
SENATE BILL 5232

State of Washington

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By Senators Hargrove, Vognild, Snyder, Owen, Anderson, Amondson, Erwin, McCaslin, Roach, L. Smith, M. Rasmussen, Jesernig, Prentice and Barr

Read first time 01/18/93. Referred to Committee on Transportation.

1 AN ACT Relating to vehicular weight enforcement; and amending RCW
2 46.44.100 and 46.44.105.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 46.44.100 and 1971 ex.s. c 148 s 2 are each amended to
5 read as follows:

6 Any police officer is authorized to require the driver of any
7 vehicle or combination of vehicles, other than an unladen log truck, to
8 stop and submit to a weighing of the same either by means of a portable
9 or stationary scale and may require that such vehicle be driven to the
10 nearest public scale.

11 Whenever a police officer, upon weighing a vehicle and load, as
12 above provided, determines that the weight is unlawful, such officer
13 may, in addition to any other penalty provided, require the driver to
14 stop the vehicle in a suitable place and remain standing until such
15 portion of the load is removed as may be necessary to reduce the gross
16 weight of such vehicle to such limit as permitted under this chapter:
17 PROVIDED, That in the event such vehicle is loaded with grain or other
18 perishable commodities, the driver shall be permitted to proceed
19 without removing any of such load, unless the gross weight of the

1 vehicle and load exceeds by more than ten percent the limit permitted
2 by this chapter. All materials unloaded shall be cared for by the
3 owner or operator of such vehicle at the risk of such owner or
4 operator.

5 It shall be unlawful for any driver of a vehicle, other than an
6 unladen log truck, to fail or refuse to stop and submit the vehicle and
7 load to a weighing, or to fail or refuse, when directed by an officer
8 upon a weighing of the vehicle to stop the vehicle and otherwise comply
9 with the provisions of this section.

10 **Sec. 2.** RCW 46.44.105 and 1990 c 217 s 1 are each amended to read
11 as follows:

12 (1) Violation of any of the provisions of RCW 46.44.041, 46.44.042,
13 46.44.047, 46.44.090, 46.44.091, and 46.44.095, or failure to obtain a
14 permit as provided by RCW 46.44.090 and 46.44.095, or misrepresentation
15 of the size or weight of any load or failure to follow the requirements
16 and conditions of a permit issued hereunder is a traffic infraction,
17 and upon the first finding thereof shall be assessed a basic penalty of
18 not less than fifty dollars; and upon a second finding thereof shall be
19 assessed a basic penalty of not less than seventy-five dollars; and
20 upon a third or subsequent finding shall be assessed a basic penalty of
21 not less than one hundred dollars.

22 (2) In addition to the penalties imposed in subsection (1) of this
23 section, any person violating RCW 46.44.041, 46.44.042, 46.44.047,
24 46.44.090, 46.44.091, or 46.44.095 shall be assessed three cents for
25 each pound of excess weight. Upon a first violation in any calendar
26 year, the court may suspend the penalty for five hundred pounds of
27 excess weight for each axle on any vehicle or combination of vehicles,
28 not to exceed a two thousand pound suspension. In no case may the
29 basic penalty assessed in subsection (1) of this section be suspended.

30 (3) Whenever any vehicle or combination of vehicles is involved in
31 two violations of RCW 46.44.041, 46.44.042, 46.44.047, 46.44.090,
32 46.44.091, or 46.44.095 during any twelve-month period, the court may
33 suspend the certificate of license registration of the vehicle or
34 combination of vehicles for not less than thirty days. Upon a third or
35 succeeding violation in any twelve-month period, the court shall
36 suspend the certificate of license registration for not less than
37 thirty days. Whenever the certificate of license registration is
38 suspended, the court shall secure such certificate and immediately

1 forward the same to the director with information concerning the
2 suspension.

3 (4) Any person found to have violated any posted limitations of a
4 highway or section of highway shall be assessed a monetary penalty of
5 not less than one hundred and fifty dollars, and the court shall in
6 addition thereto upon second violation within a twelve-month period
7 involving the same power unit, suspend the certificate of license
8 registration for not less than thirty days.

