
SUBSTITUTE HOUSE BILL 1304

State of Washington

60th Legislature

2007 Regular Session

By House Committee on Transportation (originally sponsored by Representatives Kagi, Clibborn, Jarrett, Flannigan, McCoy, Darneille, Lovick, Campbell, Schual-Berke, Kenney, Morrell and Roberts)

READ FIRST TIME 02/19/07.

1 AN ACT Relating to commercial motor vehicle carriers; amending RCW
2 46.04.480, 46.32.010, 46.32.020, 46.32.040, 46.32.080, 46.32.090,
3 46.32.100, 46.87.294, 46.87.296, and 82.38.100; reenacting and amending
4 RCW 46.16.160 and 46.44.105; adding new sections to chapter 46.16 RCW;
5 adding a new section to chapter 46.32 RCW; creating new sections;
6 prescribing penalties; and declaring an emergency.

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

8 NEW SECTION. **Sec. 1.** The legislature finds and declares that it
9 is the policy of the state of Washington to prevent the loss of human
10 lives and the loss of property and vehicles, and to protect the
11 traveling environment of the state of Washington through sound and
12 consistent regulatory provisions for interstate and intrastate motor
13 carriers.

14 The legislature further finds and declares that it is a policy of
15 the state of Washington to require commercial motor vehicles operating
16 on state roadways to comply with rigorous federal and state safety
17 regulations. The legislature also finds that intrastate and interstate
18 commercial motor vehicles should comply with consistent state and
19 federal commercial vehicle regulations.

1 NEW SECTION. **Sec. 2.** This act may be known and cited as the Tony
2 Qamar and Daniel Johnson act.

3 NEW SECTION. **Sec. 3.** A new section is added to chapter 46.16 RCW
4 to read as follows:

5 For the purposes of this chapter unless the context clearly
6 requires otherwise:

7 (1) "Commercial motor vehicle," for the purposes of requiring a
8 department of transportation number, means the same as defined in RCW
9 46.25.010(6), or a motor vehicle used in commerce when the motor
10 vehicle: (a) Has a gross vehicle weight rating of 11,794 kilograms or
11 more (26,001 pounds or more) inclusive of a towed unit of a gross
12 vehicle weight rating of more than 4,536 kilograms (10,000 pounds or
13 more); (b) has a gross vehicle weight rating of 11,794 kilograms or
14 more (26,001 pounds or more); or (c) is used in the transportation of
15 hazardous materials, as defined in RCW 46.25.010(13);

16 (2) "Department" means the department of licensing;

17 (3) "Department of transportation number" means a department of
18 transportation number from the federal motor carrier safety
19 administration;

20 (4) "Interstate commercial motor vehicle" means a commercial
21 vehicle that operates in more than one state;

22 (5) "Intrastate commercial motor vehicle" means a commercial
23 vehicle that operates exclusively within the state of Washington;

24 (6) "Motor carrier" means a person or entity who has been issued a
25 department of transportation number and who owns a commercial motor
26 vehicle.

27 **Sec. 4.** RCW 46.04.480 and 1995 c 332 s 10 are each amended to read
28 as follows:

29 "Revoke," in all its forms, means the invalidation for a period of
30 one calendar year and thereafter until reissue(~~(;—PROVIDED, That)~~).
31 However, under the provisions of RCW 46.20.285, 46.20.311, 46.20.265,
32 or 46.61.5055, and chapters 46.32 and 46.65 RCW, the invalidation may
33 last for a period other than one calendar year.

34 NEW SECTION. **Sec. 5.** A new section is added to chapter 46.16 RCW
35 to read as follows:

1 (1) The department shall refuse to register a commercial motor
2 vehicle that is owned by a motor carrier subject to RCW 46.32.080,
3 46.87.294, and 46.87.296 upon notification to the department by the
4 Washington state patrol or the federal motor carrier safety
5 administration that an out-of-service order has been placed on the
6 department of transportation number issued to the motor carrier.

7 (2) The department shall revoke the vehicle registration of all
8 commercial motor vehicles that are owned by a motor carrier subject to
9 RCW 46.32.080, upon notification to the department by the Washington
10 state patrol or the federal motor carrier safety administration that an
11 out-of-service order has been placed on the department of
12 transportation number issued to the motor carrier. The revocation must
13 remain in effect until the department has been notified by the
14 Washington state patrol that the out-of-service order has been
15 rescinded.

16 (3) By June 30, 2009, any original or renewal application for
17 registration of a commercial motor vehicle that is owned by a motor
18 carrier subject to RCW 46.32.080 that is submitted to the department
19 must be accompanied by:

20 (a) The department of transportation number issued to the motor
21 carrier; and

22 (b) The federal taxpayer identification number of the motor
23 carrier.

