

2 **HB 2687** - S AMD - 221
3 By Senator Sutherland

4 SCOPE & OBJECT RAISED; RULED BEYOND S/O 2/28/96

5 On page 3, beginning on line 3, strike section 2 and insert the
6 following:

7 "**Sec. 2.** RCW 3.62.020 and 1995 c 301 s 31 and 1995 c 291 s 5 are
8 each reenacted and amended to read as follows:

9 (1) Except as provided in subsection (4) of this section, all
10 costs, fees, fines, forfeitures and penalties assessed and collected in
11 whole or in part by district courts, except costs, fines, forfeitures
12 and penalties assessed and collected, in whole or in part, because of
13 the violation of city ordinances, shall be remitted by the clerk of the
14 district court to the county treasurer at least monthly, together with
15 a financial statement as required by the state auditor, noting the
16 information necessary for crediting of such funds as required by law.

17 (2) The county treasurer shall remit thirty-two percent of the
18 noninterest money received under subsection (1) of this section
19 (~~except certain costs~~) to the state treasurer for deposit, except as
20 follows:

21 (a) Under RCW 43.08.250, certain costs shall be deposited with the
22 state treasurer. "Certain costs" as used in this subsection, means
23 those costs awarded to prevailing parties in civil actions under RCW
24 4.84.010 or 36.18.040, or those costs awarded against convicted
25 defendants in criminal actions under RCW 10.01.160, 10.46.190, or
26 36.18.040, or other similar statutes if such costs are specifically
27 designated as costs by the court and are awarded for the specific
28 reimbursement of costs incurred by the state or county in the
29 prosecution of the case, including the fees of defense counsel((-
30 Money remitted under this subsection to the state treasurer shall be
31 deposited as provided in RCW 43.08.250)); and

32 (b) All penalties provided for in RCW 46.44.105(2) shall be
33 deposited with the state treasurer and credited to the motor vehicle
34 fund as provided in RCW 46.44.105(8).

35 (3) The balance of the noninterest money received by the county
36 treasurer under subsection (1) of this section shall be deposited in
37 the county current expense fund.

1 (4) All money collected for county parking infractions shall be
2 remitted by the clerk of the district court at least monthly, with the
3 information required under subsection (1) of this section, to the
4 county treasurer for deposit in the county current expense fund.

5 (5) Penalties, fines, bail forfeitures, fees, and costs may accrue
6 interest at the rate of twelve percent per annum, upon assignment to a
7 collection agency. Interest may accrue only while the case is in
8 collection status.

9 (6) Interest retained by the court on penalties, fines, bail
10 forfeitures, fees, and costs shall be split twenty-five percent to the
11 state treasurer for deposit in the public safety and education account
12 as provided in RCW 43.08.250, twenty-five percent to the state
13 treasurer for deposit in the judicial information system account as
14 provided in RCW 2.68.020, twenty-five percent to the county current
15 expense fund, and twenty-five percent to the county current expense
16 fund to fund local courts.

17 **Sec. 3.** RCW 10.82.070 and 1995 c 292 s 3 are each amended to read
18 as follows:

19 (1) All sums of money derived from costs, fines, penalties, and
20 forfeitures imposed or collected, in whole or in part, by a superior
21 court for violation of orders of injunction, mandamus and other like
22 writs, for contempt of court, or for breach of the penal laws shall be
23 paid in cash by the person collecting the same, within twenty days
24 after the collection, to the county treasurer of the county in which
25 the same have accrued.

26 (2) The county treasurer shall remit monthly thirty-two percent of
27 the money received under this section (~~(except for certain costs)~~) to
28 the state treasurer for deposit (~~(as provided under RCW 43.08.250)~~) and
29 shall deposit the remainder as provided by law except as follows:

30 (a) Certain costs as provided under RCW 43.08.250 shall be
31 deposited to the state treasurer. "Certain costs" as used in this
32 subsection, means those costs awarded to prevailing parties in civil
33 actions under RCW 4.84.010 or 36.18.040, or those costs awarded against
34 convicted defendants in criminal actions under RCW 10.01.160,
35 10.46.190, or 36.18.040, or other similar statutes if such costs are
36 specifically designated as costs by the court and are awarded for the
37 specific reimbursement of costs incurred by the state or county in the
38 prosecution of the case, including the fees of defense counsel(~~(-)~~);

1 (b) All penalties provided for in RCW 46.44.105(2) shall be
2 deposited with the state treasurer and credited to the motor vehicle
3 fund as provided under RCW 46.44.105(8); and

4 (c) Costs or assessments awarded to dedicated accounts, state or
5 local, are not subject to this state allocation or to RCW 7.68.035.

