

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 1209

54th Legislature
1995 Regular Session

Passed by the House April 22, 1995
Yeas 91 Nays 0

**Speaker of the
House of Representatives**

Passed by the Senate April 20, 1995
Yeas 47 Nays 0

President of the Senate

Approved

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 **ENGROSSED SUBSTITUTE HOUSE BILL 1209** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 1209

AS AMENDED BY THE SENATE

Passed Legislature - 1995 Regular Session

State of Washington

54th Legislature

1995 Regular Session

By House Committee on Transportation (originally sponsored by Representatives K. Schmidt, Mielke, Johnson, Quall, Mitchell, Buck, Romero, Horn and Huff)

Read first time 02/22/95.

1 AN ACT Relating to commercial vehicle safety enforcement by the
2 Washington state patrol; amending RCW 81.80.330; adding new sections to
3 chapter 46.32 RCW; creating a new section; repealing RCW 81.80.145;
4 prescribing penalties; and providing an effective date.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 46.32 RCW
7 to read as follows:

8 (1) The Washington state patrol is responsible for enforcement of
9 safety requirements for commercial motor vehicles, including but not
10 limited to terminal safety audits. Those carriers that have terminal
11 operations in this state are subject to the patrol's terminal safety
12 audits.

13 (2) This section does not apply to:

14 (a) Motor vehicles owned and operated by farmers in the
15 transportation of their own farm, orchard, or dairy products, including
16 livestock and plant or animal wastes, from point of production to
17 market or disposal; or supplies or commodities to be used on the farm,
18 orchard, or dairy;

1 (b) Commercial motor carriers subject to economic regulation under
2 chapters 81.68 (auto transportation companies), 81.70 (passenger
3 charter carriers), 81.77 (solid waste collection companies), 81.80
4 (motor freight carriers), and 81.90 (limousine charter carriers) RCW;
5 and

6 (c) Vehicles exempted from registration by RCW 46.16.020.

7 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.32 RCW
8 to read as follows:

9 The department shall collect a fee of ten dollars, in addition to
10 all other fees and taxes, for each motor vehicle base plated in the
11 state of Washington that is subject to highway inspections and terminal
12 audits under section 1 of this act, at the time of registration and
13 renewal of registration under chapter 46.16 or 46.87 RCW. Refunds will
14 not be provided for fees paid under this section when the vehicle is no
15 longer subject to section 1 of this act. The department may deduct an
16 amount equal to the cost of administering the program. All remaining
17 fees shall be deposited with the state treasurer and credited to the
18 state patrol highway account of the motor vehicle fund.

19 NEW SECTION. **Sec. 3.** A new section is added to chapter 46.32 RCW
20 to read as follows:

21 In addition to all other penalties provided by law, a commercial
22 motor vehicle that is subject to terminal safety audits under this
23 chapter and an officer, agent, or employee of a company operating a
24 commercial motor vehicle who violates or who procures, aids, or abets
25 in the violation of this title or any order or rule of the state patrol
26 is liable for a penalty of one hundred dollars for each violation.
27 Each violation is a separate and distinct offense, and in case of a
28 continuing violation every day's continuance is a separate and distinct
29 violation.

30 The penalty provided in this section is due and payable when the
31 person incurring it receives a notice in writing from the patrol
32 describing the violation and advising the person that the penalty is
33 due. The patrol may, upon written application for review, received
34 within fifteen days, remit or mitigate a penalty provided for in this
35 section or discontinue a prosecution to recover the penalty upon such
36 terms it deems proper and may ascertain the facts upon all such
37 applications in such manner and under such rules as it deems proper.

1 If the amount of the penalty is not paid to the patrol within fifteen
2 days after receipt of the notice imposing the penalty, or application
3 for remission or mitigation has not been made within fifteen days after
4 the violator has received notice of the disposition of the application,
5 the attorney general shall bring an action in the name of the state of
6 Washington in the superior court of Thurston county or of some other
7 county in which the violator does business, to recover the penalty. In
8 all such actions the procedure and rules of evidence are the same as an
9 ordinary civil action except as otherwise provided in this chapter.
10 All penalties recovered under this section shall be paid into the state
11 treasury and credited to the state patrol highway account of the motor
12 vehicle fund.

13 NEW SECTION. **Sec. 4.** (1) All powers, duties, and functions of the
14 utilities and transportation commission pertaining to safety
15 inspections of commercial vehicles, including but not limited to
16 terminal safety audits, except for those carriers subject to the
17 economic regulation of the commission, are transferred to the
18 Washington state patrol.