24 **Sec. 6.** RCW 46.16.160 and 2002 c 352 s 8 and 2002 c 168 s 5 are
25 each reenacted and amended to read as follows:

26 (1) The owner of a vehicle which under reciprocal relations with
27 another jurisdiction would be required to obtain a license registration
28 in this state or an unlicensed vehicle which would be required to
29 obtain a license registration for operation on public highways of this
30 state may, as an alternative to such license registration, secure and
31 operate such vehicle under authority of a trip permit issued by this
32 state in lieu of a Washington certificate of license registration, and
33 licensed gross weight if applicable. The licensed gross weight may not
34 exceed eighty thousand pounds for a combination of vehicles nor forty
35 thousand pounds for a single unit vehicle with three or more axles.
36 Trip permits are required for movement of mobile homes or park model
37 trailers and may only be issued if property taxes are paid in full.

1 For the purpose of this section, a vehicle is considered unlicensed if
2 the licensed gross weight currently in effect for the vehicle or
3 combination of vehicles is not adequate for the load being carried.
4 Vehicles registered under RCW 46.16.135 shall not be operated under
5 authority of trip permits in lieu of further registration within the
6 same registration year.

7 (2) Each trip permit shall authorize the operation of a single
8 vehicle at the maximum legal weight limit for such vehicle for a period
9 of three consecutive days commencing with the day of first use. No
10 more than three such permits may be used for any one vehicle in any
11 period of thirty consecutive days, except that in the case of a
12 recreational vehicle as defined in RCW 43.22.335, no more than two trip
13 permits may be used for any one vehicle in a one-year period. Every
14 permit shall identify, as the department may require, the vehicle for
15 which it is issued and shall be completed in its entirety and signed by
16 the operator before operation of the vehicle on the public highways of
17 this state. Correction of data on the permit such as dates, license
18 number, or vehicle identification number invalidates the permit. The
19 trip permit shall be displayed on the vehicle to which it is issued as
20 prescribed by the department.

21 (3) Vehicles operating under authority of trip permits are subject
22 to all laws, rules, and regulations affecting the operation of like
23 vehicles in this state.

24 (4) Prorate operators operating commercial vehicles on trip permits
25 in Washington shall retain the customer copy of such permit for four
26 years.

27 (5) Trip permits may be obtained from field offices of the
28 department of transportation, (~~Washington state patrol,~~) department
29 of licensing, or other agents appointed by the department. The fee for
30 each trip permit is (~~fifteen~~) twenty dollars. Five dollars from
31 every twenty-dollar trip permit fee shall be deposited into the state
32 patrol highway account and must be used for commercial motor vehicle
33 inspections. For each permit issued, the fee includes a filing fee as
34 provided by RCW 46.01.140 and an excise tax of one dollar. The
35 remaining portion of the trip permit fee must be deposited to the
36 credit of the motor vehicle fund as an administrative fee. If the
37 filing fee amount of three dollars as prescribed in RCW 46.01.140 is
38 increased or decreased after July 1, 2002, the administrative fee must

1 be increased or decreased by the same amount so that the total trip
2 permit would be adjusted equally to compensate. These fees and taxes
3 are in lieu of all other vehicle license fees and taxes. No exchange,
4 credits, or refunds may be given for trip permits after they have been
5 purchased.

6 (6) The department may appoint county auditors or businesses as
7 agents for the purpose of selling trip permits to the public. County
8 auditors or businesses so appointed may retain the filing fee collected
9 for each trip permit to defray expenses incurred in handling and
10 selling the permits.

11 (7) Commercial motor vehicles that are owned by a motor carrier
12 subject to RCW 46.32.080, must not be operated on trip permits
13 authorized by RCW 46.16.160 or 46.16.162 if the motor carrier's
14 department of transportation number has been placed out of service by
15 the Washington state patrol. A violation of or a failure to comply
16 with this subsection is a gross misdemeanor, subject to a minimum
17 monetary penalty of two thousand five hundred dollars for the first
18 violation and five thousand dollars for each subsequent violation.

19 (8) Except as provided in subsection (7) of this section, a
20 violation of or a failure to comply with any provision of this section
21 is a gross misdemeanor.

22 ((+8)) (9) The department of licensing may adopt rules as it deems
23 necessary to administer this section.

