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HOUSE BILL 1129

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State of Washington

53rd Legislature

1993 Regular Session

By Representatives R. Fisher, Brown, Schmidt, Brough and Mielke; by request of Washington State Patrol

Read first time 01/15/93. Referred to Committee on Transportation.

1 AN ACT Relating to commercial motor vehicle inspection; and  
2 amending RCW 46.04.140, 46.32.010, 46.32.020, and 46.44.100.

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

4 **Sec. 1.** RCW 46.04.140 and 1961 c 12 s 46.04.140 are each amended  
5 to read as follows:

6 (~~"Commercial vehicle" means any vehicle the principal use of which~~  
7 ~~is the transportation of commodities, merchandise, produce, freight,~~  
8 ~~animals, or passengers for hire.)) Except as provided under chapter  
9 46.25 RCW, "commercial motor vehicle" means a self-propelled or towed  
10 vehicle designed or used to transport passengers or property, if the  
11 vehicle:~~

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

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

16 (3) Is transporting hazardous materials and is required to be  
17 identified by a placard in accordance with 49 C.F.R. Sec. 172.500-.560  
18 (1991).

1 A recreational vehicle used for noncommercial purposes is not  
2 considered a commercial motor vehicle. "Recreational vehicle" includes  
3 a vehicle towing a horse trailer for a noncommercial purpose.

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

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

11 ~~((The inspection of private, common, and contract carriers with~~  
12 ~~respect to vehicle equipment, drivers' qualifications, and hours of~~  
13 ~~service shall be done in conjunction with weight enforcement under RCW~~  
14 ~~46.44.100)) The state patrol may inspect a commercial motor vehicle as  
15 defined in RCW 46.04.140 while the vehicle is operating on the public  
16 highways of this state with respect to vehicle equipment, hours of  
17 service, and driver qualifications.~~

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

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

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

1 (6) It is a traffic infraction for any person to refuse to have his  
2 motor vehicle examined as required by the chief of the Washington state  
3 patrol, or, after having had it examined, to refuse to place an  
4 insignia, sticker, or other marker, if issued, upon the vehicle, or  
5 fraudulently to obtain any such insignia, sticker, or other marker, or  
6 to refuse to place his motor vehicle in proper condition after having  
7 had it examined, or in any manner, to fail to conform to the provisions  
8 of this chapter.

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

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

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

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

24 **Sec. 4.** RCW 46.44.100 and 1971 ex.s. c 148 s 2 are each amended to  
25 read as follows:

26 Any police officer is authorized to require the driver of any  
27 vehicle or combination of vehicles to stop and submit to a weighing of  
28 the same either by means of a portable or stationary scale and may  
29 require that such vehicle be driven to the nearest public scale.

30 Whenever a police officer, upon weighing a vehicle and load, as  
31 above provided, determines that the weight is unlawful, such officer  
32 may, in addition to any other penalty provided, require the driver to  
33 stop the vehicle in a suitable place and remain standing until such  
34 portion of the load is removed as may be necessary to reduce the gross  
35 weight of such vehicle to such limit as permitted under this chapter:  
36 PROVIDED, That in the event such vehicle is loaded with grain or other  
37 perishable commodities, the driver shall be permitted to proceed

1 without removing any of such load, unless the gross weight of the  
2 vehicle and load exceeds by more than ten percent the limit permitted  
3 by this chapter. All materials unloaded shall be cared for by the  
4 owner or operator of such vehicle at the risk of such owner or  
5 operator.

6 It shall be unlawful for any driver of a vehicle to fail or refuse  
7 to stop and submit the vehicle and load to a weighing, or to fail or  
8 refuse, when directed by an officer upon a weighing of the vehicle to  
9 stop the vehicle and otherwise comply with the provisions of this  
10 section.

11 It is unlawful for any driver of a commercial motor vehicle to fail  
12 or refuse to stop at a weighing station when proper traffic control  
13 signs indicate scales are open.

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