
SENATE BILL 6787

State of Washington

56th Legislature

2000 Regular Session

By Senators Haugen and Gardner

Read first time . Referred to Committee on .

1 AN ACT Relating to penalties for violation of vehicle weight
2 restrictions; and amending RCW 46.44.105.

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

4 **Sec. 1.** RCW 46.44.105 and 1999 c 23 s 1 are each amended to read
5 as follows:

6 (1) Violation of any of the provisions of this chapter is a traffic
7 infraction, and upon the first finding thereof shall be assessed a
8 basic penalty of not less than fifty dollars; and upon a second finding
9 thereof shall be assessed a basic penalty of not less than seventy-five
10 dollars; and upon a third or subsequent finding shall be assessed a
11 basic penalty of not less than one hundred dollars.

12 (2) In addition to the penalties imposed in subsection (1) of this
13 section, any person violating RCW 46.44.041, 46.44.042, 46.44.047,
14 46.44.090, 46.44.091, or 46.44.095 shall be assessed a penalty for each
15 pound overweight, as follows:

16 (a) One pound through four thousand pounds overweight is three
17 cents for each pound;

1 (b) Four thousand one pounds through ten thousand pounds overweight
2 is one hundred twenty dollars plus twelve cents per pound for each
3 additional pound over four thousand pounds overweight;

4 (c) Ten thousand one pounds through fifteen thousand pounds
5 overweight is eight hundred forty dollars plus sixteen cents per pound
6 for each additional pound over ten thousand pounds overweight;

7 (d) Fifteen thousand one pounds through twenty thousand pounds
8 overweight is one thousand six hundred forty dollars plus twenty cents
9 per pound for each additional pound over fifteen thousand pounds
10 overweight;

11 (e) Twenty thousand one pounds and more is two thousand six hundred
12 forty dollars plus thirty cents per pound for each additional pound
13 over twenty thousand pounds overweight.

14 Upon a first violation in any calendar year, the court may suspend
15 the penalty for five hundred pounds of excess weight for each axle on
16 any vehicle or combination of vehicles, not to exceed a two thousand
17 pound suspension. In no case may the basic penalty assessed in
18 subsection (1) of this section or the additional penalty assessed in
19 subsection (2) of this section, except as provided for the first
20 violation, be suspended.

21 The penalties provided in subsections (1) and (2) of this section
22 will be remitted as provided in chapter 3.62 RCW or RCW 10.82.070.

23 (3) A person who violates RCW 46.44.041, 46.44.042, 46.44.047,
24 46.44.090, 46.44.091, or 46.44.095 will also be assessed an additional
25 penalty in the amount of thirty percent of the penalties imposed by
26 subsections (1) and (2) of this section. All penalties collected under
27 this subsection will be deposited with the state treasurer and credited
28 to the motor vehicle fund.

29 (4) A person who violates RCW 46.44.041, 46.44.042, 46.44.047,
30 46.44.090, 46.44.091, or 46.44.095 must obtain the necessary special
31 permits as required by this chapter. As an additional penalty for
32 operating without the proper permit, the fee paid for the permit is
33 doubled and the additional portion of the fee considered a penalty.
34 The penalty portion of the fee will be deposited with the state
35 treasurer and credited to the motor vehicle fund.

36 (5) Whenever any vehicle or combination of vehicles is involved in
37 two violations of RCW 46.44.041, 46.44.042, 46.44.047, 46.44.090,
38 46.44.091, or 46.44.095 during any twelve-month period, the court may
39 suspend the certificate of license registration of the vehicle or

1 combination of vehicles for not less than thirty days. Upon a third or
2 succeeding violation in any twelve-month period, the court shall
3 suspend the certificate of license registration for not less than
4 thirty days. Whenever the certificate of license registration is
5 suspended, the court shall secure such certificate and immediately
6 forward the same to the director with information concerning the
7 suspension.

8 ~~((4))~~ (6) Any person found to have violated any posted
9 limitations of a highway or section of highway shall be assessed a
10 monetary penalty of not less than one hundred and fifty dollars, and
11 the court shall in addition thereto upon second violation within a
12 twelve-month period involving the same power unit, suspend the
13 certificate of license registration for not less than thirty days.

14 ~~((5))~~ (7) It is unlawful for the driver of a vehicle to fail or
15 refuse to stop and submit the vehicle and load to a weighing, or to
16 fail or refuse, when directed by an officer upon a weighing of the
17 vehicle to stop the vehicle and otherwise comply with the provisions of
18 this section. It is unlawful for a driver of a commercial motor
19 vehicle as defined in RCW 46.32.005, other than the driver of a bus as
20 defined in RCW 46.32.005(2) or a vehicle with a gross vehicle or
21 combination weight not over sixteen thousand pounds and not
22 transporting hazardous materials in accordance with RCW 46.32.005(3),
23 to fail or refuse to stop at a weighing station when proper traffic
24 control signs indicate scales are open.

