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SENATE BILL 5623

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State of Washington

53rd Legislature

1993 Regular Session

By Senators Vognild, von Reichbauer, Prentice and Winsley; by request of Utilities & Transportation Commission

Read first time 02/05/93. Referred to Committee on Transportation.

1 AN ACT Relating to the registration and regulation of motor  
2 carriers and the collection of fees relating to motor carrier  
3 operations; amending RCW 81.80.318, 81.80.150, and 81.80.090; adding  
4 new sections to chapter 81.80 RCW; repealing RCW 81.80.300 and  
5 81.80.320; and providing an effective date.

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

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 81.80 RCW  
8 to read as follows:

9 The commission may implement a system to register motor carriers  
10 doing business in this state, including, but not limited to:

11 (1) The prescription of an identification number and the issuance  
12 of a receipt that must be carried within the cab of each motive power  
13 vehicle operated within this state;

14 (2) The adoption of requirements for the carriers to carry other  
15 identifying information along with the identification number provided  
16 for in subsection (1) of this section;

17 (3) Participation in a single state registration program as  
18 authorized by the Interstate Surface Transportation Efficiency Act of

1 1991, 49 U.S.C. Sec. 11506, as in effect on the effective date of this  
2 act; and

3 (4) The collection of any fee authorized by the Interstate Surface  
4 Transportation Efficiency Act, 49 U.S.C. Sec. 11506, as in effect on  
5 the effective date of this act, in addition to any other fees  
6 authorized by law.

7 **Sec. 2.** RCW 81.80.318 and 1985 c 7 s 153 are each amended to read  
8 as follows:

9 Any motor carrier engaged in this state in the casual or occasional  
10 carriage of property in interstate or foreign commerce, who would  
11 otherwise be subject to all of the requirements of this chapter, shall  
12 be authorized to engage in such casual or occasional carriage, upon  
13 securing from the commission a single trip transit permit, valid for a  
14 period not exceeding ten days, which shall authorize a one way trip in  
15 transporting property for compensation between points in the state of  
16 Washington and points in other states, territories, or foreign  
17 countries.

18 No identification (~~((cab cards and decals or stamps or))~~) numbers and  
19 no regulatory fees other than as provided in this section shall be  
20 required for such permit. The permit must be carried in the cab of the  
21 motive power vehicle.

22 The permit shall be issued upon application to the commission or  
23 any of its duly authorized agents upon payment of a fee of (~~((ten))~~) not  
24 more than twenty dollars and the furnishing of proof of possession of  
25 public liability and property damage insurance (~~((in limits of at least~~  
26 ~~twenty-five thousand dollars, for injury or death of any one person,~~  
27 ~~and subject to such limit as to any one person, for one hundred~~  
28 ~~thousand dollars for injury or death of all persons caused by any one~~  
29 ~~accident and for ten thousand dollars for all damages to property~~  
30 ~~caused by one accident))~~) at levels set by commission rule. Such proof  
31 may consist of an insurance policy or a certificate of insurance.

32 The commission shall not be required to collect the excise tax  
33 prescribed by RCW 82.44.020 on any vehicle subject only to the payment  
34 of this fee.

35 NEW SECTION. **Sec. 3.** A new section is added to chapter 81.80 RCW  
36 to read as follows:

1 In addition to all other fees to be paid, a common carrier and  
2 contract carrier shall pay a regulatory fee of no more than 0.0025 of  
3 its gross income from intrastate operations for the previous calendar  
4 year, or such other period as the commission designates by rule. The  
5 carrier shall pay the fee no later than four months after the end of  
6 the appropriate period and shall include with the payment such  
7 information as the commission requires by rule.

8 The legislature intends that the fees collected under this chapter  
9 shall reasonably approximate the cost of supervising and regulating  
10 motor carriers subject to this chapter, and to that end the commission  
11 may by general order decrease fees provided in this section if it  
12 determines that the moneys then in the motor carrier account of the  
13 public service revolving fund and the fees currently to be paid will  
14 exceed the reasonable cost of supervising and regulating carriers.

15 All fees collected under any other provision of this chapter must  
16 be paid to the commission. The commission shall transmit the fees to  
17 the state treasurer within thirty days for deposit to the credit of the  
18 public service revolving fund.

19 The commission shall not be required to collect the excise tax  
20 prescribed by RCW 82.44.020 for fees collected under this chapter.

