
HOUSE BILL 1895

State of Washington

55th Legislature

1997 Regular Session

By Representatives Mielke, Boldt, Doumit, Thompson, Mulliken, Cairnes, Hatfield, Pennington, Sump, Smith and Zellinsky

Read first time 02/12/97. Referred to Committee on Transportation Policy & Budget.

1 AN ACT Relating to the inspection of commercial motor vehicles;
2 amending RCW 46.32.010 and 46.32.040; adding a new section to chapter
3 46.61 RCW; creating a new section; repealing RCW 46.64.060 and
4 46.64.070; and declaring an emergency.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** The legislature finds that the practice of
7 conducting random inspections of commercial motor vehicles by law
8 enforcement officers without establishment of probable cause is both
9 inefficient and costly to law enforcement agencies and to business and
10 industry. The legislature further finds that in protecting public
11 safety on the roads of this state, the enforcement of safety laws and
12 regulations must be done within the parameter of both the state and
13 federal Constitutions. It is the intent of this act to require that a
14 commercial motor vehicle operating upon the public highways of this
15 state must not be subjected to a random inspection without the
16 establishment of probable cause.

17 **Sec. 2.** RCW 46.32.010 and 1993 c 403 s 2 are each amended to read
18 as follows:

1 (1) The chief of the Washington state patrol may operate, maintain,
2 or designate, throughout the state of Washington, stations for the
3 inspection of school buses and private carrier buses, with respect to
4 vehicle equipment, drivers' qualifications, and hours of service and to
5 set reasonable times when inspection of vehicles shall be performed.

6 (2) The state patrol may inspect a commercial motor vehicle upon
7 the establishment of probable cause while the vehicle is operating on
8 the public highways of this state with respect to vehicle equipment,
9 hours of service, and driver qualifications.

10 (3) It is unlawful for any vehicle required to be inspected to be
11 operated over the public highways of this state unless and until it has
12 been approved periodically as to equipment.

13 (4) Inspections shall be performed by a responsible employee of the
14 chief of the Washington state patrol, who shall be duly authorized and
15 who shall have authority to secure and withhold, with written notice to
16 the director of licensing, the certificate of license registration and
17 license plates of any vehicle found to be defective in equipment so as
18 to be unsafe or unfit to be operated upon the highways of this state,
19 and it shall be unlawful for any person to operate such vehicle unless
20 and until it has been placed in a condition satisfactory to pass a
21 subsequent equipment inspection. The police officer in charge of such
22 vehicle equipment inspection shall grant to the operator of such
23 defective vehicle the privilege to move such vehicle to a place for
24 repair under such restrictions as may be reasonably necessary.

25 (5) In the event any insignia, sticker, or other marker is adopted
26 to be displayed upon vehicles in connection with the inspection of
27 vehicle equipment, it shall be displayed as required by the rules of
28 the chief of the Washington state patrol, and it is a traffic
29 infraction for any person to mutilate, destroy, remove, or otherwise
30 interfere with the display thereof.

31 (6) It is a traffic infraction for any person to refuse to have his
32 motor vehicle examined as required by the chief of the Washington state
33 patrol, or, after having had it examined, to refuse to place an
34 insignia, sticker, or other marker, if issued, upon the vehicle, or
35 fraudulently to obtain any such insignia, sticker, or other marker, or
36 to refuse to place his motor vehicle in proper condition after having
37 had it examined, or in any manner, to fail to conform to the provisions
38 of this chapter.

1 (7) It is a traffic infraction for any person to perform false or
2 improvised repairs, or repairs in any manner not in accordance with
3 acceptable and customary repair practices, upon a motor vehicle.

4 **Sec. 3.** RCW 46.32.040 and 1986 c 123 s 3 are each amended to read
5 as follows:

6 Vehicle equipment inspection shall be at such intervals as required
7 by the chief of the Washington state patrol and shall be made without
8 charge. A commercial motor vehicle while operating upon the public
9 highways of this state must not be stopped for a safety inspection
10 without probable cause.

11 NEW SECTION. **Sec. 4.** A new section is added to chapter 46.61 RCW
12 to read as follows:

13 A commercial motor vehicle as defined in chapter 46.32 RCW while
14 operating upon the public highways of this state must not be stopped by
15 a law enforcement officer for a safety inspection without probable
16 cause.

17 NEW SECTION. **Sec. 5.** The following acts or parts of acts are each
18 repealed:

19 (1) RCW 46.64.060 and 1967 c 144 s 1; and

20 (2) RCW 46.64.070 and 1973 2nd ex.s. c 22 s 1 & 1967 c 144 s 2.

21 NEW SECTION. **Sec. 6.** This act is necessary for the immediate
22 preservation of the public peace, health, or safety, or support of the
23 state government and its existing public institutions, and takes effect
24 immediately.

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