

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1707

Chapter 97, Laws of 1993

53rd Legislature
1993 Regular Session

MOTOR CARRIER REGISTRATION AND REGULATION REVISIONS

EFFECTIVE DATE: 7/25/93 - Except Sections 2, 3, & 7 which become effective on 1/1/94

Passed by the House March 8, 1993
Yeas 97 Nays 0

BRIAN EBERSOLE
**Speaker of the
House of Representatives**

Passed by the Senate April 5, 1993
Yeas 37 Nays 1

R. LORRAINE WOJAHN
President of the Senate

Approved April 21, 1993

MIKE LOWRY
Governor of the State of Washington

CERTIFICATE

I, Alan Thompson, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1707** as passed by the House of Representatives and the Senate on the dates hereon set forth.

ALAN THOMPSON
Chief Clerk

FILED

April 21, 1993 - 2:31 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1707

Passed Legislature - 1993 Regular Session

State of Washington 53rd Legislature 1993 Regular Session

By House Committee on Transportation (originally sponsored by Representatives R. Fisher, Schmidt, R. Meyers and Johanson; by request of Utilities & Transportation Commission)

Read first time 02/22/93.

1 AN ACT Relating to the registration and regulation of motor
2 carriers and the collection of fees relating to motor carrier
3 operations; amending RCW 81.80.318, 81.80.150, and 81.80.090; adding
4 new sections to chapter 81.80 RCW; repealing RCW 81.80.300 and
5 81.80.320; and providing an effective date.

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

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 81.80 RCW
8 to read as follows:

9 The commission may implement a system to register motor carriers
10 doing business in this state, including, but not limited to:

11 (1) The prescription of an identification number and the issuance
12 of a receipt that must be carried within the cab of each motive power
13 vehicle operated within this state;

14 (2) The adoption of requirements for the carriers to carry other
15 identifying information along with the identification number provided
16 for in subsection (1) of this section;

17 (3) Participation in a single state registration program as
18 authorized by the Intermodal Surface Transportation Efficiency Act of

1 1991, 49 U.S.C. Sec. 11506, as in effect on the effective date of this
2 act; and

3 (4) The collection of any fee authorized by the Intermodal Surface
4 Transportation Efficiency Act, 49 U.S.C. Sec. 11506, as in effect on
5 the effective date of this act, in addition to any other fees
6 authorized by law.

7 **Sec. 2.** RCW 81.80.318 and 1985 c 7 s 153 are each amended to read
8 as follows:

9 Any motor carrier engaged in this state in the casual or occasional
10 carriage of property in interstate or foreign commerce, who would
11 otherwise be subject to all of the requirements of this chapter, shall
12 be authorized to engage in such casual or occasional carriage, upon
13 securing from the commission a single trip transit permit, valid for a
14 period not exceeding ten days, which shall authorize a one way trip in
15 transporting property for compensation between points in the state of
16 Washington and points in other states, territories, or foreign
17 countries.

18 No identification (~~((cab cards and decals or stamps or))~~) numbers and
19 no regulatory fees other than as provided in this section shall be
20 required for such permit. The permit must be carried in the cab of the
21 motive power vehicle.

22 The permit shall be issued upon application to the commission or
23 any of its duly authorized agents upon payment of a fee of (~~((ten))~~) not
24 more than twenty dollars and the furnishing of proof of possession of
25 public liability and property damage insurance (~~((in limits of at least~~
26 ~~twenty-five thousand dollars, for injury or death of any one person,~~
27 ~~and subject to such limit as to any one person, for one hundred~~
28 ~~thousand dollars for injury or death of all persons caused by any one~~
29 ~~accident and for ten thousand dollars for all damages to property~~
30 ~~caused by one accident))~~) at levels set by commission rule. Such proof
31 may consist of an insurance policy or a certificate of insurance.

32 The commission shall not be required to collect the excise tax
33 prescribed by RCW 82.44.020 on any vehicle subject only to the payment
34 of this fee.

35 NEW SECTION. **Sec. 3.** A new section is added to chapter 81.80 RCW
36 to read as follows:

1 In addition to all other fees to be paid, a common carrier and
2 contract carrier shall pay a regulatory fee of no more than 0.0025 of
3 its gross income from intrastate operations for the previous calendar
4 year, or such other period as the commission designates by rule. The
5 carrier shall pay the fee no later than four months after the end of
6 the appropriate period and shall include with the payment such
7 information as the commission requires by rule.

8 The legislature intends that the fees collected under this chapter
9 shall reasonably approximate the cost of supervising and regulating
10 motor carriers subject to this chapter, and to that end the commission
11 may by general order decrease fees provided in this section if it
12 determines that the moneys then in the motor carrier account of the
13 public service revolving fund and the fees currently to be paid will
14 exceed the reasonable cost of supervising and regulating carriers.

15 All fees collected under any other provision of this chapter must
16 be paid to the commission. The commission shall transmit the fees to
17 the state treasurer within thirty days for deposit to the credit of the
18 public service revolving fund.