21 **Sec. 4.** RCW 81.80.150 and 1981 c 116 s 2 are each amended to read  
22 as follows:

23 The commission shall make, fix, construct, compile, promulgate,  
24 publish, and distribute tariffs containing compilations of rates,  
25 charges, classifications, rules, and regulations to be used by all  
26 common carriers. In compiling such tariffs it shall include within any  
27 given tariff compilation such carriers, groups of carriers,  
28 commodities, or geographical areas as it determines shall be in the  
29 public interest. Such compilations and publications may be made by the  
30 commission by compiling the rates, charges, classifications, rules, and  
31 regulations now in effect, and as they may be amended and altered from  
32 time to time after notice and hearing, by issuing and distributing  
33 revised pages or supplements to such tariffs or reissues thereof in  
34 accordance with the orders of the commission: PROVIDED, That the  
35 commission, upon good cause shown, may establish temporary rates,  
36 charges, or classification changes which may be made permanent only  
37 after publication in an applicable tariff for not less than sixty days,  
38 and determination by the commission thereafter that the rates, charges

1 or classifications are just, fair, and reasonable: PROVIDED FURTHER,  
2 That temporary rates shall not be made permanent except upon notice and  
3 hearing if within sixty days from date of publication, a shipper or  
4 common carrier, or representative of either, shall file with the  
5 commission a protest alleging such temporary rates to be unjust,  
6 unfair, or unreasonable. For purposes of this proviso, the publication  
7 of temporary rates in the tariff shall be deemed adequate public  
8 notice. Nothing herein shall be construed to prevent the commission  
9 from proceeding on its own motion, upon notice and hearing, to fix and  
10 determine just, fair, and reasonable rates, charges, and  
11 classifications. Each common carrier shall purchase from the  
12 commission and post tariffs applicable to its authority. The  
13 commission shall set fees for sale of the tariffs, and supplements and  
14 corrections of them, at rates to cover all costs of making, fixing,  
15 constructing, compiling, promulgating, publishing, and distributing the  
16 tariffs. The proper tariff, or tariffs, applicable to a carrier's  
17 operations shall be available to the public at each agency and office  
18 of all common carriers operating within this state. Such compilations  
19 and publications shall be sold by the commission for ((a)) the  
20 established fee ((to be determined annually and not to exceed the cost  
21 of this service.— Corrections to such publications shall be furnished  
22 to all subscribers to tariffs in the form of corrected pages to the  
23 tariffs, supplements, or reissues thereof. In addition to the initial  
24 charge for each tariff, the commission shall charge an annual  
25 maintenance fee not to exceed the cost of issuing corrections or  
26 supplements and mailing them to subscribers:— PROVIDED, That)).  
27 However, copies may be furnished free to other regulatory bodies and  
28 departments of government and to colleges, schools, and libraries. All  
29 copies of the compilations, whether sold or given free, shall be issued  
30 and distributed under rules and regulations to be fixed by the  
31 commission: PROVIDED FURTHER, That the commission may by order  
32 authorize common carriers to publish and file tariffs with the  
33 commission and be governed thereby in respect to certain designated  
34 commodities and services when, in the opinion of the commission, it is  
35 impractical for the commission to make, fix, construct, compile,  
36 publish, and distribute tariffs covering such commodities and services.

37 **Sec. 5.** RCW 81.80.090 and 1973 c 115 s 10 are each amended to read  
38 as follows:

1       The commission shall prescribe forms of application for permits and  
2 for extensions thereof for the use of prospective applicants, and for  
3 transfer of permits and for acquisition of control of carriers holding  
4 permits, and shall make regulations for the filing thereof. Any such  
5 application shall be accompanied by such filing fee as the commission  
6 may prescribe by rule: PROVIDED, That such fee shall not exceed  
7 (~~two~~) five hundred fifty dollars.

8       NEW SECTION. Sec. 6. A new section is added to chapter 81.80 RCW  
9 to read as follows:

10       If a person seeks to contest the imposition of a fee imposed under  
11 this chapter, the person shall pay the fee and request a refund within  
12 six months of the due date for the payment by filing a petition for a  
13 refund with the commission. The commission shall establish by rule  
14 procedures for handling refund petitions and may delegate the decisions  
15 on refund petitions to the secretary of the commission.

16       NEW SECTION. Sec. 7. The following acts or parts of acts are each  
17 repealed:

18       (1) RCW 81.80.300 and 1991 c 241 s 2, 1985 c 7 s 152, 1977 ex.s. c  
19 63 s 1, 1971 ex.s. c 143 s 4, 1969 ex.s. c 210 s 13, 1967 c 170 s 1, &  
20 1961 c 14 s 81.80.300; and

21       (2) RCW 81.80.320 and 1971 ex.s. c 143 s 5, 1969 ex.s. c 210 s 14,  
22 1967 c 170 s 4, & 1961 c 14 s 81.80.320.

23       NEW SECTION. Sec. 8. Sections 2, 3, and 7 of this act take effect  
24 January 1, 1994.

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