24 ((+9)) (10) A surcharge of five dollars is imposed on the issuance
25 of trip permits. The portion of the surcharge paid by motor carriers
26 must be deposited in the motor vehicle fund for the purpose of
27 supporting vehicle weigh stations, weigh-in-motion programs, and the
28 commercial vehicle information systems and networks program. The
29 remaining portion of the surcharge must be deposited in the motor
30 vehicle fund for the purpose of supporting congestion relief programs.
31 All other administrative fees and excise taxes collected under the
32 provisions of this chapter shall be forwarded by the department with
33 proper identifying detailed report to the state treasurer who shall
34 deposit the administrative fees to the credit of the motor vehicle fund
35 and the excise taxes to the credit of the general fund. Filing fees
36 will be forwarded and reported to the state treasurer by the department
37 as prescribed in RCW 46.01.140.

1 **Sec. 7.** RCW 46.32.010 and 1993 c 403 s 2 are each amended to read
2 as follows:

3 (1) The chief of the Washington state patrol may operate, maintain,
4 or designate, throughout the state of Washington, stations for the
5 inspection of commercial motor vehicles, school buses, and private
6 carrier buses, with respect to vehicle equipment, drivers'
7 qualifications, and hours of service and to set reasonable times when
8 inspection of vehicles shall be performed.

9 (2) The state patrol may inspect a commercial motor vehicle while
10 the vehicle is operating on the public highways of this state with
11 respect to vehicle equipment, hours of service, and driver
12 qualifications.

13 (3) It is unlawful for any vehicle required to be inspected to be
14 operated over the public highways of this state unless and until it has
15 been approved periodically as to equipment.

16 (4) Inspections shall be performed by a responsible employee of the
17 chief of the Washington state patrol, who shall be duly authorized and
18 who shall have authority to secure and withhold, with written notice to
19 the director of licensing, the certificate of license registration and
20 license plates of any vehicle found to be defective in equipment so as
21 to be unsafe or unfit to be operated upon the highways of this state,
22 and it shall be unlawful for any person to operate (~~such~~) a vehicle
23 placed out of service by an officer unless and until it has been placed
24 in a condition satisfactory to pass a subsequent equipment inspection.
25 The (~~police~~) officer in charge of such vehicle equipment inspection
26 shall grant to the operator of such defective vehicle the privilege to
27 move such vehicle to a place for repair under such restrictions as may
28 be reasonably necessary.

29 (5) In the event any insignia, sticker, or other marker is adopted
30 to be displayed upon vehicles in connection with the inspection of
31 vehicle equipment, it shall be displayed as required by the rules of
32 the chief of the Washington state patrol, and it is a traffic
33 infraction for any person to mutilate, destroy, remove, or otherwise
34 interfere with the display thereof.

35 (6) It is a traffic infraction for any person to refuse to have his
36 motor vehicle examined as required by the chief of the Washington state
37 patrol, or, after having had it examined, to refuse to place an
38 insignia, sticker, or other marker, if issued, upon the vehicle, or

1 fraudulently to obtain any such insignia, sticker, or other marker, or
2 to refuse to place his motor vehicle in proper condition after having
3 had it examined, or in any manner, to fail to conform to the provisions
4 of this chapter.

5 (7) It is a traffic infraction for any person to perform false or
6 improvised repairs, or repairs in any manner not in accordance with
7 acceptable and customary repair practices, upon a motor vehicle.

8 **Sec. 8.** RCW 46.32.020 and 1993 c 403 s 3 are each amended to read
9 as follows:

10 (1)(a) The chief of the Washington state patrol may adopt
11 reasonable rules regarding types of vehicles to be inspected,
12 inspection criteria, times for the inspection of vehicle equipment,
13 drivers' qualifications, hours of service, and all other matters with
14 respect to the conduct of vehicle equipment and driver inspections.

15 (b) The chief of the Washington state patrol shall prepare and
16 furnish such stickers, tags, record and report forms, stationery, and
17 other supplies as shall be deemed necessary. The chief of the
18 Washington state patrol is empowered to appoint and employ such
19 assistants as he may consider necessary and to fix hours of employment
20 and compensation.

21 (2) The chief of the Washington state patrol shall use data-driven
22 analysis to prioritize for inspections and compliance reviews those
23 motor carriers whose relative safety fitness identify them as higher
24 risk motor carriers.

25 **Sec. 9.** RCW 46.32.040 and 1986 c 123 s 3 are each amended to read
26 as follows:

27 (1) Except as provided in subsection (2) of this section, vehicle
28 equipment inspection shall be at such intervals as required by the
29 chief of the Washington state patrol and shall be made without charge.

30 (2) When a motor carrier is identified as a high-risk carrier
31 through a data driven analysis due to formerly or recently identified
32 deficiencies or violations, the fee for each motor carrier compliance
33 review follow-up to ensure those deficiencies or violations have been
34 corrected is two hundred fifty dollars. The fee shall be collected by
35 the Washington state patrol and shall be deposited into the state
36 patrol highway account. This fee applies to motor carriers already

1 identified as a high-risk carrier or a motor carrier that has been
2 reclassified as a high-risk carrier due to recently identified
3 deficiencies or violations.

