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**SUBSTITUTE HOUSE BILL 1129**

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**State of Washington**

**53rd Legislature**

**1993 Regular Session**

**By** House Committee on Transportation (originally sponsored by Representatives R. Fisher, Brown, Schmidt, Brough and Mielke; by request of Washington State Patrol)

Read first time 02/05/93.

1 AN ACT Relating to commercial motor vehicle inspection; amending  
2 RCW 46.32.010, 46.32.020, and 46.44.105; adding a new section to  
3 chapter 46.32 RCW; and repealing RCW 46.44.100.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 46.32 RCW  
6 to read as follows:

7 For the purpose of this chapter "commercial motor vehicle" means a  
8 self-propelled or towed vehicle designed or used to transport  
9 passengers or property, if the vehicle:

10 (1) Has a gross vehicle weight rating or gross combination weight  
11 rating of ten thousand one or more pounds;

12 (2) Is designed to transport sixteen or more passengers, including  
13 the driver; or

14 (3) Is transporting hazardous materials and is required to be  
15 identified by a placard in accordance with 49 C.F.R. Sec. 172.500-.560  
16 (1991).

17 A recreational vehicle used for noncommercial purposes is not  
18 considered a commercial motor vehicle. "Recreational vehicle" includes  
19 a vehicle towing a horse trailer for a noncommercial purpose.

1       **Sec. 2.** RCW 46.32.010 and 1986 c 123 s 1 are each amended to read  
2 as follows:

3       (1) The chief of the Washington state patrol may operate, maintain,  
4 or designate, throughout the state of Washington, stations for the  
5 inspection of school buses and private carrier buses, with respect to  
6 vehicle equipment, drivers' qualifications, and hours of service and to  
7 set reasonable times when inspection of vehicles shall be performed.

8       (2) ~~((The inspection of private, common, and contract carriers with  
9 respect to vehicle equipment, drivers' qualifications, and hours of  
10 service shall be done in conjunction with weight enforcement under RCW  
11 46.44.100))~~ The state patrol may inspect a commercial motor vehicle  
12 while the vehicle is operating on the public highways of this state  
13 with respect to vehicle equipment, hours of service, and driver  
14 qualifications.

15       (3) It is unlawful for any vehicle required to be inspected to be  
16 operated over the public highways of this state unless and until it has  
17 been approved periodically as to equipment.

18       (4) Inspections shall be performed by a responsible employee of the  
19 chief of the Washington state patrol, who shall be duly authorized and  
20 who shall have authority to secure and withhold, with written notice to  
21 the director of licensing, the certificate of license registration and  
22 license plates of any vehicle found to be defective in equipment so as  
23 to be unsafe or unfit to be operated upon the highways of this state,  
24 and it shall be unlawful for any person to operate such vehicle unless  
25 and until it has been placed in a condition satisfactory to pass a  
26 subsequent equipment inspection. The police officer in charge of such  
27 vehicle equipment inspection shall grant to the operator of such  
28 defective vehicle the privilege to move such vehicle to a place for  
29 repair under such restrictions as may be reasonably necessary.

30       (5) In the event any insignia, sticker, or other marker is adopted  
31 to be displayed upon vehicles in connection with the inspection of  
32 vehicle equipment, it shall be displayed as required by the rules of  
33 the chief of the Washington state patrol, and it is a traffic  
34 infraction for any person to mutilate, destroy, remove, or otherwise  
35 interfere with the display thereof.

36       (6) It is a traffic infraction for any person to refuse to have his  
37 motor vehicle examined as required by the chief of the Washington state  
38 patrol, or, after having had it examined, to refuse to place an  
39 insignia, sticker, or other marker, if issued, upon the vehicle, or

1 fraudulently to obtain any such insignia, sticker, or other marker, or  
2 to refuse to place his motor vehicle in proper condition after having  
3 had it examined, or in any manner, to fail to conform to the provisions  
4 of this chapter.

5 (7) It is a traffic infraction for any person to perform false or  
6 improvised repairs, or repairs in any manner not in accordance with  
7 acceptable and customary repair practices, upon a motor vehicle.

8 **Sec. 3.** RCW 46.32.020 and 1986 c 123 s 2 are each amended to read  
9 as follows:

10 The chief of the Washington state patrol may adopt reasonable rules  
11 regarding types of vehicles to be inspected, inspection criteria, times  
12 for the inspection of vehicle equipment, drivers' qualifications, hours  
13 of service, and all other matters with respect to the conduct of  
14 vehicle equipment and driver inspections.

15 The chief of the Washington state patrol shall prepare and furnish  
16 such stickers, tags, record and report forms, stationery, and other  
17 supplies as shall be deemed necessary. The chief of the Washington  
18 state patrol is empowered to appoint and employ such assistants as he  
19 may consider necessary and to fix hours of employment and compensation.

20 **Sec. 4.** RCW 46.44.105 and 1990 c 217 s 1 are each amended to read  
21 as follows:

22 (1) Violation of any of the provisions of RCW 46.44.041, 46.44.042,  
23 46.44.047, 46.44.090, 46.44.091, and 46.44.095, or failure to obtain a  
24 permit as provided by RCW 46.44.090 and 46.44.095, or misrepresentation  
25 of the size or weight of any load or failure to follow the requirements  
26 and conditions of a permit issued hereunder is a traffic infraction,  
27 and upon the first finding thereof shall be assessed a basic penalty of  
28 not less than fifty dollars; and upon a second finding thereof shall be  
29 assessed a basic penalty of not less than seventy-five dollars; and  
30 upon a third or subsequent finding shall be assessed a basic penalty of  
31 not less than one hundred dollars.

