

HOUSE BILL REPORT

SSB 5883

As Reported by House Committee On: Transportation

Title: An act relating to authorizing vehicles or combinations of vehicles carrying farm products to exceed total gross weight limits.

Brief Description: Authorizing vehicles or combinations of vehicles carrying farm products to exceed total gross weight limits.

Sponsors: Senate Committee on Transportation (originally sponsored by Senators King, Hobbs, Takko, Wellman, Rivers and Keiser).

Brief History:

Committee Activity:

Transportation: 3/20/19, 4/8/19 [DPA].

Brief Summary of Substitute Bill (As Amended by Committee)

- Modifies the penalties for a violation of the gross vehicle weight laws when the vehicle or combination of vehicles is carrying farm products from the field where grown or harvested and the vehicle exceeds gross vehicle weight limits by 5 percent or less.
- Requires that a written warning must be issued, rather than an infraction, if the driver has not been issued a traffic infraction or has received no more than one written warning in the calendar year.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass as amended. Signed by 30 members: Representatives Fey, Chair; Slatter, 2nd Vice Chair; Valdez, 2nd Vice Chair; Wylie, 1st Vice Chair; Barkis, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Young, Assistant Ranking Minority Member; Boehnke, Chambers, Chapman, Dent, Doglio, Dufault, Entenman, Eslick, Goehner, Gregerson, Irwin, Lovick, McCaslin, Mead, Orcutt, Ortiz-Self, Paul, Pellicciotti, Ramos, Riccelli, Shea, Shewmake and Van Werven.

Minority Report: Without recommendation. Signed by 1 member: Representative Kloba.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Staff: Beth Redfield (786-7140).

Background:

In Washington no vehicle or combination of vehicles may operate on the public highways with a gross load on any single axle in excess of 20,000 pounds or upon any group of axles in excess of that designated in statute, except that two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each. The maximum allowable gross vehicle weight is 105,500 pounds.

Trucks are registered based on a declared gross vehicle weight with a graduated fee schedule in statute. Overweight permits are also available based on a graduated fee schedule.

The board of county commissioners of each county may, by resolution, limit or prohibit classes or types of vehicles on any county road or bridge and may limit the weight of vehicles which may travel on a county road or bridge. Any resolution must be effective for a definite period of time, which must be stated in the resolution.

Bridges with maximum load limits below legal vehicle weight limits are posted with maximum load limitations. Bridges which are not posted have maximum load limitations which exceed legal weight limits.

A violation of the size, weight, and load laws is a traffic infraction. The basic penalty is \$50 for a first offense, \$75 for a second offense, and \$100 for third or subsequent offenses. In addition to the base penalty, a penalty for each pound overweight is also assessed as follows:

- 1 pound through 4,000 pounds overweight, 3 cents per pound;
- 4,001 pounds to 10,000 pounds overweight, \$120 plus 12 cents per pound for each additional pound over 4,000;
- 10,001 pounds to 15,000 pounds overweight, \$840 plus 16 cents per pound for each additional pound over 10,000;
- 15,001 pounds to 20,000 pounds overweight, \$1,640 plus 20 cents per pound for each additional pound over 15,000; and
- 20,001 pounds or more pounds overweight, \$2,640 plus 30 cents per pound for each additional pound over 20,000.

It is an infraction to direct the loading of a vehicle with the knowledge that it violates the requirements relating to maximum gross weights, excess weight provisions, special permits, and temporary additional tonnage permits.

It is a misdemeanor to violate any county road or bridge requirements, unless otherwise specified to be a gross misdemeanor or felony.

Summary of Amended Bill:

The penalties for a violation of the gross vehicle weight laws are modified when the vehicle or combination of vehicles is carrying farm products, as defined in RCW 7.48.310, from the

field where grown or harvested and the vehicle exceeds gross vehicle weight limits by 5 percent or less.

The penalties are not applicable and a written warning must be issued if the driver has not been issued a traffic infraction or has received no more than one written warning in a calendar year.

Amended Bill Compared to Substitute Bill:

The amended bill removes changes to the gross vehicle weight laws which would generally allow vehicles or combinations of vehicles carrying farm products, as defined in RCW 7.48.310 and from the field where the farm product was grown or harvested, to exceed the weight limits in statute by up to 5 percent as determined by the operator when operating on public highways in Washington. The amended bill also removes provisions allowing vehicles meeting the same criteria to exceed weight limits established by a board of county commissioners and exempting such vehicles from special permit requirements.

The amended bill removes the requirement that the farm for which the driver is carrying farm products must receive four prior written warnings of the violation of exceeding the additional weight limitations in the same calendar year before an infraction may be issued. The amended bill also removes provisions requiring that four prior written warnings be written before issuing a local misdemeanor or infraction for knowingly overloading a vehicle.

The amended bill modifies the penalty for a violation of the gross vehicle weight laws when the vehicle or combination of vehicles is carrying farm products, as defined in RCW 7.48.310, from the field where grown or harvested and the vehicle exceeds gross vehicle weight limits by 5 percent or less. The penalties are not applicable and a written warning must be issued if the driver has not been issued a traffic infraction or has received no more than one written warning in a calendar year.

The amended bill does not provide instructions regarding recording written warnings or rulemaking to aid in enforcement.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The bill will help the farmer loading his harvest with no way to weigh his load. The bill gives them a small ability to be overweight while harvesting out in the field. The number of times a farm can run a truck that is overweight has been limited. In the majority of cases, these will be on rural roads, not travelling long distances, and will be only

minimally overweight. The farmers need to get the product out of the field to where it will be packaged, processed, or stored. This version is more targeted in that it is restricted to the field from where the product was grown. Harvest is a hectic time of year with crews working long hours to maximize loads to get potatoes to harvest. Moisture content, mud, and dirt can all affect the weight of the load and lead to this problem.

(Opposed) The scope of this bill is too broad and will lead to unintended consequences. The definition of farm product is very broad. The conditions for the weight allowance should be more specific, harvest time should be limited, and the bill should only apply to a select variety of crops. While 5 percent seems limited, any increase in allowable loads causes damage to roads. There is concern about the ability of the infrastructure to handle these loads, with the most concern about bridge weight loads.

(Other) The Washington State Patrol is concerned about enforcement of the bill. Four warnings is a little high. Also, the bill requires that the warning be given to the farm, but the driver is not compelled to report who they are driving for.

Persons Testifying: (In support) Senator King, prime sponsor; and Tim Boyd, Washington State Potato Commission.

(Opposed) Jane Wall, Washington State Association of County Engineers and Washington State Association of Counties.

(Other) Monica Alexander, Washington State Patrol; and Jon Deffenbacher, Washington State Department of Transportation.

Persons Signed In To Testify But Not Testifying: None.