19 (2)(a) All reports, documents, surveys, books, records, files,
20 papers, or written material in the possession of the utilities and
21 transportation commission pertaining to the powers, functions, and
22 duties transferred shall be delivered to the custody of the Washington
23 state patrol. All cabinets, furniture, office equipment, motor
24 vehicles, and other tangible property employed by the utilities and
25 transportation commission in carrying out the powers, functions, and
26 duties transferred shall be made available to the Washington state
27 patrol. All funds, credits, or other assets held in connection with
28 the powers, functions, and duties transferred shall be assigned to the
29 Washington state patrol.

30 (b) Any appropriations made to the utilities and transportation
31 commission for carrying out the powers, functions, and duties
32 transferred shall, on the effective date of this act, be transferred
33 and credited to the Washington state patrol.

34 (c) Whenever any question arises as to the transfer of any
35 personnel, funds, books, documents, records, papers, files, equipment,
36 or other tangible property used or held in the exercise of the powers
37 and the performance of the duties and functions transferred, the

1 director of financial management shall make a determination as to the
2 proper allocation and certify the same to the state agencies concerned.

3 (3) All employees of the utilities and transportation commission
4 engaged in performing the powers, functions, and duties transferred are
5 transferred to the jurisdiction of the Washington state patrol. All
6 employees classified under chapter 41.06 RCW, the state civil service
7 law, are assigned to the Washington state patrol to perform their usual
8 duties upon the same terms as formerly, without any loss of rights,
9 subject to any action that may be appropriate thereafter in accordance
10 with the laws and rules governing state civil service. These employees
11 will only be transferred upon successful completion of the Washington
12 state patrol background investigation.

13 (4) All rules and all pending business before the utilities and
14 transportation commission pertaining to the powers, functions, and
15 duties transferred shall be continued and acted upon by the Washington
16 state patrol. All existing contracts and obligations remain in full
17 force and shall be performed by the Washington state patrol.

18 (5) The transfer of the powers, duties, functions, and personnel of
19 the utilities and transportation commission does not affect the
20 validity of any act performed before the effective date of this act.

21 (6) If apportionments of budgeted funds are required because of the
22 transfers directed by this section, the director of financial
23 management shall certify the apportionments to the agencies affected,
24 the state auditor, and the state treasurer. Each of these shall make
25 the appropriate transfer and adjustments in funds and appropriation
26 accounts and equipment records in accordance with the certification.

27 (7) Nothing contained in this section alters an existing collective
28 bargaining unit or the provisions of an existing collective bargaining
29 agreement until the agreement has expired or until the bargaining unit
30 has been modified by action of the personnel board as provided by law.

31 **Sec. 5.** RCW 81.80.330 and 1980 c 132 s 3 are each amended to read
32 as follows:

33 The commission is hereby empowered to administer and enforce all
34 provisions of this chapter and to inspect the vehicles, books, and
35 documents of all "motor carriers" and the books, documents, and records
36 of those using the service of the carriers for the purpose of
37 discovering all discriminations and rebates and other information
38 pertaining to the enforcement of this chapter and shall prosecute

1 violations thereof. The commission shall employ such auditors,
2 inspectors, clerks, and assistants as it may deem necessary for the
3 enforcement of this chapter(~~(, and it shall be the duty of)~~). The
4 Washington state patrol (~~(to assist in the enforcement of)~~) shall
5 perform all motor carrier safety inspections required by this chapter,
6 (~~(and the duty of)~~) including terminal safety audits, except for (1)
7 those carriers subject to the economic regulation of the commission, or
8 (2) a vehicle owned or operated by a carrier affiliated with a solid
9 waste company subject to economic regulation by the commission. The
10 attorney general (~~(to)~~) shall assign at least one assistant to the
11 exclusive duty of assisting the commission in the enforcement of this
12 chapter, and the prosecution of persons charged with the violation
13 thereof. It shall be the duty of the Washington state patrol and the
14 sheriffs of the counties to make arrests and the county attorneys to
15 prosecute violations of this chapter.

16 NEW SECTION. Sec. 6. RCW 81.80.145 and 1993 c 359 s 1 are each
17 repealed.

18 NEW SECTION. Sec. 7. Section 2 of this act becomes effective with
19 motor vehicle registration fees due or to become due January 1, 1996.
20 Sections 1 and 3 through 6 of this act take effect January 1, 1996.

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