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SENATE BILL 6591

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State of Washington

64th Legislature

2016 Regular Session

By Senators Hobbs, Fain, Jayapal, and Liiias; by request of Department of Licensing

Read first time 01/28/16. Referred to Committee on Transportation.

1 AN ACT Relating to the issuance of nondomiciled commercial  
2 drivers' licenses and commercial learners' permits to nonresidents;  
3 amending RCW 46.25.010, 46.25.070, and 46.25.---; adding a new  
4 section to chapter 46.25 RCW; and providing effective dates.

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

6 **Sec. 1.** RCW 46.25.010 and 2013 c 224 s 3 are each amended to  
7 read as follows:

8 The definitions set forth in this section apply throughout this  
9 chapter.

10 (1) "Alcohol" means any substance containing any form of alcohol,  
11 including but not limited to ethanol, methanol, propanol, and  
12 isopropanol.

13 (2) "Alcohol concentration" means:

14 (a) The number of grams of alcohol per one hundred milliliters of  
15 blood; or

16 (b) The number of grams of alcohol per two hundred ten liters of  
17 breath.

18 (3) "Commercial driver's license" (CDL) means a license issued to  
19 an individual under chapter 46.20 RCW that has been endorsed in  
20 accordance with the requirements of this chapter to authorize the  
21 individual to drive a class of commercial motor vehicle.

1 (4) The "commercial driver's license information system" (CDLIS)  
2 is the information system established pursuant to 49 U.S.C. Sec.  
3 31309 to serve as a clearinghouse for locating information related to  
4 the licensing and identification of commercial motor vehicle drivers.

5 (5) "Commercial learner's permit" (CLP) means a permit issued  
6 under RCW 46.25.052 for the purposes of behind-the-wheel training.

7 (6) "Commercial motor vehicle" means a motor vehicle or  
8 combination of motor vehicles used in commerce to transport  
9 passengers or property if the motor vehicle:

10 (a) Has a gross combination weight rating or gross combination  
11 weight of 11,794 kilograms or more (26,001 pounds or more), whichever  
12 is greater, inclusive of (~~(a-[any])~~) any towed unit (~~([for-units])~~) or  
13 units with a gross vehicle weight rating or gross vehicle weight of  
14 more than 4,536 kilograms (10,000 pounds or more), whichever is  
15 greater; or

16 (b) Has a gross vehicle weight rating or gross vehicle weight of  
17 11,794 kilograms or more (26,001 pounds or more), whichever is  
18 greater; or

19 (c) Is designed to transport sixteen or more passengers,  
20 including the driver; or

21 (d) Is of any size and is used in the transportation of hazardous  
22 materials as defined in this section; or

23 (e) Is a school bus regardless of weight or size.

24 (7) "Conviction" means an unvacated adjudication of guilt, or a  
25 determination that a person has violated or failed to comply with the  
26 law in a court of original jurisdiction or by an authorized  
27 administrative tribunal, an unvacated forfeiture of bail or  
28 collateral deposited to secure the person's appearance in court, a  
29 plea of guilty or nolo contendere accepted by the court, the payment  
30 of a fine or court cost, entry into a deferred prosecution program  
31 under chapter 10.05 RCW, or violation of a condition of release  
32 without bail, regardless of whether or not the penalty is rebated,  
33 suspended, or probated.

34 (8) "Disqualification" means a prohibition against driving a  
35 commercial motor vehicle.

36 (9) "Drive" means to drive, operate, or be in physical control of  
37 a motor vehicle (~~(in any place open to the general public for~~  
38 ~~purposes of vehicular traffic. For purposes of RCW 46.25.100,~~  
39 ~~46.25.110, and 46.25.120, "drive" includes operation or physical~~  
40 ~~control of a motor vehicle)) anywhere in the state.~~

1 (10) "Drugs" are those substances as defined by RCW 69.04.009,  
2 including, but not limited to, those substances defined by 49 C.F.R.  
3 Sec. 40.3.

4 (11) "Employer" means any person, including the United States, a  
5 state, or a political subdivision of a state, who owns or leases a  
6 commercial motor vehicle, or assigns a person to drive a commercial  
7 motor vehicle.

