JAY INSLEE
Governor

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PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05

20-48
Department of Licensing – CDL Health Certificates and Other Requirements

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-47, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the response to and impacts of the COVID-19 State of Emergency on many state and local government agencies and offices has significantly impacted their ability to adequately staff and supply various administrative and operational activities, resulting in many agencies, including the Washington State Department of Licensing, conducting limited operations; and

WHEREAS, commercial drivers are critical to the transportation of essential goods in the supply chain throughout Washington State and are subject to federal and state regulations in obtaining, renewing, and retaining commercial driver licenses and permits;

WHEREAS, the Federal Motor Carrier Safety Administration (FMCSA) requires Commercial Driver License (CDL) and Commercial Learner Permit (CLP) holders to carry proof of a current medical examination and certification, and provide such proof to the Washington State Department of Licensing, and the FMCSA waived that requirement through June 30, 2020, for holders who have proof of a valid medical certification that was issued for a period of 90 days or longer that expired on or after March 1, 2020; and

WHEREAS, most CDL/CLP holders must obtain a new medical certification every two years, and there are approximately 16,500 CDL/CLP holders in Washington State with medical certificates expiring through June 30, 2020; and

WHEREAS, the FMCSA requires a CDL holder to at all times be physically present in the vehicle with a CLP holder, and the FMCSA waived that requirement, through June 30, 2020; and

WHEREAS, the FMCSA states that a CLP holder must wait at least fourteen days after initial issuance of the person's CLP before taking a CDL skills examination, and the FMSCA has waived that requirement through June 30, 2020; and

WHEREAS, the FMCSA requires that a state not make the CLP valid for more than one year from the date of issuance without requiring the CLP holder to retake the general and endorsement knowledge tests and the FMCSA waives the requirement through June 30, 2020: and

WHEREAS the FMCSA mandates that a state require that, prior to renewal, a hazardous materials endorsements be subject to a Transportation Security Administration (TSA) security screening requirement, and the TSA granted an extension for those requirements from April 2, 2020, until July 1, 2020; and

WHEREAS, the Department of Licensing administers RCW 46.25, the Uniform Commercial Driver's License Act, including the requirements that commercial drivers maintain a current medical certification, skill testing, and other renewal requirements within specified time frames, the enforcement of which is anticipated to reduce the number of available commercial truck drivers operating in Washington State during the COVID-19 pandemic, and

WHEREAS, to assist the Department of Licensing in addressing these issues, it is necessary to waive and suspend the requirement to carry a valid medical certification and other skill testing and renewal requirements for CDL and CLP holders to conform to the FMCSA waiver and to ensure that essential commercial drivers are available to continue to transport commercial goods in the essential supply chain during the COVID-19 pandemic; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamations 20-05 and all amendments thereto remain in effect and is amended to waive and suspend specific statutory time limitations that if strictly applied may result in a significant reduction of commercial truck drivers.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout State government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above noted situation and under the provisions of RCW 43.06.220(2)(g), I also find that, as a result of the COVID-19 pandemic, strict compliance with the following statutory obligations or limitations will prevent, hinder, or delay action that is necessary to retain essential commercial drivers to transport goods in the supply chain, and that the following language of each statutory provision specified below is hereby waived and suspended in their entirely, unless specified herein, until midnight on May 14, 2020:

1. RCW 46.25.052(3), the following language only: "The CDL holder must at all times be physically present in the front seat of the vehicle next to the CLP holder or, in the case of a passenger vehicle, directly behind or in the first row behind the driver and must have the CLP holder under observation and direct supervision."
2. RCW 46.25.052(8), the following language only: "A CLP may not be issued for a period to exceed one hundred eighty days." and "for one additional one hundred eighty-day period"
3. RCW 46.25.054(5)(b)
4. RCW 46.25.057
5. RCW 46.25.060(1)(a)(iv), the following language only: "The department may not allow the person to take the skills examination during the first fourteen days after initial issuance of the person's commercial learner's permit. The examinations must be prescribed and conducted by the department."
6. RCW 46.25.075(3)(b)
7. RCW 46.25.075(4)(a), the following language only: "a driver's medical certification or medical variance expires, or"
8. RCW 46.25.075(4)(b)
9. RCW 46.25.085(1), the following word only: "renew,"
10. RCW 46.25.088(2)(c)

FURTHERMORE: based on the above situation and under the provisions of RCW 43.06.220(1)(h), to help preserve and maintain life, health, property or the public peace, I hereby prohibit the waivers and suspensions of RCW 46.25.075(3)(b), and RCW 46.25.075(4), RCW 46.25.057 from applying to any CDL/CLP holder except to those who have proof of a valid medical certification that was issued for a period of 90 days or longer that expired on or after March 1, 2020.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 14th day of April, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/
Jay Inslee, Governor

BY THE GOVERNOR:

/s/
Secretary of State