

SENATE BILL REPORT

SB 6684

As Reported By Senate Committee On:
Transportation, February 5, 1998

Title: An act relating to the powers and duties of commercial vehicle enforcement officers and commercial vehicle officers.

Brief Description: Defining powers and duties of commercial vehicle officers.

Sponsors: Senators Haugen, Horn, Goings, Rasmussen, Prentice, Prince and Oke.

Brief History:

Committee Activity: Transportation: 2/3/98, 2/5/98 [DPS, DNP].

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: That Substitute Senate Bill No. 6684 be substituted therefor, and the substitute bill do pass.

Signed by Senators Prince, Chair; Benton, Vice Chair; Wood, Vice Chair; Goings, Haugen, Heavey, Horn, Oke, Prentice and Rasmussen.

Minority Report: Do not pass.

Signed by Senator Morton.

Staff: Mary McLaughlin (786-7309)

Background: The forerunner to the Commercial Vehicle Enforcement (CVE) Section of the Washington State Patrol (WSP) was created in 1939. CVE is responsible for weight control and safety of operations for all commercial motor vehicles and drivers operating in the state, and the school bus safety program. CVE consists of civilian officers located in eight districts with a policy and administrative division in the Olympia headquarters.

Weighing, safety inspections, permit sales, and enforcement of operations are conducted at the five ports of entry (Spokane, Plymouth, Cle Elum, Ridgefield and Bow Hill) 24 hours a day, seven days a week. Similar functions are performed at 53 internal scales and other state highway locations. CVE weighs over 2.5 million vehicles per year.

The CVE program consists 173 civilian and commissioned officers. The section has two commissioned officers (a captain and lieutenant) who serve as division and section commanders, 141 commercial vehicle enforcement officers (CVEOs), 13 commercial vehicle officers (CVOs) and 17 trooper cadets. CVEOs and trooper cadets are trained in self-defense and fire arms; CVOs are trained in self-defense but do not carry guns because of physical reasons or personal choice. Although CVEOs and CVOs have medical training, it is the policy of the Patrol not to allow these officers to provide medical assistance or to direct traffic.

Officers within CVE may place drivers and vehicles out-of-service, at a safe location, for defective equipment, log book violations, weight and size violations, etc. Although these officers are sworn with limited authority and the CVEOs are armed for protection, they do not have the power of arrest. Drivers found to have outstanding warrants or who refuse to submit to weighing or an inspection are released until they can be contacted by a commissioned officer with the powers of arrest.

Summary of Substitute Bill: CVEOs are granted the same law enforcement and arrest authority as commissioned WSP officers as it relates to commercial vehicles. This limited police authority does not grant CVEOs commissioned status, nor does it qualify CVEOs for membership in the WSP retirement system. The Patrol provides the training necessary to ensure the safety and success of the officers in their new duties.

The WSP must submit a plan to the Legislature for the transition of CVEOs to commissioned officers by December 31, 1998. Once approved by the Legislature, the plan would be implemented by June 30, 2001.

Substitute Bill Compared to Original Bill: The bill clarifies that CVEOs may not participate in the WSP retirement system. CVEOs are not of the same status as commissioned officers. The transition study and implementation plan are set forth.

Appropriation: None.

Fiscal Note: Requested on February 6, 1998.

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

Testimony For: The bill increases safety within the trucking industry by allowing CVEOs to detain and arrest operators with driver or vehicle violations. Many times it will take 25-35 minutes for the nearest trooper to respond to a call for an arrest.

Testimony Against: Moving CVEOs to commissioned officers is a complicated transition that needs further analysis.

Testified: Senator Haugen, prime sponsor; Chief Annette Sandberg, WSP (con); Don Briscoe, IFPTE Local 17 (pro); Tony Olivas, WSP (pro); Gene Rubbert, WSP (pro); Rick Jensen, Troopers Association (pro); Tom Nickelson, WSPCVEO3 Association (pro).