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**SUBSTITUTE SENATE BILL 5883**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** Senate Transportation (originally sponsored by Senators King, Hobbs, Takko, Wellman, Rivers, and Keiser)

READ FIRST TIME 03/01/19.

1 AN ACT Relating to authorizing vehicles or combinations of  
2 vehicles carrying farm products to exceed total gross weight limits;  
3 amending RCW 46.44.041, 46.44.091, 46.44.105, 36.75.270, and  
4 36.75.290; and prescribing penalties.

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

6 **Sec. 1.** RCW 46.44.041 and 2016 c 24 s 1 are each amended to read  
7 as follows:

8 (1) Except as provided in subsection (2) of this section, no  
9 vehicle or combination of vehicles shall operate upon the public  
10 highways of this state with a gross load on any single axle in excess  
11 of twenty thousand pounds, or upon any group of axles in excess of  
12 that set forth in the following table, except that two consecutive  
13 sets of tandem axles may carry a gross load of thirty-four thousand  
14 pounds each, if the overall distance between the first and last axles  
15 of such consecutive sets of tandem axles is thirty-six feet or more.

16 The following table is based on the following formula:  $W =$   
17  $500((LN/N-1)+12N+36)$ . W is the maximum weight in pounds (to the  
18 nearest 500 pounds) carried on any group of two (2) or more  
19 consecutive axles. L is the distance in feet between the extremes of

1 any group of two (2) or more consecutive axles. N is the number of  
 2 axles under consideration.

3 Maximum load in pounds carried  
 4 on any group of 2 or more  
 5 consecutive axles

6 Distance in feet  
 7 between the  
 8 extremes of any

9 group of 2 or  
 10 more  
 11 consecutive  
 12 axles

	2	3	4	5	6	7	8	9
	axles	axles						
4	34,000							
5	34,000							
6	34,000							
7	34,000							
8 & less	34,000	34,000						
more than 8	38,000	42,000						
9	39,000	42,500						
10	40,000	43,500						
11		44,000	49,000					
12		45,000	50,000					
13		45,500	50,500					
14		46,500	51,500	56,500				
15		47,000	52,000	57,000				
16		48,000	52,500	58,000				
17		48,500	53,500	58,500				
18		49,500	54,000	59,000	64,500			
19		50,000	54,500	60,000	65,000			
20		51,000	55,500	60,500	66,000			
21		51,500	56,000	61,000	66,500	72,000		
22		52,500	56,500	61,500	67,000	72,500		
23		53,000	57,500	62,500	68,000	73,000		
24		54,000	58,000	63,000	68,500	74,000		
25		54,500	58,500	63,500	69,000	74,500	80,000	
26		55,500	59,500	64,000	69,500	75,000	80,500	

1	27	56,000	60,000	65,000	70,000	75,500	81,000		
2	28	57,000	60,500	65,500	71,000	76,500	82,000	87,500	
3	29	57,500	61,500	66,000	71,500	77,000	82,500	88,000	
4	30	58,500	62,000	66,500	72,000	77,500	83,000	88,500	
5	31	59,000	62,500	67,500	72,500	78,000	83,500	89,000	
6	32	60,000	63,500	68,000	73,000	78,500	84,500	90,000	
7	33		64,000	68,500	74,000	79,000	85,000	90,500	
8	34		64,500	69,000	74,500	80,000	85,500	91,000	
9	35		65,500	70,000	75,000	80,500	86,000	91,500	
10	36		66,000	70,500	75,500	81,000	86,500	92,000	
11	37		66,500	71,000	76,000	81,500	87,000	93,000	
12	38		67,500	71,500	77,000	82,000	87,500	93,500	
13	39		68,000	72,500	77,500	82,500	88,500	94,000	
14	40		68,500	73,000	78,000	83,500	89,000	94,500	
15	41		69,500	73,500	78,500	84,000	89,500	95,000	
16	42		70,000	74,000	79,000	84,500	90,000	95,500	
17	43		70,500	75,000	80,000	85,000	90,500	96,000	
18	44		71,500	75,500	80,500	85,500	91,000	96,500	
19	45		72,000	76,000	81,000	86,000	91,500	97,500	
20	46		72,500	76,500	81,500	87,000	92,500	98,000	
21	47		73,500	77,500	82,000	87,500	93,000	98,500	
22	48		74,000	78,000	83,000	88,000	93,500	99,000	
23	49		74,500	78,500	83,500	88,500	94,000	99,500	
24	50		75,500	79,000	84,000	89,000	94,500	100,000	
25	51		76,000	80,000	84,500	89,500	95,000	100,500	
26	52		76,500	80,500	85,000	90,500	95,500	101,000	
27	53		77,500	81,000	86,000	91,000	96,500	102,000	
28	54		78,000	81,500	86,500	91,500	97,000	102,500	
29	55		78,500	82,500	87,000	92,000	97,500	103,000	
30	56		79,500	83,000	87,500	92,500	98,000	103,500	
31	57		80,000	83,500	88,000	93,000	98,500	104,000	
32	58			84,000	89,000	94,000	99,000	104,500	
33	59			85,000	89,500	94,500	99,500	105,500	
34	60			85,500	90,000	95,000	100,500	105,500	
35	61			86,000	90,500	95,500	101,000	105,500	
36	62			86,500	91,000	96,000	101,500	105,500	

