

# SENATE BILL REPORT

## SB 5436

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As Reported By Senate Committee On:  
Transportation, February 9, 2005

**Title:** An act relating to proceedings for violations of commercial motor vehicle laws, rules, and orders.

**Brief Description:** Changing hearing procedures for violations of commercial motor vehicle laws, rules, and orders.

**Sponsors:** Senators Haugen, Delvin, Eide, Shin and Rasmussen; by request of Washington State Patrol.

**Brief History:**

**Committee Activity:** Transportation: 2/7/05, 2/9/05 [DPS].

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### SENATE COMMITTEE ON TRANSPORTATION

**Majority Report:** That Substitute Senate Bill No. 5436 be substituted therefor, and the substitute bill do pass.

Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Swecker, Ranking Minority Member; Benson, Eide, Esser, Kastama, Mulliken and Oke.

**Staff:** Janice Baumgardt (786-7319)

**Background:** Under federal law, trucking companies who operate inter-state or haul hazardous materials are required to adhere to certain business practices and to undergo terminal safety audits, which evaluate the companies' compliance with these practices. The Washington State Patrol (WSP) administers this program and also requires intra-state trucking companies to participate in this program. WSP may assess penalties for violations discovered during the audit process. Companies must submit payment or a request to mitigate the penalty within 15 days of WSP's notification. If WSP does not receive payment or a request to mitigate within 15 days, the Attorney General (AG) must bring an action in Superior Court to recover the penalty.

**Summary of Substitute Bill:** If WSP does not receive payment or a request to mitigate the penalty within 15 days, the WSP may begin an adjudicative proceeding under the Administrative Procedures Act to confirm the violation and recover the penalty.

**Substitute Bill Compared to Original Bill:** The substitute bill allows the WSP, rather than requiring the AG, to begin an adjudicative proceeding to recover unpaid penalties.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** Filing in superior court is too costly; the amounts won are less than the costs to collect. Going through the adjudicative hearings process is a much less costly and therefore more practical process.

**Testimony Against:** None.

**Who Testified:** PRO: Fred Fakkema, Washington State Patrol; Coral Estes, Washington State Patrol.