
HOUSE BILL 1994

State of Washington 59th Legislature 2005 Regular Session

By Representatives Schual-Berke, McDermott, Cody, Dickerson, Hudgins and Upthegrove

Read first time 02/14/2005. Referred to Committee on Transportation.

1 AN ACT Relating to greater enforcement and penalties in certain
2 areas of vehicle size, weight, and load laws; amending RCW 46.44.105
3 and 46.61.655; and adding a new section to chapter 46.44 RCW.

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

5 **Sec. 1.** RCW 46.44.105 and 2002 c 254 s 1 are each amended to read
6 as follows:

7 (1) Violation of any of the provisions of this chapter is a traffic
8 infraction, and upon the first finding thereof shall be assessed a
9 basic penalty of not less than fifty dollars; and upon a second finding
10 thereof shall be assessed a basic penalty of not less than seventy-five
11 dollars; and upon a third or subsequent finding shall be assessed a
12 basic penalty of not less than one hundred dollars.

13 (2) In addition to the penalties imposed in subsection (1) of this
14 section, any person violating RCW 46.44.041, 46.44.042, 46.44.047,
15 46.44.090, 46.44.091, or 46.44.095 shall be assessed a penalty for each
16 pound overweight, as follows:

17 (a) One pound through four thousand pounds overweight is three
18 cents for each pound;

1 (b) Four thousand one pounds through ten thousand pounds overweight
2 is one hundred twenty dollars plus twelve cents per pound for each
3 additional pound over four thousand pounds overweight;

4 (c) Ten thousand one pounds through fifteen thousand pounds
5 overweight is eight hundred forty dollars plus sixteen cents per pound
6 for each additional pound over ten thousand pounds overweight;

7 (d) Fifteen thousand one pounds through twenty thousand pounds
8 overweight is one thousand six hundred forty dollars plus twenty cents
9 per pound for each additional pound over fifteen thousand pounds
10 overweight;

11 (e) Twenty thousand one pounds and more is two thousand six hundred
12 forty dollars plus thirty cents per pound for each additional pound
13 over twenty thousand pounds overweight.

14 (3) In addition to the penalties imposed in subsections (1) and (2)
15 of this section, a countywide port district responsible for the
16 construction of a third runway at any airport owned and operated by a
17 countywide port district with a county population greater than one
18 million five hundred thousand shall be assessed a penalty for each
19 pound overweight of any trucks supporting the construction, as follows:

20 (a) One pound through four thousand pounds overweight is one dollar
21 for each pound;

22 (b) Four thousand one pounds through ten thousand pounds overweight
23 is five hundred dollars plus one dollar and fifty cents per pound for
24 each additional pound over four thousand pounds overweight;

25 (c) Ten thousand one pounds through fifteen thousand pounds
26 overweight is three thousand dollars plus two dollars per pound for
27 each additional pound over ten thousand pounds overweight;

28 (d) Fifteen thousand one pounds through twenty thousand pounds
29 overweight is six thousand dollars plus two dollars and fifty cents per
30 pound for each additional pound over fifteen thousand pounds
31 overweight;

32 (e) Twenty thousand one pounds and more is nine thousand dollars
33 plus three dollars per pound for each additional pound over twenty
34 thousand pounds overweight.

35 (4) Upon a first violation in any calendar year, the court may
36 suspend the penalty for five hundred pounds of excess weight for each
37 axle on any vehicle or combination of vehicles, not to exceed a two
38 thousand pound suspension. In no case may the basic penalty assessed

1 in subsection (1), (2), or (3) of this section (~~or the additional~~
2 ~~penalty assessed in subsection (2) of this section~~), except as
3 provided for the first violation, be suspended.

4 ~~((3))~~ (5) Whenever any vehicle or combination of vehicles is
5 involved in two violations of RCW 46.44.041, 46.44.042, 46.44.047,
6 46.44.090, 46.44.091, or 46.44.095 during any twelve-month period, the
7 court may suspend the certificate of license registration of the
8 vehicle or combination of vehicles for not less than thirty days. Upon
9 a third or succeeding violation in any twelve-month period, the court
10 shall suspend the certificate of license registration for not less than
11 thirty days. Whenever the certificate of license registration is
12 suspended, the court shall secure such certificate and immediately
13 forward the same to the director with information concerning the
14 suspension.

