

CERTIFICATION OF ENROLLMENT

HOUSE BILL 2141

Chapter 172, Laws of 1998

55th Legislature
1998 Regular Session

TERMINAL SAFETY AUDIT PENALTIES--REVISIONS

EFFECTIVE DATE: 6/11/98

Passed by the House January 16, 1998
Yeas 93 Nays 0

CLYDE BALLARD
**Speaker of the
House of Representatives**

Passed by the Senate March 5, 1998
Yeas 47 Nays 0

BRAD OWEN
President of the Senate

Approved March 27, 1998

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 2141** as passed by the House of Representatives and the Senate on the dates hereon set forth.

TIMOTHY A. MARTIN
Chief Clerk

FILED

March 27, 1998 - 3:14 p.m.

**Secretary of State
State of Washington**

HOUSE BILL 2141

Passed Legislature - 1998 Regular Session

State of Washington 55th Legislature 1997 Regular Session

By Representatives Cairnes and Scott; by request of Washington State
Patrol

Read first time 02/24/97. Referred to Committee on Transportation
Policy & Budget.

1 AN ACT Relating to terminal safety audit penalties; amending RCW
2 46.32.100; and prescribing penalties.

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

4 **Sec. 1.** RCW 46.32.100 and 1995 c 272 s 3 are each amended to read
5 as follows:

6 In addition to all other penalties provided by law, a commercial
7 motor vehicle that is subject to terminal safety audits under this
8 chapter and an officer, agent, or employee of a company operating a
9 commercial motor vehicle who violates or who procures, aids, or abets
10 in the violation of this title or any order or rule of the state patrol
11 is liable for a penalty of one hundred dollars for each violation,
12 except for each violation of 49 C.F.R. Pt. 382, controlled substances
13 and alcohol use and testing, 49 C.F.R. Sec. 391.15, disqualification of
14 drivers, and 49 C.F.R. Sec. 396.9(c)(2), moving a vehicle placed out of
15 service before the out of service defects have been satisfactorily
16 repaired, for which the person is liable for a penalty of five hundred
17 dollars. Each violation is a separate and distinct offense, and in
18 case of a continuing violation every day's continuance is a separate
19 and distinct 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 state patrol highway account of the motor
20 vehicle fund.

Passed the House January 16, 1998.

Passed the Senate March 5, 1998.

Approved by the Governor March 27, 1998.

Filed in Office of Secretary of State March 27, 1998.