

# SB 5009 -- Redline

Substitute to Bill -- Modifying the student transportation allocation to accommodate multiple vehicle types for transporting students.

Deletions ~~struck~~ · Insertions underlined

~~ENGROSSED S-0180.1~~ ~~SUBSTITUTE~~ SENATE BILL 5009 State of Washington 69th Legislature 2025 Regular Session By ~~Senate Early Learning & K-12 Education (originally sponsored by~~ Senators Braun, Wellman, Bateman, Christian, Conway, Cortes, Dozier, Gildon, Harris, King, Krishnadasan, Lovelett, Nobles, Schoesler, Shewmake, Short, Slatter, Wagoner, Warnick, and J.

~~Wilson)~~ Wilson READ Prefiled FIRST 12/03/24. ~~TIME 02/06/25.~~

~~AN~~ Read ACT first Relating time to 01/13/25. ~~accommodating multiple vehicle types for transporting students;~~ amending Referred RCW to 28A.160.150, Committee 28A.160.170, on 28A.160.180, Early 28A.160.195, Learning 28A.160.210, & 46.25.010, K-12 and Education. ~~46.25.050;~~

~~and~~ AN providing ACT an Relating effective to date, modifying the student transportation allocation to accommodate multiple vehicle types for transporting students;

~~and amending~~ RCW 28A.160.150, 28A.160.170, 28A.160.180, 28A.160.195, and 28A.160.210.

The distribution formula developed in RCW 28A.160.150 through 28A.160.180 shall be for allocation purposes only and shall not be construed as mandating specific levels of pupil transportation services by local districts nor the type of vehicle to be used for pupil ~~transportation,~~ transportation. ~~except as provided in RCW 28A.160.195.~~

School districts are encouraged to use ~~a~~ the vehicle type deemed by a district to be ~~a~~ the safe safest and most cost-effective manner of transporting its students, including using school buses and ~~other~~ vans, ~~vehicles,~~ and may use the student transportation allocation accordingly.

Operating costs as determined under RCW 28A.160.150 through 28A.160.180 shall be funded at ((one hundred)) 100 percent or as close thereto as reasonably possible for transportation of an p.

1 ~~ESSB~~ SB 5009 ~~possible for transportation of an~~ eligible student to and from school as defined in RCW 28A.160.160(3).

2 ~~ESSB~~ SB 5009 superintendent of public instruction, average distance to school, and number of locations served.

3 ~~ESSB~~ SB 5009 as established by rule by the superintendent, and supported options as determined by the superintendent in consultation with the regional transportation coordinators of the educational service districts.

This subsection (3)(b) ~~applies~~ does not apply to ~~other~~ passenger ~~vehicles~~ vans used in lieu of school buses.

4 ~~ESSB~~ SB 5009 (5) This section does not prohibit school districts or educational service districts from conducting their own competitive bid process.

(6) As used in this section, "student transportation vehicle" and "vehicle" mean a school bus or ~~other~~ passenger ~~vehicle~~ van used in lieu of a school bus.

~~Sec.~~

~~6.~~

~~RCW 46.25.010 and 2023 c 35 s 1 are each amended to read as follows:~~

~~The definitions set forth in this section apply throughout this chapter.~~

~~(1) "Alcohol" means any substance containing any form of alcohol, including but not limited to ethanol, methanol, propanol, and isopropanol.~~

~~p.~~

~~5~~ ~~ESSB~~ ~~5009~~ (2) "Alcohol concentration" means:

~~(a) The number of grams of alcohol per one hundred milliliters of blood;~~

~~or (b) The number of grams of alcohol per two hundred ten liters of breath.~~

~~(3) "Commercial driver's license" (CDL) means a license issued to an individual under chapter 46.20 RCW that has been endorsed in accordance with the requirements of this chapter to authorize the individual to drive a class of commercial motor vehicle.~~

~~(4) The "commercial driver's license information system" (CDLIS) is the information system established pursuant to 49 U.S.C.~~

~~Sec.~~

~~31300 to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers.~~

~~(5) "Commercial learner's permit" (CLP) means a permit issued under RCW 46.25.052 for the purposes of behind-the-wheel training.~~

