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**Transportation Committee**

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**HB 2865**

**Brief Description:** Concerning motor carrier hours of service.

**Sponsors:** Representatives Haler, Jarrett and Hailey.

**Brief Summary of Bill**

- Increases the penalties for incomplete, inaccurate, or falsifying commercial motor vehicle hours of service log books.
- Requires the Washington State Patrol to adopt rules quarterly for updated federal regulations relating to hours of service.

**Hearing Date:** 1/28/08

**Staff:** Jerry Long (786-7306).

**Background:**

According to the Federal Motor Carrier Regulations, every driver, with limited exceptions, who operates a motor vehicle is required to record their status in duplicate for each 24-hour period. The duty status time must be recorded on a specific grid. The duty status will be recorded as on or off duty. In addition, the following information must be included on the form:

- (1) date;
- (2) total miles driven;
- (3) truck and trailer number;
- (4) name of motor carrier;
- (5) driver's signature and certification;
- (6) 24- hour period starting time;
- (7) main office address;
- (8) remarks;
- (9) name of co-driver;
- (10) total hours; and
- (11) shipping document number(s) or name of shipper and commodity.

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All commercial drivers of private or common carriers within Washington and all commercial drivers driving interstate operation are required to comply with strict laws and regulations governing maximum on-duty time. These laws are for commercial vehicles in Washington that are over 26,000 pounds.

Drivers may not drive:

- more than 11 cumulative hours following 10 consecutive hours off duty;
- for any period after the end of the 14th hour after coming on duty following 10 consecutive hours off duty;
- after being on duty 60 hours in any seven consecutive days; and
- after being on duty 70 hours in any eight consecutive days;

Drivers may start a seven or eight day period after taking 34 or more hours off.

Drivers must submit or forward by mail the original driver's record of duty status to the employing motor carrier within 13 days following the completion of the of the form.

In Washington, the current base fee for a commercial vehicle roadside inspection relating to an hours of service violation commercial vehicle roadside inspection is \$64. The penalty when a motor vehicle carrier terminal inspection is performed and an hours of service violation is found is \$100 per hours of service violation.

Current federal penalties are \$550 per day, up to \$5,500 for a person or entity that prepares or maintains a record that is incomplete, inaccurate, or false.

### **Summary of Bill:**

The Washington State Patrol must adopt rules that implement the federal regulations relating to the hours of service on a quarterly basis to ensure the state rules are the same as the federal regulations.

The bill authorizes both state and local law enforcement officials to impose the hours of service penalties.

A roadside inspection base fine for an hours of service violation is increased from \$64 to \$550. This fine may not be reduced or eliminated.

Terminal audit penalty is increased from \$100 per each hours of service violation to \$550 per violation up to a maximum of \$5,500. The motor carrier's safety rating may be lowered. Federal criminal penalties may be brought against motor carriers who knowingly and willfully allow or require hours of service violations, or against motor carrier drivers that knowingly and willfully violate the hours of service rules.

**Appropriation:** None.

**Fiscal Note:** Requested on 1/24/08.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.