

2009 CDL Deferred Prosecution Legislation

Issue: A Federal Motor Carrier Safety Administration (FMCSA) CDL Program Compliance Audit cited our state as non-compliant by allowing a CDL holder to enter a deferred prosecution program.

The state must revise state law to come into compliance. In 2006, legislation was passed to correct this issue, but it did not completely address all the federal requirements noted in the recent audit. If the state does not come into compliance, the state will be subject to the following penalties:

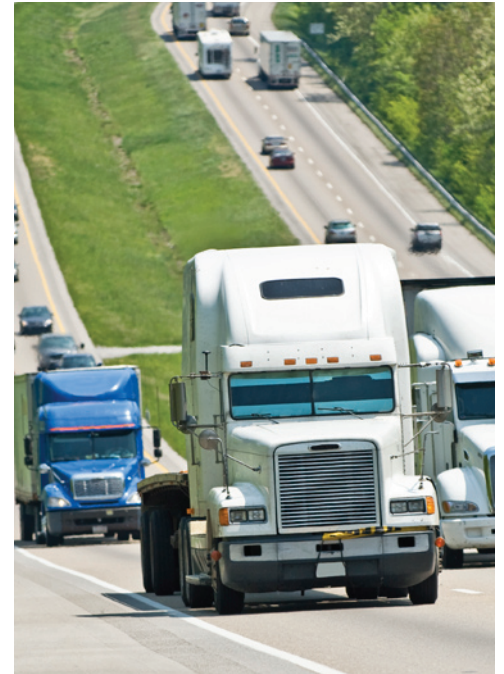
- Loss of 5 percent of federal-aid highway funds for the first year of non-compliance
- Loss of 10 percent of federal-aid highway funds for the second and subsequent years of non-compliance
- FMCSA may also decertify the state's CDL program and prohibit the issuance of CDLs. This action is not linked to withholding funds and may be imposed at any time

Proposed solution: DOL is requesting legislation to amend Washington State law to treat entry into a deferred prosecution program as a conviction for CDL purposes.

Section 1 amends RCW 46.20.270(4), the definition of conviction to provide that entry into a deferred prosecution agreement is considered a conviction for CDL purposes.

Section 2 amends RCW 46.25.010(7), the definition of conviction to provide that entry into a deferred prosecution program is considered a conviction for CDL purposes.

These changes only affect a driver's eligibility for a CDL. They do not affect individuals who do not hold a CDL and do not affect a CDL holder's eligibility for a personal driver license.



Total number of CDLs

- 194,216

Impact of sanctions

Loss of federal highway funds

- 5% = \$16-17 million
- 10% = \$32-34 million

CDL Program Decertification

- No issuance of interstate CDLs (new/renewals/upgrades/transfers)
- Restricts CDL issuance to intrastate
- Existing CDLs will be valid until expiration

Economic impact

- Will harm interstate commerce and persons who need a CDL to earn a living
- Loss of tax revenue