Chapter 308-100 WAC

DRIVERS' LICENSES—SPECIAL PROVISIONS

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-100-030 Motor vehicles which may be operated pursuant to the endorsement. [Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16, 89-18-003, § 308-100-030, filed 8/24/89, effective 9/24/89; Order 1, § 308-100-030, filed 1/5/68.] Repealed by 93-22-071, filed 11/1/93, effective 12/2/93. Statutory Authority: RCW 46.01.110.
308-100-070 Effective date for endorsement requirements. [Order 1, § 308-100-070, filed 1/5/68.] Repealed by 82-03-046 (Order 668 DOL), filed 1/19/82. Statutory Authority: RCW 46.01.110.
308-100-080 Definition of terms. [Order 106 MV, § 308-100-080, filed 8/17/71; Order 691101, § 308-100-080, filed 11/26/69; Order 1, § 308-100-080, filed 1/5/68.] Repealed by 89-18-003, filed 8/24/89, effective 9/24/89. Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16.

WAC 308-100-005 Definitions. The definitions of this section apply throughout this chapter unless the context clearly requires otherwise:

(1) "Agribusiness" means a private carrier who in the normal course of business primarily transports:
   (a) Farm machinery, farm equipment, implements of husbandry, farm supplies and materials used in farming;
   (b) Agricultural inputs, such as seed, feed, fertilizer and crop protection products;
   (c) Unprocessed agricultural commodities as defined in RCW 17.21.020, where such commodities are produced by farmers, ranchers, vineyardists, or orchardists; or
   (d) Any combination of (a) through (c).

(2) "Classroom instruction" means training provided through lectures, demonstrations, audiovisual presentations, computer-based instruction, driving simulation devices, or similar means. Instruction occurring outside a classroom is included if it does not involve actual operation of a commercial motor vehicle and its components by the student.

(3) "Employee" means any operator of a commercial motor vehicle, including full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent, owner operator contractors, while in the course of operating a commercial motor vehicle, who are either directly employed by or under lease to an employer.

(4) "Employer" means a person or entity that hires one or more individuals to operate a commercial motor vehicle on a regular basis during their normal course of employment and whose primary purpose is not to train operators of commercial motor vehicles.

(5) "Hour," as used in connection with training requirements, means no less than fifty minutes of training or instruction.

(6) "Lab" means a teaching environment involving a nonmoving vehicle for hands on instruction supported by classroom material.

(7) "Observation" means the careful watching, as a passenger in a commercial motor vehicle, of street driving during the hours of course instruction, recording lessons learned and applying classroom material.

(8) "Proficiency development" means driving exercises that will allow more time to develop the skills needed to demonstrate proficiency, competence, and confidence in the street driving and backing maneuvers portions of a course.

(9) "Range" means an area closed from the public where driving activities are practiced.

(10) "Street driving" means driving a commercial motor vehicle on a public road, where the traffic laws are enforced, consisting of city street, country road, and freeway driving.

(11) "Training institute" means:
   (a) An institution of higher learning accredited by the Northwest Association of Schools and Colleges or by an accrediting association recognized by the higher education board;
   (b) A licensed private vocational school as that term is defined by RWC 28C.10.020(7); or
   (c) An entity in another state that the department has determined provides training or instruction equivalent to that required under WAC 308-100-033.

[Statutory Authority: RCW 46.01.110, 46.25.060, and 46.25.140. 08-16-017, § 308-100-005, filed 7/25/08, effective 8/25/08.]

WAC 308-100-010 Vehicles requiring a commercial driver's license for their operation. The director of the department of licensing hereby finds that the following vehicles require special operating skills by the drivers of those vehicles:

(7/9/10)
(1) Single vehicles with a gross vehicle weight rating (GVWR) of 26,001 pounds or more;
(2) Any combination of vehicles where:
   (a) The vehicle being driven has a GVWR of 26,001 pounds or more; or
   (b) The vehicle being towed has a GVWR of 10,001 pounds or more and the gross combination weight rating (GCWR) of the vehicles is 26,001 pounds or more;
(3) Vehicles designed to transport sixteen or more passengers, including the driver;
(4) Vehicles used in the transportation of hazardous materials that requires the vehicle to be identified with a placard under 49 C.F.R., part 172, subpart F; and
(5) All public school buses, regardless of capacity.

All persons driving such vehicles, other than those exempt under RCW 46.25.050, must have a commercial driver's license with the proper classification(s) and endorsements.

