
SUBSTITUTE HOUSE BILL 1209

State of Washington

54th Legislature

1995 Regular Session

By House Committee on Transportation (originally sponsored by Representatives K. Schmidt, Mielke, Johnson, Quall, Mitchell, Buck, Romero, Horn and Huff)

Read first time 02/22/95.

1 AN ACT Relating to commercial vehicle safety enforcement by the
2 Washington state patrol; amending RCW 81.80.330; adding new sections to
3 chapter 46.32 RCW; adding a new section to chapter 46.68 RCW; creating
4 a new section; repealing RCW 81.80.145; prescribing penalties; and
5 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 46.32 RCW
8 to read as follows:

9 (1) The Washington state patrol is responsible for enforcement of
10 safety requirements for commercial motor vehicles, including but not
11 limited to terminal safety audits. Those carriers that have terminal
12 operations in this state are subject to the patrol's terminal safety
13 audits.

14 (2) This section does not apply to:

15 (a) Motor vehicles owned and operated by farmers in the
16 transportation of their own farm, orchard, or dairy products, including
17 livestock and plant or animal wastes, from point of production to
18 market or disposal; or supplies or commodities to be used on the farm,
19 orchard, or dairy;

1 (b) Commercial motor vehicles regulated under chapters 81.68,
2 81.70, 81.77, 81.80, and 81.90 RCW;

3 (c) Motor vehicles when transporting exclusively the United States
4 mail or in the transportation of newspapers or periodicals;

5 (d) Motor vehicles owned and operated by the United States, the
6 state of Washington, or any county, city, town, or municipality.

7 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.32 RCW
8 to read as follows:

9 The department shall collect an annual fee for each safety
10 inspection conducted under section 1 of this act. The department shall
11 collect the fee along with the annual vehicle registration fee. The
12 department shall prorate the fee for commercial vehicles operating
13 interstate.

14 The fee shall be ten dollars as of July 1, 1995, and the
15 department, in consultation with the patrol shall adjust the fee as
16 necessary to cover the costs of the inspection program, including
17 administrative costs to the department. Adjustment of the fee must be
18 done by rule making in accordance with chapter 34.05 RCW. The
19 department shall submit notice of fee adjustments to the standing
20 committees on transportation of the senate and house of representatives
21 and to the legislative transportation committee, all of which must give
22 their approval before the department may proceed with adoption of a fee
23 adjustment. All inspection fees, less an amount deducted by the
24 department to cover its costs of administering the inspection program,
25 shall be deposited in the truck safety enforcement account created by
26 section 4 of this act.

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

29 In addition to all other penalties provided by law, a commercial
30 motor vehicle that is subject to terminal safety audits under this
31 chapter and an officer, agent, or employee of a company operating a
32 commercial motor vehicle who violates or who procures, aids, or abets
33 in the violation of this title or any order or rule of the state patrol
34 is liable for a penalty of one hundred dollars for each violation.
35 Each 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 The penalty provided in this section is due and payable when the
2 person incurring it receives a notice in writing from the patrol
3 describing the violation and advising the person that the penalty is
4 due. The patrol may, upon written application for review, received
5 within fifteen days, remit or mitigate a penalty provided for in this
6 section or discontinue a prosecution to recover the penalty upon such
7 terms it deems proper and may ascertain the facts upon all such
8 applications in such manner and under such rules as it deems proper.
9 If the amount of the penalty is not paid to the patrol within fifteen
10 days after receipt of the notice imposing the penalty, or application
11 for remission or mitigation has not been made within fifteen days after
12 the violator has received notice of the disposition of the application,
13 the attorney general shall bring an action in the name of the state of
14 Washington in the superior court of Thurston county or of some other
15 county in which the violator does business, to recover the penalty. In
16 all such actions the procedure and rules of evidence are the same as an
17 ordinary civil action except as otherwise provided in this chapter.
18 All penalties recovered under this section shall be paid into the state
19 treasury and credited to the truck safety enforcement account created
20 by section 4 of this act.

21 NEW SECTION. **Sec. 4.** A new section is added to chapter 46.68 RCW
22 to read as follows:

23 The truck safety enforcement account is created in the motor
24 vehicle fund. All receipts from sections 2 and 3 of this act shall be
25 deposited into the account. Moneys in the account may be spent only
26 after appropriation. Expenditures from the account may be used only by
27 the Washington state patrol for roadside and terminal inspection of
28 commercial vehicles.

