

SENATE BILL REPORT

SB 6206

As of January 23, 2012

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: Senators Eide, King and Fain.

Brief History:

Committee Activity: Transportation: 1/23/12.

SENATE COMMITTEE ON TRANSPORTATION

Staff: Amanda Cecil (786-7429)

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 FMCSA and the Washington State Patrol (WSP) to maintain a safety record for those carriers. Additionally, certain intrastate motor carriers are required by state law to obtain USDOT numbers. USDOT number enables WSP to maintain safety records for intrastate carriers as it does for interstate carriers.

A motor carrier that violates any state or federal vehicle safety requirements or any other rule of WSP is subject to various penalties. If a carrier is determined by 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. 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. A motor carrier's USDOT number and vehicle registration may be revoked for certain violations or for nonpayment of penalties.

A motor carrier has a right to an administrative hearing to contest a violation or the penalty imposed. Any request for an administrative hearing must be made in writing and be received by 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.

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.

Summary of Bill: WSP must confiscate the license plates of a motor vehicle if the motor carrier continues to operate the vehicle when the registration is revoked, suspended, or canceled. WSP may destroy the confiscated license plates.

Appropriation: None.

Fiscal Note: Requested on January 16, 2012.

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 gives WSP another tool in the toolbox to enforce the laws that are currently on the books related to motor carriers. There are currently some motor carriers that are operating while they are under an out-of-service order and this will allow WSP to stop them on the spot.

Persons Testifying: PRO: Jason Berry, WSP; Larry Pur.