



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

**Washington Administrative Code
Notice of Permanent Rules for
Chapter 308-100 WAC Drivers' Licenses – Special Provisions**

Adoption of: Chapter 308-100 WAC Drivers' Licenses – Special Provisions.

Effective date: These rule changes will become effective 31 days after filing or on January 1, 2024.

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

The Department is amending current definitions related to CDL holders to decrease regulatory barriers to obtaining a CDL per a petition from the Washington Trucking Association, as well as implementation pursuant to HB 1058 passed during the 2023 legislative session. This proposal will include technical corrections clarifying rules related to training, testing, and reporting requirements for CDL holders, training providers, and employers. This is intended to increase Washington's capacity to train CDL holders, improve agency efficiency and oversight capabilities, and ensure compliance with state statute and federal regulation.

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

Comments	
Paraphrased Comment	Department Response
Will DOL allow for a green card or equivalent to count as proof of lawful permanent resident status under WAC 308-100-020 (2)(a)?	While FMSCA regulation has a set standard in terms of what documentation demonstrates proof of citizenship or lawful permanent residency under 49 CFR § 383.71 , the Department would like to work with our federal and state partners to determine whether such change in the future would result in a violation of federal regulation.
How should proficiency hours be calculated and documented?	While the department has specific hours-based requirements for training providers and driver-trainees to meet minimum training requirements in state law, there is not an additional requirement to

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	<p>document the hours needed to attain proficiency.</p> <p>The Demonstrated Proficiency Rubric is not a form to document course or training element completion. The Rubric is a set of standards for an instructor to use to assess driver-trainees in critical areas of the entry-level driver training curriculum on whether proficiency has been met. Training providers should use school or employer approved forms to document the successful achievement of proficiency.</p> <p>The department would be happy to work with training providers to develop appropriate forms to be used for this requirement.</p>
<p>Would the Department consider more hours on pre-trip?</p>	<p>The department does not require any specific number of hours to be spent preparing for the vehicle inspection, or “pre-trip”, portion of the CDL skills exam. Rather the department has set minimum training hours for classroom theory, range activities, on-road training, and observation.</p> <p>This is another area where the demonstrated proficiency rubric should be used to assess a driver-trainees competency in certain tasks and likewise readiness to take and pass the CDL skills exam.</p> <p>The Department would be happy to work with training providers to develop additional rubrics related to proficiency that are not already covered in the FMCSA-directed areas of demonstrated proficiency.</p>
<p>Based on the CDL Shortage study conducted by Washington State University (WSU), will the Department review the minimum hours requirements – particularly, for hazardous material endorsements – look to provide greater flexibility for military and veterans, and look towards streamlining Washington’s ELDT program?</p>	<p>While this current rulemaking namely focused on aspects that were encompassed in recently passed legislation HB 1058, the Department will continue to look for ways to improve the CDL streamlining process through future rulemaking efforts and will work closely with relevant stakeholders to engage with in this effort.</p>

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<p>Would the Department consider including language in Demonstrated Proficiency to stipulate that training providers may use any form of documentation, provided that it is sufficient to demonstrate that trainees have been evaluated on the learning standards covered by the rubric provided by the department?</p>	<p>The Department appreciates this recommended amendment and shall incorporate this verbiage, as it helps to clarify the intent of WAC 308-100-045 (Demonstrated Proficiency), rather than change it substantively.</p>
<p>There is a lack of auditing by the Department of Licensing on CDL schools – how do we ensure compliance and hold instructors/schools accountable?</p>	<p>Presently, DOL does not have the authority to audit CDL training providers so the only training providers audits that DOL-CDL staff have participated in have been under the guidance and authority of the Workforce Training Board (WTB). The Department is interested expanding this capability to be able to support training providers and instructors. However, such a change will require statutory changes to bring CDL in line with other traffic safety training providers in the state.</p>
<p>The process to document Entry Level Driver Training (ELDT) completion is cumbersome, complex, and overly redundant to the Federal Training Provider Registry.</p>	<p>The Department acknowledges that Secure Access Washington (SAW) and License Express (LE) are neither user friendly nor self-intuitive. Unfortunately, statute currently mandates the utilization of SAW. However, WaTech is actively exploring an alternative to SAW, and the Department is looking for ways to best address this issue. In the meantime, additional staff have been hired to assist customers with navigating their account renewals, applications, link accounts, etc. in a timely manner.</p>
<p>Will the Department consider the HAZMAT additional training piece? The requirement for an additional 16 hours of training, even though the new CDL holder may have passed the HAZMAT exam for the endorsement, is extremely costly and, in many cases, very difficult to obtain.</p> <p>FMCSA has provisions that must be followed that would or should already cover this.</p>	<p>While not being pursued in this rulemaking at this time, the Department appreciates the elevation of this issue and will look to pursue potential rulemaking around this issue in the future.</p>
<p>Would the Department reconsider the mandatory state formatted training to read, the “training must at minimum contain all parts shown in the state prescribed training”. In other words, a</p>	<p>Based on the recommendations of the WSU CDL study of 2022 and at the request of the WTA and other stakeholders, the department intends to evaluate the current hours-based training</p>

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carrier can make it more stringent and use the carriers training forms, not just the state forms.	requirements. This evaluation will be incorporated into future rule making efforts to support driver-trainees and training providers.
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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:

Based on conversations during the public comment period, the Department amended proposed WAC 308-100-034 (Demonstrated Proficiency) to add a new subsection, which enables training providers to use any form of documentation, provided it meets the learning standards covered by the rubric issued by DOL. Additionally, the Department removed the word “disqualification” from the “Without a CDL” definition in WAC 308-100-005, based on internal conversations.

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