
HOUSE BILL 2865

State of Washington 60th Legislature 2008 Regular Session

By Representatives Halpern, Jarrett, and Hailey

Read first time 01/17/08. Referred to Committee on Transportation.

1 AN ACT Relating to motor carrier hours of service; adding a new
2 section to chapter 46.32 RCW; creating a new section; and prescribing
3 penalties.

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

5 NEW SECTION. **Sec. 1.** The legislature finds and declares that it
6 is the policy of the state of Washington to prevent the loss of human
7 lives and the loss of property and vehicles, and to protect the
8 traveling environment of the state of Washington through sound and
9 consistent regulatory provisions for interstate and intrastate motor
10 carriers.

11 The legislature further finds and declares that it is a policy of
12 the state of Washington to require commercial motor vehicles operating
13 on state roadways to comply with rigorous federal and state safety
14 regulations. The legislature also finds that intrastate and interstate
15 commercial motor vehicles should comply with consistent state and
16 federal commercial vehicle rules and regulations. For interstate motor
17 carriers, those carriers operating in multiple states, the rules and
18 regulations are established through the federal code. However, for

1 intrastate motor carriers operating only in Washington, the rules and
2 regulations are established by the state of Washington.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.32 RCW
4 to read as follows:

5 (1) The Washington state patrol must adopt rules that implement
6 section 395 of the federal motor carrier safety administration
7 regulations, relating to the hours of service for both intrastate and
8 interstate motor carriers. For the purpose of ensuring uniformity
9 between the applicable state and federal interstate and intrastate
10 motor carrier regulations, the patrol must update quarterly the rules
11 adopted under this section in order to incorporate any changes in the
12 applicable federal regulations.

13 (2) Motor carrier drivers or motor carriers, who violate the
14 hour-of-service rules adopted by the patrol under this section, are
15 subject to one or all of the following penalties and/or fines, which
16 may be assessed by either state or local law enforcement officials, or
17 both:

18 (a) State and local law enforcement officials may impose civil
19 penalties on the motor carrier driver or the motor carrier when
20 performing terminal audits. A motor carrier driver or motor carrier
21 that fails to prepare or maintain an hour of service record required by
22 the Washington state patrol, or prepares or maintains a required record
23 that is incomplete, inaccurate, or false, is subject to a maximum civil
24 penalty of five hundred fifty dollars for each day the violation
25 continues, up to five thousand five hundred fifty dollars;

26 (b) State and local law enforcement officials may impose fines on
27 the motor carrier driver or the motor carrier when performing roadside
28 inspections of five hundred fifty dollars for hour-of-service rule
29 violations which may not be reduced or eliminated. Each violation is
30 a separate and distinct offense.

31 (c) The motor carrier's safety rating may be lowered. The degree
32 to which the rating is lowered is dependent on the severity of the rule
33 violation; and/or

34 (d) Federal criminal penalties may be brought against: (i) Motor
35 carriers, who knowingly and willfully allow, or require, hours of
36 service that are in violation of the patrol's adopted rules; or (ii)

1 motor carrier drivers, who knowingly and willfully violate the hours of
2 service rules adopted under this section.

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