~~(6) "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:~~

~~(a) Has a gross combination weight rating or gross combination weight of 11,794 kilograms or more (26,001 pounds or more), whichever is greater, inclusive of any towed unit or units with a gross vehicle weight rating or gross vehicle weight of more than 4,536 kilograms (10,000 pounds or more), whichever is greater;~~

~~or (b) Has a gross vehicle weight rating or gross vehicle weight of 11,794 kilograms or more (26,001 pounds or more), whichever is greater;~~

~~or (c) Is designed to transport 16 or more passengers, including the driver;~~

~~or (d) Is of any size and is used in the transportation of hazardous materials as defined in this section;~~

~~or (e) Is a school bus regardless of weight or size.~~

~~(7) "Conviction" means an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court cost, entry into a deferred prosecution program under chapter 10.05 RCW, or violation of a condition of release p.~~

~~6 ESSB 5000 without bail, regardless of whether or not the penalty is rebated, suspended, or probated.~~

~~(8) "Disqualification" means a prohibition against driving a commercial motor vehicle.~~

~~(9) "Drive" means to drive, operate, or be in physical control of a motor vehicle in any place open to the general public for purposes of vehicular traffic.~~

~~For purposes of RCW 46.25.100, 46.25.110, and 46.25.120, "drive" includes operation or physical control of a motor vehicle anywhere in the state.~~

~~(10) "Drugs" are those substances as defined by RCW 69.04.009, including, but not limited to, those substances defined by 49 C.F.R.~~

~~Sec.~~

~~40.3.~~

~~(11) "Employer" means any person, including the United States, a state, or a political subdivision of a state, who owns or leases a commercial motor vehicle, or assigns a person to drive a commercial motor vehicle.~~

~~(12) "Gross vehicle weight rating" (GVWR) means the value specified by the manufacturer as the maximum loaded weight of a single vehicle.~~

~~The GVWR of a combination or articulated vehicle, commonly referred to as the "gross combined weight rating" or GCWR, is the GVWR of the power unit plus the GVWR of the towed unit or units.~~

~~If the GVWR of any unit cannot be determined, the actual gross weight will be used.~~

~~If a vehicle with a GVWR of less than 11,794 kilograms (26,001 pounds or less) has been structurally modified to carry a heavier load, then the actual gross weight capacity of the modified vehicle, as determined by RCW 46.44.041 and 46.44.042, will be used as the GVWR.~~

~~(13) "Hazardous materials" means any material that has been designated as hazardous under 40 U.S.C.~~

~~Sec.~~

~~5103 and is required to be placarded under subpart F of 49 C.F.R.~~

~~Part 172 or any quantity of a material listed as a select agent or toxin in 42 C.F.R.~~

~~Part 73.~~

~~(14) "Motor vehicle" means a vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power used on highways, or any other vehicle required to be registered under the laws of this state, but does not include a vehicle, machine, tractor, trailer, or semitrailer operated exclusively on a rail.~~

~~(15)(a) "Nondomiciled CLP or CDL" means a permit or license, respectively, issued under RCW 46.25.054 to a person who meets one of the following criteria:~~

~~p-~~

~~7 ESSB 5000 (i) Is domiciled in a foreign country as provided in 49 C.F.R.~~

~~Sec.~~

~~383.23(b)(1) as it existed on October 1, 2017, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section;~~

~~or (ii) Is domiciled in another state as provided in 49 C.F.R.~~

~~Sec.~~

~~383.23(b)(2) as it existed on October 1, 2017, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section.~~

~~(b) The definition in this subsection (15) applies exclusively to the use of the term in this chapter and is not to be applied in any other chapter of the Revised Code of Washington.~~

~~(16) "Out-of-service order" means a declaration by an authorized enforcement officer of a federal, state, Canadian, Mexican, or local jurisdiction that a driver, a commercial motor vehicle, or a motor carrier operation is out-of-service pursuant to 49 C.F.R.~~

~~Secs.~~

~~386.72, 392.5, 395.13, 396.9, or compatible laws, or the North American uniform out-of-service criteria.~~

~~(17) "Positive alcohol confirmation test" means an alcohol confirmation test that:~~

