

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1971

56th Legislature
1999 Regular Session

Passed by the House April 20, 1999
Yeas 94 Nays 0

Speaker of the House of Representatives

Speaker of the House of Representatives

Passed by the Senate April 14, 1999
Yeas 48 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

We, Dean R. Foster and Timothy A. Martin, Co-Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1971** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1971

AS AMENDED BY THE SENATE

Passed Legislature - 1999 Regular Session

State of Washington 56th Legislature 1999 Regular Session

By House Committee on Transportation (originally sponsored by Representatives D. Sommers, Wood, Benson, Schindler and Gombosky)

Read first time 03/04/1999.

1 AN ACT Relating to traffic safety; amending RCW 43.59.150,
2 46.52.070, and 46.20.305; adding a new section to chapter 46.16 RCW;
3 adding a new section to chapter 46.32 RCW; adding a new section to
4 chapter 81.04 RCW; and prescribing penalties.

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

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

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

18 (2) The bicycle and pedestrian safety account is created in the
19 state treasury to support bicycle and pedestrian education or safety

1 ~~programs. ((To the extent that private contributions are received by~~
2 ~~the traffic safety commission for the purposes of bicycle and~~
3 ~~pedestrian safety programs established under this section, the~~
4 ~~appropriations from the highway safety account for this purpose shall~~
5 ~~lapse.))~~

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

8 (1) Any police officer of the state of Washington or of any county,
9 city, town or other political subdivision, present at the scene of any
10 accident or in possession of any facts concerning any accident whether
11 by way of official investigation or otherwise shall make report thereof
12 in the same manner as required of the parties to such accident and as
13 fully as the facts in his possession concerning such accident will
14 permit.

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

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

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

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

35 (2) The department shall require a driver reported under RCW
36 46.52.070 (2) ~~((, when a fatality occurred,))~~ and (3) to submit to an
37 examination. The examination must be completed no later than one

1 hundred twenty days after the accident report required under RCW
2 46.52.070(2) is received by the department unless the department, at
3 the request of the operator, extends the time for examination.

4 ~~(3) ((The department may require a driver reported under RCW
5 46.52.070(2) to submit to an examination, or suspend the person's
6 license subject to RCW 46.20.322, when a serious injury occurred. The
7 examination must be completed no later than one hundred twenty days
8 after the accident report required under RCW 46.52.070(2) is received
9 by the department.~~

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

14 ~~((+5))~~ (4) Upon the conclusion of an examination under this
15 section the department shall take driver improvement action as may be
16 appropriate and may suspend or revoke the license of such person or
17 permit him or her to retain such license, or may issue a license
18 subject to restrictions as permitted under RCW 46.20.041. The
19 department may suspend or revoke the license of such person who refuses
20 or neglects to submit to such examination.

21 ~~((+6))~~ (5) The department may require payment of a fee by a person
22 subject to examination under this section. The department shall set
23 the fee in an amount that is sufficient to cover the additional cost of
24 administering examinations required by this section.

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

27 When applicable, the certificate of registration must include a
28 statement that the owner or entity operating a commercial vehicle must
29 be in compliance with the requirements of the United States department
30 of transportation federal motor carrier safety regulations contained in
31 Title 49 C.F.R. Part 382, controlled substances and alcohol use and
32 testing.

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

35 A person or employer operating as a motor carrier shall comply with
36 the requirements of the United States department of transportation
37 federal motor carrier safety regulations as contained in Title 49

1 C.F.R. Part 382, controlled substances and alcohol use and testing. A
2 person or employer who begins or conducts commercial motor vehicle
3 operations without having a controlled substance and alcohol testing
4 program that is in compliance with the requirements of Title 49 C.F.R.
5 Part 382 is subject to a penalty, under the process set forth in RCW
6 46.32.100, of up to one thousand five hundred dollars and up to an
7 additional five hundred dollars for each motor vehicle driver employed
8 by the person or employer who is not in compliance with the motor
9 vehicle driver testing requirements. A person or employer having
10 actual knowledge that a driver has tested positive for controlled
11 substances or alcohol who allows a positively tested person to continue
12 to perform a safety-sensitive function is subject to a penalty, under
13 the process set forth in RCW 46.32.100, of one thousand five hundred
14 dollars.

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

17 A person or employer operating as a motor carrier shall comply with
18 the requirements of the United States department of transportation
19 federal motor carrier safety regulations as contained in Title 49
20 C.F.R. Part 382, controlled substances and alcohol use and testing. A
21 person or employer who begins or conducts commercial motor vehicle
22 operations without having a controlled substance and alcohol testing
23 program that is in compliance with the requirements of Title 49 C.F.R.
24 Part 382 is subject to a penalty, under the process set forth in RCW
25 81.04.405, of up to one thousand five hundred dollars and up to an
26 additional five hundred dollars for each motor vehicle driver employed
27 by the person or employer who is not in compliance with the motor
28 vehicle driver testing requirements. A person or employer having
29 actual knowledge that a driver has tested positive for controlled
30 substances or alcohol who allows a positively tested person to continue
31 to perform a safety-sensitive function is subject to a penalty, under
32 the process set forth in RCW 81.04.405, of one thousand five hundred
33 dollars.

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