
HOUSE BILL 2791

State of Washington

61st Legislature

2010 Regular Session

By Representatives Goodman and Clibborn

Read first time 01/14/10. Referred to Committee on Transportation.

1 AN ACT Relating to driving-related penalties; amending RCW
2 46.61.150 and 46.16.160; adding a new section to chapter 46.61 RCW; and
3 prescribing penalties.

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

5 **Sec. 1.** RCW 46.61.150 and 1972 ex.s. c 33 s 4 are each amended to
6 read as follows:

7 Whenever any highway has been divided into two or more roadways by
8 a gore point or gore zone or by leaving an intervening space or by a
9 physical barrier or clearly indicated dividing section or by a median
10 island not less than eighteen inches wide formed either by solid yellow
11 pavement markings or by a yellow crosshatching between two solid yellow
12 lines so installed as to control vehicular traffic, every vehicle shall
13 be driven only upon the right-hand roadway unless directed or permitted
14 to use another roadway by official traffic-control devices or police
15 officers. No vehicle shall be driven over, across, or within any such
16 gore point or gore zone, dividing space, barrier or section, or median
17 island, except through an opening in such physical barrier or dividing
18 section or space or median island, or at a crossover or intersection
19 established by public authority.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.61 RCW
2 to read as follows:

3 (1)(a) In addition to the penalties and fees required under this
4 chapter, all superior courts must impose a penalty assessment of one
5 hundred dollars on any person convicted of reckless driving under RCW
6 46.61.500, and fifty dollars on any person convicted of negligent
7 driving in the first degree under RCW 46.61.5249. In addition to the
8 penalties and fees required under this chapter, all courts must impose
9 a penalty assessment of fifty dollars on any person receiving a traffic
10 infraction for negligent driving in the second degree under RCW
11 46.61.525.

12 (b) Each penalty assessment is in addition to, and does not
13 supersede, any other penalty, restitution, fines, or costs provided by
14 law.

15 (2) The clerk of the court shall transmit all revenue collected
16 under this section to the state treasurer for deposit in the motor
17 vehicle fund.

18 (3) The penalty assessments imposed under this section are not
19 subject to any state or local remittance requirements under chapter
20 3.46, 3.50, 3.62, 7.68, 10.82, or 35.20 RCW.

21 (4) For the purposes of this section, "convicted" includes a plea
22 of guilty, a finding of guilt regardless of whether the imposition of
23 the sentence is deferred or any part of the penalty is suspended, or
24 the levying of a fine.

25 **Sec. 3.** RCW 46.16.160 and 2007 c 419 s 6 are each amended to read
26 as follows:

27 (1) The owner of a vehicle which under reciprocal relations with
28 another jurisdiction would be required to obtain a license registration
29 in this state or an unlicensed vehicle which would be required to
30 obtain a license registration for operation on public highways of this
31 state may, as an alternative to such license registration, secure and
32 operate such vehicle under authority of a trip permit issued by this
33 state in lieu of a Washington certificate of license registration, and
34 licensed gross weight if applicable. The licensed gross weight may not
35 exceed eighty thousand pounds for a combination of vehicles nor forty
36 thousand pounds for a single unit vehicle with three or more axles.
37 Trip permits are required for movement of mobile homes or park model

1 trailers and may only be issued if property taxes are paid in full.
2 For the purpose of this section, a vehicle is considered unlicensed if
3 the licensed gross weight currently in effect for the vehicle or
4 combination of vehicles is not adequate for the load being carried.
5 Vehicles registered under RCW 46.16.135 shall not be operated under
6 authority of trip permits in lieu of further registration within the
7 same registration year.

8 (2) Each trip permit shall authorize the operation of a single
9 vehicle at the maximum legal weight limit for such vehicle for a period
10 of three consecutive days commencing with the day of first use. No
11 more than three such permits may be used for any one vehicle in any
12 period of thirty consecutive days, except that in the case of a
13 recreational vehicle as defined in RCW 43.22.335, no more than two trip
14 permits may be used for any one vehicle in a one-year period. Every
15 permit shall identify, as the department may require, the vehicle for
16 which it is issued and shall be completed in its entirety and signed by
17 the operator before operation of the vehicle on the public highways of
18 this state. Correction of data on the permit such as dates, license
19 number, or vehicle identification number invalidates the permit. The
20 trip permit shall be displayed on the vehicle to which it is issued as
21 prescribed by the department.

22 (3) Vehicles operating under authority of trip permits are subject
23 to all laws, rules, and regulations affecting the operation of like
24 vehicles in this state.

25 (4) Prorate operators operating commercial vehicles on trip permits
26 in Washington shall retain the customer copy of such permit for four
27 years.

28 (5) Trip permits may be obtained from field offices of the
29 department of transportation, department of licensing, or other agents
30 appointed by the department. The fee for each trip permit is twenty
31 dollars. Five dollars from every twenty-dollar trip permit fee shall
32 be deposited into the state patrol highway account and must be used for
33 commercial motor vehicle inspections. For each permit issued, the fee
34 includes a filing fee as provided by RCW 46.01.140 and an excise tax of
35 one dollar. The remaining portion of the trip permit fee must be
36 deposited to the credit of the motor vehicle fund as an administrative
37 fee. If the filing fee amount of three dollars as prescribed in RCW
38 46.01.140 is increased or decreased after July 1, 2002, the

1 administrative fee must be increased or decreased by the same amount so
2 that the total trip permit would be adjusted equally to compensate.
3 These fees and taxes are in lieu of all other vehicle license fees and
4 taxes. No exchange, credits, or refunds may be given for trip permits
5 after they have been purchased.

6 (6) The department may appoint county auditors or businesses as
7 agents for the purpose of selling trip permits to the public. County
8 auditors or businesses so appointed may retain the filing fee collected
9 for each trip permit to defray expenses incurred in handling and
10 selling the permits.

11 (7) Commercial motor vehicles that are owned by a motor carrier
12 subject to RCW 46.32.080, must not be operated on trip permits
13 authorized by (~~RCW 46.16.160~~) this section or RCW 46.16.162 if the
14 motor carrier's department of transportation number has been placed out
15 of service by the Washington state patrol. A violation of or a failure
16 to comply with this subsection is a gross misdemeanor, subject to a
17 minimum monetary penalty of two thousand five hundred dollars for the
18 first violation and five thousand dollars for each subsequent
19 violation.

20 (8) Except as provided in subsection (7) of this section, a
21 violation of or a failure to comply with any provision of this section
22 is a (~~gross~~) misdemeanor.

23 (9) The department of licensing may adopt rules as it deems
24 necessary to administer this section.

25 (10) A surcharge of five dollars is imposed on the issuance of trip
26 permits. The portion of the surcharge paid by motor carriers must be
27 deposited in the motor vehicle fund for the purpose of supporting
28 vehicle weigh stations, weigh-in-motion programs, and the commercial
29 vehicle information systems and networks program. The remaining
30 portion of the surcharge must be deposited in the motor vehicle fund
31 for the purpose of supporting congestion relief programs. All other
32 administrative fees and excise taxes collected under the provisions of
33 this chapter shall be forwarded by the department with proper
34 identifying detailed report to the state treasurer who shall deposit
35 the administrative fees to the credit of the motor vehicle fund and the
36 excise taxes to the credit of the general fund. Filing fees will be

1 forwarded and reported to the state treasurer by the department as
2 prescribed in RCW 46.01.140.

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