

HOUSE BILL REPORT

SHB 1478

As Amended by the Senate

Title: An act relating to securing vehicle loads on public highways.

Brief Description: Increasing penalties for failure to secure a vehicle load on a public highway.

Sponsors: By House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Kagi, O'Brien, Simpson, Morrell, Lovick, Kenney, P. Sullivan, Nixon and Chase).

Brief History:

Committee Activity:

Criminal Justice & Corrections: 2/8/05, 2/15/05 [DPS];

Appropriations: 2/24/05, 2/28/05 [DPS(CJC)].

Floor Activity:

Passed House: 3/9/05, 96-0.

Senate Amended.

Passed Senate: 4/14/05, 43-3.

Brief Summary of Substitute Bill

- Creates three levels of failure to secure a load to a vehicle and criminalizes those acts that rise to the level of first and second degree failure to secure a load.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives O'Brien, Chair; Darneille, Vice Chair; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi, Kirby and Strow.

Staff: Kathryn Leathers (786-7114).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The substitute bill by Committee on Criminal Justice & Corrections be substituted therefor and the substitute bill do pass. Signed by 27 members: Representatives Sommers, Chair; Fromhold, Vice Chair; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Bailey, Buri, Clements, Cody, Conway, Darneille, Dunshee, Grant, Haigh, Hinkle, Hunter,

Kagi, Kenney, Kessler, Linville, McDermott, Miloscia, Pearson, Priest, Schual-Berke, Talcott and Walsh.

Staff: Bernard Dean (786-7130).

Background:

A vehicle driven or moved on a public highway must be loaded in such a manner as to prevent any contents from escaping, except that dropping sand for the purpose of securing traction is permissible. Violations of this requirement are designated as traffic infractions, subject to a monetary penalty not to exceed \$250 per infraction.

Summary of Substitute Bill:

Failure to secure a load in the first or second degree is a gross misdemeanor and misdemeanor, respectively.

Failure to secure a load in the first degree is committed when a person negligently fails to secure all or part of a load to his or her vehicle and, as a result, causes bodily injury to another. Failure to secure a load in the second degree is committed when a person negligently fails to secure all or part of a load to his or her vehicle and, as a result, causes damage to the property of another. Other failures to secure a load to a vehicle that do not rise to the level of first or second degree continue to be designated as traffic infractions and are subject only to monetary penalties.

EFFECT OF SENATE AMENDMENT(S):

Changes the injury element of failure to secure a load in the first degree such that, in order to be found guilty of having committed this crime, the person must cause "substantial bodily injury" to another instead of "bodily injury."

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: (Criminal Justice & Corrections) This bill is an effort to address the harm caused to people like Maria Federici, where the failure to secure a load causes a person severe physical injury. By making this conduct a crime, victims who are harmed can become eligible for assistance under the Crime Victims' Compensation Act. The bill does not change the current standards regarding the proper securing of a vehicle's load. Vehicle-related road debris poses a very significant hazard. People need to know that there will be significant consequences for failing to secure a load and causing bodily harm to another. Items falling off a vehicle can be just as dangerous as a driver who is under the influence of alcohol or drugs.

Testimony For: (Appropriations) The King County Prosecutor's Office got involved with this legislation because of the terrible tragedy suffered by Maria Federici. The purpose of this bill is to get people to change their behavior. It is important that the first degree offense created under the bill be a gross misdemeanor so that victims can access crime victims compensation. There is concern that this will result in a large number of crimes, but that is not going to happen because people will change their behavior. If passed, the bill would not change the standards for commercial vehicles. In fact, the Washington State Truckers Association supports this legislation.

Testimony Against: (Criminal Justice & Corrections) None.

Testimony Against: (Appropriations) None.

Persons Testifying: (Criminal Justice & Corrections) Representative Kagi, prime sponsor; Dave Overstreet, AAA; and Jeff DeVere, Washington State Patrol.

Persons Testifying: (Appropriations) Leesa Manion, King County Prosecutors.

Persons Signed In To Testify But Not Testifying: (Criminal Justice & Corrections) None.

Persons Signed In To Testify But Not Testifying: (Appropriations) None.