

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2987

59th Legislature
2006 Regular Session

Passed by the House February 14, 2006
Yeas 72 Nays 26

Speaker of the House of Representatives

Passed by the Senate March 2, 2006
Yeas 39 Nays 8

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 **SUBSTITUTE HOUSE BILL 2987** 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**

SUBSTITUTE HOUSE BILL 2987

Passed Legislature - 2006 Regular Session

State of Washington 59th Legislature 2006 Regular Session

By House Committee on Transportation (originally sponsored by
Representatives Kagi, Clibborn and Dickerson)

READ FIRST TIME 02/08/06.

1 AN ACT Relating to vehicle gross weight violations; and amending
2 RCW 46.44.105.

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

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

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

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

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

18 (b) Four thousand one pounds through ten thousand pounds overweight

1 is one hundred twenty dollars plus twelve cents per pound for each
2 additional pound over four thousand pounds overweight;

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

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

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

13 Upon a first violation in any calendar year, the court may suspend
14 the penalty for five hundred pounds of excess weight for each axle on
15 any vehicle or combination of vehicles, not to exceed a two thousand
16 pound suspension. In no case may the basic penalty assessed in
17 subsection (1) of this section or the additional penalty assessed in
18 subsection (2) of this section, except as provided for the first
19 violation, be suspended.

20 (3) Whenever any vehicle or combination of vehicles is involved in
21 two violations of RCW 46.44.041, 46.44.042, 46.44.047, 46.44.090,
22 46.44.091, or 46.44.095 during any twelve-month period, the court may
23 suspend the certificate of license registration of the vehicle or
24 combination of vehicles for not less than thirty days. Upon a third or
25 succeeding violation (~~in~~) of RCW 46.44.041, 46.44.042, 46.44.047,
26 46.44.090, 46.44.091, or 46.44.095, during any twelve-month period or
27 a third or succeeding out-of-service violation, as defined in the code
28 of federal regulations as of the effective date of this act, during any
29 twelve-month period, the court shall suspend the certificate of license
30 registration for not less than thirty days. Whenever the certificate
31 of license registration is suspended, the court shall secure such
32 certificate and immediately forward the same to the director with
33 information concerning the suspension.

34 (4) Any person found to have violated any posted limitations of a
35 highway or section of highway shall be assessed a monetary penalty of
36 not less than one hundred and fifty dollars, and the court shall in
37 addition thereto upon second violation within a twelve-month period

1 involving the same power unit, suspend the certificate of license
2 registration for not less than thirty days.

3 (5) It is unlawful for the driver of a vehicle to fail or refuse to
4 stop and submit the vehicle and load to a weighing, or to fail or
5 refuse, when directed by an officer upon a weighing of the vehicle to
6 stop the vehicle and otherwise comply with the provisions of this
7 section. It is unlawful for a driver of a commercial motor vehicle as
8 defined in RCW 46.32.005, other than the driver of a bus as defined in
9 RCW 46.32.005(2) or a vehicle with a gross vehicle or combination
10 weight not over sixteen thousand pounds and not transporting hazardous
11 materials in accordance with RCW 46.32.005(3), to fail or refuse to
12 stop at a weighing station when proper traffic control signs indicate
13 scales are open. However, unladen tow trucks regardless of weight and
14 farm vehicles carrying farm produce with a gross vehicle or combination
15 weight not over twenty-six thousand pounds may fail or refuse to stop
16 at a weighing station when proper traffic control signs indicate scales
17 are open.

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

32 Any vehicle whose driver or owner represents that the vehicle is
33 disabled or otherwise unable to proceed to a weighing location shall
34 have its load sealed or otherwise marked by any police officer. The
35 owner or driver shall be directed that upon completion of repairs, the
36 vehicle shall submit to weighing with the load and markings and/or seal
37 intact and undisturbed. Failure to report for weighing, appearing for
38 weighing with the seal broken or the markings disturbed, or removal of

1 any cargo prior to weighing is unlawful. Any person so convicted shall
2 be fined one thousand dollars, and in addition the certificate of
3 license registration shall be suspended for not less than thirty days.

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

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

13 (8) The penalties provided in subsections (1) and (2) of this
14 section shall be remitted as provided in chapter 3.62 RCW or RCW
15 10.82.070. For the purpose of computing the basic penalties and
16 additional penalties to be imposed under subsections (1) and (2) of
17 this section, the convictions shall be on the same vehicle or
18 combination of vehicles within a twelve-month period under the same
19 ownership.

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

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

1 Upon the third finding within a calendar year of a violation of the
2 requirements and conditions of a permit issued under RCW 46.44.095, the
3 permit shall be canceled, and the canceled permit shall be immediately
4 transmitted by the court or the arresting officer to the department of
5 transportation. The vehicle covered by the canceled permit is not
6 eligible for a new permit for a period of thirty days.

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

10 (11) It is a traffic infraction to direct the loading of a vehicle
11 with knowledge that it violates the requirements in RCW 46.44.041,
12 46.44.042, 46.44.047, 46.44.090, 46.44.091, or 46.44.095 and that it is
13 to be operated on the public highways of this state.

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

17 NEW SECTION. **Sec. 2.** The Washington state patrol shall develop
18 recommendations regarding the most effective methods for tracking the
19 violations that lead to suspensions of certificates of license
20 registration under RCW 46.44.105(3). The Washington state patrol shall
21 also develop recommendations for improving the safe operation of
22 commercial motor vehicles on Washington's highways and roads. In
23 developing these recommendations, the Washington state patrol shall
24 consult with, at a minimum, the following individuals: (1) A
25 representative of the administrative office of the courts; (2) a
26 representative of the department of licensing; (3) a representative of
27 the trucking industry; and (4) a member of the Washington utilities and
28 transportation commission. The recommendations shall be submitted to
29 the transportation committees of the legislature by December 1, 2006.

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