6 (3) All fees, fines, forfeitures and penalties collected or
7 assessed by a district court because of the violation of a state law
8 shall be remitted as provided in chapter 3.62 RCW as now exists or is
9 later amended. All fees, fines, forfeitures, and penalties collected
10 or assessed by a superior court in cases on appeal from a lower court
11 shall be remitted to the municipal or district court from which the
12 cases were appealed.

13 **Sec. 4.** RCW 46.16.070 and 1994 c 262 s 8 are each amended to read
14 as follows:

15 (1) In lieu of all other vehicle licensing fees, unless
16 specifically exempt, and in addition to the excise tax prescribed in
17 chapter 82.44 RCW and the mileage fees prescribed for buses and stages
18 in RCW 46.16.125, there shall be paid and collected annually for each
19 truck, motor truck, truck tractor, road tractor, tractor, bus, auto
20 stage, or for hire vehicle with seating capacity of more than six,
21 based upon the declared combined gross weight or declared gross weight
22 thereof pursuant to the provisions of chapter 46.44 RCW, the following
23 licensing fees by such gross weight:

DECLARED GROSS WEIGHT	SCHEDULE A	SCHEDULE B
4,000 lbs.	\$ ((37.00))	\$ ((37.00))
	<u>74</u>	<u>74</u>
6,000 lbs.	\$ ((44.00))	\$ ((44.00))
	<u>88</u>	<u>88</u>
8,000 lbs.	\$ ((55.00))	\$ ((55.00))
	<u>110</u>	<u>110</u>
10,000 lbs.	\$ ((62.00))	\$ ((62.00))
	<u>124</u>	<u>124</u>
12,000 lbs.	\$ ((72.00))	\$ ((72.00))
	<u>144</u>	<u>144</u>
14,000 lbs.	\$ ((82.00))	\$ ((82.00))
	<u>164</u>	<u>164</u>
16,000 lbs.	\$ ((92.00))	\$ ((92.00))
	<u>184</u>	<u>184</u>
18,000 lbs.	\$ ((137.00))	\$ ((137.00))
	<u>274</u>	<u>274</u>
20,000 lbs.	\$ ((152.00))	\$ ((152.00))

1		<u>304</u>	<u>304</u>
2	22,000 lbs.	\$ ((164.00))	\$ ((164.00))
3		<u>328</u>	<u>328</u>
4	24,000 lbs.	\$ ((177.00))	\$ ((177.00))
5		<u>354</u>	<u>354</u>
6	26,000 lbs.	\$ ((187.00))	\$ ((187.00))
7		<u>374</u>	<u>374</u>
8	28,000 lbs.	\$ ((220.00))	\$ ((220.00))
9		<u>440</u>	<u>440</u>
10	30,000 lbs.	\$ ((253.00))	\$ ((253.00))
11		<u>506</u>	<u>506</u>
12	32,000 lbs.	\$ ((304.00))	\$ ((304.00))
13		<u>608</u>	<u>608</u>
14	34,000 lbs.	\$ ((323.00))	\$ ((323.00))
15		<u>646</u>	<u>646</u>
16	36,000 lbs.	\$ ((350.00))	\$ ((350.00))
17		<u>700</u>	<u>700</u>
18	38,000 lbs.	\$ ((384.00))	\$ ((384.00))
19		<u>768</u>	<u>768</u>
20	40,000 lbs.	\$ ((439.00))	\$ ((439.00))
21		<u>878</u>	<u>878</u>
22	42,000 lbs.	\$ ((456.00))	\$ ((546.00))
23		<u>912</u>	<u>1,092</u>
24	44,000 lbs.	\$ ((466.00))	\$ ((556.00))
25		<u>932</u>	<u>1,112</u>
26	46,000 lbs.	\$ ((501.00))	\$ ((591.00))
27		<u>1,002</u>	<u>1,182</u>
28	48,000 lbs.	\$ ((522.00))	\$ ((612.00))
29		<u>1,044</u>	<u>1,224</u>
30	50,000 lbs.	\$ ((566.00))	\$ ((656.00))
31		<u>1,132</u>	<u>1,312</u>
32	52,000 lbs.	\$ ((595.00))	\$ ((685.00))
33		<u>1,190</u>	<u>1,370</u>
34	54,000 lbs.	\$ ((642.00))	\$ ((732.00))
35		<u>1,284</u>	<u>1,464</u>
36	56,000 lbs.	\$ ((677.00))	\$ ((767.00))
37		<u>1,354</u>	<u>1,534</u>
38	58,000 lbs.	\$ ((704.00))	\$ ((794.00))
39		<u>1,408</u>	<u>1,588</u>
40	60,000 lbs.	\$ ((750.00))	\$ ((840.00))
41		<u>1,500</u>	<u>1,680</u>
42	62,000 lbs.	\$ ((804.00))	\$ ((894.00))
43		<u>1,608</u>	<u>1,788</u>
44	64,000 lbs.	\$ ((822.00))	\$ ((912.00))
45		<u>1,644</u>	<u>1,824</u>
46	66,000 lbs.	\$ ((915.00))	\$ ((1,005.00))
47		<u>1,830</u>	<u>2,010</u>