32 (2) In addition to the penalties imposed in subsection (1) of this  
33 section, any person violating RCW 46.44.041, 46.44.042, 46.44.047,  
34 46.44.090, 46.44.091, or 46.44.095 shall be assessed three cents for  
35 each pound of excess weight. Upon a first violation in any calendar  
36 year, the court may suspend the penalty for five hundred pounds of  
37 excess weight for each axle on any vehicle or combination of vehicles,

1 not to exceed a two thousand pound suspension. In no case may the  
2 basic penalty assessed in subsection (1) of this section be suspended.

3 (3) Whenever any vehicle or combination of vehicles is involved in  
4 two violations of RCW 46.44.041, 46.44.042, 46.44.047, 46.44.090,  
5 46.44.091, or 46.44.095 during any twelve-month period, the court may  
6 suspend the certificate of license registration of the vehicle or  
7 combination of vehicles for not less than thirty days. Upon a third or  
8 succeeding violation in any twelve-month period, the court shall  
9 suspend the certificate of license registration for not less than  
10 thirty days. Whenever the certificate of license registration is  
11 suspended, the court shall secure such certificate and immediately  
12 forward the same to the director with information concerning the  
13 suspension.

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

20 (5) It is unlawful for the driver of a vehicle to fail or refuse to  
21 stop and submit the vehicle and load to a weighing, or to fail or  
22 refuse, when directed by an officer upon a weighing of the vehicle to  
23 stop the vehicle and otherwise comply with the provisions of this  
24 section. It is unlawful for a driver of a commercial motor vehicle as  
25 defined in section 1 of this act to fail or refuse to stop at a  
26 weighing station when proper traffic control signs indicate scales are  
27 open.

28 Any police officer is authorized to require the driver of any  
29 vehicle or combination of vehicles to stop and submit to a weighing  
30 either by means of a portable or stationary scale and may require that  
31 the vehicle be driven to the nearest public scale. Whenever a police  
32 officer, upon weighing a vehicle and load, determines that the weight  
33 is unlawful, the officer may require the driver to stop the vehicle in  
34 a suitable location and remain standing until such portion of the load  
35 is removed as may be necessary to reduce the gross weight of the  
36 vehicle to the limit permitted by law. If the vehicle is loaded with  
37 grain or other perishable commodities, the driver shall be permitted to  
38 proceed without removing any of the load, unless the gross weight of  
39 the vehicle and load exceeds by more than ten percent the limit

1 permitted by this chapter. The owner or operator of the vehicle shall  
2 care for all materials unloaded at the risk of the owner or operator.

3 Any vehicle whose driver or owner represents that the vehicle is  
4 disabled or otherwise unable to proceed to a weighing location shall  
5 have its load sealed or otherwise marked by any police officer. The  
6 owner or driver shall be directed that upon completion of repairs, the  
7 vehicle shall submit to weighing with the load and markings and/or seal  
8 intact and undisturbed. Failure to report for weighing, appearing for  
9 weighing with the seal broken or the markings disturbed, or removal of  
10 any cargo prior to weighing is unlawful. Any person so convicted shall  
11 be fined five hundred dollars, and in addition the certificate of  
12 license registration shall be suspended for not less than thirty days.

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

17 (7) For the purpose of determining additional penalties as provided  
18 by subsection (2) of this section, "excess weight" means the poundage  
19 in excess of the maximum gross weight prescribed by RCW 46.44.041 and  
20 46.44.042 plus the weights allowed by RCW 46.44.047, 46.44.091, and  
21 46.44.095.

22 (8) The penalties provided in subsections (1) and (2) of this  
23 section shall be remitted as provided in chapter 3.62 RCW or RCW  
24 10.82.070. For the purpose of computing the basic penalties and  
25 additional penalties to be imposed under the provisions of subsections  
26 (1) and (2) of this section the convictions shall be on the same  
27 vehicle or combination of vehicles within a twelve-month period under  
28 the same ownership.

29 (9) Any state patrol officer or any weight control officer who  
30 finds any person operating a vehicle or a combination of vehicles in  
31 violation of the conditions of a permit issued under RCW 46.44.047,  
32 46.44.090, and 46.44.095 may confiscate the permit and forward it to  
33 the state department of transportation which may return it to the  
34 permittee or revoke, cancel, or suspend it without refund. The  
35 department of transportation shall keep a record of all action taken  
36 upon permits so confiscated, and if a permit is returned to the  
37 permittee the action taken by the department of transportation shall be  
38 endorsed thereon. Any permittee whose permit is suspended or revoked  
39 may upon request receive a hearing before the department of

1 transportation or person designated by that department. After the  
2 hearing the department of transportation may reinstate any permit or  
3 revise its previous action.

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

8 Upon the third finding within a calendar year of a violation of the  
9 requirements and conditions of a permit issued under RCW 46.44.095 as  
10 now or hereafter amended, the permit shall be canceled, and the  
11 canceled permit shall be immediately transmitted by the court or the  
12 arresting officer to the department of transportation. The vehicle  
13 covered by the canceled permit is not eligible for a new permit for a  
14 period of thirty days.

15 (10) For the purposes of determining gross weights the actual scale  
16 weight taken by the arresting officer is prima facie evidence of the  
17 total gross weight.

18 (11) It is a traffic infraction to direct the loading of a vehicle  
19 with knowledge that it violates the requirements in RCW 46.44.041,  
20 46.44.042, 46.44.047, 46.44.090, 46.44.091, or 46.44.095 and that it is  
21 to be operated on the public highways of this state.

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

25 NEW SECTION. **Sec. 5.** RCW 46.44.100 and 1971 ex.s. c 148 s 2, 1967  
26 c 32 s 52, & 1961 c 12 s 46.44.100 are each repealed.

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