



# RULE-MAKING ORDER PERMANENT RULE ONLY

## CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: November 22, 2023

TIME: 10:23 AM

WSR 23-23-180

**Agency:** Department of Licensing

**Effective date of rule:**

**Permanent Rules**

- 31 days after filing.
- Other (specify) \_\_\_\_\_ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

- Yes  No If Yes, explain:

**Purpose:** Amending the 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.

**Citation of rules affected by this order:**

New: WAC 308-100-034 Demonstrated proficiency; and WAC 308-100-045 Reinstatement of a CDL after disqualification, cancellation, expiration, revocation, surrender, suspension, or transfer.

Repealed: WAC 308-100-135 Out-of-service order violations.

Amended: WAC 308-100-005 Definitions; WAC 308-100-020 Commercial driver's license—Eligibility; WAC 308-100-033 Minimum training requirements; WAC 308-100-035 Employer certification; WAC 308-100-040 Examination requirement for commercial driver's license; WAC 308-100-050 Examination fees; WAC 308-100-100 Intrastate waiver; WAC 308-100-130 Serious traffic violations; and WAC 308-100-180 Third-party testing fee.

Suspended:

**Statutory authority for adoption:** RCW 46.01.110 Rule-making authority and HB 1058.

**Other authority:**

**PERMANENT RULE (Including Expedited Rule Making)**

Adopted under notice filed as WSR 23-21-101 on October 18, 2023 (date).

Describe any changes other than editing from proposed to adopted version: 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.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

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 Other:

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	<u>1</u>	Repealed	___
Recently enacted state statutes:	New	<u>1</u>	Amended	3	Repealed	<u>1</u>

**The number of sections adopted at the request of a nongovernmental entity:**

New	___	Amended	___	Repealed	___
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**The number of sections adopted on the agency's own initiative:**

New	___	Amended	___	Repealed	___
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	<u>1</u>	Amended	5	Repealed	___
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**The number of sections adopted using:**

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	___	Repealed	___

<b>Date Adopted:</b> November 22, 2023	<b>Signature:</b> 
<b>Name:</b> Ellis Starrett	
<b>Title:</b> Rules and Policy Manager	