1	68,000 lbs.	\$ ((954.00))	.....	\$ ((1,044.00))
2		<u>1.908</u>		<u>2.088</u>
3	70,000 lbs.	\$ ((1,027.00))	.....	\$ ((1,117.00))
4		<u>2.054</u>		<u>2.234</u>
5	72,000 lbs.	\$ ((1,098.00))	.....	\$ ((1,188.00))
6		<u>2.196</u>		<u>2.376</u>
7	74,000 lbs.	\$ ((1,193.00))	.....	\$ ((1,283.00))
8		<u>2.386</u>		<u>2.566</u>
9	76,000 lbs.	\$ ((1,289.00))	.....	\$ ((1,379.00))
10		<u>2.578</u>		<u>2.758</u>
11	78,000 lbs.	\$ ((1,407.00))	.....	\$ ((1,497.00))
12		<u>2.814</u>		<u>2.994</u>
13	80,000 lbs.	\$ ((1,518.00))	.....	\$ ((1,608.00))
14		<u>3.036</u>		<u>3.216</u>
15	82,000 lbs.	\$ ((1,623.00))	.....	\$ ((1,713.00))
16		<u>3.264</u>		<u>3.426</u>
17	84,000 lbs.	\$ ((1,728.00))	.....	\$ ((1,818.00))
18		<u>3.456</u>		<u>3.636</u>
19	86,000 lbs.	\$ ((1,833.00))	.....	\$ ((1,923.00))
20		<u>3.666</u>		<u>3.846</u>
21	88,000 lbs.	\$ ((1,938.00))	.....	\$ ((2,028.00))
22		<u>3.876</u>		<u>4.056</u>
23	90,000 lbs.	\$ ((2,043.00))	.....	\$ ((2,133.00))
24		<u>4.086</u>		<u>4.266</u>
25	92,000 lbs.	\$ ((2,148.00))	.....	\$ ((2,238.00))
26		<u>4.296</u>		<u>4.476</u>
27	94,000 lbs.	\$ ((2,253.00))	.....	\$ ((2,343.00))
28		<u>4.506</u>		<u>4.686</u>
29	96,000 lbs.	\$ ((2,358.00))	.....	\$ ((2,448.00))
30		<u>4.716</u>		<u>4.896</u>
31	98,000 lbs.	\$ ((2,463.00))	.....	\$ ((2,553.00))
32		<u>4.926</u>		<u>5.106</u>
33	100,000 lbs.	\$ ((2,568.00))	.....	\$ ((2,658.00))
34		<u>5.138</u>		<u>5.316</u>
35	102,000 lbs.	\$ ((2,673.00))	.....	\$ ((2,763.00))
36		<u>5.346</u>		<u>5.526</u>
37	104,000 lbs.	\$ ((2,778.00))	.....	\$ ((2,868.00))
38		<u>5.556</u>		<u>5.736</u>
39	105,500 lbs.	\$ ((2,883.00))	.....	\$ ((2,973.00))
40		<u>5.766</u>		<u>5.946</u>

41 Schedule A applies to vehicles either used exclusively for hauling
42 logs or that do not tow trailers. Schedule B applies to vehicles that
43 tow trailers and are not covered under Schedule A.