25 Any police officer is authorized to require the driver of any
26 vehicle or combination of vehicles to stop and submit to a weighing
27 either by means of a portable or stationary scale and may require that
28 the vehicle be driven to the nearest public scale. Whenever a police
29 officer, upon weighing a vehicle and load, determines that the weight
30 is unlawful, the officer may require the driver to stop the vehicle in
31 a suitable location and remain standing until such portion of the load
32 is removed as may be necessary to reduce the gross weight of the
33 vehicle to the limit permitted by law. If the vehicle is loaded with
34 grain or other perishable commodities, the driver shall be permitted to
35 proceed without removing any of the load, unless the gross weight of
36 the vehicle and load exceeds by more than ten percent the limit
37 permitted by this chapter. The owner or operator of the vehicle shall
38 care for all materials unloaded at the risk of the owner or operator.

1 Any vehicle whose driver or owner represents that the vehicle is
2 disabled or otherwise unable to proceed to a weighing location shall
3 have its load sealed or otherwise marked by any police officer. The
4 owner or driver shall be directed that upon completion of repairs, the
5 vehicle shall submit to weighing with the load and markings and/or seal
6 intact and undisturbed. Failure to report for weighing, appearing for
7 weighing with the seal broken or the markings disturbed, or removal of
8 any cargo prior to weighing is unlawful. Any person so convicted shall
9 be fined one thousand dollars, and in addition the certificate of
10 license registration shall be suspended for not less than thirty days.

11 ~~((+6+))~~ (8) Any other provision of law to the contrary
12 notwithstanding, district courts having venue have concurrent
13 jurisdiction with the superior courts for the imposition of any
14 penalties authorized under this section.

15 ~~((+7+))~~ (9) For the purpose of determining additional penalties as
16 provided by subsection (2) of this section, "overweight" means the
17 poundage in excess of the maximum allowable gross weight or axle/axle
18 grouping weight prescribed by RCW 46.44.041, 46.44.042, 46.44.047,
19 46.44.091, and 46.44.095.

20 ~~((+8) The penalties provided in subsections (1) and (2) of this
21 section shall be remitted as provided in chapter 3.62 RCW or RCW
22 10.82.070.)~~ (10) For the purpose of computing the basic penalties and
23 additional penalties to be imposed under subsections (1) and (2) of
24 this section, the convictions shall be on the same vehicle or
25 combination of vehicles within a twelve-month period under the same
26 ownership.

27 ~~((+9+))~~ (11) Any state patrol officer or any weight control officer
28 who finds any person operating a vehicle or a combination of vehicles
29 in violation of the conditions of a permit issued under RCW 46.44.047,
30 46.44.090, and 46.44.095 may confiscate the permit and forward it to
31 the state department of transportation which may return it to the
32 permittee or revoke, cancel, or suspend it without refund. The
33 department of transportation shall keep a record of all action taken
34 upon permits so confiscated, and if a permit is returned to the
35 permittee the action taken by the department of transportation shall be
36 endorsed thereon. Any permittee whose permit is suspended or revoked
37 may upon request receive a hearing before the department of
38 transportation or person designated by that department. After the

1 hearing the department of transportation may reinstate any permit or
2 revise its previous action.

3 Every permit issued as provided for in this chapter shall be
4 carried in the vehicle or combination of vehicles to which it refers
5 and shall be open to inspection by any law enforcement officer or
6 authorized agent of any authority granting such a permit.

7 Upon the third finding within a calendar year of a violation of the
8 requirements and conditions of a permit issued under RCW 46.44.095, the
9 permit shall be canceled, and the canceled permit shall be immediately
10 transmitted by the court or the arresting officer to the department of
11 transportation. The vehicle covered by the canceled permit is not
12 eligible for a new permit for a period of thirty days.

13 ~~((10))~~ (12) For the purposes of determining gross weights the
14 actual scale weight taken by the arresting officer is prima facie
15 evidence of the total gross weight.

16 ~~((11))~~ (13) It is a traffic infraction to direct the loading of
17 a vehicle with knowledge that it violates the requirements in RCW
18 46.44.041, 46.44.042, 46.44.047, 46.44.090, 46.44.091, or 46.44.095 and
19 that it is to be operated on the public highways of this state.

20 ~~((12))~~ (14) The chief of the state patrol, with the advice of the
21 department, may adopt reasonable rules to aid in the enforcement of
22 this section.

--- END ---