
HOUSE BILL 2987

State of Washington 59th Legislature 2006 Regular Session

By Representatives Kagi, Clibborn and Dickerson

Read first time 01/17/2006. Referred to Committee on Transportation.

1 AN ACT Relating to vehicle gross weight violations; and amending
2 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~~) three thousand pounds overweight is
17 (~~three~~) six cents for each pound;

18 (b) (~~Four~~) Three thousand one pounds through ten thousand pounds

1 overweight is one (~~hundred twenty~~) thousand two hundred fifty dollars
2 plus (~~twelve~~) twenty-five cents per pound for each additional pound
3 over four thousand pounds overweight;

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

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

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

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

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

36 (4) Any person found to have violated any posted limitations of a
37 highway or section of highway shall be assessed a monetary penalty of
38 not less than one hundred and fifty dollars, and the court shall in

1 addition thereto upon second violation within a twelve-month period
2 involving the same power unit, suspend the certificate of license
3 registration for not less than thirty days.

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

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

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

1 weighing with the seal broken or the markings disturbed, or removal of
2 any cargo prior to weighing is unlawful. Any person so convicted shall
3 be fined one thousand dollars, and in addition the certificate of
4 license registration shall be suspended for not less than thirty days.

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

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

14 (8) The penalties provided in subsection(~~s~~) (1) (~~and (2)~~) of
15 this section shall be remitted as provided in chapter 3.62 RCW (~~or RCW~~
16 ~~10.82.070~~). The penalties provided in subsection (2) of this section
17 shall be distributed as follows: (a) Ninety percent to the motor
18 vehicle account for increased commercial vehicle enforcement and
19 highway maintenance due to commercial vehicle use; and (b) the
20 remainder distributed as provided in chapter 3.62 RCW. For the purpose
21 of computing the basic penalties and additional penalties to be imposed
22 under subsections (1) and (2) of this section, the convictions shall be
23 on the same vehicle or combination of vehicles within a twelve-month
24 period under the same ownership.

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

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

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

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

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

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

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