

# SENATE BILL REPORT

## SB 5686

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As Reported by Senate Committee On:  
Transportation, February 17, 2011

**Title:** An act relating to commercial motor vehicle out-of-service orders.

**Brief Description:** Concerning commercial motor vehicle out-of-service orders.

**Sponsors:** Senators Hobbs, King, Haugen and Shin; by request of Washington State Patrol.

**Brief History:**

**Committee Activity:** Transportation: 2/15/11, 2/17/11 [DP].

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### SENATE COMMITTEE ON TRANSPORTATION

**Majority Report:** Do pass.

Signed by Senators Haugen, Chair; White, Vice Chair; King, Ranking Minority Member; Fain, Assistant Ranking Minority Member; Delvin, Hill, Hobbs, Litzow, Nelson, Ranker, Sheldon and Shin.

**Staff:** Katherine Taylor (786-7434)

**Background:** An out-of-service order for a vehicle is issued when any motor vehicle which by reason of its mechanical condition or loading would be likely to cause an accident or breakdown. An out-of-service order for a driver is issued to preclude further operation of a commercial motor vehicle by its driver when the driver has committed a violation, such as driving under the influence of drugs or alcohol.

Currently, a person is disqualified from driving a commercial motor vehicle for a period of not less than 90 days nor more than one year if convicted of or found to have committed a first violation of an out-of-service order while driving a commercial vehicle.

A person is disqualified from driving a commercial motor vehicle for a period of not less than one year nor more than five years if, during a ten year period, the person is convicted of or is found to have committed two violations of out-of-service orders while driving a commercial motor vehicle in separate incidents.

Further, a driver of a commercial motor vehicle who violates an out-of-service order is liable for a penalty of at least \$1,500 but not more than \$2,750 for each violation.

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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.*

An employer who allows a driver to operate a commercial motor vehicle when there is an out-of-service order is liable for a penalty of at least \$2,750 but not more than \$11,000 for each violation.

**Summary of Bill:** The penalties for violating out-of-service orders are increased.

A person is disqualified from driving a commercial motor vehicle for a period of not less than 180 days nor more than one year if convicted of or found to have committed a first violation of an out-of-service order while driving a commercial vehicle.

A person is disqualified from driving a commercial motor vehicle for a period of not less than two years nor more than five years if, during a ten year period, the person is convicted of or is found to have committed two violations of out-of-service orders while driving a commercial motor vehicle in separate incidents.

Further, a driver of a commercial motor vehicle who is convicted of violating an out-of-service order is liable for a penalty of at least \$2,500 for a first violation, and not less than \$5,000 for second or subsequent violations.

An employer who allows the operation of a commercial motor vehicle when there is an out-of-service order is liable for a penalty of at least \$2,750 but not more than \$25,000 for each violation.

**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: Washington State should change the penalties to be consistent with federal law and crack down on violators.

**Persons Testifying:** PRO: Jason Berry, Washington State Patrol.