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**SUBSTITUTE HOUSE BILL 2598**

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**State of Washington**                      **64th Legislature**                      **2016 Regular Session**

**By** House Transportation (originally sponsored by Representatives Orcutt and Clibborn)

READ FIRST TIME 02/05/16.

1            AN ACT Relating to authorizing the use of certain cargo  
2 extensions that connect to a recreational vehicle frame; amending RCW  
3 46.04.620, 46.37.050, 46.37.340, 46.37.500, and 46.44.037; adding a  
4 new section to chapter 46.04 RCW; creating a new section; and  
5 providing an effective date.

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

7            NEW SECTION.    **Sec. 1.** It is the intent of the legislature to  
8 ensure that a cargo-carrying extension on the rear of a motor home or  
9 travel trailer must safely carry the weight of the cargo by  
10 requiring, if necessary, that the unit have an axle and two wheels,  
11 acting as a tag axle, to accommodate the weight and size of the  
12 cargo.

13            **Sec. 2.** RCW 46.04.620 and 1974 ex.s. c 76 s 3 are each amended  
14 to read as follows:

15            "Trailer" includes every vehicle without motive power designed  
16 for being drawn by or used in conjunction with a motor vehicle  
17 constructed so that no appreciable part of its weight rests upon or  
18 is carried by such motor vehicle, but does not include a municipal  
19 transit vehicle, or any portion thereof. "Trailer" does not include a  
20 cargo extension.

1        NEW SECTION.    **Sec. 3.**    A new section is added to chapter 46.04  
2 RCW to read as follows:

3        "Cargo extension" means a device that connects to the left and  
4 right side of a motor home or travel trailer frame and (1) becomes  
5 part of the frame, (2) does not pivot on a hitch, and (3) has an axle  
6 with two wheels, acting as a tag axle, to safely carry the weight of  
7 the cargo.

8        **Sec. 4.**    RCW 46.37.050 and 1977 ex.s. c 355 s 5 are each amended  
9 to read as follows:

10        (1) After January 1, 1964, every motor vehicle, trailer, cargo  
11 extension, semitrailer, and pole trailer, and any other vehicle which  
12 is being drawn at the end of a combination of vehicles, shall be  
13 equipped with at least two tail lamps mounted on the rear, which,  
14 when lighted as required in RCW 46.37.020, shall emit a red light  
15 plainly visible from a distance of one thousand feet to the rear,  
16 except that passenger cars manufactured or assembled prior to January  
17 1, 1939, shall have at least one tail lamp. On a combination of  
18 vehicles only the tail lamps on the rearmost vehicle need actually be  
19 seen from the distance specified. On vehicles equipped with more than  
20 one tail lamp, the lamps shall be mounted on the same level and as  
21 widely spaced laterally as practicable.

22        (2) Every tail lamp upon every vehicle shall be located at a  
23 height of not more than seventy-two inches nor less than fifteen  
24 inches.

25        (3) Either a tail lamp or a separate lamp shall be so constructed  
26 and placed as to illuminate with a white light the rear registration  
27 plate and render it clearly legible from a distance of fifty feet to  
28 the rear. Any tail lamp or tail lamps, together with any separate  
29 lamp or lamps for illuminating the rear registration plate, shall be  
30 so wired as to be lighted whenever the head lamps or auxiliary  
31 driving lamps are lighted.

32        **Sec. 5.**    RCW 46.37.340 and 1989 c 221 s 1 are each amended to  
33 read as follows:

34        Every motor vehicle, trailer, semitrailer, and pole trailer, and  
35 any combination of such vehicle operating upon a highway within this  
36 state shall be equipped with brakes in compliance with the  
37 requirements of this chapter.

1 (1) Service brakes—adequacy. Every such vehicle and combination  
2 of vehicles, except special mobile equipment as defined in RCW  
3 46.04.552, shall be equipped with service brakes complying with the  
4 performance requirements of RCW 46.37.351 and adequate to control the  
5 movement of and to stop and hold such vehicle under all conditions of  
6 loading, and on any grade incident to its operation.

