

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)) "Behind-the-wheel (BTW) range training" means training provided by a BTW instructor when a student has actual control of the power unit during a driving lesson conducted for backing, street driving, and proficiency development. BTW range training does not include time a student spends observing the operation of a CMV when he or she is not in control of the vehicle.~~

~~(2) "Behind-the-wheel (BTW) instructor" means an individual who provides BTW training involving the actual operation of a CMV by a student on a range or a public road and meets one of these qualifications:~~

~~(a) Holds a CDL of the same (or higher) class and with all endorsements necessary to operate the CMV for which training is to be provided and has at least two years of experience driving a CMV requiring a CDL of the same or higher class and/or the same endorsement and meets all applicable state qualification requirements for CMV instructors; or~~

~~(b) Holds a CDL of the same (or higher) class and with all endorsements necessary to operate the CMV for which training is to be provided and has at least two years of experience as a BTW CMV instructor and meets all applicable state qualification requirements for CMV instructors.~~

~~(c) **Exception applicable to (a) and (b) of this definition:** A BTW instructor who provides training solely on a range which is not a public road is not required to hold a CDL of the same (or higher) class and with all endorsements necessary to operate the CMV for which training is to be provided, as long as the instructor previously held a CDL of the same (or higher) class and with all endorsements necessary to operate the CMV for which training is to be provided, and complies with the other requirements set forth in (a) or (b) of this definition.~~

~~(d) If an instructor's CDL has been canceled, suspended, or revoked due to any of the disqualifying offenses identified in C.F.R. 383.51, the instructor is prohibited from engaging in BTW instruction for two years following the date his or her CDL is reinstated.~~

~~(3) "Certified test route" means:~~

~~(a) Test route that is approved and assigned by the department.~~

~~(b) The areas for completing the pretrip inspection, basic controls and road test as approved by the department for the administration of a commercial driver license skills test.~~

(4) "Classroom/theory instruction" means ((training provided)) knowledge instruction on the operation of a CMV and related matters provided by a theory instructor 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)) (5) "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)) (6) "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)) (7) "Hour," as used in connection with training requirements, means no less than fifty minutes of training or instruction.

((+6)) (8) "Lab" means a teaching environment involving a non-moving vehicle for hands on instruction supported by classroom material.

((+7)) (9) "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)) (10) "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)) (11) "Range" means an area closed from the public where driving activities are practiced, free of obstructions, enables the driver to maneuver safely and free from interference from other vehicles and hazards, and has adequate sight lines.

((+10)) (12) "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)) (13) "Theory instructor" means an individual who provides knowledge instruction on the operation of a CMV and meets one of these qualifications:

(a) Holds a CDL of the same (or higher) class and with all endorsements necessary to operate the CMV for which training is to be provided and has at least two years of experience driving a CMV requiring a CDL of the same (or higher) class and/or the same endorsement and meets all applicable state qualification requirements for CMV instructors; or

(b) Holds a CDL of the same (or higher) class and with all endorsements necessary to operate the CMV for which training is to be provided and has at least two years of experience as a BTW CMV instructor and meets all applicable state qualification requirements for CMV instructors.

(c) **Exceptions applicable to (a) and (b) of this definition:** An instructor is not required to hold a CDL of the same (or higher) class and with all endorsements necessary to operate the CMV for which training is to be provided, if the instructor previously held a CDL of the same (or higher) class and complies with the other requirements set forth in (a) or (b) of this definition.

(d) If an instructor's CDL has been canceled, suspended, or re-
voked due to any of the disqualifying offenses identified in C.F.R.
383.51, the instructor is prohibited from engaging in theory instruc-
tion for two years following the date his or her CDL is reinstated.

(14) "Training institute/provider" means an entity that is ap-
proved by the department, to provide training as required by RCW
46.25.060 (1) (a) (ii):

(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 RCW 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 or 308-100-035.

AMENDATORY SECTION (Amending WSR 08-16-017, 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)) Approval for a course of instruction in the operation of a commercial motor vehicle will only be granted if the course of instruction:~~

~~(a) Is provided by, and under the direct supervision of, a training ((institute)) provider that has an application with the department approving the course of instruction offered by the training provider. Beginning on February 7, 2020, the training provider must also be listed on the Federal Motor Carrier Safety Administration's Training Provider Registry that is established under 49 C.F.R. 380.700; 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)) **Class A course - Minimum requirements for approval:** A course of instruction for students seeking a class A CDL must follow the class A training curriculum defined in C.F.R. Appendix A to Part 380 as it existed on the (effective date of the WAC). The course must include not less than:~~

