

SENATE BILL REPORT

SB 6549

As Passed Senate, February 11, 2006

Title: An act relating to commercial vehicles.

Brief Description: Modifying commercial vehicle provisions.

Sponsors: Senators Benson, Jacobsen, Mulliken and Berkey; by request of Washington State Patrol.

Brief History:

Committee Activity: Transportation: 01/26/06, 2/6/06 [DP].

Passed Senate: 2/11/06, 44-0.

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass.

Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Ranking Minority Member; Benton, Berkey, Eide, Esser, Kastama, Mulliken, Oke, Sheldon, Spanel, Swecker and Weinstein.

Staff: Dory On (786-7321)

Background: The operation of commercial motor vehicles is regulated by state and federal law. The state's failure to comply with federal regulations pertaining to operators of commercial motor vehicles may result in decertification of Washington's Commercial Driver's License (CDL) program and a loss of federal transportation funds, and Washington drivers may be prohibited from operating commercial motor vehicles in interstate commerce. Washington and federal definitions of "gross vehicle weight rating" and "gross combined weight rating" differ as follows:

- Under current Washington law, the registered gross weight of a vehicle may be substituted for the "gross vehicle weight rating" where the maximum loaded weight cannot be determined. The relevant federal definition of "gross vehicle weight rating" does not allow substitution of the registered gross weight of the vehicle, and
- Under current Washington law, the definition of "gross vehicle weight rating" (GVWR) encompasses the maximum loaded weight of a single or a combination or articulated vehicle. Current Washington law acknowledges that the GVWR of a combination or articulated vehicle is commonly referred to as the "gross combined weight rating" or GCWR, and defines GCWR as the GVWR of the power unit plus the GVWR of the towed unit or units. The federal definition of "gross vehicle weight rating" is limited to the maximum loaded weight of a single vehicle. Under federal law, combination or articulated vehicles are referenced in only the separate definition of "gross combined weight rating."

An engine compression brake device is any device that uses the engine and transmission to impede the forward motion of the motor vehicle by compression of the engine. Under current law, use of compression brakes is prohibited unless an emergency exists or the vehicle is equipped with a noise muffler that reduces noise to the levels specified. The Washington State Patrol shall establish rules for enforcing restrictions on the use of compression brakes.

Summary of Bill: The definition of "gross vehicle weight rating" (GVWR) does not permit substitution of the registered gross weight of the vehicle if the maximum loaded weight cannot be determined. The definition of gross vehicle weight rating refers to the weight of a single vehicle. Combined or articulated vehicles are included only in the definition of gross combined weight rating. Actual gross weight will be used if the GVWR of a unit cannot be determined. The actual gross weight capacity will be used in the case of a vehicle that has been structurally modified to carry a heavier load.

Definitions of "commercial motor vehicle" include metric equivalents. The definition of "commercial motor vehicle" for purposes of vehicle inspection is limited to certain vehicles used on highway(s) in interstate or intrastate commerce, and includes a vehicle with a carrying capacity of more than eight passengers if passengers are transported for profit, and a vehicle with a carrying capacity of more than fifteen passengers.

Restrictions on the use of compression brakes are limited to certain vehicles that are registered and domiciled in Washington State. Use of compression brakes is prohibited unless the vehicle is equipped with a noise muffler, other than a turbocharger; exceptions for emergency use of compression brakes are eliminated.

The requirement that Washington State Patrol establish rules for enforcing restrictions on the use of compression brakes is eliminated.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This bill allows greater efficiency in enforcement by Washington State Patrol, particularly with respect to gross vehicle weight ratings and compression brake use.

Testimony Against: None.

Who Testified: PRO: Captain Jeff DeVere, Washington State Patrol; Larry Pursley, Washington Trucking Associations.