19 **Sec. 4.** RCW 81.80.150 and 1981 c 116 s 2 are each amended to read
20 as follows:

21 The commission shall make, fix, construct, compile, promulgate,
22 publish, and distribute tariffs containing compilations of rates,
23 charges, classifications, rules, and regulations to be used by all
24 common carriers. In compiling such tariffs it shall include within any
25 given tariff compilation such carriers, groups of carriers,
26 commodities, or geographical areas as it determines shall be in the
27 public interest. Such compilations and publications may be made by the
28 commission by compiling the rates, charges, classifications, rules, and
29 regulations now in effect, and as they may be amended and altered from
30 time to time after notice and hearing, by issuing and distributing
31 revised pages or supplements to such tariffs or reissues thereof in
32 accordance with the orders of the commission: PROVIDED, That the
33 commission, upon good cause shown, may establish temporary rates,
34 charges, or classification changes which may be made permanent only
35 after publication in an applicable tariff for not less than sixty days,
36 and determination by the commission thereafter that the rates, charges
37 or classifications are just, fair, and reasonable: PROVIDED FURTHER,
38 That temporary rates shall not be made permanent except upon notice and

1 hearing if within sixty days from date of publication, a shipper or
2 common carrier, or representative of either, shall file with the
3 commission a protest alleging such temporary rates to be unjust,
4 unfair, or unreasonable. For purposes of this proviso, the publication
5 of temporary rates in the tariff shall be deemed adequate public
6 notice. Nothing herein shall be construed to prevent the commission
7 from proceeding on its own motion, upon notice and hearing, to fix and
8 determine just, fair, and reasonable rates, charges, and
9 classifications. Each common carrier shall purchase from the
10 commission and post tariffs applicable to its authority. The
11 commission shall set fees for sale of the tariffs, and supplements and
12 corrections of them, at rates to cover all costs of making, fixing,
13 constructing, compiling, promulgating, publishing, and distributing the
14 tariffs. The proper tariff, or tariffs, applicable to a carrier's
15 operations shall be available to the public at each agency and office
16 of all common carriers operating within this state. Such compilations
17 and publications shall be sold by the commission for ((a)) the
18 established fee ((to be determined annually and not to exceed the cost
19 of this service.— Corrections to such publications shall be furnished
20 to all subscribers to tariffs in the form of corrected pages to the
21 tariffs, supplements, or reissues thereof. In addition to the initial
22 charge for each tariff, the commission shall charge an annual
23 maintenance fee not to exceed the cost of issuing corrections or
24 supplements and mailing them to subscribers:— PROVIDED, That)).
25 However, copies may be furnished free to other regulatory bodies and
26 departments of government and to colleges, schools, and libraries. All
27 copies of the compilations, whether sold or given free, shall be issued
28 and distributed under rules and regulations to be fixed by the
29 commission: PROVIDED FURTHER, That the commission may by order
30 authorize common carriers to publish and file tariffs with the
31 commission and be governed thereby in respect to certain designated
32 commodities and services when, in the opinion of the commission, it is
33 impractical for the commission to make, fix, construct, compile,
34 publish, and distribute tariffs covering such commodities and services.

35 **Sec. 5.** RCW 81.80.090 and 1973 c 115 s 10 are each amended to read
36 as follows:

37 The commission shall prescribe forms of application for permits and
38 for extensions thereof for the use of prospective applicants, and for

1 transfer of permits and for acquisition of control of carriers holding
2 permits, and shall make regulations for the filing thereof. Any such
3 application shall be accompanied by such filing fee as the commission
4 may prescribe by rule: PROVIDED, That such fee shall not exceed
5 (~~two~~) five hundred fifty dollars.

6 NEW SECTION. Sec. 6. A new section is added to chapter 81.80 RCW
7 to read as follows:

8 If a person seeks to contest the imposition of a fee imposed under
9 this chapter, the person shall pay the fee and request a refund within
10 six months of the due date for the payment by filing a petition for a
11 refund with the commission. The commission shall establish by rule
12 procedures for handling refund petitions and may delegate the decisions
13 on refund petitions to the secretary of the commission.

14 NEW SECTION. Sec. 7. The following acts or parts of acts are each
15 repealed:

16 (1) RCW 81.80.300 and 1991 c 241 s 2, 1985 c 7 s 152, 1977 ex.s. c
17 63 s 1, 1971 ex.s. c 143 s 4, 1969 ex.s. c 210 s 13, 1967 c 170 s 1, &
18 1961 c 14 s 81.80.300; and

19 (2) RCW 81.80.320 and 1971 ex.s. c 143 s 5, 1969 ex.s. c 210 s 14,
20 1967 c 170 s 4, & 1961 c 14 s 81.80.320.

21 NEW SECTION. Sec. 8. Sections 2, 3, and 7 of this act take effect
22 January 1, 1994.

Passed the House March 8, 1993.

Passed the Senate April 5, 1993.

Approved by the Governor April 21, 1993.

Filed in Office of Secretary of State April 21, 1993.