
SENATE BILL 5067

State of Washington

58th Legislature

2003 Regular Session

By Senators Morton, Thibaudeau and Hale

Read first time 01/14/2003. Referred to Committee on Highways & Transportation.

1 AN ACT Relating to exempting garbage trucks from stopping at a
2 weighing station; 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 2002 c 254 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;

18 (b) Four thousand one pounds through ten thousand pounds overweight

1 is one hundred twenty dollars plus twelve cents per pound for each
2 additional pound over four thousand pounds overweight;

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

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

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

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

20 (3) Whenever any vehicle or combination of vehicles is involved in
21 two violations of RCW 46.44.041, 46.44.042, 46.44.047, 46.44.090,
22 46.44.091, or 46.44.095 during any twelve-month period, the court may
23 suspend the certificate of license registration of the vehicle or
24 combination of vehicles for not less than thirty days. Upon a third or
25 succeeding violation in any twelve-month period, the court shall
26 suspend the certificate of license registration for not less than
27 thirty days. Whenever the certificate of license registration is
28 suspended, the court shall secure such certificate and immediately
29 forward the same to the director with information concerning the
30 suspension.

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

37 (5) It is unlawful for the driver of a vehicle to fail or refuse to
38 stop and submit the vehicle and load to a weighing, or to fail or

1 refuse, when directed by an officer upon a weighing of the vehicle to
2 stop the vehicle and otherwise comply with the provisions of this
3 section. It is unlawful for a driver of a commercial motor vehicle as
4 defined in RCW 46.32.005, other than the driver of a bus as defined in
5 RCW 46.32.005(2) or a vehicle with a gross vehicle or combination
6 weight not over sixteen thousand pounds and not transporting hazardous
7 materials in accordance with RCW 46.32.005(3), to fail or refuse to
8 stop at a weighing station when proper traffic control signs indicate
9 scales are open. However, unladen tow trucks regardless of weight,
10 garbage trucks with a gross vehicle or combination weight not over
11 twenty-six thousand pounds and not transporting hazardous materials in
12 accordance with RCW 46.32.005(3), and farm vehicles carrying farm
13 produce with a gross vehicle or combination weight not over twenty-six
14 thousand pounds may fail or refuse to stop at a weighing station when
15 proper traffic control signs indicate scales are open.

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

30 Any vehicle whose driver or owner represents that the vehicle is
31 disabled or otherwise unable to proceed to a weighing location shall
32 have its load sealed or otherwise marked by any police officer. The
33 owner or driver shall be directed that upon completion of repairs, the
34 vehicle shall submit to weighing with the load and markings and/or seal
35 intact and undisturbed. Failure to report for weighing, appearing for
36 weighing with the seal broken or the markings disturbed, or removal of
37 any cargo prior to weighing is unlawful. Any person so convicted shall

1 be fined one thousand dollars, and in addition the certificate of
2 license registration shall be suspended for not less than thirty days.

3 (6) Any other provision of law to the contrary notwithstanding,
4 district courts having venue have concurrent jurisdiction with the
5 superior courts for the imposition of any penalties authorized under
6 this section.

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

12 (8) The penalties provided in subsections (1) and (2) of this
13 section shall be remitted as provided in chapter 3.62 RCW or RCW
14 10.82.070. For the purpose of computing the basic penalties and
15 additional penalties to be imposed under subsections (1) and (2) of
16 this section, the convictions shall be on the same vehicle or
17 combination of vehicles within a twelve-month period under the same
18 ownership.

19 (9) Any state patrol officer or any weight control officer who
20 finds any person operating a vehicle or a combination of vehicles in
21 violation of the conditions of a permit issued under RCW 46.44.047,
22 46.44.090, and 46.44.095 may confiscate the permit and forward it to
23 the state department of transportation which may return it to the
24 permittee or revoke, cancel, or suspend it without refund. The
25 department of transportation shall keep a record of all action taken
26 upon permits so confiscated, and if a permit is returned to the
27 permittee the action taken by the department of transportation shall be
28 endorsed thereon. Any permittee whose permit is suspended or revoked
29 may upon request receive a hearing before the department of
30 transportation or person designated by that department. After the
31 hearing the department of transportation may reinstate any permit or
32 revise its previous action.

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

37 Upon the third finding within a calendar year of a violation of the
38 requirements and conditions of a permit issued under RCW 46.44.095, the

1 permit shall be canceled, and the canceled permit shall be immediately
2 transmitted by the court or the arresting officer to the department of
3 transportation. The vehicle covered by the canceled permit is not
4 eligible for a new permit for a period of thirty days.

5 (10) For the purposes of determining gross weights the actual scale
6 weight taken by the arresting officer is prima facie evidence of the
7 total gross weight.

8 (11) It is a traffic infraction to direct the loading of a vehicle
9 with knowledge that it violates the requirements in RCW 46.44.041,
10 46.44.042, 46.44.047, 46.44.090, 46.44.091, or 46.44.095 and that it is
11 to be operated on the public highways of this state.

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

--- END ---