44 Every truck, motor truck, truck tractor, and tractor exceeding
45 6,000 pounds empty scale weight registered under chapter 46.16, 46.87,

1 or 46.88 RCW shall be licensed for not less than one hundred fifty
2 percent of its empty weight unless the amount would be in excess of the
3 legal limits prescribed for such a vehicle in RCW 46.44.041 or
4 46.44.042, in which event the vehicle shall be licensed for the maximum
5 weight authorized for such a vehicle or unless the vehicle is used only
6 for the purpose of transporting any well drilling machine, air
7 compressor, rock crusher, conveyor, hoist, donkey engine, cook house,
8 tool house, bunk house, or similar machine or structure attached to or
9 made a part of such vehicle.

10 The following provisions apply when increasing gross or combined
11 gross weight for a vehicle licensed under this section:

12 (a) The new license fee will be one-twelfth of the fee listed above
13 for the new gross weight, multiplied by the number of months remaining
14 in the period for which licensing fees have been paid, including the
15 month in which the new gross weight is effective.

16 (b) Upon surrender of the current certificate of registration or
17 cab card, the new licensing fees due shall be reduced by the amount of
18 the licensing fees previously paid for the same period for which new
19 fees are being charged.

20 (2) The proceeds from the fees collected under subsection (1) of
21 this section shall be distributed in accordance with RCW 46.68.035.

22 **Sec. 5.** RCW 46.44.0941 and 1995 c 171 s 2 are each amended to read
23 as follows:

24 The following fees, in addition to the regular license and tonnage
25 fees, shall be paid for all movements under special permit made upon
26 state highways. All funds collected, except the amount retained by
27 authorized agents of the department as provided in RCW 46.44.096, shall
28 be forwarded to the state treasury and shall be deposited in the motor
29 vehicle fund:

30 All overlegal loads, except overweight, single	
31 trip	\$ 10.00
32 Continuous operation of overlegal loads	
33 having either overwidth or overheight	
34 features only, for a period not to exceed	
35 thirty days	\$ 20.00
36 Continuous operations of overlegal loads	
37 having overlenght features only, for a	
38 period not to exceed thirty days	\$ 10.00

1 Continuous operation of a combination of
2 vehicles having one trailing unit that
3 exceeds fifty-three feet and is not
4 more than fifty-six feet in length, for
5 a period of one year \$ 100.00
6 Continuous operation of a combination of
7 vehicles having two trailing units
8 which together exceed sixty-one feet and
9 are not more than sixty-eight feet in
10 length, for a period of one year \$ 100.00
11 Continuous operation of a three-axle fixed
12 load vehicle having less than 65,000
13 pounds gross weight, for a period not
14 to exceed thirty days \$ ((70.00))
15 140.00
16 Continuous operation of a four-axle fixed load
17 vehicle meeting the requirements of
18 RCW 46.44.091(1) and weighing less than
19 86,000 pounds gross weight, not to exceed
20 thirty days \$ 90.00
21 Continuous movement of a mobile home or manufactured home
22 having nonreducible features not to
23 exceed eighty-five feet in total length and
24 fourteen feet in width, for a period of
25 one year \$ 150.00
26 Continuous operation of a two or three-axle
27 collection truck, actually engaged in the
28 collection of solid waste or recyclables,
29 or both, under chapter 81.77 or 35.21 RCW
30 or by contract under RCW 36.58.090, for
31 one year with an additional six thousand
32 pounds more than the weight authorized in
33 RCW 46.16.070 on the rear axle of a two-axle
34 truck or eight thousand pounds for the tandem
35 axles of a three-axle truck. RCW 46.44.041
36 and 46.44.091 notwithstanding, the tire limits
37 specified in RCW 46.44.042 apply, but none of
38 the excess weight is valid or may be permitted
39 on any part of the federal interstate highway

1 system \$ ((42.00))
 2 84.00
 3 per thousand pounds

4 The department may issue any of the above-listed permits that
 5 involve height, length, or width for an expanded period of consecutive
 6 months, not to exceed one year.

