

SENATE BILL REPORT

SB 5938

AS OF MARCH 8, 1993

Brief Description: Regulating commercial motor vehicles.

SPONSORS: Senators Loveland and Winsley

SENATE COMMITTEE ON TRANSPORTATION

Staff: Roger Horn (786-7839)

Hearing Dates: March 8, 1993

BACKGROUND:

Commercial vehicles in Washington are required to adhere to laws regarding size, weight, and load, equipment standards, general safety inspections, and safety in the transportation of hazardous materials. Commercial vehicle enforcement officers of the Washington State Patrol enforce these laws on state highways.

Violations of commercial vehicle weight, size, load, equipment, and safety laws are adjudicated in the state's municipal and district courts. Revenue from fines for commercial vehicle violations, like those for most other offenses adjudicated by the courts, are divided between local jurisdictions and the state. For most fines, the state receives 43 percent of the fine revenue and the local jurisdiction, 57 percent. The state's portion is deposited in the public safety and education account (PSEA) from which it is appropriated for the following purposes: traffic safety education, highway safety, criminal justice training, crime victims compensation, judicial education, the judicial information system, civil representation of indigent persons, winter recreation parking, and state game programs.

The public safety and education account was established in the Court Improvement Act of 1984 and took effect July 1, 1985. Prior to that time, 50 percent of the basic fine revenue (net of court costs) for all traffic violations under Title 46, which includes commercial vehicle infractions, was deposited in the state's highway safety fund. An additional penalty of three cents per pound was deposited in the state's motor vehicle fund.

Fine levels for commercial vehicle equipment and safety violations are set by the Administrator for the Courts. Fine levels for size, weight, and load violations are set in statute.

SUMMARY:

A civil penalty process within the State Patrol is created for the enforcement of laws pertaining to commercial vehicles, including size, weight, and load, equipment standards, general safety inspections, and safety in the transportation of hazardous materials.

EFFECT OF PROPOSED SUBSTITUTE:

A civil penalty process within the State Patrol is created for the enforcement of laws pertaining to commercial vehicles, including size, weight, and load, equipment standards, general safety inspections, and safety in the transportation of hazardous materials. The chief of the State Patrol is authorized to retain the services of administrative law judges to carry out this process. Only citations written by officers of the Washington State Patrol are enforced through this process.

Penalties for size, weight, and load violations will remain as in current law. Equipment and safety fines will be determined by the chief in consultation with the Administrator for the Courts. Revenue from penalties imposed under this process will be deposited in the motor vehicle fund.

A process for appeals of decisions by administrative law judges is described. If fines are not remitted within a reasonable period as determined by rule, an administrative law judge is authorized to order removal of state license tabs or cancellation of a vehicle license issued under the international registration plan of vehicles found to be in violation. Provisions regarding admission of evidence and judicial review and relief shall be consistent with administrative law statutes.

Appropriation: none

Revenue: yes

Fiscal Note: requested March 1, 1993

Effective Date: July 1, 1994