

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1129

53rd Legislature
1993 Regular Session

Passed by the House April 20, 1993
Yeas 97 Nays 0

**Speaker of the
House of Representatives**

Passed by the Senate April 15, 1993
Yeas 45 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Alan Thompson, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1129** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1129

AS AMENDED BY THE SENATE

Passed Legislature - 1993 Regular Session

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, other than the driver of a bus as
26 defined in section 1(2) of this act, to fail or refuse to stop at a
27 weighing station when proper traffic control signs indicate scales are
28 open.

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

1 the vehicle and load exceeds by more than ten percent the limit
2 permitted by this chapter. The owner or operator of the vehicle shall
3 care for all materials unloaded at the risk of the owner or operator.

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

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

18 (7) For the purpose of determining additional penalties as provided
19 by subsection (2) of this section, "excess weight" means the poundage
20 in excess of the maximum gross weight prescribed by RCW 46.44.041 and
21 46.44.042 plus the weights allowed by RCW 46.44.047, 46.44.091, and
22 46.44.095.

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

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

1 may upon request receive a hearing before the department of
2 transportation or person designated by that department. After the
3 hearing the department of transportation may reinstate any permit or
4 revise its previous action.

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

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

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

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

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

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

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