

SENATE BILL REPORT

SHB 1843

As of March 16, 2009

Title: An act relating to motor carrier regulation and compliance review.

Brief Description: Addressing motor carrier regulation and compliance review.

Sponsors: House Committee on Transportation (originally sponsored by Representatives Kagi, Rodne and Kenney; by request of Utilities & Transportation Commission and Washington State Patrol).

Brief History: Passed House: 3/04/09, 80-15.

Committee Activity: Transportation: 3/16/09.

SENATE COMMITTEE ON TRANSPORTATION

Staff: Dory Nicpon (786-7321)

Background: Certain motor carriers operate commercial motor vehicles solely within the state of Washington (intrastate), while other motor carriers operate in multiple states (interstate). The Federal Motor Carrier Safety Administration (FMCSA) regulates interstate motor carriers, and requires interstate motor carriers to have United States Department of Transportation (USDOT) numbers that enable the FMCSA and the Washington State Patrol (WSP) to maintain a safety record for those carriers.

In 2007 the Legislature passed Substitute House Bill 1304 (SHB 1304), which requires certain intrastate motor carriers to obtain USDOT numbers. The USDOT number enables WSP to maintain safety records for intrastate carriers as it does for interstate carriers.

Under the provisions of SHB 1304, those intrastate motor carriers regulated by the Utilities and Transportation Commission (UTC) (e.g. private and nonprofit transportation providers, auto transportation companies, charter and excursion service carriers, solid waste haulers, and household goods carriers) are not required to obtain USDOT numbers.

Summary of Bill: Certain companies that are regulated by the UTC must apply for a USDOT number by January 1, 2010. The bill clarifies that the UTC is responsible for the adoption and enforcement of safety requirements operated by the UTC-regulated companies and that those companies must comply with the safety requirements adopted by the UTC.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The regulations enacted in 2007 will apply to the entities regulated by the UTC, which includes a provision for placing a USDOT number out of service for violating a UTC cease and desist order.

The bill clarifies that only carriers subject to highway inspections and compliance reviews by the WSP, and not the UTC, must pay a fee of \$16 for each motor vehicle base plated in the state.

A high-risk carrier is liable for double the amount of the penalty of a prior violation if the high-risk carrier repeats the same violation during a follow-up compliance review. Each repeat violation is a separate and distinct offense and, in the case of repeat continuing violations, each day's continuance is a separate and distinct violation.

The bill clarifies that the existing penalties for employers and drivers are based on each violation.

The bill establishes a mitigation process for a motor carrier who incurs a penalty, except that a high-risk carrier who incurs a penalty for a repeat violation may, upon written application, request that the WSP mitigate the penalty. The application for mitigation must be received by the WSP within 20 days of the receipt of the penalty notice. The WSP may decline to consider any application for mitigation.

The motor carrier has a right to an administrative hearing to contest the violation or the penalty imposed or both. Any request for an administrative hearing must be made in writing and be received by the WSP within 20 days after receipt of the notice imposing the penalty or disposition of a request for mitigation, whichever is later, or the right to a hearing is waived.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: This bill will enable the UTC to track motor carrier safety. It targets the industry's worst actors and provides incentives for them to comply with safety regulations.

Persons Testifying: PRO: Representative Kagi, prime sponsor; Larry Pursley, Washington Trucking Association; Steve King, Utilities and Transportation Commission; Captain Darrin Grondel, Washington State Patrol.