7 Continuous operation of farm implements under a permit issued as
 8 authorized by RCW 46.44.140 by:

- 9 (1) Farmers in the course of farming activities,
 10 for any three-month period \$ 10.00
- 11 (2) Farmers in the course of farming activities,
 12 for a period not to exceed one year \$ 25.00
- 13 (3) Persons engaged in the business of the
 14 sale, repair, or maintenance of such
 15 farm implements, for any three-month period \$ 25.00
- 16 (4) Persons engaged in the business of the
 17 sale, repair, or maintenance of such
 18 farm implements, for a period not to
 19 exceed one year \$ 100.00

20 Overweight Fee Schedule

21 Excess weight over legal capacity,	Cost per mile.
22 as provided in RCW 46.44.041.	
23 0- 9,999 pounds	\$ ((.07)) <u>.14</u>
24 10,000-14,999 pounds	\$ ((.14)) <u>.28</u>
25 15,000-19,999 pounds	\$ ((.21)) <u>.42</u>
26 20,000-24,999 pounds	\$ ((.28)) <u>.56</u>
27 25,000-29,999 pounds	\$ ((.35)) <u>.70</u>
28 30,000-34,999 pounds	\$ ((.49)) <u>.98</u>
29 35,000-39,999 pounds	\$ ((.63)) <u>1.26</u>
30 40,000-44,999 pounds	\$ ((.79)) <u>1.58</u>
31 45,000-49,999 pounds	\$ ((.93)) <u>1.86</u>
32 50,000-54,999 pounds	\$ ((1.14)) <u>2.28</u>
33 55,000-59,999 pounds	\$ ((1.35)) <u>2.70</u>
34 60,000-64,999 pounds	\$ ((1.56)) <u>3.12</u>
35 65,000-69,999 pounds	\$ ((1.77)) <u>3.54</u>
36 70,000-74,999 pounds	\$ ((2.12)) <u>4.24</u>
37 75,000-79,999 pounds	\$ ((2.47)) <u>4.94</u>

1	80,000-84,999 pounds	\$((2.82))	<u>5.64</u>
2	85,000-89,999 pounds	\$((3.17))	<u>6.34</u>
3	90,000-94,999 pounds	\$((3.52))	<u>7.04</u>
4	95,000-99,999 pounds	\$((3.87))	<u>7.74</u>
5	100,000 pounds	\$((4.25))	<u>8.50</u>

6 The fee for weights in excess of 100,000 pounds is \$((~~4.25~~)) 8.50 plus
7 fifty cents for each 5,000 pound increment or portion thereof exceeding
8 100,000 pounds.

9 PROVIDED: (a) The minimum fee for any overweight permit shall be
10 \$((~~14.00~~)) 28.00, (b) the fee for issuance of a duplicate permit shall
11 be \$((~~14.00~~)) 28.00, (c) when computing overweight fees prescribed in
12 this section or in RCW 46.44.095 that result in an amount less than
13 even dollars the fee shall be carried to the next full dollar if fifty
14 cents or over and shall be reduced to the next full dollar if forty-
15 nine cents or under.

16 The fees levied in this section and RCW 46.44.095 do not apply to
17 vehicles owned and operated by the state of Washington, a county within
18 the state, a city or town or metropolitan municipal corporation within
19 the state, or the federal government.

20 **Sec. 6.** RCW 46.44.095 and 1993 c 102 s 5 are each amended to read
21 as follows:

22 When a combination of vehicles has been licensed to a total gross
23 weight of 80,000 pounds or when a three or more axle single unit
24 vehicle has been licensed to a total gross weight of 40,000 pounds, a
25 temporary additional tonnage permit to haul loads in excess of these
26 limits may be issued. This permit is valid for periods of not less
27 than five days at ((~~two~~)) five dollars and ((~~eighty~~)) sixty cents per
28 day for each two thousand pounds or fraction thereof. The fee may not
29 be prorated. The permits shall authorize the movement of loads not
30 exceeding the weight limits set forth in RCW 46.44.041 and 46.44.042.

31 **Sec. 7.** RCW 46.44.105 and 1993 c 403 s 4 are each amended to read
32 as follows:

33 (1) Violation of any of the provisions of ((~~RCW 46.44.041,~~
34 ~~46.44.042, 46.44.047, 46.44.090, 46.44.091, and 46.44.095,~~ or failure
35 to obtain a permit as provided by RCW 46.44.090 and 46.44.095, or
36 misrepresentation of the size or weight of any load or failure to

1 ~~follow the requirements and conditions of a permit issued hereunder))~~
2 this chapter is a traffic infraction, and upon the first finding
3 thereof shall be assessed a basic penalty of not less than fifty
4 dollars; and upon a second finding thereof shall be assessed a basic
5 penalty of not less than seventy-five dollars; and upon a third or
6 subsequent finding shall be assessed a basic penalty of not less than
7 one hundred dollars.