1	63	87,500	92,000	96,500	102,000	105,500
2	64	88,000	92,500	97,500	102,500	105,500
3	65	88,500	93,000	98,000	103,000	105,500
4	66	89,000	93,500	98,500	103,500	105,500
5	67	90,000	94,000	99,000	104,500	105,500
6	68	90,500	95,000	99,500	105,000	105,500
7	69	91,000	95,500	100,000	105,500	105,500
8	70	91,500	96,000	101,000	105,500	105,500
9	71	92,500	96,500	101,500	105,500	105,500
10	72	93,000	97,000	102,000	105,500	105,500
11	73	93,500	98,000	102,500	105,500	105,500
12	74	94,000	98,500	103,000	105,500	105,500
13	75	95,000	99,000	103,500	105,500	105,500
14	76	95,500	99,500	104,500	105,500	105,500
15	77	96,000	100,000	105,000	105,500	105,500
16	78	96,500	101,000	105,500	105,500	105,500
17	79	97,500	101,500	105,500	105,500	105,500
18	80	98,000	102,000	105,500	105,500	105,500
19	81	98,500	102,500	105,500	105,500	105,500
20	82	99,000	103,000	105,500	105,500	105,500
21	83	100,000	104,000	105,500	105,500	105,500
22	84		104,500	105,500	105,500	105,500
23	85		105,000	105,500	105,500	105,500
24	86 or more		105,500	105,500	105,500	105,500

25 When inches are involved: Under six inches take lower, six inches or  
26 over take higher. The maximum load on any axle in any group of axles  
27 shall not exceed the single axle or tandem axle allowance as set  
28 forth in the table above.

29 The maximum axle and gross weights specified in this section are  
30 subject to the braking requirements set up for the service brakes  
31 upon any motor vehicle or combination of vehicles as provided by law.

32 Loads of not more than eighty thousand pounds which may be  
33 legally hauled in the state bordering this state which also has a  
34 sales tax, are legal in this state when moving to a port district  
35 within four miles of the bordering state except on the interstate

1 system. This provision does not allow the operation of a vehicle  
2 combination consisting of a truck tractor and three trailers.

3 Notwithstanding anything contained herein, a vehicle or  
4 combination of vehicles in operation on January 4, 1975, may operate  
5 upon the public highways of this state, including the interstate  
6 system within the meaning of section 127 of Title 23, United States  
7 Code, with an overall gross weight upon a group of two consecutive  
8 sets of dual axles which was lawful in this state under the laws,  
9 regulations, and procedures in effect in this state on January 4,  
10 1975.

11 (2)(a) A vehicle or combination of vehicles carrying farm  
12 products, as defined in RCW 7.48.310, from the field where the farm  
13 product was grown or harvested, may exceed the weight limits in  
14 subsection (1) of this section by up to five percent, as determined  
15 by the vehicle operator, in excess of any axle, internal axle  
16 spacing, or gross vehicle weight limit when operating upon any  
17 highway that is not part of the federal-aid interstate system. The  
18 exemption provided in this subsection does not allow a vehicle or  
19 combination of vehicles to exceed any posted weight limit for a  
20 bridge.

21 (b) The exemption provided in this subsection (2) applies only to  
22 a vehicle or combination of vehicles carrying a load or loads that  
23 consist solely of farm products, as defined in RCW 7.48.310.

