, for each classified skill
12 examination or combination of classified skill examinations conducted
13 by the department.

14 (c) The department may authorize a person, including an agency of
15 this or another state, an employer, a private driver training
16 facility, or other private institution, or a department, agency, or
17 instrumentality of local government, to administer the skills
18 examination specified by this section under the following conditions:

19 (i) The examination is the same which would otherwise be
20 administered by the state;

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

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

26 (d) If the applicant's primary use of a commercial driver's
27 license is for any of the following, then the applicant shall pay a
28 fee of no more than seventy-five dollars until June 30, 2016, and two
29 hundred twenty-five dollars beginning July 1, 2016, for the
30 classified skill examination or combination of classified skill
31 examinations whether conducted by the department or a third-party
32 tester:

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

35 (ii) Public benefit not-for-profit corporations that support
36 early childhood education and assistance programs as described in RCW
37 (~~43.215.405(2)~~) 43.216.505.

38 (e) Beginning July 1, 2016, if the applicant's primary use of a
39 commercial driver's license is to drive a school bus, the applicant
40 shall pay a fee of no more than one hundred dollars for the

1 classified skill examination or combination of classified skill
2 examinations conducted by the department.

3 (f) Beginning July 1, 2016, payment of the examination fees under
4 this subsection entitles the applicant to take the examination up to
5 two times in order to pass.

6 (2) (a) The department may waive (~~the skills examination and~~)
7 the requirement for completion of a course of instruction in the
8 operation of a commercial motor vehicle specified in this section for
9 a commercial driver's license applicant who meets the requirements of
10 49 C.F.R. Sec. 383.77.

11 (b) For current or former military service members that meet the
12 requirements of 49 C.F.R. Sec. 383.77, the department must require
13 verification of a military service member's driving experience to
14 ensure the requirements for a military waiver are met. The department
15 must obtain and record the training documents of the federal
16 department of defense form 346 for training documentation and verify
17 the federal department of defense form 348 for military license. The
18 form documentation must also include the signature of an authorized
19 commander to verify the number of years of driving experience, miles
20 driven, if applicable, the type of vehicle driven, and provide the
21 rank and position of the military service member. The department must
22 verify the experience has been completed within the last two years.

23 (i) In order to better prepare military service members for
24 transition to commercial driver employment, careers in construction
25 and transportation, and to understand Washington state's commercial
26 driver's license laws, hours of service, log book, and related
27 civilian requirements, the former military service member must take
28 the basic skills examination and the knowledge test.

29 (ii) To improve employability in careers in construction and
30 transportation, additional education and training may be made
31 available to former military service members based on their level of
32 experience, interest, or if current experience is older than two
33 years, or not able to be verified. The basic skills examination and
34 the knowledge test basic skills may be taken at any federal veterans
35 affairs approved commercial driver training schools in Washington
36 state.

37 (c) An applicant who operates a commercial motor vehicle for
38 agribusiness purposes is exempt from the course of instruction
39 completion and employer skills and training certification
40 requirements under this section. By January 1, 2010, the department

1 shall submit recommendations regarding the continuance of this
2 exemption to the transportation committees of the legislature. For
3 purposes of this subsection (2) ~~((b))~~ (c), "agribusiness" means a
4 private carrier who in the normal course of business primarily
5 transports:

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

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

10 (iii) Unprocessed agricultural commodities, as defined in RCW
11 17.21.020, where such commodities are produced by farmers, ranchers,
12 vineyardists, or orchardists; or

13 (iv) Any combination of ~~((b))~~ (c)(i) through (iii) of this
14 subsection.

15 The department shall notify the transportation committees of the
16 legislature if the federal government takes action affecting the
17 exemption provided in this subsection (2) ~~((b))~~ (c).

18 (3) A commercial driver's license or commercial learner's permit
19 may not be issued to a person while the person is subject to a
20 disqualification from driving a commercial motor vehicle, or while
21 the person's driver's license is suspended, revoked, or canceled in
22 any state, nor may a commercial driver's license be issued to a
23 person who has a commercial driver's license issued by any other
24 state unless the person first surrenders all such licenses, which
25 must be returned to the issuing state for cancellation.

26 (4) The fees under this section must be deposited into the
27 highway safety fund unless prior to July 1, 2023, the actions
28 described in (a) or (b) of this subsection occur, in which case the
29 portion of the revenue that is the result of the fee increased in
30 section 207, chapter 44, Laws of 2015 3rd sp. sess. must be
31 distributed to the connecting Washington account created under RCW
32 46.68.395.

33 (a) Any state agency files a notice of rule making under chapter
34 34.05 RCW for a rule regarding a fuel standard based upon or defined
35 by the carbon intensity of fuel, including a low carbon fuel standard
36 or clean fuel standard.

37 (b) Any state agency otherwise enacts, adopts, orders, or in any
38 way implements a fuel standard based upon or defined by the carbon
39 intensity of fuel, including a low carbon fuel standard or clean fuel
40 standard.

1 (c) Nothing in this subsection acknowledges, establishes, or
2 creates legal authority for the department of ecology or any other
3 state agency to enact, adopt, order, or in any way implement a fuel
4 standard based upon or defined by the carbon intensity of fuel,
5 including a low carbon fuel standard or clean fuel standard.

6 NEW SECTION. **Sec. 2.** This act takes effect October 1, 2019.

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