



# EXPEDITED RULE MAKING

## CR-105 (June 2024) (Implements RCW 34.05.353)

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STATE OF WASHINGTON  
FILED

DATE: March 05, 2025

TIME: 8:48 AM

WSR 25-06-086

**Agency:** Department of Licensing

**Title of rule and other identifying information:** (describe subject) WAC 308-100-020 Commercial driver's license—Eligibility

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The Federal Motor Carrier Safety Administration has updated guidance to permit Deferred Action for Childhood Arrival (DACA) individuals eligible for a non-domiciled CDL.

**Reasons supporting proposal:** The current WAC is silent on DACA individuals, and has conflicting information for individuals from Mexico and Canada that may also be DACA-eligible for a non-domiciled. This incorporates by reference the new federal regulation that defines DACA individuals.

**Statutory authority for adoption:** RCW 46.25.140 Rules.

**Statute being implemented:** WAC 308-100-020 Commercial driver's license—Eligibility

**Is rule necessary because of a:**

- |                         |   |  |
|-------------------------|---|--|
| Federal Law?            | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| Federal Court Decision? | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| State Court Decision?   | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |

If yes, CITATION:

**Name of proponent:** (person or organization) Washington State Legislature

Private  
 Public  
 Governmental

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting:	James Manuel	1125 Washington St SE, Olympia, WA 98501	360-634-5278
Implementation:	Peter Reed	1125 Washington St SE, Olympia, WA 98501	360-902-3893
Enforcement:	Peter Reed	1125 Washington St SE, Olympia, WA 98501	360-902-3893

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:** N/A

**Expedited Adoption - Which of the following criteria was used by the agency to file this notice:**

- Relates only to internal governmental operations that are not subject to violation by a person;
- Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule;
- Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect;
- Content is explicitly and specifically dictated by statute;
- Have been the subject of negotiated rule making, pilot rule making, or some other process that involved substantial participation by interested parties before the development of the proposed rule; or
- Is being amended after a review under RCW 34.05.328.

**Expedited Repeal - Which of the following criteria was used by the agency to file notice:**

- The statute on which the rule is based has been repealed and has not been replaced by another statute providing statutory authority for the rule;
- The statute on which the rule is based has been declared unconstitutional by a court with jurisdiction, there is a final judgment, and no statute has been enacted to replace the unconstitutional statute;
- The rule is no longer necessary because of changed circumstances; or
- Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

**Explanation of the reason the agency believes the expedited rule-making process is appropriate pursuant to RCW 34.05.353(4):** The Federal Motor Carrier Safety Administration has updated guidance to permit Deferred Action for Childhood Arrival (DACA) individuals eligible for a non-domiciled CDL. Thus the department is adopting rules to align with C.F.R.

**NOTICE**

**THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO**

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Agency: Department of Licensing

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Other:

**BEGINNING** (date/time) March 5, 2025 **AND RECEIVED BY** (date/time) May 5, 2025

**Date:** March 5, 2025

**Name:** Ellis Starrett

**Title:** Rules and Policy Manager

**Signature:**

