
SENATE BILL 5705

State of Washington

53rd Legislature

1993 Regular Session

By Senators Hargrove, Vognild, Amondson, Snyder, L. Smith, Roach, Erwin, Owen, Anderson, Prentice, Loveland, Quigley and M. Rasmussen

Read first time 02/10/93. Referred to Committee on Transportation.

1 AN ACT Relating to weight and safety enforcement regarding unladen
2 log trucks; amending RCW 46.44.100 and 46.44.105; and adding a new
3 section to chapter 46.32 RCW.

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

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

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

12 Whenever a police officer, upon weighing a vehicle and load, as
13 above provided, determines that the weight is unlawful, such officer
14 may, in addition to any other penalty provided, require the driver to
15 stop the vehicle in a suitable place and remain standing until such
16 portion of the load is removed as may be necessary to reduce the gross
17 weight of such vehicle to such limit as permitted under this chapter:
18 PROVIDED, That in the event such vehicle is loaded with grain or other
19 perishable commodities, the driver shall be permitted to proceed

1 without removing any of such load, unless the gross weight of the
2 vehicle and load exceeds by more than ten percent the limit permitted
3 by this chapter. All materials unloaded shall be cared for by the
4 owner or operator of such vehicle at the risk of such owner or
5 operator.

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

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

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

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

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

1 thirty days. Whenever the certificate of license registration is
2 suspended, the court shall secure such certificate and immediately
3 forward the same to the director with information concerning the
4 suspension.

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

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

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

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

35 (7) For the purpose of determining additional penalties as provided
36 by subsection (2) of this section, "excess weight" means the poundage
37 in excess of the maximum gross weight prescribed by RCW 46.44.041 and
38 46.44.042 plus the weights allowed by RCW 46.44.047, 46.44.091, and
39 46.44.095.

1 (8) The penalties provided in subsections (1) and (2) of this
2 section shall be remitted as provided in chapter 3.62 RCW or RCW
3 10.82.070. For the purpose of computing the basic penalties and
4 additional penalties to be imposed under the provisions of subsections
5 (1) and (2) of this section the convictions shall be on the same
6 vehicle or combination of vehicles within a twelve-month period under
7 the same ownership.

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

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

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

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

36 (11) It is a traffic infraction to direct the loading of a vehicle
37 with knowledge that it violates the requirements in RCW 46.44.041,
38 46.44.042, 46.44.047, 46.44.090, 46.44.091, or 46.44.095 and that it is
39 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.

4 NEW SECTION. **Sec. 3.** A new section is added to chapter 46.32 RCW
5 to read as follows:

6 The chief of the Washington state patrol may designate by rule the
7 points of entry into the state where unladen log trucks must stop for
8 a safety inspection.

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