24 **Sec. 2.** RCW 46.44.091 and 2001 c 262 s 2 are each amended to  
25 read as follows:

26 (1) Except as otherwise provided in subsections (3) and (4) of  
27 this section, no special permit shall be issued for movement on any  
28 state highway or route of a state highway within the limits of any  
29 city or town where the gross weight, including load, exceeds the  
30 following limits:

31 (a) Twenty-two thousand pounds on a single axle or on dual axles  
32 with a wheelbase between the first and second axles of less than  
33 three feet six inches;

34 (b) Forty-three thousand pounds on dual axles having a wheelbase  
35 between the first and second axles of not less than three feet six  
36 inches but less than seven feet;

37 (c) On any group of axles or in the case of a vehicle employing  
38 two single axles with a wheel base between the first and last axle of  
39 not less than seven feet but less than ten feet, a weight in pounds

1 determined by multiplying six thousand five hundred times the  
2 distance in feet between the center of the first axle and the center  
3 of the last axle of the group;

4 (d) On any group of axles with a wheel base between the first and  
5 last axle of not less than ten feet but less than thirty feet, a  
6 weight in pounds determined by multiplying two thousand two hundred  
7 times the sum of twenty and the distance in feet between the center  
8 of the first axle and the center of the last axle of the group;

9 (e) On any group of axles with a wheel base between the first and  
10 last axle of thirty feet or greater, a weight in pounds determined by  
11 multiplying one thousand six hundred times the sum of forty and the  
12 distance in feet between the center of the first axle and the center  
13 of the last axle of the group.

14 (2) The total weight of a vehicle or combination of vehicles  
15 allowable by special permit under subsection (1) of this section  
16 shall be governed by the lesser of the weights obtained by using the  
17 total number of axles as a group or any combination of axles as a  
18 group.

19 (3) The weight limitations pertaining to single axles may be  
20 exceeded to permit the movement of equipment operating upon single  
21 pneumatic tires having a rim width of twenty inches or more and a rim  
22 diameter of twenty-four inches or more or dual pneumatic tires having  
23 a rim width of sixteen inches or more and a rim diameter of twenty-  
24 four inches or more and specially designed vehicles manufactured and  
25 certified for special permits prior to July 1, 1975.

26 (4) Permits may be issued for weights in excess of the  
27 limitations contained in subsection (1) of this section on highways  
28 or sections of highways which have been designed and constructed for  
29 weights in excess of such limitations, or for any shipment duly  
30 certified as necessary by military officials, or by officials of  
31 public or private power facilities, or when in the opinion of the  
32 department of transportation the movement or action is a necessary  
33 movement or action: PROVIDED, That in the judgment of the department  
34 of transportation the structures and highway surfaces on the routes  
35 involved are capable of sustaining weights in excess of such  
36 limitations and it is not reasonable for economic or operational  
37 considerations to transport such excess weights by rail or water for  
38 any substantial distance of the total mileage applied for.

39 (5) Application shall be made in writing on special forms  
40 provided by the department of transportation and shall be submitted

1 at least thirty-six hours in advance of the proposed movement. An  
2 application for a special permit for a gross weight of any  
3 combination of vehicles exceeding two hundred thousand pounds shall  
4 be submitted in writing to the department of transportation at least  
5 thirty days in advance of the proposed movement.

6 (6) A special permit is not required for a vehicle or combination  
7 of vehicles meeting the exemption under RCW 46.44.041(2).

8 **Sec. 3.** RCW 46.44.105 and 2007 c 419 s 13 are each amended to  
9 read as follows:

10 (1) (a) Except as provided in (b) of this subsection, a violation  
11 of any of the provisions of this chapter is a traffic infraction, and  
12 upon the first finding thereof shall be assessed a basic penalty of  
13 not less than fifty dollars; and upon a second finding thereof shall  
14 be assessed a basic penalty of not less than seventy-five dollars;  
15 and upon a third or subsequent finding shall be assessed a basic  
16 penalty of not less than one hundred dollars.

17 (b) A violation of RCW 46.44.041(2) is not a traffic infraction  
18 unless the farm for which the driver is carrying farm products has  
19 received four prior written warnings of the violations of exceeding  
20 the weight limitations specified in RCW 46.44.041 within the calendar  
21 year. The written warnings must be recorded by the issuing officer to  
22 allow a determination of the number of previous written warnings  
23 within the calendar year. A traffic infraction issued under this  
24 subsection must be issued against the owner of the farm for whom the  
25 driver is carrying the products. The chief of the Washington state  
26 patrol, with the advice of the department, shall adopt rules to aid  
27 in the enforcement of this subsection.