8 (2) In addition to the penalties imposed in subsection (1) of this
9 section, any person violating RCW 46.44.041, 46.44.042, 46.44.047,
10 46.44.090, 46.44.091, or 46.44.095 shall be assessed (~~three cents for~~
11 ~~each pound of excess weight~~) a penalty as prescribed in this
12 subsection:

13 (a) One pound through 1,000 pounds overweight: \$90;

14 (b) 1,001 pounds through 2,000 pounds overweight: \$180;

15 (c) 2,001 pounds through 4,000 pounds overweight: \$360;

16 (d) 4,001 pounds through 15,000 pounds overweight: \$360 plus \$.30
17 per pound for each additional pound over 4,000 pounds overweight;

18 (e) 15,001 pounds and over overweight: \$3,000 plus \$.30 per pound
19 for each additional pound over 15,000 pounds overweight. Upon a first
20 violation in any calendar year, the court may suspend the penalty for
21 five hundred pounds of excess weight for each axle on any vehicle or
22 combination of vehicles, not to exceed a two thousand pound suspension.
23 In no case may the basic penalty assessed in subsection (1) of this
24 section or the additional penalty assessed in subsection (2), except as
25 provided for the first violation, be suspended.

26 (3) Whenever any vehicle or combination of vehicles is involved in
27 two violations of RCW 46.44.041, 46.44.042, 46.44.047, 46.44.090,
28 46.44.091, or 46.44.095 during any twelve-month period, the court may
29 suspend the certificate of license registration of the vehicle or
30 combination of vehicles for not less than thirty days. Upon a third or
31 succeeding violation in any twelve-month period, the court shall
32 suspend the certificate of license registration for not less than
33 thirty days. Whenever the certificate of license registration is
34 suspended, the court shall secure such certificate and immediately
35 forward the same to the director with information concerning the
36 suspension.

37 (4) Any person found to have violated any posted limitations of a
38 highway or section of highway shall be assessed a monetary penalty of
39 not less than one hundred and fifty dollars, and the court shall in

1 addition thereto upon second violation within a twelve-month period
2 involving the same power unit, suspend the certificate of license
3 registration for not less than thirty days.

4 (5) It is unlawful for the driver of a vehicle to fail or refuse to
5 stop and submit the vehicle and load to a weighing, or to fail or
6 refuse, when directed by an officer upon a weighing of the vehicle to
7 stop the vehicle and otherwise comply with the provisions of this
8 section. It is unlawful for a driver of a commercial motor vehicle as
9 defined in RCW 46.32.005, other than the driver of a bus as defined in
10 RCW 46.32.005(2), to fail or refuse to stop at a weighing station when
11 proper traffic control signs indicate scales are open.

12 Any police officer is authorized to require the driver of any
13 vehicle or combination of vehicles to stop and submit to a weighing
14 either by means of a portable or stationary scale and may require that
15 the vehicle be driven to the nearest public scale. Whenever a police
16 officer, upon weighing a vehicle and load, determines that the weight
17 is unlawful, the officer may require the driver to stop the vehicle in
18 a suitable location and remain standing until such portion of the load
19 is removed as may be necessary to reduce the gross weight of the
20 vehicle to the limit permitted by law. If the vehicle is loaded with
21 grain or other perishable commodities, the driver shall be permitted to
22 proceed without removing any of the load, unless the gross weight of
23 the vehicle and load exceeds by more than ten percent the limit
24 permitted by this chapter. The owner or operator of the vehicle shall
25 care for all materials unloaded at the risk of the owner or operator.

26 Any vehicle whose driver or owner represents that the vehicle is
27 disabled or otherwise unable to proceed to a weighing location shall
28 have its load sealed or otherwise marked by any police officer. The
29 owner or driver shall be directed that upon completion of repairs, the
30 vehicle shall submit to weighing with the load and markings and/or seal
31 intact and undisturbed. Failure to report for weighing, appearing for
32 weighing with the seal broken or the markings disturbed, or removal of
33 any cargo prior to weighing is unlawful. Any person so convicted shall
34 be fined (~~(five hundred)~~) one thousand dollars, and in addition the
35 certificate of license registration shall be suspended for not less
36 than thirty days. Half of the monetary penalties provided in this
37 subsection shall be remitted as provided in RCW 3.62.020 or 10.82.070.
38 Half of the penalties shall be remitted to the state treasurer and
39 deposited in the motor vehicle fund.