7 (2) Parking brakes—adequacy. Every such vehicle and combination  
8 of vehicles shall be equipped with parking brakes adequate to hold  
9 the vehicle on any grade on which it is operated, under all  
10 conditions of loading, on a surface free from snow, ice, or loose  
11 material. The parking brakes shall be capable of being applied in  
12 conformance with the foregoing requirements by the driver's muscular  
13 effort or by spring action or by equivalent means. Their operation  
14 may be assisted by the service brakes or other source of power  
15 provided that failure of the service brake actuation system or other  
16 power assisting mechanism will not prevent the parking brakes from  
17 being applied in conformance with the foregoing requirements. The  
18 parking brakes shall be so designed that when once applied they shall  
19 remain applied with the required effectiveness despite exhaustion of  
20 any source of energy or leakage of any kind. The same brake drums,  
21 brake shoes and lining assemblies, brake shoe anchors, and mechanical  
22 brake shoe actuation mechanism normally associated with the wheel  
23 brake assemblies may be used for both the service brakes and the  
24 parking brakes. If the means of applying the parking brakes and the  
25 service brakes are connected in any way, they shall be so constructed  
26 that failure of any one part shall not leave the vehicle without  
27 operative brakes.

28 (3) Brakes on all wheels. Every vehicle shall be equipped with  
29 brakes acting on all wheels except:

30 (a) Trailers, cargo extensions, semitrailers, or pole trailers of  
31 a gross weight not exceeding three thousand pounds, provided that:

32 (i) The total weight on and including the wheels of the trailer  
33 or trailers or cargo extension shall not exceed forty percent of the  
34 gross weight of the towing vehicle when connected to the trailer or  
35 trailers; and

36 (ii) The combination of vehicles consisting of the towing vehicle  
37 and its total towed load, is capable of complying with the  
38 performance requirements of RCW 46.37.351;

39 (b) Trailers, semitrailers, or pole trailers manufactured and  
40 assembled prior to July 1, 1965, shall not be required to be equipped

1 with brakes when the total weight on and including the wheels of the  
2 trailer or trailers does not exceed two thousand pounds;

3 (c) Any vehicle being towed in driveaway or towaway operations,  
4 provided the combination of vehicles is capable of complying with the  
5 performance requirements of RCW 46.37.351;

6 (d) Trucks and truck tractors manufactured before July 25, 1980,  
7 and having three or more axles need not have brakes on the front  
8 wheels, except that when such vehicles are equipped with at least two  
9 steerable axles, the wheels of one steerable axle need not have  
10 brakes. Trucks and truck tractors manufactured on or after July 25,  
11 1980, and having three or more axles are required to have brakes on  
12 the front wheels, except that when such vehicles are equipped with at  
13 least two steerable axles, the wheels of one steerable axle need not  
14 have brakes. Such trucks and truck tractors may be equipped with an  
15 automatic device to reduce the front-wheel braking effort by up to  
16 fifty percent of the normal braking force, regardless of whether or  
17 not antilock system failure has occurred on any axle, and:

18 (i) Must not be operable by the driver except upon application of  
19 the control that activates the braking system; and

20 (ii) Must not be operable when the pressure that transmits brake  
21 control application force exceeds eighty-five pounds per square inch  
22 (psi) on air-mechanical braking systems, or eighty-five percent of  
23 the maximum system pressure in vehicles utilizing other than  
24 compressed air.

25 All trucks and truck tractors having three or more axles must be  
26 capable of complying with the performance requirements of RCW  
27 46.37.351;

28 (e) Special mobile equipment as defined in RCW 46.04.552 and all  
29 vehicles designed primarily for off-highway use with braking systems  
30 which work within the power train rather than directly at each wheel;

31 (f) Vehicles manufactured prior to January 1, 1930, may have  
32 brakes operating on only two wheels.

33 (g) For a forklift manufactured after January 1, 1970, and being  
34 towed, wheels need not have brakes except for those on the rearmost  
35 axle so long as such brakes, together with the brakes on the towing  
36 vehicle, shall be adequate to stop the combination within the  
37 stopping distance requirements of RCW 46.37.351.