4 **Sec. 10.** RCW 46.32.080 and 1995 c 272 s 1 are each amended to read
5 as follows:

6 (1) The Washington state patrol is responsible for enforcement of
7 safety requirements for commercial motor vehicles(~~(7)~~) including, but
8 not limited to (~~terminal~~), safety audits and compliance reviews.
9 Those motor carriers that have (~~terminal~~) operations in this state
10 are subject to the patrol's (~~terminal~~) safety audits and compliance
11 review programs. Compliance reviews may result in the initiation of an
12 enforcement action, which may include monetary penalties.

13 (~~(2) (This section does not apply to:~~
14 ~~(a))~~) Motor vehicles owned and operated by farmers in the
15 transportation of their own farm, orchard, or dairy products, including
16 livestock and plant or animal wastes, from point of production to
17 market or disposal(~~(+)~~), or supplies or commodities to be used on the
18 farm, orchard, or dairy(~~(+~~

19 ~~(b) Commercial motor carriers subject to economic regulation under~~
20 ~~chapters 81.68 (auto transportation companies), 81.70 (passenger~~
21 ~~charter carriers), 81.77 (solid waste collection companies), 81.80~~
22 ~~(motor freight carriers), and 81.90 (limousine charter carriers) RCW;~~
23 ~~and~~

24 ~~(c) Vehicles exempted from registration by RCW 46.16.020.)~~, must
25 have a department of transportation number, as defined in section 3 of
26 this act, but are exempt from safety audits and compliance reviews.

27 (3) All records and documents required of motor carriers with
28 operations in this state must be available for review and inspection
29 during normal business hours. Duly authorized agents of the state
30 patrol conducting safety audits and compliance reviews may enter the
31 motor carrier's place of business, or any location where records or
32 equipment are located, at reasonable times and without advanced notice.
33 Motor carriers who do not permit duly authorized agents to enter their
34 place of business, or any location where records or equipment are
35 located, for safety audits and compliance reviews are subject to
36 enforcement action, including a monetary penalty.

1 (4)(a) All motor carriers with a commercial motor vehicle, as
2 defined in section 3 of this act, that operate in this state must apply
3 for a department of transportation number, as defined in section 3 of
4 this act, by January 1, 2008.

5 (b) The state patrol may deny an application if the motor carrier
6 does not meet the requirements and standards under this chapter. The
7 state patrol shall not issue a department of transportation number to
8 a motor carrier who at the time of application has been placed out of
9 service by the federal motor carrier safety administration. Commercial
10 motor vehicles must be marked as prescribed by the state patrol. Those
11 motor carriers with a current United States department of
12 transportation number are exempt from applying for a department of
13 transportation number.

14 (c) The state patrol may (i) place a motor carrier out of service
15 or (ii) refuse to issue or recognize as valid a department of
16 transportation number to a motor carrier who: (A) Formerly held a
17 department of transportation number that was placed out of service for
18 cause, and where cause has not been removed; (B) is a subterfuge for
19 the real party in interest whose department of transportation number
20 was placed out of service for cause, and where cause has not been
21 removed; (C) as an individual licensee, or officer, director, owner, or
22 managing employee of a nonindividual licensee, had a department of
23 transportation number and was placed out of service for cause, and
24 where cause has not been removed; or (D) has an unsatisfied debt to the
25 state assessed under this chapter.

26 (d) Upon a finding by the chief of the state patrol or the chief's
27 designee that a motor carrier is an imminent hazard or danger to the
28 public health, safety, or welfare, the state patrol shall notify the
29 department, and the department shall revoke the registrations for all
30 commercial motor vehicles that are owned by the motor carrier subject
31 to RCW 46.32.080. In determining whether a motor carrier is an
32 imminent hazard or danger to the public health, safety, or welfare, the
33 chief or the chief's designee shall consider safety factors.

34 **Sec. 11.** RCW 46.32.090 and 1996 c 86 s 1 are each amended to read
35 as follows:

36 The department shall collect a fee of (~~ten~~) sixteen dollars, in
37 addition to all other fees and taxes, for each motor vehicle base

1 plated in the state of Washington that is subject to highway
2 inspections and (~~terminal audits~~) compliance reviews under RCW
3 46.32.080, at the time of registration and renewal of registration
4 under chapter 46.16 or 46.87 RCW, or the international registration
5 plan if (~~based [base]~~) base plated in a foreign jurisdiction. The
6 (~~ten-dollar~~) fee must be apportioned for those vehicles operating
7 interstate and registered under the international registration plan.
8 This fee does not apply to nonmotor-powered vehicles, including
9 trailers. Refunds will not be provided for fees paid under this
10 section when the vehicle is no longer subject to RCW 46.32.080. The
11 department may deduct an amount equal to the cost of administering the
12 program. All remaining fees shall be deposited with the state
13 treasurer and credited to the state patrol highway account of the motor
14 vehicle fund.