28 (2) Except as provided in subsection (1)(b) of this section, in  
29 addition to the penalties imposed in subsection (1) of this section,  
30 any person violating RCW 46.44.041, 46.44.042, 46.44.047, 46.44.090,  
31 46.44.091, or 46.44.095 shall be assessed a penalty for each pound  
32 overweight, as follows:

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

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

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

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

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

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

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

24 (4) It is unlawful for the driver of a vehicle to fail or refuse  
25 to stop and submit the vehicle and load to a weighing, or to fail or  
26 refuse, when directed by an officer upon a weighing of the vehicle to  
27 stop the vehicle and otherwise comply with the provisions of this  
28 section. It is unlawful for a driver of a commercial motor vehicle as  
29 defined in RCW 46.32.005, other than the driver of a bus as defined  
30 in RCW 46.32.005(3) or a vehicle with a gross vehicle weight rating  
31 or gross combination weight rating of 7,257 kilograms or less (16,000  
32 pounds or less) and not transporting hazardous materials in  
33 accordance with RCW 46.32.005(4), to fail or refuse to stop at a  
34 weighing station when proper traffic control signs indicate scales  
35 are open. However, unladen tow trucks regardless of weight and farm  
36 vehicles carrying farm produce with a gross vehicle weight rating or  
37 gross combination weight rating of 11,794 kilograms or less (26,000  
38 pounds or less) may fail or refuse to stop at a weighing station when  
39 proper traffic control signs indicate scales are open.

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

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

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

31 (6) For the purpose of determining additional penalties as  
32 provided by subsection (2) of this section, "overweight" means the  
33 poundage in excess of the maximum allowable gross weight or axle/axle  
34 grouping weight prescribed by RCW 46.44.041, 46.44.042, 46.44.047,  
35 46.44.091, and 46.44.095.

36 (7) The penalties provided in subsections (1) and (2) of this  
37 section shall be remitted as provided in chapter 3.62 RCW or RCW  
38 10.82.070. For the purpose of computing the basic penalties and  
39 additional penalties to be imposed under subsections (1) and (2) of  
40 this section, the convictions shall be on the same vehicle or

1 combination of vehicles within a twelve-month period under the same  
2 ownership.

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

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

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

28 (9) For the purposes of determining gross weights the actual  
29 scale weight taken by the arresting officer is prima facie evidence  
30 of the total gross weight.

31 (10) Except as provided in subsection (1)(b) of this section, it  
32 is a traffic infraction to direct the loading of a vehicle with  
33 knowledge that it violates the requirements in RCW 46.44.041,  
34 46.44.042, 46.44.047, 46.44.090, 46.44.091, or 46.44.095 and that it  
35 is to be operated on the public highways of this state.

36 (11) The chief of the state patrol, with the advice of the  
37 department, may adopt reasonable rules to aid in the enforcement of  
38 this section.

1       **Sec. 4.** RCW 36.75.270 and 1963 c 4 s 36.75.270 are each amended  
2 to read as follows:

3       (1) The board of county commissioners of each county may by  
4 resolution limit or prohibit classes or types of vehicles on any  
5 county road or bridge and may limit the weight of vehicles which may  
6 travel thereon. Any such resolution shall be effective for a definite  
7 period of time which shall be stated in the resolution. If such  
8 resolution is published at least once in a newspaper of general  
9 circulation in the county and if signs indicating such closure or  
10 limitation of traffic have been posted on such road or bridge, any  
11 person violating such resolution shall be guilty of a misdemeanor.

12       (2)(a) However, a vehicle or combination of vehicles carrying  
13 farm products, as defined in RCW 7.48.310, from the field where the  
14 farm product was grown or harvested, may exceed the weight limits  
15 established by a board of county commissioners under subsection (1)  
16 of this section by up to five percent, as determined by the vehicle  
17 operator, in excess of any axle, internal axle spacing, or gross  
18 vehicle weight limit when operating upon the public highways of the  
19 state. The exemption provided in this subsection does not allow a  
20 vehicle or combination of vehicles to exceed any posted weight limit  
21 for a bridge.

22       (b) The exemption provided in this subsection (2) applies only to  
23 a vehicle or combination of vehicles carrying a load or loads that  
24 consist solely of farm products, as defined in RCW 7.48.310.

25       **Sec. 5.** RCW 36.75.290 and 1963 c 4 s 36.75.290 are each amended  
26 to read as follows:

27       (1) Except as provided subsection (2) of this section, it shall  
28 be a misdemeanor for any person to violate any of the provisions of  
29 this title relating to county roads and bridges unless such violation  
30 is by this title or other law of this state declared to be a felony  
31 or gross misdemeanor.

32       (2) A violation of RCW 36.75.270(2) is not a misdemeanor unless  
33 the farm for which the driver is carrying farm products has received  
34 four prior written warnings of the violations of exceeding the weight  
35 limitations specified in RCW 36.75.270(2) within the calendar year.  
36 The written warnings must be recorded by the issuing officer to allow  
37 a determination of the number of previous written warnings within the  
38 calendar year. A traffic infraction issued under this subsection must

1 be issued against the owner of the farm for whom the driver is  
2 carrying the products.

--- **END** ---