As used in this section, "gross vehicle weight rating" has the meaning defined by RCW 46.25.010(12).

[Statutory Authority: RCW 46.01.110, 46.25.010, 46.25.060, and 46.25.140. 00-18-068, § 308-100-010, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 46.01.110 and 46.25.140. 90-17-028, § 308-100-010, filed 8/8/90, effective 9/8/90. Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16. 89-18-003, § 308-100-010, filed 8/24/89, effective 9/24/89. Statutory Authority: RCW 46.01.110. 87-19-129 (Order DS 3), § 308-100-010, filed 9/22/87; 82-03-046 (Order 668 DOL), § 308-100-010, filed 1/19/82; Order 106 MV, § 308-100-010, filed 8/17/71; Order 691101, § 308-100-010, filed 11/26/69; Order 1, § 308-100-010, filed 1/5/68.]

WAC 308-100-020 Commercial driver's license—Eligibility. Any person who is at least eighteen years of age and who meets the requirements of chapter 46.25 RCW may apply to the department for a commercial driver's license.

[Statutory Authority: RCW 46.01.110, 46.25.010, 46.25.060, and 46.25.140. 00-18-068, § 308-100-020, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16. 89-18-003, § 308-100-020, filed 8/24/89, effective 9/24/89. Statutory Authority: RCW 46.01.110. 87-19-129 (Order DS 3), § 308-100-010, filed 9/22/87; 82-03-046 (Order 668 DOL), § 308-100-010, filed 1/19/82; Order 106 MV, § 308-100-010, filed 8/17/71; Order 691101, § 308-100-010, filed 11/26/69; Order 1, § 308-100-010, filed 1/5/68.]

WAC 308-100-031 Skill and training requirements for commercial driver's license. An applicant for a commercial driver's license must complete the minimum training requirements specified under WAC 308-100-033, unless waived under RCW 46.25.060(3). The department also may issue a commercial driver's license to an applicant certified by an employer under WAC 308-100-035 as having the skills and training necessary to operate a commercial motor vehicle safely. Until June 30, 2011, the department may issue a commercial driver's license that is restricted to the operation of a commercial motor vehicle for agribusiness purposes under WAC 308-100-038 to an applicant who does not otherwise meet the requirements of this section.

[Statutory Authority: RCW 46.01.110 and 46.01.110. 90-20-019, § 308-100-031, filed 9/28/09, effective 10/29/09. Statutory Authority: RCW 46.01.110, 46.25.060, and 46.25.140. 08-16-017, § 308-100-031, filed 7/25/08, effective 8/25/08.]

WAC 308-100-033 Minimum training requirements.

(1) To ensure the quality of the training given, a training course acceptable to the director must:

(a) Be provided by, and under the direct supervision of, a training institute; and
(b) Be not less than:
   (i) One hundred sixty hours if the applicant is applying for a class A commercial driver's license, including not less than:
      (A) Forty hours of classroom instruction;
      (B) Eighteen hours of street driving training;
      (C) Sixteen hours of training in backing maneuvers;
      (D) Sixteen hours of proficiency development; and
      (E) Seventy hours of combined lab training, range training, and observation;
   (ii) Forty-eight hours if the applicant is applying for a class B commercial driver's license, including not less than:
      (A) Twenty hours of classroom instruction;
      (B) Fourteen hours of street driving training;
      (C) Four hours of training in backing maneuvers;
      (D) Four hours of proficiency development; and
      (E) Six hours of combined lab training, range training, and observation;
   (iii) Thirty-six hours if the applicant is applying for a class C commercial driver's license, including not less than:
      (A) Twenty hours of classroom instruction;
      (B) Eight hours of street driving training;
      (C) Two hours of training in backing maneuvers;
      (D) Two hours of proficiency development; and
      (E) Four hours of combined lab training, range training, and observation.

(2) A licensed private vocational school must maintain individual student records. Student records shall document for each student:

(a) Course attendance, starting, and ending dates;
(b) The dates and times for each session;
(c) The number of hours spent on each category of instruction covered; and
(d) The name and signature of the instructor who provided each session of instruction or training.

(3) Student records must be maintained by a licensed private vocational school for the past five years from the date instruction or training has ended and must be made available for inspection at the request of the department.

(4) A licensed private vocational school may issue a certificate of completion on a form provided by the department to a student who has received the training required under subsection (1) of this section. An accredited institution of higher learning may issue a certificate of completion to a student who has received appropriate training. A certificate issued under this subsection must be used by a student to demonstrate to the department that he or she has met the minimum requirements required under this section.

