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**SUBSTITUTE SENATE BILL 6280**

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**State of Washington**

**63rd Legislature**

**2014 Regular Session**

**By** Senate Transportation (originally sponsored by Senators King, Hobbs, Hatfield, and Schoesler)

READ FIRST TIME 02/03/14.

1 AN ACT Relating to department of transportation numbers for certain  
2 farm vehicles; and amending RCW 46.32.080.

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

4 **Sec. 1.** RCW 46.32.080 and 2011 c 171 s 77 are each amended to read  
5 as follows:

6 (1) The Washington state patrol is responsible for enforcement of  
7 safety requirements for commercial motor vehicles including, but not  
8 limited to, safety audits and compliance reviews. Those motor carriers  
9 that have operations in this state are subject to the patrol's safety  
10 audits and compliance review programs. Compliance reviews may result  
11 in the initiation of an enforcement action, which may include monetary  
12 penalties. The utilities and transportation commission is responsible  
13 for adoption and enforcement of safety requirements for vehicles  
14 operated by entities holding authority under chapters 81.66, 81.68,  
15 81.70, and 81.77 RCW, and by household goods carriers holding authority  
16 under chapter 81.80 RCW.

17 (2)(a) Except as provided in (b) of this subsection, motor vehicles  
18 owned and operated by farmers in the transportation of their own farm,  
19 orchard, or dairy products, including livestock and plant or animal

1 wastes, from point of production to market or disposal, or supplies or  
2 commodities to be used on the farm, orchard, or dairy, must have a  
3 department of transportation number, as defined in RCW 46.16A.010, but  
4 are exempt from safety audits and compliance reviews.

5 (b) Motor vehicles with a gross vehicle weight rating of less than  
6 11,794 kilograms (26,001 pounds) that are owned and operated by farmers  
7 in the intrastate transportation of their own farm, orchard, or dairy  
8 products, including livestock and plant or animal wastes, from point of  
9 production to market or disposal, or supplies or commodities to be used  
10 on the farm, orchard, or dairy, are exempt from the department of  
11 transportation number requirement in (a) of this subsection.

12 (3) All records and documents required of motor carriers with  
13 operations in this state must be available for review and inspection  
14 during normal business hours. Duly authorized agents of the state  
15 patrol conducting safety audits and compliance reviews may enter the  
16 motor carrier's place of business, or any location where records or  
17 equipment are located, at reasonable times and without advanced notice.  
18 Motor carriers who do not permit duly authorized agents to enter their  
19 place of business, or any location where records or equipment are  
20 located, for safety audits and compliance reviews are subject to  
21 enforcement action, including a monetary penalty.

22 (4)(a) All motor carriers with a commercial motor vehicle, as  
23 defined in RCW 46.16A.010, that operate in this state must apply for a  
24 department of transportation number, as defined in RCW 46.16A.010, by  
25 January 1, 2008. All entities with authority under chapters 81.66,  
26 81.68, 81.70, and 81.77 RCW, and all household goods carriers with  
27 authority under chapter 81.80 RCW, must apply for a department of  
28 transportation number by January 1, 2010.

29 (b) All motor carriers operating in this state who (i) have not  
30 applied under (a) of this subsection for a department of transportation  
31 number, as defined in RCW 46.16A.010, and (ii) have a commercial motor  
32 vehicle that has a gross vehicle weight rating of 7,258 kilograms  
33 (16,001 pounds) or more, must apply for a department of transportation  
34 number by January 1, 2011.

35 (c) The state patrol may deny an application if the applicant does  
36 not meet the requirements and standards under this chapter. The state  
37 patrol shall not issue a department of transportation number to an  
38 applicant who at the time of application has been placed out of service

1 by the federal motor carrier safety administration. Commercial motor  
2 vehicles must be marked as prescribed by the state patrol. Those  
3 applicants with a current United States department of transportation  
4 number are exempt from applying for a department of transportation  
5 number.

6 (d) The state patrol may (i) place a motor carrier out of service  
7 or (ii) refuse to issue or recognize as valid a department of  
8 transportation number to an applicant who: (A) Formerly held a  
9 department of transportation number that was placed out of service for  
10 cause, and where cause has not been removed; (B) is a subterfuge for  
11 the real party in interest whose department of transportation number  
12 was placed out of service for cause, and where cause has not been  
13 removed; (C) as an individual licensee, or officer, director, owner, or  
14 managing employee of a nonindividual licensee, had a department of  
15 transportation number and was placed out of service for cause, and  
16 where cause has not been removed; or (D) has an unsatisfied debt to the  
17 state assessed under this chapter.

18 (e) Upon a finding by the chief of the state patrol or the chief's  
19 designee that a motor carrier is an imminent hazard or danger to the  
20 public health, safety, or welfare, the state patrol shall notify the  
21 department, and the department shall revoke the registrations for all  
22 commercial motor vehicles that are owned by the motor carrier subject  
23 to ((~~RCW 46.32.080~~)) this section. In determining whether a motor  
24 carrier is an imminent hazard or danger to the public health, safety,  
25 or welfare, the chief or the chief's designee shall consider safety  
26 factors.

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