15 **Sec. 12.** RCW 46.32.100 and 2005 c 444 s 1 are each amended to read
16 as follows:

17 (1)(a) In addition to all other penalties provided by law, a
18 commercial motor vehicle that is subject to (~~terminal safety audits~~)
19 compliance reviews under this chapter and an officer, agent, or
20 employee of a company operating a commercial motor vehicle who violates
21 or who procures, aids, or abets in the violation of this title or any
22 order or rule of the state patrol is liable for a penalty of one
23 hundred dollars for each violation, except for each violation of 49
24 C.F.R. Pt. 382, controlled substances and alcohol use and testing, 49
25 C.F.R. Sec. 391.15, disqualification of drivers, and 49 C.F.R. Sec.
26 396.9(c)(2), moving a vehicle placed out of service before the out of
27 service defects have been satisfactorily repaired, for which the person
28 is liable for a penalty of five hundred dollars. The driver of a
29 commercial motor vehicle who violates an out-of-service order is liable
30 for a penalty of at least one thousand one hundred dollars but not more
31 than two thousand seven hundred fifty dollars. An employer who allows
32 a driver to operate a commercial motor vehicle when there is an out-of-
33 service order is liable for a penalty of at least two thousand seven
34 hundred fifty dollars but not more than eleven thousand dollars. Each
35 violation is a separate and distinct offense, and in case of a
36 continuing violation every day's continuance is a separate and distinct
37 violation.

1 (b) In addition to all other penalties provided by law, any motor
2 carrier, company, or any officer or agent of a motor carrier or company
3 operating a commercial motor vehicle subject to compliance reviews
4 under this chapter who refuses entry or to make the required records,
5 documents, and vehicles available to a duly authorized agent of the
6 state patrol is liable for a penalty of at least five thousand dollars
7 as well as an out-of-service order being placed on the department of
8 transportation number, as defined in section 3 of this act, and vehicle
9 registration to operate. Each violation is a separate and distinct
10 offense, and in case of a continuing violation every day's continuance
11 is a separate and distinct violation.

12 (c) A motor carrier operating a commercial motor vehicle after
13 receiving a final unsatisfactory rating or being placed out of service
14 is liable for a penalty of not more than eleven thousand dollars. Each
15 violation is a separate and distinct offense, and in case of a
16 continuing violation every day's continuance is a separate and distinct
17 violation.

18 (2) The Washington state patrol may place an out-of-service order
19 on a department of transportation number, as defined in section 3 of
20 this act, for violations of this chapter or for nonpayment of any
21 monetary penalties assessed by the state patrol or the utilities and
22 transportation commission, as a result of compliance reviews, or for
23 violations of cease and desist orders issued by the utilities and
24 transportation commission. The state patrol shall notify the
25 department of licensing when an out-of-service order has been placed on
26 a motor carrier's department of transportation number. The state
27 patrol shall notify the motor carrier when there has been an out-of-
28 service order placed on the motor carrier's department of
29 transportation number and the vehicle registrations have been revoked
30 by sending a notice by first class mail using the last known address
31 for the registered or legal owner or owners, and recording the
32 transmittal on an affidavit of first class mail. Notices under this
33 section fulfill the requirements of RCW 46.12.160. Motor carriers may
34 not be eligible for a new department of transportation number, vehicle
35 registration, or temporary permits to operate unless the violations
36 that resulted in the out-of-service order have been corrected.

37 ((The)) (3) Any penalty provided in this section is due and payable
38 when the person incurring it receives a notice in writing from the

1 state patrol describing the violation and advising the person that the
2 penalty is due. (~~The patrol may, upon written application for review,~~
3 ~~received within fifteen days, remit or mitigate a penalty provided for~~
4 ~~in this section or discontinue a prosecution to recover the penalty~~
5 ~~upon such terms it deems proper and may ascertain the facts upon all~~
6 ~~such applications in such manner and under such rules as it deems~~
7 ~~proper.)) If the amount of the penalty is not paid to the state patrol
8 within (~~fifteen~~) twenty days after the later of (a) receipt of the
9 notice imposing the penalty, or (~~application for remission or~~
10 ~~mitigation has not been made within fifteen days after the violator has~~
11 ~~received notice of the~~) (b) disposition of (~~the application~~) an
12 adjudicative proceeding regarding the penalty, the state patrol may
13 commence an adjudicative proceeding under chapter 34.05 RCW in the name
14 of the state of Washington to confirm the violation and recover the
15 penalty. In all such proceedings the procedure and rules of evidence
16 are as specified in chapter 34.05 RCW except as otherwise provided in
17 this chapter. All penalties recovered under this section shall be paid
18 into the state treasury and credited to the state patrol highway
19 account of the motor vehicle fund.~~