15 ~~((4))~~ (6) Any person found to have violated any posted
16 limitations of a highway or section of highway shall be assessed a
17 monetary penalty of not less than one hundred and fifty dollars, and
18 the court shall in addition thereto upon second violation within a
19 twelve-month period involving the same power unit, suspend the
20 certificate of license registration for not less than thirty days.

21 ~~((5))~~ (7) It is unlawful for the driver of a vehicle to fail or
22 refuse to stop and submit the vehicle and load to a weighing, or to
23 fail or refuse, when directed by an officer upon a weighing of the
24 vehicle to stop the vehicle and otherwise comply with the provisions of
25 this section. It is unlawful for a driver of a commercial motor
26 vehicle as defined in RCW 46.32.005, other than the driver of a bus as
27 defined in RCW 46.32.005(2) or a vehicle with a gross vehicle or
28 combination weight not over sixteen thousand pounds and not
29 transporting hazardous materials in accordance with RCW 46.32.005(3),
30 to fail or refuse to stop at a weighing station when proper traffic
31 control signs indicate scales are open. However, unladen tow trucks
32 regardless of weight and farm vehicles carrying farm produce with a
33 gross vehicle or combination weight not over twenty-six thousand pounds
34 may fail or refuse to stop at a weighing station when proper traffic
35 control signs indicate scales are open.

36 Any police officer is authorized to require the driver of any
37 vehicle or combination of vehicles to stop and submit to a weighing
38 either by means of a portable or stationary scale and may require that

1 the vehicle be driven to the nearest public scale. Whenever a police
2 officer, upon weighing a vehicle and load, determines that the weight
3 is unlawful, the officer may require the driver to stop the vehicle in
4 a suitable location and remain standing until such portion of the load
5 is removed as may be necessary to reduce the gross weight of the
6 vehicle to the limit permitted by law. If the vehicle is loaded with
7 grain or other perishable commodities, the driver shall be permitted to
8 proceed without removing any of the load, unless the gross weight of
9 the vehicle and load exceeds by more than ten percent the limit
10 permitted by this chapter. The owner or operator of the vehicle shall
11 care for all materials unloaded at the risk of the owner or operator.

12 Any vehicle whose driver or owner represents that the vehicle is
13 disabled or otherwise unable to proceed to a weighing location shall
14 have its load sealed or otherwise marked by any police officer. The
15 owner or driver shall be directed that upon completion of repairs, the
16 vehicle shall submit to weighing with the load and markings and/or seal
17 intact and undisturbed. Failure to report for weighing, appearing for
18 weighing with the seal broken or the markings disturbed, or removal of
19 any cargo prior to weighing is unlawful. Any person so convicted shall
20 be fined one thousand dollars, and in addition the certificate of
21 license registration shall be suspended for not less than thirty days.

22 ~~((+6+))~~ (8) Any other provision of law to the contrary
23 notwithstanding, district courts having venue have concurrent
24 jurisdiction with the superior courts for the imposition of any
25 penalties authorized under this section.

26 ~~((+7+))~~ (9) For the purpose of determining additional penalties as
27 provided by subsection (2) of this section, "overweight" means the
28 poundage in excess of the maximum allowable gross weight or axle/axle
29 grouping weight prescribed by RCW 46.44.041, 46.44.042, 46.44.047,
30 46.44.091, and 46.44.095.

31 ~~((+8+))~~ (10) The penalties provided in subsections (1) ~~((and-(2+))~~
32 through (3) of this section shall be remitted as provided in chapter
33 3.62 RCW or RCW 10.82.070. For the purpose of computing the basic
34 penalties and additional penalties to be imposed under subsections (1)
35 ~~((and-(2+))~~ through (3) of this section, the convictions shall be on
36 the same vehicle or combination of vehicles within a twelve-month
37 period under the same ownership.

1 ~~((9))~~ (11) Any state patrol officer or any weight control officer
2 who finds any person operating a vehicle or a combination of vehicles
3 in violation of the conditions of a permit issued under RCW 46.44.047,
4 46.44.090, and 46.44.095 may confiscate the permit and forward it to
5 the state department of transportation which may return it to the
6 permittee or revoke, cancel, or suspend it without refund. The
7 department of transportation shall keep a record of all action taken
8 upon permits so confiscated, and if a permit is returned to the
9 permittee the action taken by the department of transportation shall be
10 endorsed thereon. Any permittee whose permit is suspended or revoked
11 may upon request receive a hearing before the department of
12 transportation or person designated by that department. After the
13 hearing the department of transportation may reinstate any permit or
14 revise its previous action.

