

# SENATE BILL REPORT

## HB 2141

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As Reported By Senate Committee On:  
Transportation, February 25, 1998

**Title:** An act relating to terminal safety audit penalties.

**Brief Description:** Providing changes to terminal audit violation penalties.

**Sponsors:** Representatives Cairnes and Scott; by request of Washington State Patrol.

**Brief History:**

**Committee Activity:** Transportation: 3/31/97, 4/1/97 [DP, DNP]; 2/18/98, 2/25/98 [DP].

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### SENATE COMMITTEE ON TRANSPORTATION

**Majority Report:** Do pass.

Signed by Senators Prince, Chair; Benton, Vice Chair; Wood, Vice Chair; Goings, Haugen, Horn, Jacobsen, Morton, Oke, Patterson, Prentice, Rasmussen and Sellar.

**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 and Transportation Commission (UTC) were consolidated and placed under the jurisdiction of the WSP. (A terminal inspection 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 penalty for certain offenses discovered during a terminal audit will act as a deterrent and make the penalty the same on the state and federal level. The fine increase applies to those violations that represent the greatest danger to the motoring public: drug and alcohol use, disqualified drivers and out-of-service vehicles.

**Testimony Against:** None.

**Testified:** Representative Cairnes, prime sponsor; Representative Scott, sponsor; Marsh Pugh, Don Lewis, WSP (pro); Larry Pursley, Washington Trucking Association (pro).