20 **Sec. 13.** RCW 46.44.105 and 2006 c 297 s 1 and 2006 c 50 s 4 are
21 each reenacted and amended to read as follows:

22 (1) Violation of any of the provisions of this chapter is a traffic
23 infraction, and upon the first finding thereof shall be assessed a
24 basic penalty of not less than fifty dollars; and upon a second finding
25 thereof shall be assessed a basic penalty of not less than seventy-five
26 dollars; and upon a third or subsequent finding shall be assessed a
27 basic penalty of not less than one hundred dollars.

28 (2) In addition to the penalties imposed in subsection (1) of this
29 section, any person violating RCW 46.44.041, 46.44.042, 46.44.047,
30 46.44.090, 46.44.091, or 46.44.095 shall be assessed a penalty for each
31 pound overweight, as follows:

32 (a) One pound through four thousand pounds overweight is three
33 cents for each pound;

34 (b) Four thousand one pounds through ten thousand pounds overweight
35 is one hundred twenty dollars plus twelve cents per pound for each
36 additional pound over four thousand pounds overweight;

1 (c) Ten thousand one pounds through fifteen thousand pounds
2 overweight is eight hundred forty dollars plus sixteen cents per pound
3 for each additional pound over ten thousand pounds overweight;

4 (d) Fifteen thousand one pounds through twenty thousand pounds
5 overweight is one thousand six hundred forty dollars plus twenty cents
6 per pound for each additional pound over fifteen thousand pounds
7 overweight;

8 (e) Twenty thousand one pounds and more is two thousand six hundred
9 forty dollars plus thirty cents per pound for each additional pound
10 over twenty thousand pounds overweight.

11 Upon a first violation in any calendar year, the court may suspend
12 the penalty for five hundred pounds of excess weight for each axle on
13 any vehicle or combination of vehicles, not to exceed a two thousand
14 pound suspension. In no case may the basic penalty assessed in
15 subsection (1) of this section or the additional penalty assessed in
16 subsection (2) of this section, except as provided for the first
17 violation, be suspended.

18 ~~(3) ((Whenever any vehicle or combination of vehicles is involved
19 in two violations of RCW 46.44.041, 46.44.042, 46.44.047, 46.44.090,
20 46.44.091, or 46.44.095 during any twelve month period, the court may
21 suspend the certificate of license registration of the vehicle or
22 combination of vehicles for not less than thirty days. Upon a third or
23 succeeding violation of RCW 46.44.041, 46.44.042, 46.44.047, 46.44.090,
24 46.44.091, or 46.44.095, during any twelve month period or a third or
25 succeeding out of service violation, as defined in the code of federal
26 regulations as of June 7, 2006, during any twelve month period, the
27 court shall suspend the certificate of license registration for not
28 less than thirty days. Whenever the certificate of license
29 registration is suspended, the court shall secure such certificate and
30 immediately forward the same to the director with information
31 concerning the suspension.~~

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

1 (~~(5)~~) (4) It is unlawful for the driver of a vehicle to fail or
2 refuse to stop and submit the vehicle and load to a weighing, or to
3 fail or refuse, when directed by an officer upon a weighing of the
4 vehicle to stop the vehicle and otherwise comply with the provisions of
5 this section. It is unlawful for a driver of a commercial motor
6 vehicle as defined in RCW 46.32.005, other than the driver of a bus as
7 defined in RCW 46.32.005(3) or a vehicle with a gross vehicle weight
8 rating or gross combination weight rating of 7,257 kilograms or less
9 (16,000 pounds or less) and not transporting hazardous materials in
10 accordance with RCW 46.32.005(4), to fail or refuse to stop at a
11 weighing station when proper traffic control signs indicate scales are
12 open. However, unladen tow trucks regardless of weight and farm
13 vehicles carrying farm produce with a gross vehicle weight rating or
14 gross combination weight rating of 11,794 kilograms or less (26,000
15 pounds or less) may fail or refuse to stop at a weighing station when
16 proper traffic control signs indicate scales are open.

