

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1002

59th Legislature
2005 Regular Session

Passed by the House April 18, 2005
Yeas 87 Nays 9

Speaker of the House of Representatives

Passed by the Senate April 13, 2005
Yeas 41 Nays 6

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1002** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

HOUSE BILL 1002

AS AMENDED BY THE SENATE

Passed Legislature - 2005 Regular Session

State of Washington 59th Legislature 2005 Regular Session

By Representatives Fromhold, Moeller, Murray, Hunter and Jarrett

Prefiled 12/21/2004. Read first time 01/10/2005. Referred to
Committee on Transportation.

1 AN ACT Relating to motor vehicle compression brakes; amending RCW
2 46.63.110; and adding a new section to chapter 46.37 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 46.37 RCW
5 to read as follows:

6 (1) This section applies to all motor vehicles with a declared
7 gross weight in excess of 10,000 pounds operated on public roads and
8 equipped with engine compression brake devices. An engine compression
9 brake device is any device that uses the engine and transmission to
10 impede the forward motion of the motor vehicle by compression of the
11 engine.

12 (2) The driver of a motor vehicle equipped with a device that uses
13 the compression of the motor vehicle engine shall not use the device
14 unless:

15 (a) The motor vehicle is equipped with an operational muffler and
16 exhaust system to prevent excess noise. The muffler and exhaust system
17 must maintain the noise level at eighty-three decibels or less for
18 motor vehicles manufactured after January 1, 1979, and eighty decibels
19 or less for motor vehicles manufactured after January 1, 1988; or

1 (b) The driver reasonably believes that an emergency exists which
2 requires the use of the device to: (i) Protect against an immediate
3 threat to the physical safety of the driver or others; (ii) protect
4 against immediate threat of damage to property; or (iii) effectively
5 reduce the speed of the motor vehicle using the manufacturer's motor
6 vehicle braking system when declining from an elevated roadway.

7 (3) The monetary penalty for violating subsection (2) of this
8 section is: (a) Two hundred fifty dollars for the first violation; (b)
9 five hundred dollars for the second violation; and (c) seven hundred
10 fifty dollars for each violation thereafter.

11 (4) The Washington state patrol must establish rules for Washington
12 state law enforcement agencies to enforce subsection (2) of this
13 section.

14 (5) All medium and heavy trucks must comply with federal code 205 -
15 transportation equipment noise emission controls, subpart B.

16 (6) Nothing in this section prohibits a local jurisdiction from
17 implementing an ordinance that is more restrictive than the state law
18 and Washington state patrol rules regarding the use of compression
19 brakes.

20 **Sec. 2.** RCW 46.63.110 and 2003 c 380 s 2 are each amended to read
21 as follows:

22 (1) A person found to have committed a traffic infraction shall be
23 assessed a monetary penalty. No penalty may exceed two hundred and
24 fifty dollars for each offense unless authorized by this chapter or
25 title.

26 (2) The monetary penalty for a violation of RCW 46.55.105(2) is two
27 hundred fifty dollars for each offense. No penalty assessed under this
28 subsection (2) may be reduced.

29 (3) The supreme court shall prescribe by rule a schedule of
30 monetary penalties for designated traffic infractions. This rule shall
31 also specify the conditions under which local courts may exercise
32 discretion in assessing fines and penalties for traffic infractions.
33 The legislature respectfully requests the supreme court to adjust this
34 schedule every two years for inflation.

35 (4) There shall be a penalty of twenty-five dollars for failure to
36 respond to a notice of traffic infraction except where the infraction
37 relates to parking as defined by local law, ordinance, regulation, or

1 resolution or failure to pay a monetary penalty imposed pursuant to
2 this chapter. A local legislative body may set a monetary penalty not
3 to exceed twenty-five dollars for failure to respond to a notice of
4 traffic infraction relating to parking as defined by local law,
5 ordinance, regulation, or resolution. The local court, whether a
6 municipal, police, or district court, shall impose the monetary penalty
7 set by the local legislative body.

8 (5) Monetary penalties provided for in chapter 46.70 RCW which are
9 civil in nature and penalties which may be assessed for violations of
10 chapter 46.44 RCW relating to size, weight, and load of motor vehicles
11 are not subject to the limitation on the amount of monetary penalties
12 which may be imposed pursuant to this chapter.

13 (6) Whenever a monetary penalty is imposed by a court under this
14 chapter it is immediately payable. If the person is unable to pay at
15 that time the court may, in its discretion, grant an extension of the
16 period in which the penalty may be paid. If the penalty is not paid on
17 or before the time established for payment the court shall notify the
18 department of the failure to pay the penalty, and the department shall
19 suspend the person's driver's license or driving privilege until the
20 penalty has been paid and the penalty provided in subsection (4) of
21 this section has been paid.

22 (7) In addition to any other penalties imposed under this section
23 and not subject to the limitation of subsection (1) of this section, a
24 person found to have committed a traffic infraction shall be assessed
25 a fee of five dollars per infraction. Under no circumstances shall
26 this fee be reduced or waived. Revenue from this fee shall be
27 forwarded to the state treasurer for deposit in the emergency medical
28 services and trauma care system trust account under RCW 70.168.040.

29 (8)(a) In addition to any other penalties imposed under this
30 section and not subject to the limitation of subsection (1) of this
31 section, a person found to have committed a traffic infraction other
32 than of RCW 46.61.527 shall be assessed an additional penalty of twenty
33 dollars. The court may not reduce, waive, or suspend the additional
34 penalty unless the court finds the offender to be indigent. If a
35 community restitution program for offenders is available in the
36 jurisdiction, the court shall allow offenders to offset all or a part
37 of the penalty due under this subsection (8) by participation in the
38 community restitution program.

1 (b) Eight dollars and fifty cents of the additional penalty under
2 (a) of this subsection shall be remitted to the state treasurer. The
3 remaining revenue from the additional penalty must be remitted under
4 chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted
5 under this subsection to the state treasurer must be deposited as
6 provided in RCW 43.08.250. The balance of the revenue received by the
7 county or city treasurer under this subsection must be deposited into
8 the county or city current expense fund. Moneys retained by the city
9 or county under this subsection shall constitute reimbursement for any
10 liabilities under RCW 43.135.060.

11 (9) The monetary penalty for violating section 1 of this act is:
12 (a) Two hundred fifty dollars for the first violation; (b) five hundred
13 dollars for the second violation; and (c) seven hundred fifty dollars
14 for each violation thereafter.

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