~~(a) Has been conducted by a breath alcohol technician under 49 C.F.R.~~

~~Part 40;~~

~~and (b) Indicates an alcohol concentration of 0.04 or more.~~

~~A report that a person has refused an alcohol test, under circumstances that constitute the refusal of an alcohol test under 49 C.F.R.~~

~~Part 40, will be considered equivalent to a report of a positive alcohol confirmation test for the purposes of this chapter.~~

~~(18) "School bus" means a commercial motor vehicle used to transport preprimary, primary, or secondary school students from home to school, from school to home, or to and from school-sponsored events.~~

~~School bus does not include a student transportation vehicle with a seating capacity of 10 or fewer persons, including the driver, or a bus used as a common carrier.~~

~~(19) "Serious traffic violation" means:~~

~~(a) Excessive speeding, defined as fifteen miles per hour or more in excess of the posted limit;~~

~~(b) Reckless driving, as defined under state or local law;~~

~~(c) Driving while using a personal electronic device, defined as a violation of RCW 46.61.672, which includes in the activities it prohibits driving while holding a personal electronic device in either or both hands and using a hand or finger for texting, or an p.~~

~~8 ESSB 5000 equivalent administrative rule or local law, ordinance, rule, or resolution;~~

~~(d) A violation of a state or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with an accident or collision resulting in death to any person;~~

~~(e) Driving a commercial motor vehicle without obtaining a commercial driver's license;~~

~~(f) Driving a commercial motor vehicle without a commercial driver's license in the driver's possession; however, any individual who provides proof to the court by the date the individual must appear in court or pay any fine for such a violation, that the individual held a valid CDL on the date the citation was issued, is not guilty of a "serious traffic violation";~~

~~(g) Driving a commercial motor vehicle without the proper class of commercial driver's license endorsement or endorsements for the specific vehicle group being operated or for the passenger or type of cargo being transported;~~

~~and (h) Any other violation of a state or local law relating to motor vehicle traffic control, other than a parking violation, that the department determines by rule to be serious.~~

~~(20) "State" means a state of the United States and the District of Columbia.~~

~~(21) "Substance abuse professional" means an alcohol and drug specialist meeting the credentials, knowledge, training, and continuing education requirements of 49 C.F.R.~~

~~Sec.~~

~~40.281.~~

~~(22) "Tank vehicle" means any commercial motor vehicle that is designed to transport any liquid or gaseous materials within a tank or tanks having an individual rated capacity of more than 110 gallons and an aggregate rated capacity of 1,000 gallons or more that is either permanently or temporarily attached to the vehicle or the chassis.~~

~~A commercial motor vehicle transporting an empty storage container tank, not designed for transportation, with a rated capacity of 1,000 gallons or more that is temporarily attached to a flatbed trailer is not considered a tank vehicle.~~

~~(23) "Type of driving" means one of the following:~~

~~(a) "Nonexcepted interstate," which means the CDL or CLP holder or applicant operates or expects to operate in interstate commerce, is both subject to and meets the qualification requirements under 49 C.F.R.~~

~~Part 391 as it existed on April 30, 2019, or such subsequent p.~~

~~9 ESSB 5000 date as may be provided by the department by rule, consistent with the purposes of this section, and is required to obtain a medical examiner's certificate under 49 C.F.R.~~

~~Sec.~~

~~391.45 as it existed on April 30, 2019, or such subsequent date as may be provided by the department by~~

~~rule, consistent with the purposes of this section;~~

~~(b) "Excepted interstate," which means the CDL or CLP holder or applicant operates or expects to operate in interstate commerce, but engages exclusively in transportation or operations excepted under 49 C.F.R. Secs.~~

~~390.3 (f), 391.2, 391.68, or 398.3, as they existed on April 30, 2010, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section, from all or parts of the qualification requirements of 49 C.F.R.~~

~~Part 391 as it existed on April 30, 2010, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section, and is required to obtain a medical examiner's certificate in accordance with procedures provided in 49 C.F.R.~~

~~Sec.~~

~~391.45 as it existed on April 30, 2010, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section;~~

~~(c) "Nonexcepted intrastate," which means the CDL or CLP holder or applicant operates only in intrastate commerce and is required to obtain a medical examiner's certificate in accordance with procedures provided in 49 C.F.R.~~

