

RCW 46.25.060 Knowledge and skills examination, exemptions, fee distribution. (Effective until November 18, 2024.)

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

(i) Is a resident of this state;

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

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

(iv) Has passed a knowledge and skills examination for driving a commercial motor vehicle that complies with minimum federal standards established by federal regulation enumerated in 49 C.F.R. Part 383, subparts F, G, and H, in addition to other requirements imposed by state law or federal regulation. The department may not allow the person to take the skills examination during the first 14 days after initial issuance of the person's commercial learner's permit. The examinations must be prescribed and conducted by the department.

(b) In addition to the fee charged for issuance or renewal of any license, the applicant shall pay a fee of no more than \$10 until June 30, 2016, and \$35 beginning July 1, 2016, for the classified knowledge examination, classified endorsement knowledge examination, or any combination of classified license and endorsement knowledge examinations. Before January 1, 2024, the applicant shall pay a fee of no more than \$250 for up to two classified skill examinations or combination of classified skill examinations conducted by the department. Beginning January 1, 2024, the applicant shall pay a fee of no more than \$175 for each examination.

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

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

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

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

(d) Beginning July 1, 2016, if the applicant's primary use of a commercial driver's license is to drive a school bus, the applicant shall pay a fee of no more than \$100 for the classified skill examination or combination of classified skill examinations conducted by the department.

(e) Before January 1, 2024, payment of the classified skill examination fee only entitles an applicant to take the classified skill examination up to two times in order to pass. Beginning January 1, 2024, payment of the examination fee entitles an applicant to take a classified skill examination once, except a test taken under (d) of this subsection, which entitles the applicant to take the classified skill examination up to two times in order to pass.

(2) (a) The department may waive all or part of the commercial driver's license or commercial learner's permit qualification standards for applicants who previously have voluntarily surrendered a commercial driver's license.

(b) The department may waive the skills examination and the requirement for completion of a course of instruction in the operation of a commercial motor vehicle specified in this section for a commercial driver's license applicant who meets the requirements of 49 C.F.R. Sec. 383.77. For current or former military service members that meet the requirements of 49 C.F.R. Sec. 383.77, the department may also waive the requirements for a knowledge test for commercial driver's license applicants. Beginning December 1, 2021, the department shall provide an annual report to the house and senate transportation committees and the joint committee on veterans' and military affairs of the legislature on the number and types of waivers granted pursuant to this subsection.

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

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

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

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

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

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

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

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

(a) Any state agency files a notice of rule making under chapter 34.05 RCW, absent explicit legislative authorization enacted subsequent to July 1, 2015, for a rule regarding a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard.

(b) Any state agency otherwise enacts, adopts, orders, or in any way implements a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard, without explicit legislative authorization enacted subsequent to July 1, 2015.

(c) Nothing in this subsection acknowledges, establishes, or creates legal authority for the department of ecology or any other state agency to enact, adopt, order, or in any way implement a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard. [2023 c 57 s 2; 2021 c 317 s 23; 2020 c 78 s 2; 2015 3rd sp.s. c 44 s 207; 2013 c 224 s 6; 2011 c 153 s 1; 2009 c 339 s 1; 2007 c 418 s 1; 2004 c 187 s 3; 2002 c 352 s 18; 1989 c 178 s 8.]

Effective date—2023 c 57: See note following RCW 46.25.088.

Severability—2021 c 317: See note following RCW 70A.535.005.

Legislative intent—Value—2020 c 78: "Over half a million United States military veterans live in Washington state and contribute to the state's economic vitality. While active military, many trained in civilian occupations and were well-prepared to contribute to the state as civilians once they left military service. However, many job markets are regulated through licensing, and veterans can find themselves at a disadvantage in obtaining these licenses compared with those trained in the private sector.

Commercial truck and bus drivers are in high demand; individuals are required to have commercial driver's licenses to qualify for these jobs. In the case of military veterans who obtain the necessary driving experience while in the military, there is already a waiver program in place to enable these veterans to waive out of the skills examination and course of instruction requirements. However, they are still required to take the knowledge test to obtain a commercial driver's license in Washington.

The legislature believes that expanding the waiver program to include the knowledge test will remove an unnecessary obstacle for qualifying veterans. The legislature values the military service of veterans and believes that the removal of this barrier will enable qualifying veterans to more quickly apply the skills they acquired in the military to serve their communities as they have served the country." [2020 c 78 s 1.]

Effective date—2020 c 78: "This act takes effect January 1, 2021." [2020 c 78 s 3.]

Effective date—2015 3rd sp.s. c 44: See note following RCW 46.68.395.

Effective date—2013 c 224: See note following RCW 46.01.130.

Effective date—2011 c 153: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2011." [2011 c 153 s 2.]

Effective date—2007 c 418: "This act takes effect January 15, 2008." [2007 c 418 s 2.]

Effective dates—2002 c 352: See note following RCW 46.09.410.

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(v) Is not prohibited from operating a commercial motor vehicle based on the department's query of the drug and alcohol clearinghouse as provided in 49 C.F.R. Sec. 383.73.

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Reviser's note: This section was amended by 2023 c 35 s 3 and by 2023 c 57 s 2, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Effective date—2023 c 57: See note following RCW 46.25.088.

Effective date—2023 c 35: See note following RCW 46.25.010.

Severability—2021 c 317: See note following RCW 70A.535.005.

Legislative intent—Value—2020 c 78: "Over half a million United States military veterans live in Washington state and contribute to the state's economic vitality. While active military, many trained in civilian occupations and were well-prepared to contribute to the state as civilians once they left military service. However, many job markets are regulated through licensing, and veterans can find themselves at a disadvantage in obtaining these licenses compared with those trained in the private sector.

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