

# HOUSE BILL REPORT

## ESHB 1209

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### As Amended by Senate

**Title:** An act relating to commercial vehicle safety enforcement by the Washington state patrol.

**Brief Description:** Regulating commercial vehicle safety.

**Sponsors:** By House Committee on Transportation (originally sponsored by Representatives K. Schmidt, Mielke, Johnson, Quall, Mitchell, Buck, Romero, Horn and Huff).

### **Brief History:**

#### **Committee Activity:**

Transportation: 2/1/95, 2/21/95 [DPS].

#### **Floor Activity:**

Passed House: 3/9/95, 97-0.

Senate Amended.

House Refused to Concur.

Senate Amended.

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## HOUSE COMMITTEE ON TRANSPORTATION

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 27 members: Representatives K. Schmidt, Chairman; Benton, Vice Chairman; Mitchell, Vice Chairman; Skinner, Vice Chairman; R. Fisher, Ranking Minority Member; Hatfield, Assistant Ranking Minority Member; Backlund; Blanton; Brown; Buck; Cairnes; Chandler; Chopp; Elliot; Hankins; Horn; Johnson; Koster; McMahan; Ogden; Patterson; Quall; Robertson; Romero; D. Schmidt; Scott and Tokuda.

**Staff:** Mary McLaughlin (786-7309).

**Background:** There are currently two truck safety inspection programs for the state of Washington. One is a roadside inspection program for all interstate and intrastate for-hire and private carriers. The other is a terminal inspection program for for-hire intrastate carriers and private carriers (26,000 pounds or more) with terminals in the state of Washington.

Washington State Patrol (WSP) Inspection Program:

The WSP truck safety program is a roadside inspection and enforcement program that deals with hours of service, driver qualifications, weight control, equipment violations, vehicle licensing, hazardous materials routing and placarding compliance, etc. The program applies to any commercial motor vehicle that (1) has a gross vehicle weight of 10,000 pounds or more, (2) is designed to transport 16 or more passengers, or (3) is transporting hazardous materials that require placarding. Interstate and intrastate for-hire carriers and private carriers are subject the WSP's inspection program.

The majority of the truck safety program is conducted by the Commercial Vehicle Enforcement Section at the weigh stations and ports of entry. Random highway inspections are also conducted. Citations may be issued for violation of the driver and vehicle licensing statutes; trip permits; size, weight and load requirements; equipment standards; driving under the influence; all traffic infractions; misdemeanors/gross misdemeanors and criminal offenses.

The WSP is also charged with an annual inspection of the state's public school buses. An initial inspection is required before a bus is placed in service, and a reinspection is required after major repairs or renovations are made to a bus. The annual inspection consists of (1) inspection of 100 percent of the fleet with prior notification, and (2) inspection of 25 percent of the fleet unannounced.

#### Utilities & Transportation Commission (UTC) Inspection Program:

The UTC truck safety program is mainly a terminal survey enforcement program conducted at the carrier's place of business. A trucking company's office records are inspected for driver qualifications, hours of service and drug testing. Vehicles in the yard are also inspected for equipment violations. The UTC's authority extends to both interstate and intrastate for-hire carriers and private carriers with vehicles weighing 26,000 pounds or more who have terminals in the state of Washington.

Exempt carriers include vehicles transporting the United States mail, newspapers or periodicals; government vehicles, farm vehicles, and towing vehicles.

Citations may be issued for driver and equipment violations. In addition, the commission may impose administrative penalties of \$100 per violation.

Note: Prior to January 1, 1995, the UTC's terminal audits also included economic compliance (rates, routes and permit authority). With the advent of intrastate deregulation at the beginning of this year, the UTC's economic regulation now only applies to for-hire buses, solid waste collection companies (including curbside recycling), private ferries, and household goods carriers.

**Summary of Bill:** Beginning January 1, 1996, the Utilities & Transportation Commission's (UTC's) terminal inspection program and the Washington State Patrol's (WSP's) roadside truck safety inspection program are consolidated in the WSP. The WSP is responsible for enforcement of truck safety, including terminal safety audits. All carriers with terminals in the state of Washington are subject to terminal safety audits.

Exempt vehicles are: (1) farm vehicles; (2) commercial vehicles regulated by the UTC [household goods carriers (moving and storage companies), auto transportation companies (commercial buses), passenger charter buses, solid waste and collection companies, including their affiliated commercial/curbside recycling operations, and limousines]; and (3) vehicles owned by the federal, state or local governments.

An annual non-refundable \$10/vehicle inspection fee is collected by the Department of Licensing (DOL) at the time of annual vehicle licensing for each vehicle base-plated in Washington. A portion of the fee may be retained by DOL to cover the cost of administration. The remainder of the fee is deposited in the State Patrol Highway Account in the motor vehicle fund.

The fee can be adjusted to cover the cost of the inspection program. The DOL, in consultation with the WSP, can recommend a fee adjustment to the Legislative Transportation Committee and the House and Senate Transportation Committees. The committees must give their approval before DOL may proceed to adjust the fee through administrative rule.

The WSP may impose administrative penalties for violations discovered during a terminal audit. The penalty is \$100 per violation. Each violation is a separate and distinct offense. In the case of a continuing violation, each day's continuance is a separate violation (same penalty and procedures used for common and contract carriers under the UTC's economic jurisdiction).

The WSP will give preferential consideration to UTC investigators when filling the commercial vehicle enforcement officer positions needed to implement the terminal safety audit program.

The UTC's private carrier terminal audit program is repealed.

#### **EFFECT OF SENATE AMENDMENT(S):**

**UTC inspector positions are transferred to WSP under standard agency transfer procedures. Technical amendments are added to simplify DOL's collection of the annual inspection fee. The inspectors will only be transferred after passing the WSP background check.**

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Bill:** The bill takes effect on January 1, 1996.

**Testimony For:** Consolidation will reduce possible duplication and streamline the state's truck safety inspection program.

**Testimony Against:** In the interest of a smooth transition, an interim study is desirable.

**Testified:** Larry Pursley, Washington Trucking Association (pro); Steve McLellan, Utilities & Transportation Commission (con); Commissioner Bill Gillis, Utilities & Transportation Commission (con); Rick Jensen, Washington State Patrol Troopers Association (pro); Devone Smith, Washington Federation of State Employees (con); Cindy Zehnder, Joint Council of Teamsters (pro); Doug Bohlke, Evergreen State Taxicab Association (con); Debbie Wilke, Washington Association of County Officials (neutral); Bill Fosbre, Office of Administrator for the Courts (neutral); and Tony Meinhardt, Independent Business Association (pro).

**Votes on Final Passage:**

Yeas 97; Excused 1

Excused: Blanton