29 NEW SECTION. **Sec. 5.** (1) All powers, duties, and functions of the
30 utilities and transportation commission pertaining to safety
31 inspections of commercial vehicles, including but not limited to
32 terminal safety audits, except for those carriers subject to the
33 economic regulation of the commission, are transferred to the
34 Washington state patrol.

35 (2)(a) All reports, documents, surveys, books, records, files,
36 papers, or written material in the possession of the utilities and
37 transportation commission pertaining to the powers, functions, and

1 duties transferred shall be delivered to the custody of the Washington
2 state patrol. All cabinets, furniture, office equipment, motor
3 vehicles, and other tangible property employed by the utilities and
4 transportation commission in carrying out the powers, functions, and
5 duties transferred shall be made available to the Washington state
6 patrol. All funds, credits, or other assets held in connection with
7 the powers, functions, and duties transferred shall be assigned to the
8 Washington state patrol.

9 (b) Any appropriations made to the utilities and transportation
10 commission for carrying out the powers, functions, and duties
11 transferred shall, on the effective date of this act, be transferred
12 and credited to the Washington state patrol.

13 (c) Whenever any question arises as to the transfer of any
14 personnel, funds, books, documents, records, papers, files, equipment,
15 or other tangible property used or held in the exercise of the powers
16 and the performance of the duties and functions transferred, the
17 director of financial management shall make a determination as to the
18 proper allocation and certify the same to the state agencies concerned.

19 (3) In filling new merit system terminal auditor positions, the
20 Washington state patrol shall give preferential consideration to
21 employees of the utilities and transportation commission engaged in
22 performing the powers, functions, and duties transferred.

23 (4) All rules and all pending business before the utilities and
24 transportation commission pertaining to the powers, functions, and
25 duties transferred shall be continued and acted upon by the Washington
26 state patrol. All existing contracts and obligations remain in full
27 force and shall be performed by the Washington state patrol.

28 (5) The transfer of the powers, duties, functions, and personnel of
29 the utilities and transportation commission does not affect the
30 validity of any act performed before the effective date of this act.

31 (6) If apportionments of budgeted funds are required because of the
32 transfers directed by this section, the director of financial
33 management shall certify the apportionments to the agencies affected,
34 the state auditor, and the state treasurer. Each of these shall make
35 the appropriate transfer and adjustments in funds and appropriation
36 accounts and equipment records in accordance with the certification.

37 (7) Nothing contained in this section alters an existing collective
38 bargaining unit or the provisions of an existing collective bargaining

1 agreement until the agreement has expired or until the bargaining unit
2 has been modified by action of the personnel board as provided by law.

3 **Sec. 6.** RCW 81.80.330 and 1980 c 132 s 3 are each amended to read
4 as follows:

5 The commission is hereby empowered to administer and enforce all
6 provisions of this chapter and to inspect the vehicles, books, and
7 documents of all "motor carriers" and the books, documents, and records
8 of those using the service of the carriers for the purpose of
9 discovering all discriminations and rebates and other information
10 pertaining to the enforcement of this chapter and shall prosecute
11 violations thereof. The commission shall employ such auditors,
12 inspectors, clerks, and assistants as it may deem necessary for the
13 enforcement of this chapter(~~(, and it shall be the duty of)~~). The
14 Washington state patrol (~~(to assist in the enforcement of)~~) shall
15 perform all motor carrier safety inspections required by this chapter,
16 (~~(and the duty of)~~) including terminal safety audits, except for those
17 carriers subject to the economic regulation of the commission. The
18 attorney general (~~(to)~~) shall assign at least one assistant to the
19 exclusive duty of assisting the commission in the enforcement of this
20 chapter, and the prosecution of persons charged with the violation
21 thereof. It shall be the duty of the Washington state patrol and the
22 sheriffs of the counties to make arrests and the county attorneys to
23 prosecute violations of this chapter.

24 NEW SECTION. **Sec. 7.** RCW 81.80.145 and 1993 c 359 s 1 are each
25 repealed.

26 NEW SECTION. **Sec. 8.** This act takes effect January 1, 1996.

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