17 Any police officer is authorized to require the driver of any
18 vehicle or combination of vehicles to stop and submit to a weighing
19 either by means of a portable or stationary scale and may require that
20 the vehicle be driven to the nearest public scale. Whenever a police
21 officer, upon weighing a vehicle and load, determines that the weight
22 is unlawful, the officer may require the driver to stop the vehicle in
23 a suitable location and remain standing until such portion of the load
24 is removed as may be necessary to reduce the gross weight of the
25 vehicle to the limit permitted by law. If the vehicle is loaded with
26 grain or other perishable commodities, the driver shall be permitted to
27 proceed without removing any of the load, unless the gross weight of
28 the vehicle and load exceeds by more than ten percent the limit
29 permitted by this chapter. The owner or operator of the vehicle shall
30 care for all materials unloaded at the risk of the owner or operator.

31 Any vehicle whose driver or owner represents that the vehicle is
32 disabled or otherwise unable to proceed to a weighing location shall
33 have its load sealed or otherwise marked by any police officer. The
34 owner or driver shall be directed that upon completion of repairs, the
35 vehicle shall submit to weighing with the load and markings and/or seal
36 intact and undisturbed. Failure to report for weighing, appearing for
37 weighing with the seal broken or the markings disturbed, or removal of

1 any cargo prior to weighing is unlawful. Any person so convicted shall
2 be fined one thousand dollars, and in addition the certificate of
3 license registration shall be suspended for not less than thirty days.

4 ~~((+6))~~ (5) Any other provision of law to the contrary
5 notwithstanding, district courts having venue have concurrent
6 jurisdiction with the superior courts for the imposition of any
7 penalties authorized under this section.

8 ~~((+7))~~ (6) For the purpose of determining additional penalties as
9 provided by subsection (2) of this section, "overweight" means the
10 poundage in excess of the maximum allowable gross weight or axle/axle
11 grouping weight prescribed by RCW 46.44.041, 46.44.042, 46.44.047,
12 46.44.091, and 46.44.095.

13 ~~((+8))~~ (7) The penalties provided in subsections (1) and (2) of
14 this section shall be remitted as provided in chapter 3.62 RCW or RCW
15 10.82.070. For the purpose of computing the basic penalties and
16 additional penalties to be imposed under subsections (1) and (2) of
17 this section, the convictions shall be on the same vehicle or
18 combination of vehicles within a twelve-month period under the same
19 ownership.

20 ~~((+9))~~ (8) Any state patrol officer or any weight control officer
21 who finds any person operating a vehicle or a combination of vehicles
22 in violation of the conditions of a permit issued under RCW 46.44.047,
23 46.44.090, and 46.44.095 may confiscate the permit and forward it to
24 the state department of transportation which may return it to the
25 permittee or revoke, cancel, or suspend it without refund. The
26 department of transportation shall keep a record of all action taken
27 upon permits so confiscated, and if a permit is returned to the
28 permittee the action taken by the department of transportation shall be
29 endorsed thereon. Any permittee whose permit is suspended or revoked
30 may upon request receive a hearing before the department of
31 transportation or person designated by that department. After the
32 hearing the department of transportation may reinstate any permit or
33 revise its previous action.

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

1 Upon the third finding within a calendar year of a violation of the
2 requirements and conditions of a permit issued under RCW 46.44.095, the
3 permit shall be canceled, and the canceled permit shall be immediately
4 transmitted by the court or the arresting officer to the department of
5 transportation. The vehicle covered by the canceled permit is not
6 eligible for a new permit for a period of thirty days.

7 ~~((+10+))~~ (9) For the purposes of determining gross weights the
8 actual scale weight taken by the arresting officer is prima facie
9 evidence of the total gross weight.

10 ~~((+11+))~~ (10) It is a traffic infraction to direct the loading of
11 a vehicle with knowledge that it violates the requirements in RCW
12 46.44.041, 46.44.042, 46.44.047, 46.44.090, 46.44.091, or 46.44.095 and
13 that it is to be operated on the public highways of this state.

14 ~~((+12+))~~ (11) The chief of the state patrol, with the advice of the
15 department, may adopt reasonable rules to aid in the enforcement of
16 this section.

17 NEW SECTION. **Sec. 14.** A new section is added to chapter 46.32 RCW
18 to read as follows:

19 The Washington state patrol, in consultation with the department of
20 licensing, shall adopt rules consistent with this chapter to regulate
21 vehicle safety requirements for motor carriers who own, control,
22 manage, or operate a commercial motor vehicle within this state.
23 Except as otherwise provided in this chapter, the rules adopted by the
24 state patrol under this section must be as rigorous as federal
25 regulations governing certain interstate motor carriers at 49 C.F.R.
26 Parts 40 and 380 through 397, which cover the areas of commercial motor
27 carrier driver training, controlled substance and alcohol use and
28 testing, compliance with the federal driver's license requirements and
29 penalties, vehicle equipment and safety standards, hazardous material
30 practices, financial responsibility, driver qualifications, hours of
31 service, vehicle inspection and corrective actions, and assessed
32 penalties for noncompliance. The state patrol shall amend these rules
33 periodically to maintain, to the extent permissible under this chapter,
34 standards as rigorous as the federal regulations governing certain
35 interstate motor carriers. The state patrol shall submit a report to
36 the legislature by December 31st of each year that outlines new rules

1 or rule changes and explains how the state rules compare to the federal
2 regulations.

