
HOUSE BILL 1663

State of Washington 58th Legislature 2003 Regular Session

By Representatives Cooper, Cody and McDermott

Read first time 02/04/2003. Referred to Committee on Transportation.

1 AN ACT Relating to the intermodal chassis roadability inspection
2 program; adding a new chapter to Title 81 RCW; and prescribing
3 penalties.

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

5 NEW SECTION. **Sec. 1.** As used in this chapter, the following
6 definitions apply:

7 (1) "Ocean marine terminal" means a terminal, whether public or
8 private, located at a port facility that engages in the loading and
9 unloading of the cargo of oceangoing vessels.

10 (2) "Intermodal chassis" or "chassis" means a trailer designed to
11 carry intermodal freight containers.

12 NEW SECTION. **Sec. 2.** (1) An ocean marine terminal that receives
13 and dispatches intermodal chassis shall implement and carry out the
14 intermodal chassis roadability inspection program, as described in this
15 chapter, in lieu of any inspection required by chapter 46.32 RCW for
16 motor carriers and vehicles.

17 (2) No ocean marine terminal operator may tender to, or interchange
18 with, a motor carrier, an intermodal chassis that fails to pass the

1 inspection required by this chapter and that fails to meet the
2 requirements set forth in federal motor carrier safety regulations of
3 49 C.F.R. Sec. 396. An ocean marine terminal operator tendering to, or
4 interchanging with, a motor carrier such equipment shall provide
5 certification that the chassis has passed the inspection set forth in
6 this chapter. An ocean marine terminal operator who violates this
7 section will be fined five hundred dollars per occurrence.

8 (3) Nothing in this chapter is meant to supersede the inspection
9 requirement and standard under 49 C.F.R. Sec. 396 that requires ocean
10 marine terminal operators to conduct annual inspections of chassis.
11 Rather, this chapter imposes an additional requirement that ocean
12 marine terminal operators inspect chassis on a routine basis.

13 NEW SECTION. **Sec. 3.** (1) Ocean marine terminal operators shall
14 inspect all chassis in accordance with this section before a container
15 is placed on the chassis, and before the chassis is released for
16 operation. The inspection must include, but not be limited to, brake
17 adjustment, an inspection of brake system components and leaks,
18 suspension systems, tires and wheels, vehicle connecting devices,
19 lights and electrical systems, and a visual inspection of the chassis
20 to determine that it has not been tampered with.

21 (2) Each inspection must be recorded on a daily roadability
22 inspection report that includes, but is not limited to, all of the
23 following:

24 (a) Positive identification of the intermodal chassis, including
25 company identification number and vehicle license plate number;

26 (b) Date and nature of each inspection;

27 (c) Signature, under penalty of perjury, of the ocean marine
28 terminal operator or an authorized representative that the inspection
29 has been performed and that the chassis is roadworthy. Individuals
30 performing inspections under this section must be qualified, at a
31 minimum, as set forth in 49 C.F.R. Sec. 396.19. Evidence of each
32 inspector's qualification must be retained by the ocean marine terminal
33 for sixty days after the inspection. No inspector may be threatened,
34 coerced, or otherwise retaliated against by an ocean marine terminal
35 operator for refusing to pass a chassis that fails an inspection, or
36 for designating a chassis for repair. If an inspector is so
37 threatened, the inspector must be protected by and afforded all rights

1 and remedies provided in the state whistleblower statute, chapter 42.40
2 RCW. Accordingly, a person who violates this section is subject to the
3 penalties provided in chapter 42.40 RCW;

4 (d) As part of the inspection, the inspector shall affix a tamper-
5 proof green tag on a chassis that has passed inspection and a red tag
6 on a chassis that has failed inspection. The tag must contain the name
7 of the inspector and the date and time the inspection was completed and
8 be placed on the driver's side of the chassis next to the chassis'
9 identification plate. In addition, a red tag must specify the defects
10 that warranted the failed inspection and that require repair. The tag
11 must be provided by the ocean marine terminal operator and meet
12 specifications determined by the state patrol.

13 (3) Chassis must be segregated according to the tagged designation.
14 Green-tagged chassis must be kept in an area designated for interchange
15 with motor carriers. Red-tagged chassis must be transported to an on-
16 site facility where repairs and any required maintenance may be
17 performed. Defects identified during an inspection of an intermodal
18 chassis must be repaired, and the repairs recorded on an intermodal
19 chassis maintenance file as described in section 4 of this act, before
20 the chassis is released from the control of the ocean marine terminal.
21 No chassis subject to this chapter may be released to a motor carrier
22 or operated on a public road until all defects listed during the
23 inspection have been corrected, the chassis passes inspection, and the
24 ocean marine terminal operator's authorized representative attests to
25 that fact and affixes a green tag on the chassis.

