

SENATE BILL REPORT

SB 6406

As Reported By Senate Committee On:
Transportation, January 23, 1996

Title: An act relating to vehicle size and load regulation.

Brief Description: Revising regulation of vehicle size and load.

Sponsors: Senators Owen, Prince, Prentice and Wood; by request of department of Transportation.

Brief History:

Committee Activity: Transportation: 1/18/96, 1/23/96 [DP].

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass.

Signed by Senators Owen, Chair; Goings, Haugen, Morton, Oke, Prentice, Rasmussen, Schow, Sellar, Thibaudeau and Wood.

Staff: Mary McLaughlin (786-7309)

Background: The Department of Transportation's (DOT's) vehicle oversize and overweight fines and penalties are intended to discourage the overloading of vehicles. The purpose is to preserve the road surface and slow the deterioration of state highways.

The current fine structure for an oversize or overweight violation is not less than \$50 for a first offense, not less than \$75 for a second offense and not less than \$100 for third and subsequent offenses. For weight violations, there is an additional fine of three cents per pound in excess legal weight.

Several studies conducted by the Washington State Transportation Center (TRAC) concluded that the combination of the capture rate (the likelihood of being caught by enforcement), the permit fee structure and the current fine structure provides an economic incentive to overload. In other words, it is cheaper to get caught and pay the fine than it is to obtain a permit or stay within the legal weight limits.

Special permits (oversize, overweight, additional tonnage and log tolerance permits) are issued by the DOT at headquarters and maintenance area offices, and by the WSP at the ports of entry. In addition, the department may appoint independent agents (county auditors, insurance companies, small operators) to issue these permits. The independent agents may retain \$3.50 of the permit fee for their services.

The department is seeking greater flexibility in contracting for the issuance of its special permits. Through advanced technologies, permitting services are now available that further the "one-stop-shop" concept -- expanded payment options for the carriers, electronic fund

transfers for speedy revenue collection, etc. Expanding the contracting requirements would give the department more options when negotiating for permit issuance with the private sector.

Summary of Bill: The additional fine of three cents per pound in excess of the legal weight is replaced with a graduated fine structure. The penalty, designed as a deterrent, dramatically rises as the amount of illegal weight increases:

<u>Pounds Overweight</u>	<u>Additional Penalty</u>	<u>Additional Cents/ Pound Penalty</u>
1-4,000 lbs.	NA	3 cents/pound
4,001-10,000 lbs.	\$ 120	12 cents/pound
10,001-15,000 lbs.	\$ 840	16 cents/pound
15,001-20,000 lbs.	\$ 1,640	20 cents/pound
Over 20,000 lbs.	\$ 2,640	30 cents/pound

The department is given more latitude when contracting with the private sector for the issuance of its special permits. The department may select a third party contractor, by means of competitive bid, to issue DOT special permits. A third party contractor is a business entity authorized by the department to issue the permits. In selecting a third party contractor, the department must consider the benefit to the DOT and the trucking industry and enhancement of the overall level of permit service. The Transportation Commission may adopt qualification rules for third party contractors.

Appropriation: None.

Fiscal Note: Requested on January 16, 1996.

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

Testimony For: This bill will encourage compliance with weight limits through strong penalties for overweight trucks. It will also provide the DOT with more flexibility to contract for permit issuance through new technologies and the private sector.

Testimony Against: None.

Testified: Barry Diseth, WSDOT (pro).