

# SENATE BILL REPORT

## SSB 5883

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As Amended by House, April 15, 2019

**Title:** An act relating to authorizing vehicles or combinations of vehicles carrying farm products to exceed total gross weight limits.

**Brief Description:** Authorizing vehicles or combinations of vehicles carrying farm products to exceed total gross weight limits.

**Sponsors:** Senate Committee on Transportation (originally sponsored by Senators King, Hobbs, Takko, Wellman, Rivers and Keiser).

**Brief History:**

**Committee Activity:** Transportation: 2/20/19, 2/27/19 [DPS, w/oRec].

**Floor Activity:**

Passed Senate: 3/07/19, 47-0.

Passed House: 4/15/19, 94-3.

### Brief Summary of First Substitute Bill

- Allows a vehicle or combination of vehicles solely carrying farm products from the field to exceed the weight limits in statute by up to 5 percent when on public highways in Washington, including limits established by a county.
- Specifies the additional weight allowance does not allow a vehicle or combination of vehicles to exceed any posted weight limit for a bridge.
- States that a special permit is not required for a vehicle or combination of vehicles qualifying for these additional weight allowances.
- Creates a requirement that the farm for which the driver is carrying farm products must have received four prior written warnings of the violations of exceeding the weight limitations before a traffic infraction or misdemeanor penalties may be imposed.

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### SENATE COMMITTEE ON TRANSPORTATION

**Majority Report:** That Substitute Senate Bill No. 5883 be substituted therefor, and the substitute bill do pass.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Signed by Senators Hobbs, Chair; King, Ranking Member; Sheldon, Assistant Ranking Member; Cleveland, Das, Fortunato, Lovelett, Nguyen, O'Ban, Padden, Randall, Takko, Wilson, C. and Zeiger.

**Minority Report:** That it be referred without recommendation.

Signed by Senator Saldaña, Vice Chair.

**Staff:** Bryon Moore (786-7726)

**Background:** In Washington no vehicle or combination of vehicles may operate on the public highways with a gross load on any single axle in excess of 20,000 pounds or upon any group of axles in excess of that designated in statute, except that two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each. Trucks are registered based on a declared gross vehicle weight with a graduated fee schedule in statute. Overweight permits are also available based on a graduated fee schedule.

The board of county commissioners of each county may, by resolution, limit or prohibit classes or types of vehicles on any county road or bridge and may limit the weight of vehicles which may travel on a county road or bridge. Any resolution must be effective for a definite period of time, which must be stated in the resolution.

**Summary of First Substitute Bill:** A vehicle or combination of vehicles carrying farm products from the field may exceed the weight limits in statute by up to 5 percent when on public highways in Washington. The highways cannot be part of the federal-aid interstate system. A vehicle or combination of a vehicles carrying a farm product from the field may also exceed the weight limits established by a board of county commissioners by up to 5 percent when operating on the public highways.

The vehicle must consist solely of farm products to qualify for the additional weight allowances. These allowances do not allow a vehicle or combination of vehicles to exceed any posted weight limit for a bridge. A special permit is not required for a vehicle or combination of vehicles qualifying for these additional weight allowances.

A farm would not be subject to a traffic infraction penalties unless the farm for which the driver is carrying farm products has received four prior written warnings of the violations of exceeding the weight limitations in the same calendar year. A farm is also exempt from the local misdemeanor penalties until four prior written warnings have been issued within the same calendar year. The written warnings must be recorded by the issuing officers to allow a determination of the number of previous written warnings within the calendar year. A traffic infraction or misdemeanor would be issued against the owner of the farm for whom the driver is carrying the products. The chief of the Washington State Patrol, with the advice of the Department of Transportation, is directed to adopt rules to aid in the enforcement of the bill.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Original Bill:** *The committee recommended a different version of the bill than what was heard.* PRO: This bill is about getting the crop out of the field. This deals with uncertainty from a crop production and weather which can increase the weight of the crop. The types of drivers we are talking about are only traveling short distances at harvest times. This allowance will provide a mechanism to deal with unforeseen issues which may increase the weight, such as moisture, or other factors. This is about being efficient and getting the crop distributed and provides needed flexibility.

CON: Recognizing the importance of the issue, the concern is the impact to our roads, particularly in rural areas. This will cause even more negative impact on our roads and exacerbate the aging infrastructure problem. This will also have significant impact on the bridges where many are already in need of repair.

OTHER: We are still trying to get a handle on the number of trucks that this additional weight allowance would apply to. Given this, it is hard to know how this will be the state road system over the long term.

**Persons Testifying:** PRO: Senator Curtis King, Prime Sponsor; Tim Boyd, Washington State Potato Commission; Diana Carlen, Washington Association of Wheat Growers; Jay Gordon, Washington State Dairy Federation.

CON: Jane Wall, Washington State Association of Counties.

OTHER: Chris Christopher, Washington State Department of Transportation.

**Persons Signed In To Testify But Not Testifying:** No one.

#### **EFFECT OF HOUSE AMENDMENT(S):**

- Modifies the penalty statute for a violation of the gross vehicle weight laws when the vehicle or combination of vehicles is carrying farm products from the field where grown or harvested and the vehicle exceeds gross vehicle weight limits by 5 percent or less.
- Lowers the number of prior written warnings in a calendar year from four to two before a traffic infraction penalties would be imposed for exceeding the gross weight limits when the vehicle or combination of vehicles is carrying farm products from the field where grown or harvested.
- Removes provisions that would: (1) amend the statute specifying gross weight limitations for certain vehicles carrying farm products; (2) allow vehicles meeting the same criteria to exceed weight limits established by a board of county commissioners; (3) exempt such vehicles from special permit requirements; (4) establish the four prior written warning threshold before imposing a traffic infraction or local misdemeanor; (5) change the entity receiving the traffic infraction or misdemeanor from the farm to the individual driver; and (6) specify that the additional weight allowance does not allow a vehicle to exceed the posted weight limits for bridges.