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

19 Upon the third finding within a calendar year of a violation of the
20 requirements and conditions of a permit issued under RCW 46.44.095, the
21 permit shall be canceled, and the canceled permit shall be immediately
22 transmitted by the court or the arresting officer to the department of
23 transportation. The vehicle covered by the canceled permit is not
24 eligible for a new permit for a period of thirty days.

25 ~~((10))~~ (12) For the purposes of determining gross weights the
26 actual scale weight taken by the arresting officer is prima facie
27 evidence of the total gross weight.

28 ~~((11))~~ (13) It is a traffic infraction to direct the loading of
29 a vehicle with knowledge that it violates the requirements in RCW
30 46.44.041, 46.44.042, 46.44.047, 46.44.090, 46.44.091, or 46.44.095 and
31 that it is to be operated on the public highways of this state.

32 ~~((12))~~ (14) The chief of the state patrol, with the advice of the
33 department, may adopt reasonable rules to aid in the enforcement of
34 this section.

35 **Sec. 2.** RCW 46.61.655 and 1990 c 250 s 56 are each amended to read
36 as follows:

37 (1) No vehicle shall be driven or moved on any public highway

1 unless such vehicle is so constructed or loaded as to prevent any of
2 its load from dropping, sifting, leaking, or otherwise escaping
3 therefrom, except that sand may be dropped for the purpose of securing
4 traction. Any person operating a vehicle from which any glass or
5 objects have fallen or escaped, which would constitute an obstruction
6 or injure a vehicle or otherwise endanger travel upon such public
7 highway shall immediately cause the public highway to be cleaned of all
8 such glass or objects and shall pay any costs therefor.

9 (2) No person may operate on any public highway any vehicle with
10 any load unless the load and such covering as required thereon by
11 subsection (3) of this section is securely fastened to prevent the
12 covering or load from becoming loose, detached, or in any manner a
13 hazard to other users of the highway.

14 (3) Any vehicle operating on a paved public highway with a load of
15 dirt, sand, or gravel susceptible to being dropped, spilled, leaked, or
16 otherwise escaping therefrom shall be covered so as to prevent
17 spillage. Covering of such loads is not required if six inches of
18 freeboard is maintained within the bed.

19 (4) Any vehicle with deposits of mud, rocks, or other debris on the
20 vehicle's body, fenders, frame, undercarriage, wheels, or tires shall
21 be cleaned of such material before the operation of the vehicle on a
22 paved public highway.

23 (5) The state patrol may make necessary rules to carry into effect
24 the provisions of this section, applying such provisions to specific
25 conditions and loads and prescribing means, methods, and practices to
26 effectuate such provisions.

27 (6) In addition to the penalty imposed under RCW 46.63.110, a
28 countywide port district responsible for the construction of a third
29 runway at any airport owned and operated by a countywide port district
30 with a county population greater than one million five hundred thousand
31 shall be assessed an additional penalty of three hundred dollars per
32 truck for any truck supporting the construction of the project that
33 violates this section.

34 (7) Nothing in this section may be construed to prohibit a public
35 maintenance vehicle from dropping sand on a highway to enhance
36 traction, or sprinkling water or other substances to clean or maintain
37 a highway.

1 NEW SECTION. **Sec. 3.** A new section is added to chapter 46.44 RCW
2 to read as follows:

3 (1) The chief of the Washington state patrol shall assign five
4 full-time officers from the agency's commercial vehicle division to
5 work solely to enforce the size, weight, and load laws under this
6 chapter with respect to truck operators supporting the construction of
7 a third runway at any airport owned and operated by a county-wide port
8 district with a county population greater than one million five hundred
9 thousand.

10 (2) The Washington state patrol's costs for the five full-time
11 officers from the agency's commercial vehicle division shall be
12 reimbursed by the same countywide port district responsible for the
13 construction of a third runway at any airport owned and operated by a
14 countywide port district with a county population greater than one
15 million five hundred thousand.

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