~~((A)) (i) Forty hours of classroom instruction;~~

~~((B)) (ii) Eighteen hours of street driving training;~~

~~((C)) (iii) Sixteen hours of training in backing maneuvers;~~

~~((D)) (iv) Sixteen hours of proficiency development; and~~

~~((E)) (v) 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)).~~

~~(c) **Class B course - Minimum Requirements:** A course of instruction for students seeking a class B CDL must follow the class B training curriculum defined in C.F.R. Appendix B to Part 380 as it existed on the (effective date of the WAC). The course must include not less than:~~

~~((A) Twenty)) (i) Forty hours of classroom instruction;~~

~~((B)) (ii) Fourteen hours of street driving training;~~

~~((C) Four)) (iii) Eight hours of training in backing maneuvers;~~

~~((D) Four)~~ (iv) Eight hours of proficiency development; and
~~((E) Six)~~ (v) Ten 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).~~

(d) Class C course - Minimum requirements: A course of instruction for students seeking a class C CDL must follow the class B training curriculum defined in C.F.R. Appendix B to Part 380 as it existed on the (effective date of the WAC). The course must include not less than:

~~((A) Twenty)~~ (i) Forty hours of classroom instruction;
~~((B) Eight)~~ (ii) Fourteen hours of street driving training;
~~((C) Two)~~ (iii) Eight hours of training in backing maneuvers;
~~((D) Two)~~ (iv) Eight hours of proficiency development; and
~~((E) Four)~~ (v) Ten 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.)~~ (e) Upgrade from either class B or C to class A - Minimum requirements: A course of instruction for students seeking to upgrade from a class B or C to a class A must follow the class A behind the wheel training curriculum defined in C.F.R. Appendix A to Part 380 as it existed on the (effective date of the WAC). The course must include not less than:

(i) Eighteen hours of street driving training;
(ii) Sixteen hours of training in backing maneuvers;
(iii) Sixteen hours of proficiency development; and
(iv) Thirty hours of combined lab training, range training, and observation.

(f) Upgrade from a class C to class B - Minimum requirements: A course of instruction for students seeking to upgrade from a class C to a class B must follow the class B behind the wheel training curriculum defined in C.F.R. Appendix B to Part 380 as it existed on the (effective date of the WAC). The course must include not less than:

(i) Fourteen hours of street driving training;
(ii) Eight hours of training in backing maneuvers;
(iii) Eight hours of proficiency development; and
(iv) Ten hours of combined lab training, range training, and observation.

(g) **Passenger endorsement - Minimum requirements:** A course of instruction for students seeking a passenger endorsement must follow the passenger endorsement training curriculum defined in C.F.R. Appendix C to Part 380 as it existed on the (effective date of the WAC). The course must include not less than:

(i) Four hours of classroom/theory instruction;

(ii) Ten hours of proficiency development.

(h) **School bus endorsement - Minimum requirements:** A course of instruction for students seeking a school bus endorsement must follow the school bus endorsement training curriculum defined in C.F.R. Appendix D to Part 380 as it existed on the (effective date of the WAC). The course must include not less than:

(i) Twenty hours of classroom/theory instruction;

(ii) Ten hours of proficiency development.

(i) **Passenger and school bus endorsement - Minimum requirements:** A course of instruction for students seeking a passenger and school bus endorsement must follow the passenger and school bus endorsement training curriculum defined in C.F.R. Appendix C and D to Part 380 as it existed on the (effective date of the WAC). The course must include not less than:

(i) Twenty hours of classroom/theory instruction;

(ii) Ten hours of proficiency development.

(j) **Hazardous material endorsement - Minimum requirements:** A course of instruction for students seeking a HAZMAT endorsement must follow the hazardous material endorsement training curriculum defined in C.F.R. Appendix E to Part 380 as it existed on the (effective date of the WAC). The course must include not less than: Twenty hours of classroom/theory instruction;

(k) In addition to the class A, B, and C curriculum as defined above, each class room training must include a minimum thirty minute section on "Truckers Against Trafficking."

(2) Students must complete all portions of the training within one year of completing the first portion.

AMENDATORY SECTION (Amending WSR 08-16-017, filed 7/25/08, effective 8/25/08)

WAC 308-100-035 Employer certification. (1) An employer may certify ((an applicant for a commercial driver's license as having)) that one of its employees has the skills and training necessary to operate a commercial motor vehicle safely by certifying the employee has demonstrated proficiency in the elements of the course of instruction required in WAC 308-100-033, with the exception of the minimum required hours, 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.

(2) The certification must be provided to the department electronically. Beginning on February 7, 2020, an employer may only certify that an applicant for a CDL has the skills and training necessary to operate a commercial motor vehicle safely if the employee has successfully completed training with a training provider listed on FMCSA's Training Provider Registry established under 49 C.F.R. 380.700.