[Statutory Authority: RCW 46.01.110, 46.25.060, and 46.25.140. 08-16-017, § 308-100-033, filed 7/25/08, effective 8/25/08.]

WAC 308-100-035 Employer certification. An employer may certify an applicant for a commercial driver's license as having the skills and training necessary to operate a commercial motor vehicle safely on a form provided by the department. The certification must include the classification or endorsements of commercial motor vehicle that the employee or prospective employee is competent to operate.
(3)(a) Except as provided in subsection (3)(b) of this section, the examination fee for each commercial driver’s license skill examination conducted by the department shall be one hundred dollars.

(b) If the applicant’s primary use of a commercial driver’s license is for any of the following, then the examination fee for each commercial driver’s license skill examination conducted by the department shall be seventy-five dollars:

(i) Public benefit not-for-profit corporations that operate a motor vehicle within the state of Washington, and shall issue an intrastate waiver if the applicant meets all applicable licensing requirements and is qualified to operate a motor vehicle within the state of Washington.

(ii) Public benefit not-for-profit corporations that support early childhood education and assistance programs as described in RCW 43.215.405(4).

(4) An applicant who has failed the skill examination must re-test and pay the full fee required under subsection (3) of this section.

(5) Drivers selected for reexamination by the department may be subject to costs associated with the testing.

(6) The fees in this section are in addition to the regular drivers’ licensing fees.
WAC 308-100-110 Expiration [date]—Extension or renewal by mail. Except as otherwise provided by this section, any person who is outside the state at the time his or her commercial driver’s license expires may request an extension or renewal by mail as permitted by RCW 46.20.120(3). The department shall not renew an endorsement to a commercial driver’s license for the operation of a vehicle transporting hazardous materials by mail, and any extension granted for such endorsement shall be for no more than forty-five days after the date the commercial driver’s license would normally expire.

[Statutory Authority: RCW 46.01.110, 46.25.010, 46.25.060, and 46.25.140. 00-18-068, § 308-100-110, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16. 89-18-003, § 308-100-130, filed 8/24/89, effective 9/24/89.]

Reviser’s note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems inessential changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 308-100-120 Extra-territorial convictions—Notification. A driver of a commercial motor vehicle required to notify the department of an extra-territorial conviction under the provisions of section 5, chapter 178, Laws of 1989, shall make such notification on a form provided by the department, or by other correspondence providing the information required on the department’s form.

[Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16. 89-18-003, § 308-100-120, filed 8/24/89, effective 9/24/89.]

WAC 308-100-130 Serious traffic violations. In addition to the violations enumerated in RCW 46.25.010(16), “Serious traffic violation” shall include:

1. Negligent driving in the first or second degree, as defined by RCW 46.61.5249 or 46.61.525;
2. Following too closely, as defined by RCW 46.61.145;
3. Failure to stop, as defined by RCW 46.61.055, 46.61.065, 46.61.195, 46.61.200, 46.61.365, 46.61.370, or 46.61.375;
4. Failure to yield right of way, as defined by RCW 46.61.180, 46.61.185, 46.61.190, 46.61.202, 46.61.205, 46.61.210, 46.61.215, 46.61.220, 46.61.235, 46.61.245, 46.61.261, 46.61.300, or 46.61.427;
5. Speed too fast for conditions, as defined by RCW 46.61.400;
6. Improper lane change or travel, as defined by RCW 46.61.140 and
7. Improper or erratic lane changes, including:
   a. Improper overtaking on the right, as defined by RCW 46.61.115;
   b. Improper overtaking on the left, as defined by RCW 46.61.120; and
   c. Improper driving to left of center of roadway, as defined by RCW 46.61.125.

[Statutory Authority: RCW 46.25.010, 46.25.140, and 46.01.110. 09-10-085, § 308-100-130, filed 5/6/09, effective 6/6/09. Statutory Authority: RCW 46.01.110, 46.25.010, 46.25.060, and 46.25.140. 00-18-068, § 308-100-130, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16. 89-18-003, § 308-100-130, filed 8/24/89, effective 9/24/89.]
determined by any testing methods approved by law in this state or any other state or jurisdiction;

(iii) Leaving the scene of an accident involving a commercial motor vehicle driven by the person;

(iv) Using a commercial motor vehicle in the commission of a felony; and

(v) Refusing to submit to a test to determine the driver's alcohol concentration while driving a motor vehicle;

