

HOUSE BILL REPORT

HB 2141

As Passed House

January 16, 1998

Title: An act relating to terminal safety audit penalties.

Brief Description: Providing changes to terminal audit violation penalties.

Sponsors: By House Committee on Transportation Policy & Budget (originally sponsored by Representatives Cairnes and Scott; by request of Washington State Patrol).

Brief History:

Committee Activity:

Transportation Policy & Budget: 3/3/97, 3/4/97 [DP].

Floor Activity:

Passed House: 3/14/97, 92-0;

Passed House: 1/16/98, 93-0.

HOUSE COMMITTEE ON TRANSPORTATION POLICY & BUDGET

Majority Report: Do pass. Signed by 21 members: Representatives K. Schmidt, Chairman; Hankins, Vice Chairman; Mitchell, Vice Chairman; Fisher, Ranking Minority Member; Cooper, Ranking Minority Member; Backlund; Cairnes; Chandler; DeBolt; Gardner; Hatfield; Johnson; O'Brien; Ogden; Radcliff; Robertson; Romero; Scott; Skinner; Sterk and Wood.

Minority Report: Do not pass. Signed by 1 member: Representative Mielke, Vice Chairman.

Staff: Mary McLaughlin (786-7309).

Background: In 1995 the highway truck inspection program of the Washington State Patrol (WSP) and the terminal inspection program of the Utilities & Transportation Commission (UTC) were consolidated and placed under the jurisdiction of the WSP. (A terminal inspection program is conducted at the carrier's place of business.)

A \$10 annual inspection fee is collected by the Department of Licensing for each carrier base-plated in the state of Washington; this fee is prorated for a carrier that is base-plated in another state and travels in Washington. The revenue is deposited in the state patrol highway account.

The WSP may impose a \$100/violation administrative penalty for violations discovered during a terminal audit. This is the same penalty that the UTC imposed prior to consolidation in 1995. The administrative penalty fee has not been increased since 1963. The Federal Bureau of Motor Carrier Safety also conducts terminal audits and imposes a minimum fine of \$500 per violation.

Beginning January 1, 1996, federal law required all commercial carriers to implement a company drug and alcohol program. Fifty percent of a company's drivers must be tested for drugs during the year and 25 percent for alcohol. A driver that tests positive must complete a rehabilitation program and be tested six times during the year. A driver who is involved in an accident is required to be tested for alcohol within two hours and drugs within eight hours. An employer that suspects a driver may be using drugs or alcohol can require a driver to submit to a reasonable suspicion test. The most common disqualification for drivers is a suspended driver's license, followed by drug and alcohol use.

Summary of Bill: The administrative penalty for the following violations is increased from \$100 per violation to \$500 for each offense: (1) controlled substances and alcohol use and testing; (2) disqualification of drivers; and (3) moving a vehicle that has been placed out of service before the defects are repaired. These offenses are defined in the Code of Federal Regulations and have been adopted by the WSP by reference.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Increasing the penalties will act as a strong deterrent to abuses in the drug and alcohol programs, driver qualifications and out-of-service vehicles.

Testimony Against: None.

Testified: Captain Marsh Pugh, Washington State Patrol; and Jay Lawley, Washington Trucking Association.