(3) The department must receive an electronic notification of successful completion prior to an employee taking a skills test.

NEW SECTION

WAC 308-100-036 Reporting training results. (1) A training provider and employer must provide electronic notification to the department when a student successfully completes a course of instruction described in WAC 308-100-033 for schools and WAC 308-100-035 for employers.

(2) The notification of course completion must consist of:

(a) A certification that the student/employee demonstrated proficiency in all elements of the curriculum required in subsection (1) of this section;

(b) Driver license number;

(c) Phone number;

(d) Type of training;

(e) Classroom hours completed;

(f) Backing hours completed;

(g) Street driving hours completed;

(h) Proficiency hours completed;

(i) Range hours completed;

(j) Course start date;

(k) Course completion date; and

(l) Instructor.

(3) The department must receive an electronic notification of successful completion prior to a student/employee taking a skills test.

AMENDATORY SECTION (Amending WSR 07-24-025, filed 11/28/07, effective 12/29/07)

WAC 308-100-040 Examination requirement for commercial driver's license. ((+1+)) Persons applying for a commercial driver's license will be required to pass a written examination testing their knowledge of motor vehicle laws, rules of the road, and of the class of vehicle for which they are seeking the commercial driver's license. They will also be required to demonstrate successfully their operating skills for the class of vehicle and endorsement(s) for which they seek the commercial driver's license. ((Skill examinations under this subsection shall consist of three components:

(a) ~~Pretrip inspection;~~

(b) ~~Basic controls; and~~

(c) ~~Road test.~~

(2) ~~The department may conduct written examinations in a group setting. Group examinations may be conducted at job sites, union halls, or other locations deemed appropriate by the department. If the department is conducting the written examination in a group setting, the payment of the basic fee and knowledge examination fee may be deferred until the applicant completes his or her application for a commercial driver's license.)~~ The department will conduct knowledge and

skills examinations that at a minimum meet the requirements of 49 C.F.R. 383.133, as it existed on (effective date of WAC).

AMENDATORY SECTION (Amending WSR 00-18-068, filed 9/1/00, effective 10/2/00)

WAC 308-100-100 Intrastate waiver. A person who is not physically qualified to drive a commercial motor vehicle under section 391.41 of the Federal Motor Carrier Safety Regulations (49 C.F.R. 391.41), and who is otherwise qualified to drive a motor vehicle in the state of Washington, may apply to the department of licensing for an intrastate waiver. Upon receipt of the application for an intrastate waiver, the department shall review and evaluate the driver's physical qualifications to operate a motor vehicle in 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~~).

AMENDATORY SECTION (Amending WSR 00-18-068, filed 9/1/00, effective 10/2/00)

WAC 308-100-110 (~~Expiration [date] Extension or renewal by mail.~~) Renewal online. 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~~) a renewal by mail or online 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~~) or online.

AMENDATORY SECTION (Amending WSR 02-04-076, filed 2/1/02, effective 3/4/02)

WAC 308-100-140 Third-party tester. (1) The department may enter into an agreement with third-party testers to conduct the commercial driver's license classified skill examination.

(a) An agreement will only be made where the department has determined that a need for a third-party tester exists in the location covered by the third-party tester, and that the third-party tester is otherwise qualified. In counties where there are no third-party testers, or where not extending or renewing an agreement would result in no third-party testers, the department will not base the determination of need solely on the expected number of applicants for a commercial driver's license in those locations. The department may suspend an

agreement with a third-party tester for any length of time upon a showing of good cause.

(b) An agreement between the department and a third-party tester will be valid for no more than two years, provided that the department may extend an agreement for up to an additional two years at its discretion.

(c) The department may renew an agreement if it has determined that a need for a third-party tester still exists in the location covered by the third-party tester.

(2) Allow the department and/or FMCSA to conduct announced and unannounced audits.

(3) Allow the department and/or FMCSA co-score along with the third-party examiner during a CDL skills test.

(4) Must initiate and maintain a bond in an amount determined by the department. Not required for a third-party tester that is a government entity.

(5) Must only use third-party examiners who have successfully completed a formal CDL skills test examiner training course as prescribed by the state and have been certified by the state to conduct skills test.

(6) Must only use third-party examiners with an active status maintained by the department.

(7) Must submit skills testing appointments to the state no later than three days prior to conducting test.

(8) Must maintain copies of the following records at its principal place of business.

(a) A copy of the state certificate authorizing to administer CDL skills tests for the classes and types of CMVs listed;

(b) A copy of the current third-party agreement;

(c) A copy of each completed CDL skills test scoring sheet for the current year and the past two calendar years;

(d) A copy of the state approved test route(s); and

(e) A copy of each third-party examiner's training record.

(9) Must submit skills test scores within the same day as the test conducted.