8 (12) "Gross vehicle weight rating" (GVWR) means the value  
9 specified by the manufacturer as the maximum loaded weight of a  
10 single vehicle. The GVWR of a combination or articulated vehicle,  
11 commonly referred to as the "gross combined weight rating" or GCWR,  
12 is the GVWR of the power unit plus the GVWR of the towed unit or  
13 units. If the GVWR of any unit cannot be determined, the actual gross  
14 weight will be used. If a vehicle with a GVWR of less than 11,794  
15 kilograms (26,001 pounds or less) has been structurally modified to  
16 carry a heavier load, then the actual gross weight capacity of the  
17 modified vehicle, as determined by RCW 46.44.041 and 46.44.042, will  
18 be used as the GVWR.

19 (13) "Hazardous materials" means any material that has been  
20 designated as hazardous under 49 U.S.C. Sec. 5103 and is required to  
21 be placarded under subpart F of 49 C.F.R. Part 172 or any quantity of  
22 a material listed as a select agent or toxin in 42 C.F.R. Part 73.

23 (14) "Motor vehicle" means a vehicle, machine, tractor, trailer,  
24 or semitrailer propelled or drawn by mechanical power used on  
25 highways, or any other vehicle required to be registered under the  
26 laws of this state, but does not include a vehicle, machine, tractor,  
27 trailer, or semitrailer operated exclusively on a rail.

28 (15) "Out-of-service order" means a declaration by an authorized  
29 enforcement officer of a federal, state, Canadian, Mexican, or local  
30 jurisdiction that a driver, a commercial motor vehicle, or a motor  
31 carrier operation is out-of-service pursuant to 49 C.F.R. Secs.  
32 386.72, 392.5, 395.13, 396.9, or compatible laws, or the North  
33 American uniform out-of-service criteria.

34 (16) "Positive alcohol confirmation test" means an alcohol  
35 confirmation test that:

36 (a) Has been conducted by a breath alcohol technician under 49  
37 C.F.R. Part 40; and

38 (b) Indicates an alcohol concentration of 0.04 or more.

39 A report that a person has refused an alcohol test, under  
40 circumstances that constitute the refusal of an alcohol test under 49

1 C.F.R. Part 40, will be considered equivalent to a report of a  
2 positive alcohol confirmation test for the purposes of this chapter.

3 (17) "School bus" means a commercial motor vehicle used to  
4 transport preprimary, primary, or secondary school students from home  
5 to school, from school to home, or to and from school-sponsored  
6 events. School bus does not include a bus used as a common carrier.

7 (18) "Serious traffic violation" means:

8 (a) Excessive speeding, defined as fifteen miles per hour or more  
9 in excess of the posted limit;

10 (b) Reckless driving, as defined under state or local law;

11 (c) Driving while using a hand-held (~~wireless communications~~  
12 ~~device [hand held mobile telephone]~~) mobile telephone, defined as a  
13 violation of RCW 46.61.667(1)(b) or an equivalent administrative rule  
14 or local law, ordinance, rule, or resolution;

15 (d) Texting, defined as a violation of RCW 46.61.668(1)(b) or an  
16 equivalent administrative rule or local law, ordinance, rule, or  
17 resolution;

18 (e) A violation of a state or local law relating to motor vehicle  
19 traffic control, other than a parking violation, arising in  
20 connection with an accident or collision resulting in death to any  
21 person;

22 (f) Driving a commercial motor vehicle without obtaining a  
23 commercial driver's license;

24 (g) Driving a commercial motor vehicle without a commercial  
25 driver's license in the driver's possession; however, any individual  
26 who provides proof to the court by the date the individual must  
27 appear in court or pay any fine for such a violation, that the  
28 individual held a valid CDL on the date the citation was issued, is  
29 not guilty of a "serious traffic violation";

30 (h) Driving a commercial motor vehicle without the proper class  
31 of commercial driver's license endorsement or endorsements for the  
32 specific vehicle group being operated or for the passenger or type of  
33 cargo being transported; and

34 (i) Any other violation of a state or local law relating to motor  
35 vehicle traffic control, other than a parking violation, that the  
36 department determines by rule to be serious.

37 (19) "State" means a state of the United States and the District  
38 of Columbia.

1 (20) "Substance abuse professional" means an alcohol and drug  
2 specialist meeting the credentials, knowledge, training, and  
3 continuing education requirements of 49 C.F.R. Sec. 40.281.

