

Commercial Drivers' Licenses

Federal and State Regulation

Joint Transportation Committee

May 17, 2018



Commercial Drivers' License (CDL) Regulation Continuum



Moving
Freight

Safety



When Does a Driver Need a Commercial Driver's License (CDL)?

- Under federal law, CDL required if driving:
 - Over 26,000 lbs gross vehicle weight (GVWR); or
 - 16 or more passengers including driver; or
 - Hazardous materials
- Unless:
 - Specified farm use;
 - Fire or police emergency vehicle
 - Non-commercial RV
 - Military use.

Federal and State CDL regulation

- Federal Motor Carrier Safety Administration (FMCSA) Sets CDL standards.
 - **Inter**state traffic must comply with Federal standards
 - **Intra**state traffic: States allowed some flexibility.
 - May license 18 year-olds for intrastate CDL
- Currently 181,895 CDL holders in Washington
 - 2/3 interstate
 - 1/3 intrastate

Federal Grants Tied to CDL Compliance

- Federal Washington State Patrol Commercial Motor Vehicle Grant tied to compliance with federal CDL laws
 - \$575 million annual grant (\$1.15 billion per biennium).
 - Penalty for non-compliance:
 - 5% for first year (\$28,750,000)
 - 10% for subsequent years (\$57,500,000)
 - Continuing non-compliance could result in decertification – State would no longer be able to issue CDLs
- State must certify compliance annually

Medical Certification

- Federal Standard for CDL medical fitness
 - Certification Registry – Doctors must qualify for federal registry
 - 14 Health categories must be certified as meeting federal standards
 - 2 FMCSA Boards charged with evaluating standards:
 - Medical Review Board established in 2005 in SAFETEA-LU
 - Medical Experts Panel established by FMCSA
- State medical certification flexibility must stay within “tolerance guidelines”
 - State annually certifies CDL compliance with Feds
 - Changes to current state standard subject to federal review and approval process.

Current Law in Washington

- All CDL holders driving commercial vehicles must meet federal medical certification standards.
 - Both interstate and intrastate
 - No exceptions based on vehicle type
 - Individual waiver of specific medical requirement possible.

Specific Medical Requirements Can Be Waived

- Federal law allows waiver of specific medical requirements if: “Based upon sound medical judgment combined with appropriate performance standards ensuring no adverse effect on safety.”
- Medical waiver applications evaluated and decided by:
 - **Interstate** hauling: FMCSA
 - **Intrastate** hauling: DOL

Federal Waiver Authority - Interstate

- Waivers for **Interstate** hauling evaluated by FMCSA – no State role
- FMCSA medical experts panel assists in evaluating waiver requests
- Federal regulations set standards for 4 areas where it will grant exceptions :
 - Hearing
 - Vision
 - Diabetes
 - Seizure

State Waiver Authority - Intrastate

- States also allowed to grant individual waivers for **Intrastate** hauling using same standard: “Based upon sound medical judgment with appropriate performance standards ensuring no adverse effect on safety.”
- State certification process:
 - Doctor on medical registry can certify for exemption
 - Generally if Doctor certifies, DOL accepts
 - Doctors sometimes reluctant

Washington CDL Medical Waivers Granted

- **1046** intrastate medical waivers currently in effect in Washington:

Diabetes	535
Hearing loss	5
Seizures	21
Vision (various types)	427
Cardiovascular	15
Epilepsy	3
Limb impairment	29
Other	11

Type of exemption also granted by FMCSA

Study Question: Medical Waiver Process

(ESSB 6106 Sec. 204(g)(b)(ii))

- Proviso language: “Assessment of possible approaches for developing a method by which to set state standards for...medical waiver requirements for ...intrastate commercial drivers’ license holders and applicants
- Study will:
 - Compare Washington’s medical waiver process with those used by federal government and other states.
 - Provide Committee with options to consider for modifying Washington’s process.

Federal Law Allows Medical Certification Exceptions

- Different from waiver:
 - Waiver is individual
 - Exceptions are for a class of drivers.
- Each state decides whether and to what extent it will recognize exceptions
- Medical certification exceptions available under Federal Law:
 - School bus
 - Government
 - Transporting sick, injured or dead
 - Responding to gas leak emergency
 - Non-business passengers

Study Question: Evaluating Medical Certification Exceptions

(ESSB 6106 Sec. 204(g)(b)(i))

- Proviso language: “...assessment of possible approaches for developing a method by which to set state standards for...medical certification requirements for excepted interstate commercial drivers license holders and applicants.”
- Study will:
 - Research whether other states implement exceptions to medical certification requirements.
 - Provide Committee with options for a process to evaluate specific exceptions.

Federal Medical Certification Categories

- Four federal categories that can be used to implement varying CDL medical certification standards.
- Washington uses the same standard for all active drivers regardless of category.

Federal Category	Washington Medical Certification Requirement	Waiver Available?
Nonexcepted interstate	Medical Certification Required	Yes
Excepted interstate	Medical Certification Required	Yes
Nonexcepted intrastate	Medical Certification Required	Yes
Excepted intrastate	Inactive CDL: Medical Certification not required – but cannot drive Commercial Vehicle	No

Study Methodology

- Initial study steps:
 - Define status quo in Washington ✓
 - Research Federal and other state approaches to:
 - Waiver of specific medical requirements for non-excepted drivers
 - Allowed exceptions to medical certification requirements
- First stakeholder meeting convened - continuing feedback loop
- Report back to Committee
 - Research results
 - Request direction on next steps

Questions?

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