

FINAL BILL REPORT

HB 2141

C 172 L 98

Synopsis as Enacted

Brief Description: Providing changes to terminal audit violation penalties.

Sponsors: By House Committee on Transportation Policy & Budget (originally sponsored by Representatives Cairnes and Scott; by request of Washington State Patrol).

House Committee on Transportation Policy & Budget Senate Committee on Transportation

Background: In 1995, the highway truck inspection program of the Washington State Patrol (WSP) and the terminal inspection program of the Utilities and Transportation Commission (UTC) were consolidated and placed under the jurisdiction of the WSP. (A terminal inspection program is conducted at the carrier's place of business.)

A \$10 annual inspection fee is collected by the Department of Licensing for each carrier base-plated in Washington; this fee is prorated for a carrier base-plated in another state that travels in Washington. The revenue is deposited in the state patrol highway account.

The WSP may impose a \$100 per violation administrative penalty for violations discovered during a terminal safety audit. This is the same penalty that the UTC imposed prior to consolidation in 1995. The administrative penalty fee has not been increased since 1963. The Federal Bureau of Motor Carrier Safety also conducts terminal audits and imposes a minimum fine of \$500 per violation.

Since January 1, 1996, federal law has required all commercial carriers to implement a company drug and alcohol program. Fifty percent of a company's drivers must be tested for drugs during the year and 25 percent for alcohol. A driver that tests positive must complete a rehabilitation program and be tested six times during the year. A driver who is involved in an accident is required to be tested for alcohol within two hours and for drugs within eight hours. An employer that suspects a driver may be using drugs or alcohol may require a driver to submit to a reasonable suspicion test. The most common reason for disqualification of drivers is a suspended driver's license, followed by drug and alcohol use.

Summary: The administrative penalty imposed by the WSP for violations discovered during a terminal safety audit is increased from \$100 to \$500 for the following

offenses: (1) controlled substances and alcohol use and testing; (2) disqualification of drivers; and (3) moving a vehicle that has been placed out of service before the defects are repaired. These offenses are defined in the Code of Federal Regulations and have been adopted by the WSP by reference.

Votes on Final Passage:

House 93 0

Senate 47 0

Effective: June 11, 1998