~~Sec.~~

~~391.45 as it existed on April 30, 2010, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section;~~

~~or (d) "Excepted intrastate," which means the CDL or CLP holder wishes to maintain a CDL or CLP but not operate a commercial motor vehicle without changing his or her self-certification type.~~

~~(24) "United States" means the 50 states and the District of Columbia.~~

~~(25) "Collector truck" means a vehicle that:~~

~~(a) Has current registration;~~

~~(b) Is older than 30 years old;~~

~~(c) Is a vehicle that meets the weight criteria of subsection (6) of this section;~~

~~(d) Is capable of safely operating on the highway;~~

~~(e) Is used for occasional use to and from truck conventions, auto shows, circuses, parades, displays, special excursions, and antique vehicle club meetings;~~

~~(f) Is used for the pleasure of others without compensation;~~

~~and p.~~

~~10 ESSB 5009 (g) Is not used in the operations of a common or contract motor carrier and not used for commercial purposes.~~

~~(26) "Collector truck operator" means an operator of a noncommercial vehicle that is being exclusively owned and operated as a collector truck.~~

~~Sec.~~

~~7.~~

~~RCW 46.25.050 and 2010 c 195 s 2 are each amended to read as follows:~~

~~(1) Drivers of commercial motor vehicles must obtain a commercial driver's license as required under this chapter.~~

~~Except when driving under a commercial learner's permit and a valid driver's license and accompanied by the holder of a commercial driver's license valid for the vehicle being driven, no person may drive a commercial motor vehicle unless the person holds and is in immediate possession of a commercial driver's license and applicable endorsements valid for the vehicle they are driving.~~

~~However, this requirement does not apply to any person:~~

~~(a) Who is the operator of a farm vehicle, and the vehicle is:~~

~~(i) Controlled and operated by a farmer;~~

~~(ii) Used to transport either agricultural products, which in this section include Christmas trees and wood products harvested from private tree farms and transported by vehicles weighing no more than forty thousand pounds licensed gross vehicle weight, farm machinery, farm supplies, animal manure, animal manure compost, or any combination of those materials to or from a farm;~~

~~(iii) Not used in the operations of a common or contract motor carrier;~~

~~and (iv) Used within one hundred fifty miles of the person's farm;~~

~~or (b) Who is a firefighter or law enforcement officer operating emergency equipment, and:~~

~~(i) The firefighter or law enforcement officer has successfully completed a driver training course approved by the director;~~

~~and (ii) The firefighter or law enforcement officer carries a certificate attesting to the successful completion of the approved training course;~~

~~or (c) Who is operating a recreational vehicle for noncommercial purposes.~~

~~As used in this section, "recreational vehicle" includes a vehicle towing a horse trailer for a noncommercial purpose;~~

~~or (d) Who is operating a commercial motor vehicle for military purposes.~~

~~This exception is applicable to active duty military p.~~

~~11 ESSB 5000 personnel;~~

~~members of the military reserves;~~

~~members of the national guard on active duty, including personnel on full-time national guard duty, personnel on part-time national guard training, and national guard military technicians (civilians who are required to wear military uniforms);~~

~~and active duty United States coast guard personnel.~~

~~This exception is not applicable to United States reserve technicians;~~

~~or (e) Who is a collector truck operator using the vehicle in accordance with RCW 46.25.010;~~

~~or (f) Who operates a student transportation vehicle other than a school bus as defined in RCW 46.25.010.~~

~~(2) No person may drive a commercial motor vehicle while his or her driving privilege is suspended, revoked, or canceled, while subject to disqualification, or in violation of an out-of-service order. Violations of this subsection shall be punished in the same way as violations of RCW 46.20.342(1).~~

~~(3) The department must, to the extent possible, enter into reciprocity agreements with adjoining states to allow the waivers described in subsection (1) of this section to apply to drivers holding commercial driver's licenses from those adjoining states.~~

~~NEW SECTION.~~

~~Sec.~~

~~8.~~

~~Sections 2 through 4 of this act take effect September 1, 2026.~~

~~125 ESSB~~SB 5009