(10) Prohibit a third-party examiner from:

(a) Testing other third-party examiners.

(b) Testing a driver who has been trained by the examiner, regarding commercial vehicle operation or skills test practice.

(c) Testing any family member, relative or friend.

(d) Having another examiner who is a family member conduct tests for your school or organization.

(e) Testing a driver who has attended a school owned or operated by the same ownership organization you work for except for government owned and operated organizations.

AMENDATORY SECTION (Amending WSR 00-18-068, filed 9/1/00, effective 10/2/00)

WAC 308-100-150 Third-party ((tester)) examiner—Qualifications.

~~((A third-party tester is a person meeting the minimum qualifications who is trained, tested and certified by the department to conduct a standardized behind-the-wheel test of a commercial driver, such test~~

to be used in determining the driver's qualification to obtain a commercial driver's license.) A person applying to be a third-party ~~((tester))~~ examiner must meet the following requirements:

~~(1) ((Be qualified and licensed to operate and have no less than two years of experience operating vehicles representative of the class of vehicle for which he or she would conduct testing and has no less than five years of total driving experience;~~

~~(2-))~~ Hold an active CDL;

(2) Have two years or more experience operating commercial motor vehicles representative of the class of vehicle for which he or she would conduct testing;

(3) Have five years of total driving experience;

(4) A check of the person's driving record shows: ((-a-)) The person has not been convicted or found to have committed any of the following offenses within the three year period preceding the date of application:

~~((i-))~~ (a) Driving a motor vehicle while under the influence of alcohol or any drug;

~~((ii-))~~ (b) Driving a commercial motor vehicle while the alcohol concentration in the person's system is 0.04 or more as determined by any testing methods approved by law in this state or any other state or jurisdiction;

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

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

~~(v-))~~ (e) 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)); and~~

(f) Convicted of and found to have committed any of the following felony offenses or any crime involving fraud, moral turpitude, dishonesty, or corruption.

(5) The applicant has not been convicted of no more than one conviction or finding that the person committed two or more serious traffic violations, as defined in WAC 308-100-130, within three years preceding the date of application;

(6) The applicant has not been convicted of four or more moving traffic violations, as defined in WAC 308-104-160, within three years preceding the date of application;

(7) The applicant has not been convicted of two or more moving traffic violations, as defined in WAC ~~((308-100-130 (Serious traffic violations), within three years))~~ 308-104-160, within one year preceding the date of application;

~~((e-))~~ (8) 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))~~

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

~~((7))~~ (11) Submit to announced or unannounced audits; ~~((and~~
~~(8))~~

(12) Attend all training required by the department of licensing~~(())~~;

(13) Must test a minimum of ten different applicants per calendar year or at the discretion of the department, complete recertification requirements; and

(14) Failure to maintain the above qualifications will result in the termination of a third-party ~~((tester agreement))~~ examiner.

AMENDATORY SECTION (Amending WSR 89-18-003, filed 8/24/89, effective 9/24/89)

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.))~~ The skills test given by a third party are the same as those that would otherwise be given by the state using the same version of the skills test, the same written instructions for test applicants, and the same score sheets as those prescribed by the department. Any applicant aggrieved by the outcome of a test conducted by a third-party ~~((tester))~~ examiner may petition the department for review of the scoring procedure used by the third-party ~~((tester))~~ examiner.

AMENDATORY SECTION (Amending WSR 89-18-003, filed 8/24/89, effective 9/24/89)

WAC 308-100-170 Test route approval. (1) The test route used by a third-party ~~((tester))~~ examiner must be approved by the department prior to its use for commercial driver license skill testing purposes.

(2) Skills testing is prohibited at a training facility or route except for transit organizations and educational school districts that are owned and operated by a government entity.

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~~) subsection, the base fee for each classified skill examination or combination of skill examinations conducted by a third-party tester shall not be more than two hundred fifty dollars and entitles the applicant to take the examination up to two times in order to pass.

(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 two hundred twenty-five dollars and entitles the applicant to take the examination up to two times in order to pass:

(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).

(c) 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 one hundred dollars for the classified skill examination or combination of classified skill examinations conducted by the department and entitles the applicant to take the examination up to two times in order to pass.

(2) 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.

(3) Fees owed to a third-party tester under this section must be paid by the applicant as provided in the third-party tester agreement entered into under WAC 308-100-140.

(4) Fees paid for a test that is deemed invalid by the department must be reimbursed immediately to the applicant.

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

REPEALER

The following sections of the Washington Administrative Code are repealed:

- | | |
|-----------------|--|
| WAC 308-100-031 | Skill and training requirements for commercial driver's license. |
| WAC 308-100-038 | Commercial driver's license—Additional restrictions. |