38 (4) Automatic trailer brake application upon breakaway. Every  
39 trailer, semitrailer, and pole trailer equipped with air or vacuum  
40 actuated brakes and every trailer, semitrailer, and pole trailer with

1 a gross weight in excess of three thousand pounds, manufactured or  
2 assembled after January 1, 1964, shall be equipped with brakes acting  
3 on all wheels and of such character as to be applied automatically  
4 and promptly, and remain applied for at least fifteen minutes, upon  
5 breakaway from the towing vehicle.

6 (5) Tractor brakes protected. Every motor vehicle manufactured or  
7 assembled after January 1, 1964, and used to tow a trailer,  
8 semitrailer, or pole trailer equipped with brakes, shall be equipped  
9 with means for providing that in case of breakaway of the towed  
10 vehicle, the towing vehicle will be capable of being stopped by the  
11 use of its service brakes.

12 (6) Trailer air reservoirs safeguarded. Air brake systems  
13 installed on trailers manufactured or assembled after January 1,  
14 1964, shall be so designed that the supply reservoir used to provide  
15 air for the brakes shall be safeguarded against backflow of air from  
16 the reservoir through the supply line.

17 (7) Two means of emergency brake operation.

18 (a) Air brakes. After January 1, 1964, every towing vehicle  
19 equipped with air controlled brakes, in other than driveaway or  
20 towaway operations, and all other vehicles equipped with air  
21 controlled brakes, shall be equipped with two means for emergency  
22 application of the brakes. One of these means shall apply the brakes  
23 automatically in the event of a reduction of the vehicle's air supply  
24 to a fixed pressure which shall be not lower than twenty pounds per  
25 square inch nor higher than forty-five pounds per square inch. The  
26 other means shall be a manually controlled device for applying and  
27 releasing the brakes, readily operable by a person seated in the  
28 driving seat, and its emergency position or method of operation shall  
29 be clearly indicated. In no instance may the manual means be so  
30 arranged as to permit its use to prevent operation of the automatic  
31 means. The automatic and the manual means required by this section  
32 may be, but are not required to be, separate.

33 (b) Vacuum brakes. After January 1, 1964, every towing vehicle  
34 used to tow other vehicles equipped with vacuum brakes, in operations  
35 other than driveaway or towaway operations, shall have, in addition  
36 to the single control device required by subsection (8) of this  
37 section, a second control device which can be used to operate the  
38 brakes on towed vehicles in emergencies. The second control shall be  
39 independent of brake air, hydraulic, and other pressure, and  
40 independent of other controls, unless the braking system be so

1 arranged that failure of the pressure upon which the second control  
2 depends will cause the towed vehicle brakes to be applied  
3 automatically. The second control is not required to provide  
4 modulated braking.

5 (8) Single control to operate all brakes. After January 1, 1964,  
6 every motor vehicle, trailer, semitrailer, and pole trailer, and  
7 every combination of such vehicles, equipped with brakes shall have  
8 the braking system so arranged that one control device can be used to  
9 operate all service brakes. This requirement does not prohibit  
10 vehicles from being equipped with an additional control device to be  
11 used to operate brakes on the towed vehicles. This regulation does  
12 not apply to driveaway or towaway operations unless the brakes on the  
13 individual vehicles are designed to be operated by a single control  
14 in the towing vehicle.

15 (9) Reservoir capacity and check valve.

16 (a) Air brakes. Every bus, truck, or truck tractor with air  
17 operated brakes shall be equipped with at least one reservoir  
18 sufficient to insure that, when fully charged to the maximum pressure  
19 as regulated by the air compressor governor cut-out setting, a full  
20 service brake application may be made without lowering such reservoir  
21 pressure by more than twenty percent. Each reservoir shall be  
22 provided with means for readily draining accumulated oil or water.