26 (4) A driver who believes that a chassis is in an unsafe operating
27 condition may request that the chassis be reinspected by the entity
28 responsible for the inspection and maintenance of the chassis under
29 this chapter. If such a request is made, the driver:

30 (a) May not be made responsible for delivery of the chassis to the
31 repair facility; and

32 (b) Must receive a green-tagged chassis without delay. If a driver
33 is forced to wait for one or more hours, the ocean marine terminal
34 operator shall compensate the driver at a rate of one hundred dollars
35 per hour. Such a request, any corrective action taken, or the reason
36 why corrective action was not taken must be recorded in the intermodal
37 chassis maintenance file described in section 4 of this act.

1 Alternatively, the driver may contact a law enforcement agency with
2 regard to the physical condition of the chassis.

3 (5) No driver may be threatened, coerced, or otherwise retaliated
4 against by an ocean marine terminal operator for requesting that the
5 intermodal chassis be reinspected or repaired or for contacting a law
6 enforcement agency with regard to the physical condition of a chassis.
7 If a commercial driver is so threatened, coerced, or retaliated
8 against, the driver must be protected by and afforded all rights and
9 remedies provided in chapter 42.40 RCW. Accordingly, a person who
10 violates this section is subject to the penalties provided in chapter
11 42.40 RCW.

12 NEW SECTION. **Sec. 4.** (1) Records of each inspection conducted
13 under this chapter must be:

14 (a) Maintained for ninety days at the ocean marine terminal where
15 each chassis is inspected;

16 (b) Made available upon request by any authorized employee of the
17 utilities and transportation commission or the state patrol; and

18 (c) Made available during normal business hours to any motor
19 carrier or driver or the authorized representative thereof who has been
20 engaged to transport an intermodal container on a chassis inspected
21 under section 3 of this act from the ocean marine terminal.

22 (2) Records of maintenance or repairs performed pursuant to the
23 inspection in section 3 of this act must be:

24 (a) Maintained for two years at the ocean marine terminal; and

25 (b) Made available upon request of the utilities and transportation
26 commission.

27 (3) Requests for reinspection must be recorded in the intermodal
28 chassis maintenance file and be maintained and made available in
29 accordance with subsection (1) of this section.

30 (4) All records described in this section may be kept in a computer
31 system if printouts of those records may be provided upon request.

32 NEW SECTION. **Sec. 5.** (1) The commercial vehicle safety division
33 of the state patrol shall conduct random, but at least annual, on-site
34 reviews of ocean marine terminals to determine whether the terminal is
35 complying with the requirements of this chapter, including but not
36 limited to inspection, tagging, quarantine, repair, and recordkeeping

1 requirements. After an inspection in which the division determines
2 that an ocean marine terminal operator has failed to comply with any of
3 the requirements of this chapter, the chief of the state patrol shall:

4 (a) Direct the ocean marine terminal to comply immediately with the
5 requirements of this chapter;

6 (b) Fine the ocean marine terminal one hundred dollars for every
7 day, after the day of inspection, that the terminal fails to comply
8 with the requirements of this chapter;

9 (c) After ten days of noncompliance, immediately forward a
10 recommendation to the utilities and transportation commission to
11 suspend the terminal's motor carrier property permit, and forward a
12 recommendation to the Federal Motor Carrier Safety Administration for
13 administrative or other action deemed necessary against the carrier's
14 interstate operating authority.

15 (2) After twenty days of noncompliance, the utilities and
16 transportation commission shall revoke the ocean marine terminal's
17 property permit.

18 (3) If an inspection results in an unsatisfactory rating due to
19 conditions presenting an imminent danger to the public safety, the
20 utilities and transportation commission shall take actions under
21 subsection (1)(c) or (2) of this section.

22 (4) A state patrol officer, while in the performance of the duties
23 of office, may enter upon and perform inspections at an ocean marine
24 terminal of green-tagged chassis that are intended to be tendered to or
25 interchanged with a motor carrier for use on a highway. If the officer
26 determines that a green-tagged chassis is unroadworthy, the ocean
27 marine terminal operator will be fined five hundred dollars per
28 occurrence.

29 (5) A citation issued for violation of this chapter related to the
30 defective condition of an intermodal chassis must be issued to the
31 ocean marine terminal operator responsible for the inspection and
32 maintenance of the chassis, if the chassis is not owned by the driver
33 and unless the defective condition of the chassis was caused by the
34 failure of the motor carrier or its driver to operate the commercial
35 vehicle in a safe manner.

36 NEW SECTION. **Sec. 6.** Any provision in a contract between an owner
37 or lessee of an intermodal chassis and a driver that contains a hold-

1 harmless or indemnity clause concerning defects in the physical
2 condition of the intermodal chassis is void as against public policy.
3 This section does not apply to damage to the intermodal chassis caused
4 by the neglect or willful failure of the motor carrier or its driver to
5 operate the commercial vehicle in a safe manner.

6 NEW SECTION. **Sec. 7.** The utilities and transportation commission
7 shall adopt such rules as necessary to carry out the purposes of this
8 chapter.

9 NEW SECTION. **Sec. 8.** Nothing in this chapter relieves a
10 commercial driver or commercial motor carrier of any duty imposed by
11 state or federal law related to the safe operation of a commercial
12 motor vehicle.

13 NEW SECTION. **Sec. 9.** Sections 1 through 8 of this act constitute
14 a new chapter in Title 81 RCW.

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