



STATE OF WASHINGTON  
DEPARTMENT OF LICENSING  
PO Box 9020, Olympia, Washington 9850-9020

**Washington Administrative Code  
Notice of Permanent Rules for  
WAC 308-101-230 – Final orders.**

**Adoption of:** WAC 308-101-230 Final orders.

**Effective date:** These rule changes will become effective 31 days after filing or on December 2, 2023.

**What are the agency's reasons for adopting this rule?**

The Department is clarifying that sanctions against driving privileges do not exceed statutory authority. This rulemaking also provides a separate opportunity for due process during a CDL disqualification under RCW 46.20.245 and 49 U.S.C. § 383.51 and based on the Admin per Se/ Implied Consent administrative hearings decision that impacts personal driving privileges.

**Summary of all public comments received on this rule proposal and the agency's response to those comments:**

Comments	
Paraphrased Comment	Department Response
<i>Regarding CDL out-of-state transfers</i>	
<b>How will this affect drivers that move to states that have elected to adopt this rule, but have WA jurisdiction over their commercial driver's license (CDL)? Will WA State release their personal driver's license (PDL) and CDL once a driver transfers their license to another state? Or is WA only releasing the PDL?</b>	The proposed rules do not impact a driver transferring from WA to any other state. Current Federal rule would still apply. Thus, the driver would follow the new state of record's requirements.
<i>Regarding potential infringement on CDL driver rights</i>	
<b>Will this change eventually infringe on CDL driver rights if WA State doesn't adopt the rule or release a driver's CDL if they transfer states?</b>	The proposed rules do not impact a driver transferring from WA to any other state. Current Federal rule would still apply. Thus, the driver would follow the new state of record's requirements.

The Administrative Procedure Act (RCW 34.05.325(6)) requires agencies to complete a concise explanatory statement before filing adopted rules with the Office of the Code Reviser. This statement must be provided to anyone who gave comment about the proposed rulemaking.

The Department of Licensing appreciates your involvement in this rulemaking process. If you have any questions, please contact Ellis Starrett, Agency Rules Coordinator, at (360) 902-3846 or email [rulescoordinator@dol.wa.gov](mailto:rulescoordinator@dol.wa.gov).

<i>Regarding lifetime disqualifications</i>	
<b>Will these rules align with FMSCA and other states that have determined a lifetime disqualification is equal to 10 years?</b>	These rule changes do not affect lifetime disqualifications. WA State did not adopt FMCSA rule and we do not reinstate a CDL after a lifetime disqualification has been imposed on a driver.

Multiple written comments were submitted regarding this rule change and there was oral testimony. Each of the questions or comments received by the department are included in the summary above.

**Changes made to the proposed WAC as a result of public comment:**

N/A

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