

**RCW 46.25.075 Certification—Recordkeeping and administration—**

**Downgrade.** (1) Any person applying for a CDL or CLP must certify that he or she is or expects to be engaged in one of the following types of driving:

- (a) Nonexcepted interstate;
- (b) Excepted interstate;
- (c) Nonexcepted intrastate; or
- (d) Excepted intrastate.

(2) A CDL or CLP applicant or holder who certifies under subsection (1)(a), (b), or (c) of this section that he or she is or expects to be engaged in nonexcepted interstate, excepted interstate, or nonexcepted intrastate commerce must provide a copy of a medical examiner's certificate prepared by a medical examiner, as defined in 49 C.F.R. Sec. 390.5 as it existed on April 30, 2019, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section. A CDL or CLP holder who certifies under subsection (1)(a), (b), or (c) of this section must provide a copy of each subsequently issued medical examiner's certificate.

(3) For each operator of a commercial motor vehicle required to have a CDL or CLP, the department must meet the following requirements:

- (a) (i) The driver's self-certification of type of driving under subsection (1) of this section must be maintained on the driver's record and the CDLIS driver record;
- (ii) The copy of a medical examiner's certificate, when provided under subsection (2) of this section, must be retained for three years beyond the date the certificate was issued; and
- (iii) When a medical examiner's certificate is provided under subsection (2) of this section, the information required under 49 C.F.R. Sec. 383.73 as it existed on April 30, 2019, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section must be posted to the CDLIS driver record within ten calendar days from the date provided. The indicator of medical certification status, such as "certified" or "not-certified," must be maintained on the driver's record.

(b) Within ten calendar days of the driver's medical certification status expiring or a medical variance expiring or being rescinded, the medical certification status of the driver must be updated to "not-certified."

(c) Within ten calendar days of receiving information from the federal motor carrier safety administration or the department regarding issuance or renewal of a medical variance for a driver, the department must update the CDLIS driver record to include the medical variance information.

(4) Upon receiving an electronic copy of the medical examiner's certificate from the federal motor carrier safety administration, the department must post a medical qualification status of "certified" on the CDLIS driver record for the driver.

(5) (a) If a driver's medical certification or medical variance expires, or the federal motor carrier safety administration or issuing medical examiner notifies the department that a medical variance was removed or rescinded, the department must:

- (i) Notify the driver of his or her "not-certified" medical certification status and that the privilege of operating a commercial motor vehicle will be removed from the CDL or CLP unless the driver

provides a current medical certificate or medical variance, or changes his or her self-certification to driving in excepted intrastate commerce; and

(ii) Initiate procedures for downgrading the CDL or CLP. The CDL or CLP downgrade must be completed and recorded within sixty days of the driver's medical certification status becoming "not-certified" to operate a commercial motor vehicle.

(b) If a driver fails to provide the department with the certification required in subsection (1) of this section, or a current medical examiner's certificate if the driver self-certifies under subsection (1)(a), (b), or (c) of this section that he or she is operating in nonexcepted interstate, excepted interstate, or nonexcepted intrastate commerce as required in subsection (2) of this section, the department must mark the CDLIS driver record as "not-certified" and initiate a CDL or CLP downgrade in accordance with (a)(ii) of this subsection.

(c) A driver whose CDL or CLP has been downgraded under this subsection may restore the CDL or CLP privilege by providing the necessary certifications or medical variance information to the department. [2018 c 49 § 3; 2013 c 224 § 8; 2011 c 227 § 3.]

**Effective date—2019 c 44; 2018 c 49:** See note following RCW 46.25.055.

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

**Effective date—2011 c 227 §§ 1-3:** "Sections 1 through 3 of this act take effect January 30, 2012." [2011 c 227 § 7.]