(b) No more than one conviction or finding that the person committed a serious traffic violation, as defined in WAC 308-100-130 (Serious traffic violations), within three years preceding the date of application;

(c) No driver's license suspension, cancellation, revocation, disqualification, or denial within three years preceding the date of application; and

(d) No more than one conviction or finding that the person committed a moving traffic violation within one year or more than three convictions or findings that the person committed moving traffic violations within three years preceding the date of application. Defective equipment violations shall not be considered moving traffic violations for the purpose of determining the applicant's qualification;

(3) Complete an acceptable application on a form prescribed by the department;

(4) Have no conviction of a felony or any crime involving violence, dishonesty, deceit, indecency, degeneracy, or moral turpitude;

(5) Maintain or be employed by a business or agency in which driver testing records would be maintained and available to the state or federal representatives for announced or unannounced inspections and audits;

(6) Be or be employed by a licensed business or government agency within the state of Washington or within fifty miles of state boundaries;

(7) Submit to announced or unannounced audits; and

(8) Attend all training required by the department of licensing.

Failure to maintain the above qualifications will result in the termination of a third party tester agreement.

WAC 308-100-160 Test requirements. Any test conducted by a third party tester shall conform to the testing requirements established by the department. If the test includes additional requirements, the performance of an applicant for a commercial driver's license on the additional portions shall not be considered for commercial driver license skill testing purposes. Any applicant aggrieved by the outcome of a test conducted by a third party tester may petition the department for review of the scoring procedure used by the third party tester.

WAC 308-100-170 Test route approval. The test route used by a third party tester must be approved by the department prior to its use for commercial driver license skill testing purposes.

WAC 308-100-180 Third party testing fee. (1)(a) Except as provided in WAC 308-100-190 or subsection (1)(b) of this section, the base fee for each classified skill examination or combination of skill examinations conducted by a third party tester shall not be more than one hundred dollars.

(b) If the applicant's primary use of a commercial driver's license is for any of the following, then the examination fee for each commercial driver's license skill examination conducted by a third party tester shall not be more than seventy-five dollars:

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

(ii) Public benefit not-for-profit corporations that support early childhood education and assistance programs as described in RCW 43.215.405(4).

(2) An applicant who has failed the skill examination must retest and pay the full fee required under subsection (1) of this section.

(3) The base fee shall apply only to the conducting of the examination, and is separate from any additional fees, such as vehicle use fees, which may be charged by the third party tester. Any additional fees to be charged shall be reported to the department.

(4) Fees owed to a third party tester under this section must be paid by the applicant to the department. The department will reimburse the third party tester for the fees as provided in the third party tester agreement entered into under WAC 308-100-140.

(5) The fees in this section are in addition to the regular drivers' licensing fees.

WAC 308-100-190 Requirements for exceeding base fee. A third party tester may petition the department for a waiver of the skill examination fee ceiling imposed by WAC 308-100-180 (Third party testing fee). The third party tester shall indicate the amount of the proposed fee, the location of the test and provide detailed justification for the increase. The department may grant the higher fee, provided that the service cannot be performed within a reasonable time by another tester at the standard fee. The department will review any complaints regarding higher fees, and may impose a reduction where warranted.

WAC 308-100-200 Third party tester—Termination. The department may terminate an agreement with a third party tester providing commercial driver's license skill examinations where the volume of applicants for commercial driver's licenses makes such third party testing unnecessary, or upon a showing of good cause.
WAC 308-100-210 Recreational vehicle—Definition.
For the purposes of RCW 46.25.050 (1)(c), the term "recreational vehicle" shall include vehicles used exclusively for noncommercial purposes which are:

1. Primarily designed for recreational, camping, or travel use;
2. Towing a horse trailer; or
3. Rental trucks having no more than two axles (one steering and one drive axle) used strictly and exclusively to transport personal possessions.

WAC 308-100-400 Formal hearings—Continuances.
(1) After a hearing has been scheduled pursuant to RCW 46.25.120(5), it may be continued, rescheduled, or adjourned only at the discretion of the hearing officer.

(2) A hearing officer must continue a hearing scheduled pursuant to RCW 46.25.120(5) in the event a law enforcement officer whose attendance is required fails to appear. A hearing continued under this subsection must be adjourned until such time as the officer may be compelled to attend by issuance of a subpoena under RCW 46.20.332. A subpoena issued to compel the attendance of an officer is subject to enforcement under RCW 7.21.060.