
SENATE BILL 5436

State of Washington

59th Legislature

2005 Regular Session

By Senators Haugen, Delvin, Eide, Shin and Rasmussen; by request of Washington State Patrol

Read first time 01/25/2005. Referred to Committee on Transportation.

1 AN ACT Relating to proceedings for violations of commercial motor
2 vehicle laws, rules, and orders; and amending RCW 46.32.100.

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

4 **Sec. 1.** RCW 46.32.100 and 1998 c 172 s 1 are each amended to read
5 as follows:

6 In addition to all other penalties provided by law, a commercial
7 motor vehicle that is subject to terminal safety audits under this
8 chapter and an officer, agent, or employee of a company operating a
9 commercial motor vehicle who violates or who procures, aids, or abets
10 in the violation of this title or any order or rule of the state patrol
11 is liable for a penalty of one hundred dollars for each violation,
12 except for each violation of 49 C.F.R. Pt. 382, controlled substances
13 and alcohol use and testing, 49 C.F.R. Sec. 391.15, disqualification of
14 drivers, and 49 C.F.R. Sec. 396.9(c)(2), moving a vehicle placed out of
15 service before the out of service defects have been satisfactorily
16 repaired, for which the person is liable for a penalty of five hundred
17 dollars. Each violation is a separate and distinct offense, and in
18 case of a continuing violation every day's continuance is a separate
19 and distinct violation.

1 The penalty provided in this section is due and payable when the
2 person incurring it receives a notice in writing from the patrol
3 describing the violation and advising the person that the penalty is
4 due. The patrol may, upon written application for review, received
5 within fifteen days, remit or mitigate a penalty provided for in this
6 section or discontinue a prosecution to recover the penalty upon such
7 terms it deems proper and may ascertain the facts upon all such
8 applications in such manner and under such rules as it deems proper.
9 If the amount of the penalty is not paid to the patrol within fifteen
10 days after receipt of the notice imposing the penalty, or application
11 for remission or mitigation has not been made within fifteen days after
12 the violator has received notice of the disposition of the application,
13 the attorney general shall (~~(bring an action)~~) commence an adjudicative
14 proceeding under chapter 34.05 RCW in the name of the state of
15 Washington (~~(in the superior court of Thurston county or of some other~~
16 ~~county in which the violator does business,~~) to recover the penalty.
17 In all such (~~(actions)~~) proceedings the procedure and rules of evidence
18 are (~~(the same as an ordinary civil action)~~) as specified in chapter
19 34.05 RCW except as otherwise provided in this chapter. All penalties
20 recovered under this section shall be paid into the state treasury and
21 credited to the state patrol highway account of the motor vehicle fund.

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