4 (21) "Tank vehicle" means any commercial motor vehicle that is  
5 designed to transport any liquid or gaseous materials within a tank  
6 or tanks having an individual rated capacity of more than one hundred  
7 nineteen gallons and an aggregate rated capacity of one thousand  
8 gallons or more that is either permanently or temporarily attached to  
9 the vehicle or the chassis. A commercial motor vehicle transporting  
10 an empty storage container tank, not designed for transportation,  
11 with a rated capacity of one thousand gallons or more that is  
12 temporarily attached to a flatbed trailer is not considered a tank  
13 vehicle.

14 (22) "Type of driving" means one of the following:

15 (a) "Nonexcepted interstate," which means the CDL or CLP holder  
16 or applicant operates or expects to operate in interstate commerce,  
17 is both subject to and meets the qualification requirements under 49  
18 C.F.R. Part 391 as it existed on July 8, 2014, or such subsequent  
19 date as may be provided by the department by rule, consistent with  
20 the purposes of this section, and is required to obtain a medical  
21 examiner's certificate under 49 C.F.R. Sec. 391.45 as it existed on  
22 July 8, 2014, or such subsequent date as may be provided by the  
23 department by rule, consistent with the purposes of this section;

24 (b) "Excepted interstate," which means the CDL or CLP holder or  
25 applicant operates or expects to operate in interstate commerce, but  
26 engages exclusively in transportation or operations excepted under 49  
27 C.F.R. Secs. 390.3(f), 391.2, 391.68, or 398.3, as they existed on  
28 July 8, 2014, or such subsequent date as may be provided by the  
29 department by rule, consistent with the purposes of this section,  
30 from all or parts of the qualification requirements of 49 C.F.R. Part  
31 391 as it existed on July 8, 2014, or such subsequent date as may be  
32 provided by the department by rule, consistent with the purposes of  
33 this section, and is therefore not required to obtain a medical  
34 examiner's certificate under 49 C.F.R. Sec. 391.45 as it existed on  
35 July 8, 2014, or such subsequent date as may be provided by the  
36 department by rule, consistent with the purposes of this section;

37 (c) "Nonexcepted intrastate," which means the CDL or CLP holder  
38 or applicant operates only in intrastate commerce and is therefore  
39 subject to state driver qualification requirements; or

1 (d) "Excepted intrastate," which means the CDL or CLP holder or  
2 applicant operates in intrastate commerce, but engages exclusively in  
3 transportation or operations excepted from all or parts of the state  
4 driver qualification requirements.

5 (23) "United States" means the fifty states and the District of  
6 Columbia.

7 (24) "Verified positive drug test" means a drug test result or  
8 validity testing result from a laboratory certified under the  
9 authority of the federal department of health and human services  
10 that:

11 (a) Indicates a drug concentration at or above the cutoff  
12 concentration established under 49 C.F.R. Sec. 40.87; and

13 (b) Has undergone review and final determination by a medical  
14 review officer.

15 A report that a person has refused a drug test, under  
16 circumstances that constitute the refusal of a federal department of  
17 transportation drug test under 49 C.F.R. Part 40, will be considered  
18 equivalent to a report of a verified positive drug test for the  
19 purposes of this chapter.

20 (25) "Nondomiciled CLP or CDL" means a permit or license,  
21 respectively, issued under section 3 of this act to a nonresident:

22 (a) Domiciled in a foreign country meeting the requirements of 49  
23 C.F.R. Sec. 383.23(b)(1) as it existed on the effective date of this  
24 section, or such subsequent date as may be provided by the department  
25 by rule, consistent with the purposes of this section; or

26 (b) Domiciled in another state meeting the requirements of 49  
27 C.F.R. Sec. 383.23(b)(2) as it existed on the effective date of this  
28 section, or such subsequent date as may be provided by the department  
29 by rule, consistent with the purposes of this section.

