

# HOUSE BILL REPORT

## HB 2459

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### As Passed Legislature

**Title:** An act relating to the confiscation of commercial motor vehicle license plates when operated with a revoked registration.

**Brief Description:** Authorizing the Washington state patrol to confiscate license plates from a motor carrier who operates a commercial motor vehicle with a revoked registration.

**Sponsors:** Representatives Kagi, Armstrong and Johnson.

#### **Brief History:**

##### **Committee Activity:**

Transportation: 1/26/12, 2/1/12 [DP].

##### **Floor Activity:**

Passed House: 2/9/12, 97-0.

Passed Senate: 3/1/12, 49-0.

Passed Legislature.

#### **Brief Summary of Bill**

- Provides authorization to the Washington State Patrol or other law enforcement agencies to confiscate license plates from a motor carrier who operates a commercial motor vehicle with a revoked registration.

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### HOUSE COMMITTEE ON TRANSPORTATION

**Majority Report:** Do pass. Signed by 29 members: Representatives Clibborn, Chair; Billig, Vice Chair; Liias, Vice Chair; Armstrong, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Angel, Asay, Eddy, Finn, Fitzgibbon, Hansen, Jinkins, Johnson, Klippert, Kristiansen, Ladenburg, McCune, Moeller, Morris, Moscoso, Overstreet, Reykdal, Rivers, Rodne, Ryu, Shea, Takko, Upthegrove and Zeiger.

**Staff:** Jerry Long (786-7306).

#### **Background:**

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*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.*

Motor carriers may operate commercial vehicles solely within the State of Washington (intrastate), while other motor carriers may 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 FMCSA and the Washington State Patrol (WSP) to maintain safety records for those carriers.

Certain intrastate motor carriers that are operating a commercial vehicle that has a gross vehicle weight rating of 16,001 or more are required by state law to obtain USDOT numbers. The USDOT number enables the WSP to maintain safety records for intrastate carriers as the agency does for interstate carriers.

A motor carrier that violates any federal or state vehicle safety requirement or any WSP rule is subject to various penalties. Each violation is a separate and distinct offense and, in the case of a continuing violation, every day's continuance is a separate and distinct violation. If a carrier is determined by the WSP to be a high-risk carrier, they are 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. A motor carrier's USDOT number and vehicle registration may be revoked for certain violations or for nonpayment of penalties.

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

**Summary of Bill:**

The WSP or other law enforcement agency must confiscate and may recycle or destroy the license plates from a motor carrier who operates a commercial motor vehicle while the vehicle's registration is revoked, suspended, or cancelled. The confiscation of the license plates only applies to trucks, truck tractors, and tractors.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) This bill addresses very high-risk motor carriers where the registrations on their vehicles have already been revoked and the company continues to use their trucks without valid registrations. These are companies who evade law enforcement by avoiding the weigh scales and the commercial vehicle enforcement officers.

These are companies that have failed to come into compliance after a long time period of not following state and federal trucking regulations. Law enforcement does not confiscate the trailers and cargo, and the owner of the trailer and cargo can send another company to pick up the trailer and cargo to get the goods to the final destination. This bill allows law enforcement to remove the really bad trucking companies from the public roadways, where the Department of Licensing has already revoked the companies' registrations.

(Opposed) None.

**Persons Testifying:** Yoshe Revelle; Larry Pursley, Washington Trucking Association; and Jason Berry, Washington State Patrol.

**Persons Signed In To Testify But Not Testifying:** None.