

HOUSE BILL REPORT

HB 1002

As Amended by the Senate

Title: An act relating to motor vehicle compression brakes.

Brief Description: Restricting the use of compression brakes.

Sponsors: By Representatives Fromhold, Moeller, Murray, Hunter and Jarrett.

Brief History:

Committee Activity:

Transportation: 1/27/05, 2/3/05 [DP].

Floor Activity:

Passed House: 3/8/05, 88-10.

Senate Amended.

Passed Senate: 4/13/05, 41-6.

Brief Summary of Bill

- Regulates the use of engine compression braking devices on motor vehicles weighing more than 10,000 pounds operating on public roads.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass. Signed by 26 members: Representatives Murray, Chair; Wallace, Vice Chair; Woods, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Appleton, Buck, Campbell, Curtis, Dickerson, Ericksen, Flannigan, Hankins, Hudgins, Jarrett, Kilmer, Lovick, Morris, Nixon, Schindler, Sells, Shabro, Simpson, B. Sullivan, Takko, Upthegrove and Wood.

Staff: David Munnecke (786-7315).

Background:

An engine compression brake device (compression brake) is an engine component that operates by opening the exhaust valve at the top of the compression stroke when the engine is in braking mode. The opening of the exhaust valve results in the discharge of compressed air, which creates a characteristic sound. Installing compression brakes in a vehicle provides supplemental braking capacity, allowing for greater control over the vehicle's speed and increased life for the vehicle service brakes.

Washington state law does not regulate the use of compression brakes. However, certain local jurisdictions have ordinances that regulate their use.

Federal law regulates the noise levels generated by new trucks at the time they are delivered to the customer.

Summary of Bill:

A motor vehicle with a declared gross weight greater than 10,000 pounds operating on public roads is subject to new requirements if the vehicle is equipped with compression brakes. These brakes are defined as a device that uses the engine and transmission to impede the forward motion of the motor vehicle by compression of the engine.

The driver of a vehicle equipped with compression brakes may not use the device unless the vehicle also contains an operational muffler and exhaust system. This system must maintain the noise level at 83 decibels or less for vehicles manufactured after January 1, 1979, and 80 decibels for vehicles manufactured after January 1, 1988.

If a vehicle does not contain a muffler and exhaust system that meets these standards, the driver may still use compression brakes if the driver reasonably believes that an emergency exists that requires the use of the device to:

1. protect against an immediate threat to the physical safety of the driver or others;
2. protect against an immediate threat to property; or
3. reduce the speed of the vehicle on a downhill grade.

A person violating this requirement is subject to a \$250 monetary penalty for the first violation, a \$500 monetary penalty for the second violation, and a \$750 monetary penalty for each subsequent violation.

Local jurisdictions are allowed to adopt more restrictive ordinances regarding the use of compression brakes.

The Washington State Patrol must adopt rules for law enforcement agencies to enforce these requirements.

EFFECT OF SENATE AMENDMENT(S):

The senate amendment removes the emergency clause from the bill, so the bill will take effect 90 days after the adjournment of the session in which it is passed.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and takes effect July 1, 2005.

Testimony For: This bill seeks to insure that trucks don't generate disruptive noise levels in our communities. It requires the same standards as the federal government and only affects

trucks with modified or damaged mufflers and exhausts. Local communities can still adopt stricter standards. Truck drivers can always use compression brakes in the event of an emergency. The problems for compression brakes are caused by a few trucks with illegal exhaust systems. A compression brake should make no more noise under acceleration or deceleration. Passing this bill would be good for the public relations of the trucking industry.

Testimony Against: None.

Persons Testifying: Representative Fromhold, prime sponsor; Fred Fakkema, Washington State Patrol, and Larry Pursley, Washington Trucking Association

Persons Signed In To Testify But Not Testifying: None.