3 **Sec. 15.** RCW 46.87.294 and 2003 c 85 s 3 are each amended to read
4 as follows:

5 The department shall refuse to register a vehicle under this
6 chapter if the registrant or motor carrier responsible for the safety
7 of the vehicle has been prohibited under federal law from operating by
8 the federal motor carrier safety administration. The department shall
9 not register a vehicle if the Washington state patrol has placed an
10 out-of-service order on the vehicle's department of transportation
11 number, as defined in section 3 of this act.

12 **Sec. 16.** RCW 46.87.296 and 2003 c 85 s 4 are each amended to read
13 as follows:

14 The department shall suspend or revoke the registration of a
15 vehicle registered under this chapter if the registrant or motor
16 carrier responsible for the safety of the vehicle has been prohibited
17 under federal law from operating by the federal motor carrier safety
18 administration. The department shall not register a vehicle if the
19 Washington state patrol has placed an out-of-service order on the
20 vehicle's department of transportation number, as defined in section 3
21 of this act.

22 **Sec. 17.** RCW 82.38.100 and 1999 c 270 s 2 are each amended to read
23 as follows:

24 (1) Any special fuel user operating a motor vehicle into this state
25 for commercial purposes may make application for a trip permit that
26 shall be good for a period of three consecutive days beginning and
27 ending on the dates specified on the face of the permit issued, and
28 only for the vehicle for which it is issued.

29 (2) Every permit shall identify, as the department may require, the
30 vehicle for which it is issued and shall be completed in its entirety,
31 signed, and dated by the operator before operation of the vehicle on
32 the public highways of this state. Correction of data on the permit
33 such as dates, vehicle license number, or vehicle identification number
34 invalidates the permit. A violation of, or a failure to comply with,
35 this subsection is a gross misdemeanor.

1 (3) For each permit issued, there shall be collected a filing fee
2 of one dollar, an administrative fee of (~~ten~~) fifteen dollars, and an
3 excise tax of nine dollars. Such fees and tax shall be in lieu of the
4 special fuel tax otherwise assessable against the permit holder for
5 importing and using special fuel in a motor vehicle on the public
6 highways of this state, and no report of mileage shall be required with
7 respect to such vehicle. Trip permits will not be issued if the
8 applicant has outstanding fuel taxes, penalties, or interest owing to
9 the state or has had a special fuel license revoked for cause and the
10 cause has not been removed. Five dollars from every fifteen-dollar
11 administration fee shall be deposited into the state patrol highway
12 account and must be used for commercial motor vehicle inspections.

13 (4) Blank permits may be obtained from field offices of the
14 department of transportation, Washington state patrol, department of
15 licensing, or other agents appointed by the department. The department
16 may appoint county auditors or businesses as agents for the purpose of
17 selling trip permits to the public. County auditors or businesses so
18 appointed may retain the filing fee collected for each trip permit to
19 defray expenses incurred in handling and selling the permits.

20 (5) A surcharge of five dollars is imposed on the issuance of trip
21 permits. The portion of the surcharge paid by motor carriers must be
22 deposited in the motor vehicle fund for the purpose of supporting
23 vehicle weigh stations, weigh-in-motion programs, and the commercial
24 vehicle information systems and networks program. The remaining
25 portion of the surcharge must be deposited in the motor vehicle fund
26 for the purpose of supporting congestion relief programs. All other
27 fees and excise taxes collected by the department for trip permits
28 shall be credited and deposited in the same manner as the special fuel
29 tax collected under this chapter and shall not be subject to exchange,
30 refund, or credit.

31 NEW SECTION. **Sec. 18.** This act does not apply to:

32 (1) Commercial motor vehicles that are operated under a permit and
33 subject to economic regulation under chapters 81.68, 81.70, 81.77, and
34 81.80 RCW; and

35 (2) Vehicles exempted from registration by RCW 46.16.020.

1 NEW SECTION. **Sec. 19.** Section 10 of this act is necessary for the
2 immediate preservation of the public peace, health, or safety, or
3 support of the state government and its existing public institutions,
4 and takes effect immediately.

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