

CERTIFICATION OF ENROLLMENT

HOUSE BILL 2137

63rd Legislature
2014 Regular Session

Passed by the House February 11, 2014
Yeas 88 Nays 10

Speaker of the House of Representatives

Passed by the Senate March 5, 2014
Yeas 45 Nays 2

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 2137** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

HOUSE BILL 2137

Passed Legislature - 2014 Regular Session

State of Washington

63rd Legislature

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By Representatives Johnson, Moscoso, Hayes, Takko, Klippert, Haler, Ross, and Ryu; by request of Washington State Patrol

Prefiled 12/27/13. Read first time 01/13/14. Referred to Committee on Transportation.

1 AN ACT Relating to provisions governing commercial motor vehicles;
2 and amending RCW 46.37.140, 46.48.170, and 46.61.350.

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

4 **Sec. 1.** RCW 46.37.140 and 1977 ex.s. c 355 s 12 are each amended
5 to read as follows:

6 ~~((Whenever the load upon any vehicle extends to the rear four feet
7 or more beyond the bed or body of such vehicle there shall be displayed
8 at the extreme rear end of the load, at the times specified in RCW
9 46.37.020, two red lamps, visible from a distance of at least five
10 hundred feet to the rear, two red reflectors visible at night from all
11 distances within six hundred feet to one hundred feet to the rear when
12 directly in front of lawful lower beams of headlamps, and located so as
13 to indicate maximum width, and on each side one red lamp, visible from
14 a distance of at least five hundred feet to the side, located so as to
15 indicate maximum overhang. There shall be displayed at all other
16 times))~~

17 (1) On any vehicle having a load ((which)) that extends more than
18 four inches beyond its sides or more than four feet beyond its rear,
19 there must be displayed red or orange fluorescent warning flags, not

1 less than (~~twelve~~) eighteen inches square, marking the extremities of
2 such loads(~~(, at each point where a lamp would otherwise be required by~~
3 ~~this section, under RCW 46.37.020)~~).

4 (2) Whenever the load upon any vehicle extends to the rear four
5 feet or more beyond the bed or body of the vehicle, there must be
6 displayed at the extreme rear end of the load at the times specified in
7 RCW 46.37.020:

8 (a) Two red lamps, visible from a distance of at least five hundred
9 feet to the rear;

10 (b) Two red reflectors, visible at night from all distances within
11 six hundred feet to one hundred feet to the rear when directly in front
12 of lawful lower beams of headlamps, and located so as to indicate
13 maximum width; and

14 (c) A red lamp on each side, visible from a distance of at least
15 five hundred feet to the side, and located so as to indicate maximum
16 overhang.

17 **Sec. 2.** RCW 46.48.170 and 1988 c 81 s 19 are each amended to read
18 as follows:

19 (1) The Washington state patrol acting by and through the chief of
20 the Washington state patrol (~~(shall have)~~) has the authority to adopt
21 and enforce the regulations promulgated by the United States department
22 of transportation, (~~(Title)~~) 49 C.F.R. Parts 100 through 199,
23 transportation of hazardous materials, as these regulations apply to
24 motor carriers offering, accepting, storing, or transporting hazardous
25 materials and to persons that inspect, certify, test, or repair cargo
26 tank motor vehicles. "Motor carrier" means any person engaged in the
27 transportation of passengers or property operating interstate and
28 intrastate upon the public highways of this state, except (~~(farmers)~~)
29 certain agricultural operations as outlined in 49 C.F.R. Sec. 173.5.

30 (2) The chief of the Washington state patrol (~~(shall)~~) may confer
31 with the emergency management council under RCW 38.52.040 and may make
32 rules and regulations pertaining thereto, sufficient to protect persons
33 and property from unreasonable risk of harm or damage. The chief of
34 the Washington state patrol (~~(shall)~~) may establish such additional
35 rules not inconsistent with (~~(Title)~~) 49 C.F.R. Parts 100 through 199,
36 transportation of hazardous materials, which for compelling reasons

1 make necessary the reduction of risk associated with the transportation
2 of hazardous materials.

3 (3) No such rules may lessen a standard of care; however, the chief
4 of the Washington state patrol may, after conferring with the emergency
5 management council, establish a rule imposing a more stringent standard
6 of care. The chief of the Washington state patrol (~~shall~~) must
7 appoint the necessary qualified personnel to carry out the provisions
8 of (~~RCW 46.48.170 through 46.48.190~~) this chapter.