30 **Sec. 2.** RCW 46.25.070 and 2013 c 224 s 7 are each amended to  
31 read as follows:

32 (1) The application for a commercial driver's license or  
33 commercial learner's permit must include the following:

34 (a) The full name and current mailing and residential address of  
35 the person;

36 (b) A physical description of the person, including sex, height,  
37 weight, and eye color;

38 (c) Date of birth;

1 (d) Except in the case of an applicant for a nondomiciled CLP or  
2 CDL who is domiciled in a foreign country and who has not been issued  
3 a social security number, the applicant's social security number;

4 (e) The person's signature;

5 (f) Certifications including those required by 49 C.F.R. Sec.  
6 383.71;

7 (g) The names of all states where the applicant has previously  
8 been licensed to drive any type of motor vehicle during the previous  
9 ten years;

10 (h) Any other information required by the department; and

11 (i) A consent to release driving record information to parties  
12 identified in chapter 46.52 RCW and this chapter.

13 (2) An applicant for a commercial driver's license or commercial  
14 learner's permit, and every licensee seeking to renew his or her  
15 license, must meet the requirements of 49 C.F.R. Sec. 383.71 as it  
16 existed on July 8, 2014, or such subsequent date as may be provided  
17 by the department by rule, consistent with the purposes of this  
18 section.

19 (3) An applicant for a hazardous materials endorsement must  
20 submit an application and comply with federal transportation security  
21 administration requirements as specified in 49 C.F.R. Part 1572.

22 (4) When a licensee changes his or her name, mailing address, or  
23 residence address, the person shall notify the department as provided  
24 in RCW 46.20.205.

25 (5) No person who has been a resident of this state for thirty  
26 days may drive a commercial motor vehicle under the authority of a  
27 commercial driver's license issued by another jurisdiction.

28 NEW SECTION. Sec. 3. A new section is added to chapter 46.25  
29 RCW to read as follows:

30 (1) The department may issue a nondomiciled CLP or CDL to a  
31 person who is a nonresident:

32 (a) Domiciled in a foreign country meeting the requirements of 49  
33 C.F.R. Sec. 383.23(b)(1) as it existed on the effective date of this  
34 section, or such subsequent date as may be provided by the department  
35 by rule, consistent with the purposes of this section; or

36 (b) Domiciled in another state meeting the requirements of 49  
37 C.F.R. Sec. 383.23(b)(2) as it existed on the effective date of this  
38 section, or such subsequent date as may be provided by the department  
39 by rule, consistent with the purposes of this section.

1 (2) A person applying for a nondomiciled CLP or CDL must:

2 (a) Surrender any nonresident or nondomiciled CLP or CDL issued  
3 by another state;

4 (b) Be in possession of a valid driver's license issued by this  
5 state or by his or her jurisdiction of domicile;

6 (c) Meet the requirements of 49 C.F.R. Sec. 383.71(f) as it  
7 existed on the effective date of this section, or such subsequent  
8 date as may be provided by the department by rule, consistent with  
9 the purposes of this section; and

10 (d) Be otherwise eligible and meet the applicable requirements  
11 for the issuance of a CLP or CDL under this chapter, including the  
12 payment of all appropriate fees.

13 (3) Before issuing a nondomiciled CLP or CDL, the department must  
14 establish the practical capability of disqualifying the person under  
15 the conditions applicable to a CLP or CDL issued to a resident of  
16 this state.

17 (4) A nondomiciled CLP or CDL issued under this section:

18 (a) Must be marked "nondomiciled" on the face of the document;

19 (b) Must include the information, be issued with the appropriate  
20 classifications, endorsements, and restrictions, and, except as may  
21 be limited under subsection (5) of this section, expire and be  
22 subject to renewal in the same manner as required for a CLP or CDL  
23 issued under this chapter;

24 (c) Permits operation of a commercial motor vehicle to the same  
25 extent as a CLP or CDL issued under this section; and

26 (d) Is valid only when accompanied by a valid driver's license  
27 issued by this state or by the person's jurisdiction of domicile.

28 (5) A nondomiciled CLP or CDL issued to an individual who has  
29 temporary lawful status in the United States:

30 (a) Is valid only when accompanied by valid documentary evidence  
31 that the individual is authorized to stay in the United States;

32 (b) Must expire no later than the first anniversary of the  
33 individual's birthdate that occurs after the expiration of the  
34 individual's authorized stay in the United States, or if there is no  
35 expiration date for the authorized stay, one year from the first  
36 anniversary of the individual's birthdate that occurs after issuance;  
37 and

38 (c) May be renewed if the individual presents valid documentary  
39 evidence that temporary lawful status in the United States is still  
40 in effect or has been extended.