1 (6) Any other provision of law to the contrary notwithstanding,
2 district courts having venue have concurrent jurisdiction with the
3 superior courts for the imposition of any penalties authorized under
4 this section.

5 (7) For the purpose of determining additional penalties as provided
6 by subsection (2) of this section, "excess weight" means the poundage
7 in excess of the maximum allowable gross weight or axle/axle grouping
8 weight prescribed by RCW 46.44.041 (~~(and)~~), 46.44.042 (~~(plus the~~
9 ~~weights allowed by RCW)~~), 46.44.047, 46.44.091, and 46.44.095.

10 (8) The penalties provided in subsection(~~s~~) (1) (~~(and (2))~~) of
11 this section shall be remitted as provided in chapter 3.62 RCW or RCW
12 10.82.070. The penalties provided in subsection (2) of this section
13 shall be remitted to the state treasurer and deposited in the motor
14 vehicle fund. For the purpose of computing the basic penalties and
15 additional penalties to be imposed under the provisions of subsections
16 (1) and (2) of this section the convictions shall be on the same
17 vehicle or combination of vehicles within a twelve-month period under
18 the same ownership.

19 (9) Any state patrol officer or any weight control officer who
20 finds any person operating a vehicle or a combination of vehicles in
21 violation of the conditions of a permit issued under RCW 46.44.047,
22 46.44.090, and 46.44.095 may confiscate the permit and forward it to
23 the state department of transportation which may return it to the
24 permittee or revoke, cancel, or suspend it without refund. The
25 department of transportation shall keep a record of all action taken
26 upon permits so confiscated, and if a permit is returned to the
27 permittee the action taken by the department of transportation shall be
28 endorsed thereon. Any permittee whose permit is suspended or revoked
29 may upon request receive a hearing before the department of
30 transportation or person designated by that department. After the
31 hearing the department of transportation may reinstate any permit or
32 revise its previous action.

33 Every permit issued as provided for in this chapter shall be
34 carried in the vehicle or combination of vehicles to which it refers
35 and shall be open to inspection by any law enforcement officer or
36 authorized agent of any authority granting such a permit.

37 Upon the third finding within a calendar year of a violation of the
38 requirements and conditions of a permit issued under RCW 46.44.095 as
39 now or hereafter amended, the permit shall be canceled, and the

1 canceled permit shall be immediately transmitted by the court or the
2 arresting officer to the department of transportation. The vehicle
3 covered by the canceled permit is not eligible for a new permit for a
4 period of thirty days.

5 (10) For the purposes of determining gross weights the actual scale
6 weight taken by the arresting officer is prima facie evidence of the
7 total gross weight.

8 (11) It is a traffic infraction to direct the loading of a vehicle
9 with knowledge that it violates the requirements in RCW 46.44.041,
10 46.44.042, 46.44.047, 46.44.090, 46.44.091, or 46.44.095 and that it is
11 to be operated on the public highways of this state.

12 (12) The chief of the state patrol, with the advice of the
13 department, may adopt reasonable rules to aid in the enforcement of
14 this section.

15 NEW SECTION. **Sec. 8.** The department of transportation, in
16 cooperation with the department of licensing and the department of
17 revenue shall conduct a vehicle cost allocation study examining the
18 feasibility of recovering pavement damage costs through the
19 establishment of a weight-distance tax based on the weight of the
20 vehicle and the distance traveled each year in this state. Periodic
21 reports shall be submitted to the legislative transportation committee
22 and the house and senate standing committees on transportation. A
23 final report and recommendations are due July 1, 1997."

24 **HB 2687** - S AMD
25 By Senator Sutherland

26 On page 1, line 2 of the title, strike "and 46.44.105" and insert
27 ", 46.44.105, 10.82.070, 46.16.070, 46.44.0941, 46.44.095, and
28 46.44.105; reenacting and amending RCW 3.62.020; creating a new
29 section;"

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