9 **Sec. 3.** RCW 46.61.350 and 2011 c 151 s 6 are each amended to read
10 as follows:

11 (1)(a) The driver of any of the following vehicles must stop before
12 the stop line, if present, and otherwise within fifty feet but not less
13 than fifteen feet from the nearest rail at a railroad grade crossing
14 unless exempt under subsection (3) of this section:

15 (i) A school bus or private carrier bus carrying any school child
16 or other passenger;

17 (ii) A commercial motor vehicle transporting passengers;

18 (iii) A cargo tank, whether loaded or empty, used for transporting
19 any hazardous material as defined in the hazardous materials
20 regulations of the United States department of transportation in 49
21 C.F.R. Parts 107 through 180 as it existed on June 10, 2010, or such
22 subsequent date as may be provided by the state patrol by rule,
23 consistent with the purposes of this section. For the purposes of this
24 section, a cargo tank is any commercial motor vehicle designed to
25 transport any liquid or gaseous materials within a tank that is either
26 permanently or temporarily attached to the vehicle or the chassis;

27 (iv) A cargo tank, whether loaded or empty, transporting a
28 commodity under exemption in accordance with 49 C.F.R. Part 107,
29 Subpart B as it existed on June 10, 2010, or such subsequent date as
30 may be provided by the state patrol by rule, consistent with the
31 purposes of this section;

32 (v) A cargo tank transporting a commodity that at the time of
33 loading has a temperature above its flashpoint as determined by the
34 United States department of transportation in 49 C.F.R. Sec. 173.120 as
35 it existed on June 10, 2010, or such subsequent date as may be provided
36 by the state patrol by rule, consistent with the purposes of this
37 section; or

1 (vi) A commercial motor vehicle that is required to be marked or
2 placarded with any one of the following classifications by the United
3 States department of transportation in 49 C.F.R. Part 172 as it existed
4 on June 10, 2010, or such subsequent date as may be provided by the
5 state patrol by rule, consistent with the purposes of this section:

6 (A) Division 1.1, Division 1.2, Division 1.3, or Division 1.4;

7 (B) Division 2.1, Division 2.2, Division 2.2 oxygen, Division 2.3
8 poison gas, or Division 2.3 chlorine;

9 (C) Division 4.1 or Division 4.3;

10 (D) Division 5.1 or Division 5.2;

11 (E) Division 6.1 poison;

12 (F) Class 3 combustible liquid or Class 3 flammable;

13 (G) Class 7;

14 (H) Class 8.

15 (b) While stopped, the driver must listen and look in both
16 directions along the track for any approaching train and for signals
17 indicating the approach of a train. The driver may not proceed until
18 he or she can do so safely.

19 (2) After stopping at a railroad grade crossing and upon proceeding
20 when it is safe to do so, the driver must cross only in a gear that
21 permits the vehicle to traverse the crossing without changing gears.
22 The driver may not shift gears while crossing the track or tracks.

23 (3) This section does not apply at any railroad grade crossing
24 where:

25 (a) Traffic is controlled by a police officer or flagger.

26 (b) A functioning traffic control signal is transmitting a green
27 light.

28 (c) The tracks are used exclusively for a streetcar or industrial
29 switching purposes.

30 (d) The utilities and transportation commission has approved the
31 installation of an "exempt" sign in accordance with the procedures and
32 standards under RCW 81.53.060.

33 (e) The crossing is abandoned and is marked with a sign indicating
34 it is out-of-service.

35 (f) The (~~state patrol~~) utilities and transportation commission
36 has(~~(, by rule,)~~) identified a crossing where stopping is not required
37 under RCW 81.53.060.

1 (~~(g) The superintendent of public instruction has, by rule,~~
2 ~~identified a circumstance under which a school bus or private carrier~~
3 ~~bus carrying any school child or other passenger is not required to~~
4 ~~stop.))~~

5 (4) For the purpose of this section, "commercial motor vehicle"
6 means: Any vehicle with a manufacturer's seating capacity for eight or
7 more passengers, including the driver, that transports passengers for
8 hire; any private carrier bus; any vehicle used to transport property
9 that has a gross vehicle weight rating, gross combination weight
10 rating, gross vehicle weight, or gross combination weight of 4,536 kg
11 (10,001 pounds) or more; and any vehicle used in the transportation of
12 hazardous materials as defined in RCW 46.25.010.

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