9 (5) Any police officer is authorized to require the driver of any
10 vehicle or combination of vehicles, other than an unladen log truck, to
11 stop and submit to a weighing either by means of a portable or
12 stationary scale and may require that the vehicle be driven to the
13 nearest public scale. Whenever a police officer, upon weighing a
14 vehicle and load, determines that the weight is unlawful, the officer
15 may require the driver to stop the vehicle in a suitable location and
16 remain standing until such portion of the load is removed as may be
17 necessary to reduce the gross weight of the vehicle to the limit
18 permitted by law.

19 Any vehicle whose driver or owner represents that the vehicle is
20 disabled or otherwise unable to proceed to a weighing location shall
21 have its load sealed or otherwise marked by any police officer. The
22 owner or driver shall be directed that upon completion of repairs, the
23 vehicle shall submit to weighing with the load and markings and/or seal
24 intact and undisturbed. Failure to report for weighing, appearing for
25 weighing with the seal broken or the markings disturbed, or removal of
26 any cargo prior to weighing is unlawful. Any person so convicted shall
27 be fined five hundred dollars, and in addition the certificate of
28 license registration shall be suspended for not less than thirty days.

29 (6) Any other provision of law to the contrary notwithstanding,
30 district courts having venue have concurrent jurisdiction with the
31 superior courts for the imposition of any penalties authorized under
32 this section.

33 (7) For the purpose of determining additional penalties as provided
34 by subsection (2) of this section, "excess weight" means the poundage
35 in excess of the maximum gross weight prescribed by RCW 46.44.041 and
36 46.44.042 plus the weights allowed by RCW 46.44.047, 46.44.091, and
37 46.44.095.

38 (8) The penalties provided in subsections (1) and (2) of this
39 section shall be remitted as provided in chapter 3.62 RCW or RCW

1 10.82.070. For the purpose of computing the basic penalties and
2 additional penalties to be imposed under the provisions of subsections
3 (1) and (2) of this section the convictions shall be on the same
4 vehicle or combination of vehicles within a twelve-month period under
5 the same ownership.

6 (9) Any state patrol officer or any weight control officer who
7 finds any person operating a vehicle or a combination of vehicles in
8 violation of the conditions of a permit issued under RCW 46.44.047,
9 46.44.090, and 46.44.095 may confiscate the permit and forward it to
10 the state department of transportation which may return it to the
11 permittee or revoke, cancel, or suspend it without refund. The
12 department of transportation shall keep a record of all action taken
13 upon permits so confiscated, and if a permit is returned to the
14 permittee the action taken by the department of transportation shall be
15 endorsed thereon. Any permittee whose permit is suspended or revoked
16 may upon request receive a hearing before the department of
17 transportation or person designated by that department. After the
18 hearing the department of transportation may reinstate any permit or
19 revise its previous action.

20 Every permit issued as provided for in this chapter shall be
21 carried in the vehicle or combination of vehicles to which it refers
22 and shall be open to inspection by any law enforcement officer or
23 authorized agent of any authority granting such a permit.

24 Upon the third finding within a calendar year of a violation of the
25 requirements and conditions of a permit issued under RCW 46.44.095 as
26 now or hereafter amended, the permit shall be canceled, and the
27 canceled permit shall be immediately transmitted by the court or the
28 arresting officer to the department of transportation. The vehicle
29 covered by the canceled permit is not eligible for a new permit for a
30 period of thirty days.

31 (10) For the purposes of determining gross weights the actual scale
32 weight taken by the arresting officer is prima facie evidence of the
33 total gross weight.

34 (11) It is a traffic infraction to direct the loading of a vehicle
35 with knowledge that it violates the requirements in RCW 46.44.041,
36 46.44.042, 46.44.047, 46.44.090, 46.44.091, or 46.44.095 and that it is
37 to be operated on the public highways of this state.

1 (12) The chief of the state patrol, with the advice of the
2 department, may adopt reasonable rules to aid in the enforcement of
3 this section.

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