

2 **SHB 1971** - S COMM AMD  
3 By Committee on Transportation

4 ADOPTED 4/14/99

5 Strike everything after the enacting clause and insert the  
6 following:

7 "Sec. 1. RCW 43.59.150 and 1998 c 165 s 3 are each amended to read  
8 as follows:

9 (1) The Washington state traffic safety commission shall establish  
10 a program for improving bicycle and pedestrian safety, and shall  
11 cooperate with the stakeholders and independent representatives to form  
12 an advisory committee to develop programs and create public private  
13 partnerships which promote bicycle and pedestrian safety. The traffic  
14 safety commission shall periodically report and make recommendations to  
15 the legislative transportation committee (~~and the fiscal committees of~~  
16 ~~the house of representatives and the senate by December 1, 1998,~~  
17 ~~regarding the conclusions of the advisory~~) on the progress of the  
18 bicycle and pedestrian safety committee.

19 (2) The bicycle and pedestrian safety account is created in the  
20 state treasury to support bicycle and pedestrian education or safety  
21 programs. (~~To the extent that private contributions are received by~~  
22 ~~the traffic safety commission for the purposes of bicycle and~~  
23 ~~pedestrian safety programs established under this section, the~~  
24 ~~appropriations from the highway safety account for this purpose shall~~  
25 ~~lapse.~~)

26 **Sec. 2.** RCW 46.52.070 and 1998 c 165 s 8 are each amended to read  
27 as follows:

28 (1) Any police officer of the state of Washington or of any county,  
29 city, town or other political subdivision, present at the scene of any  
30 accident or in possession of any facts concerning any accident whether  
31 by way of official investigation or otherwise shall make report thereof  
32 in the same manner as required of the parties to such accident and as  
33 fully as the facts in his possession concerning such accident will  
34 permit.

1 (2) The police officer shall report to the department, on a form  
2 prescribed by the director: (a) When ~~((an accident))~~ a collision has  
3 occurred that results in a fatality ~~((or serious injury))~~; and (b) the  
4 identity of the operator of a vehicle involved in the ~~((accident))~~  
5 collision when the officer has reasonable grounds to believe the  
6 operator ~~((who))~~ caused the ~~((fatality or serious injury may not be~~  
7 ~~competent to operate a motor vehicle; and (c) the reason or reasons for~~  
8 ~~such belief))~~ collision.

9 (3) The police officer shall report to the department, on a form  
10 prescribed by the director: (a) When a collision has occurred that  
11 results in a serious injury; (b) the identity of the operator of a  
12 vehicle involved in the collision when the officer has reasonable  
13 grounds to believe the operator who caused the serious injury may not  
14 be competent to operate a motor vehicle; and (c) the reason or reasons  
15 for the officer's belief.

16 **Sec. 3.** RCW 46.20.305 and 1998 c 165 s 13 are each amended to read  
17 as follows:

18 (1) The department, having good cause to believe that a licensed  
19 driver is incompetent or otherwise not qualified to be licensed may  
20 upon notice require him or her to submit to an examination.

21 (2) The department shall require a driver reported under RCW  
22 46.52.070 (2) ~~((, when a fatality occurred,))~~ and (3) to submit to an  
23 examination. The examination must be completed no later than one  
24 hundred twenty days after the accident report required under RCW  
25 46.52.070(2) is received by the department unless the department, at  
26 the request of the operator, extends the time for examination.

27 ~~((The department may require a driver reported under RCW~~  
28 ~~46.52.070(2) to submit to an examination, or suspend the person's~~  
29 ~~license subject to RCW 46.20.322, when a serious injury occurred. The~~  
30 ~~examination must be completed no later than one hundred twenty days~~  
31 ~~after the accident report required under RCW 46.52.070(2) is received~~  
32 ~~by the department.~~

33 ~~((4))~~ The department may in addition to an examination under this  
34 section require such person to obtain a certificate showing his or her  
35 condition signed by a licensed physician or other proper authority  
36 designated by the department.

37 ~~((5))~~ (4) Upon the conclusion of an examination under this  
38 section the department shall take driver improvement action as may be

1 appropriate and may suspend or revoke the license of such person or  
2 permit him or her to retain such license, or may issue a license  
3 subject to restrictions as permitted under RCW 46.20.041. The  
4 department may suspend or revoke the license of such person who refuses  
5 or neglects to submit to such examination.

6 ((+6)) (5) The department may require payment of a fee by a person  
7 subject to examination under this section. The department shall set  
8 the fee in an amount that is sufficient to cover the additional cost of  
9 administering examinations required by this section.

10 NEW SECTION. **Sec. 4.** A new section is added to chapter 46.16 RCW  
11 to read as follows:

12 When applicable, the certificate of registration must include a  
13 statement that the owner or entity operating a commercial vehicle must  
14 be in compliance with the requirements of the United States department  
15 of transportation federal motor carrier safety regulations contained in  
16 Title 49 C.F.R. Part 382, controlled substances and alcohol use and  
17 testing.

18 NEW SECTION. **Sec. 5.** A new section is added to chapter 46.32 RCW  
19 to read as follows:

20 A person or employer operating as a motor carrier shall comply with  
21 the requirements of the United States department of transportation  
22 federal motor carrier safety regulations as contained in Title 49  
23 C.F.R. Part 382, controlled substances and alcohol use and testing. A  
24 person or employer who begins or conducts commercial motor vehicle  
25 operations without having a controlled substance and alcohol testing  
26 program that is in compliance with the requirements of Title 49 C.F.R.  
27 Part 382 is subject to a penalty, under the process set forth in RCW  
28 46.32.100, of up to one thousand five hundred dollars and up to an  
29 additional five hundred dollars for each motor vehicle driver employed  
30 by the person or employer who is not in compliance with the motor  
31 vehicle driver testing requirements. A person or employer having  
32 actual knowledge that a driver has tested positive for controlled  
33 substances or alcohol who allows a positively tested person to continue  
34 to perform a safety-sensitive function is subject to a penalty, under  
35 the process set forth in RCW 46.32.100, of one thousand five hundred  
36 dollars.

1 NEW SECTION. **Sec. 6.** A new section is added to chapter 81.04 RCW  
2 to read as follows:

3 A person or employer operating as a motor carrier shall comply with  
4 the requirements of the United States department of transportation  
5 federal motor carrier safety regulations as contained in Title 49  
6 C.F.R. Part 382, controlled substances and alcohol use and testing. A  
7 person or employer who begins or conducts commercial motor vehicle  
8 operations without having a controlled substance and alcohol testing  
9 program that is in compliance with the requirements of Title 49 C.F.R.  
10 Part 382 is subject to a penalty, under the process set forth in RCW  
11 81.04.405, of up to one thousand five hundred dollars and up to an  
12 additional five hundred dollars for each motor vehicle driver employed  
13 by the person or employer who is not in compliance with the motor  
14 vehicle driver testing requirements. A person or employer having  
15 actual knowledge that a driver has tested positive for controlled  
16 substances or alcohol who allows a positively tested person to continue  
17 to perform a safety-sensitive function is subject to a penalty, under  
18 the process set forth in RCW 81.04.405, of one thousand five hundred  
19 dollars."

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23 On page 1, line 1 of the title, after "safety;" strike the  
24 remainder of the title and insert "amending RCW 43.59.150, 46.52.070,  
25 and 46.20.305; adding a new section to chapter 46.16 RCW; adding a new  
26 section to chapter 46.32 RCW; adding a new section to chapter 81.04  
27 RCW; and prescribing penalties."

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