1 (6) A person who has been issued a nondomiciled CLP or CDL:

2 (a) Is subject to all applicable requirements for and  
3 disqualifications from operating a commercial motor vehicle as  
4 provided under this chapter and is subject to the withdrawal of  
5 driving privileges as provided by this title; and

6 (b) Must notify the department of the issuance of any  
7 disqualifications or license suspensions or revocations, whether in  
8 the United States or in the person's jurisdiction of domicile.

9 **Sec. 4.** RCW 46.25.--- and 2016 c ... s 3 (section 3 of this act)  
10 are each amended to read as follows:

11 (1) The department may issue a nondomiciled CLP or CDL to a  
12 person who is a nonresident:

13 (a) Domiciled in a foreign country meeting the requirements of 49  
14 C.F.R. Sec. 383.23(b)(1) as it existed on the effective date of this  
15 section, or such subsequent date as may be provided by the department  
16 by rule, consistent with the purposes of this section; or

17 (b) Domiciled in another state meeting the requirements of 49  
18 C.F.R. Sec. 383.23(b)(2) as it existed on the effective date of this  
19 section, or such subsequent date as may be provided by the department  
20 by rule, consistent with the purposes of this section.

21 (2) A person applying for a nondomiciled CLP or CDL must:

22 (a) Surrender any nonresident or nondomiciled CLP or CDL issued  
23 by another state;

24 (b) Be in possession of a valid driver's license issued by this  
25 state or by his or her jurisdiction of domicile;

26 (c) Meet the requirements of 49 C.F.R. Sec. 383.71(f) as it  
27 existed on the effective date of this section, or such subsequent  
28 date as may be provided by the department by rule, consistent with  
29 the purposes of this section; and

30 (d) Be otherwise eligible and meet the applicable requirements  
31 for the issuance of a CLP or CDL under this chapter, including the  
32 payment of all appropriate fees.

33 (3) Before issuing a nondomiciled CLP or CDL, the department must  
34 establish the practical capability of disqualifying the person under  
35 the conditions applicable to a CLP or CDL issued to a resident of  
36 this state.

37 (4) A nondomiciled CLP or CDL issued under this section:

38 (a) Must be marked "nondomiciled" on the face of the document;

1 (b) Must include the information, be issued with the appropriate  
2 classifications, endorsements, and restrictions, and, except as may  
3 be limited under subsection (5) of this section, expire and be  
4 subject to renewal in the same manner as required for a CLP or CDL  
5 issued under this chapter;

6 (c) Permits operation of a commercial motor vehicle to the same  
7 extent as a CLP or CDL issued under this section; and

8 (d) Is valid only when accompanied by a valid driver's license  
9 issued by this state or by the person's jurisdiction of domicile.

10 (5) A nondomiciled CLP or CDL issued to an individual who has  
11 temporary lawful status in the United States:

12 (a) Is valid only when accompanied by valid documentary evidence  
13 that the individual is authorized to stay in the United States;

14 (b) Must expire no later than the (~~first anniversary of the~~  
15 ~~individual's birthdate that occurs after the~~) expiration of the  
16 individual's authorized stay in the United States, or if there is no  
17 expiration date for the authorized stay, one year from the (~~first~~  
18 ~~anniversary of the individual's birthdate that occurs after~~) date of  
19 issuance; and

20 (c) May be renewed if the individual presents valid documentary  
21 evidence that temporary lawful status in the United States is still  
22 in effect or has been extended.

23 (6) A person who has been issued a nondomiciled CLP or CDL:

24 (a) Is subject to all applicable requirements for and  
25 disqualifications from operating a commercial motor vehicle as  
26 provided under this chapter and is subject to the withdrawal of  
27 driving privileges as provided by this title; and

28 (b) Must notify the department of the issuance of any  
29 disqualifications or license suspensions or revocations, whether in  
30 the United States or in the person's jurisdiction of domicile.

31 NEW SECTION. **Sec. 5.** Except for section 4 of this act, this act  
32 takes effect October 1, 2016.

33 NEW SECTION. **Sec. 6.** Section 4 of this act takes effect July 1,  
34 2019.

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