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**SECOND SUBSTITUTE SENATE BILL 5544**

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**State of Washington**

**66th Legislature**

**2020 Regular Session**

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

READ FIRST TIME 02/04/20.

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 the  
7 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. For current or former military service members  
11 that meet the requirements of 49 C.F.R. Sec. 383.77, the department  
12 may also waive the requirements for a knowledge test for commercial  
13 driver's license applicants. Beginning December 1, 2020, the  
14 department shall provide an annual report to the legislature on the  
15 number and types of waivers granted pursuant to this subsection.

16 (b) An applicant who operates a commercial motor vehicle for  
17 agribusiness purposes is exempt from the course of instruction  
18 completion and employer skills and training certification  
19 requirements under this section. By January 1, 2010, the department  
20 shall submit recommendations regarding the continuance of this  
21 exemption to the transportation committees of the legislature. For  
22 purposes of this subsection (2)(b), "agribusiness" means a private  
23 carrier who in the normal course of business primarily transports:

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

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

28 (iii) Unprocessed agricultural commodities, as defined in RCW  
29 17.21.020, where such commodities are produced by farmers, ranchers,  
30 vineyardists, or orchardists; or

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

32 The department shall notify the transportation committees of the  
33 legislature if the federal government takes action affecting the  
34 exemption provided in this subsection (2)(b).

35 (3) A commercial driver's license or commercial learner's permit  
36 may not be issued to a person while the person is subject to a  
37 disqualification from driving a commercial motor vehicle, or while  
38 the person's driver's license is suspended, revoked, or canceled in  
39 any state, nor may a commercial driver's license be issued to a  
40 person who has a commercial driver's license issued by any other

1 state unless the person first surrenders all such licenses, which  
2 must be returned to the issuing state for cancellation.

3 (4) The fees under this section must be deposited into the  
4 highway safety fund unless prior to July 1, 2023, the actions  
5 described in (a) or (b) of this subsection occur, in which case the  
6 portion of the revenue that is the result of the fee increased in  
7 section 207, chapter 44, Laws of 2015 3rd sp. sess. must be  
8 distributed to the connecting Washington account created under RCW  
9 46.68.395.

10 (a) Any state agency files a notice of rule making under chapter  
11 34.05 RCW for a rule regarding a fuel standard based upon or defined  
12 by the carbon intensity of fuel, including a low carbon fuel standard  
13 or clean fuel standard.

14 (b) Any state agency otherwise enacts, adopts, orders, or in any  
15 way implements a fuel standard based upon or defined by the carbon  
16 intensity of fuel, including a low carbon fuel standard or clean fuel  
17 standard.

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

23 NEW SECTION. **Sec. 2.** This act takes effect July 1, 2020.

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