23 (b) Vacuum brakes. After January 1, 1964, every truck with three  
24 or more axles equipped with vacuum assistor type brakes and every  
25 truck tractor and truck used for towing a vehicle equipped with  
26 vacuum brakes shall be equipped with a reserve capacity or a vacuum  
27 reservoir sufficient to insure that, with the reserve capacity or  
28 reservoir fully charged and with the engine stopped, a full service  
29 brake application may be made without depleting the vacuum supply by  
30 more than forty percent.

31 (c) Reservoir safeguarded. All motor vehicles, trailers,  
32 semitrailers, and pole trailers, when equipped with air or vacuum  
33 reservoirs or reserve capacity as required by this section, shall  
34 have such reservoirs or reserve capacity so safeguarded by a check  
35 valve or equivalent device that in the event of failure or leakage in  
36 its connection to the source of compressed air or vacuum, the stored  
37 air or vacuum shall not be depleted by the leak or failure.

38 (10) Warning devices.

39 (a) Air brakes. Every bus, truck, or truck tractor using  
40 compressed air for the operation of its own brakes or the brakes on

1 any towed vehicle, shall be provided with a warning signal, other  
2 than a pressure gauge, readily audible or visible to the driver,  
3 which will operate at any time the primary supply air reservoir  
4 pressure of the vehicle is below fifty percent of the air compressor  
5 governor cut-out pressure. In addition, each such vehicle shall be  
6 equipped with a pressure gauge visible to the driver, which indicates  
7 in pounds per square inch the pressure available for braking.

8 (b) Vacuum brakes. After January 1, 1964, every truck tractor and  
9 truck used for towing a vehicle equipped with vacuum operated brakes  
10 and every truck with three or more axles using vacuum in the  
11 operation of its brakes, except those in driveaway or towaway  
12 operations, shall be equipped with a warning signal, other than a  
13 gauge indicating vacuum, readily audible or visible to the driver,  
14 which will operate at any time the vacuum in the vehicle's supply  
15 reservoir or reserve capacity is less than eight inches of mercury.

16 (c) Combination of warning devices. When a vehicle required to be  
17 equipped with a warning device is equipped with both air and vacuum  
18 power for the operation of its own brakes or the brakes on a towed  
19 vehicle, the warning devices may be, but are not required to be,  
20 combined into a single device which will serve both purposes. A gauge  
21 or gauges indicating pressure or vacuum shall not be deemed to be an  
22 adequate means of satisfying this requirement.

23 **Sec. 6.** RCW 46.37.500 and 1999 c 58 s 2 are each amended to read  
24 as follows:

25 (1) Except as authorized under subsection (2) of this section, no  
26 person may operate any motor vehicle, trailer, cargo extension, or  
27 semitrailer that is not equipped with fenders, covers, flaps, or  
28 splash aprons adequate for minimizing the spray or splash of water or  
29 mud from the roadway to the rear of the vehicle. All such devices  
30 shall be as wide as the tires behind which they are mounted and  
31 extend downward at least to the center of the axle.

32 (2) A motor vehicle that is not less than forty years old or a  
33 street rod vehicle that is owned and operated primarily as a  
34 collector's item need not be equipped with fenders when the vehicle  
35 is used and driven during fair weather on well-maintained, hard-  
36 surfaced roads.

37 **Sec. 7.** RCW 46.44.037 and 2011 c 230 s 1 are each amended to  
38 read as follows:

1 Notwithstanding the provisions of RCW 46.44.036 and subject to  
2 such rules and regulations governing their operation as may be  
3 adopted by the state department of transportation, operation of the  
4 following combinations is lawful:

5 (1) A combination consisting of a truck tractor, a semitrailer,  
6 and another semitrailer or a full trailer. In this combination a  
7 converter gear used to convert a semitrailer into a full trailer  
8 shall be considered to be a part of the full trailer and not a  
9 separate vehicle. A converter gear being pulled without load and not  
10 used to convert a semitrailer into a full trailer may be substituted  
11 in lieu of a full trailer or a semitrailer in any lawful combination;

12 (2) A combination consisting of a truck tractor carrying a  
13 freight compartment no longer than eight feet, a semitrailer, and  
14 another semitrailer or full trailer that meets the legal length  
15 requirement for a truck and trailer combination set forth in RCW  
16 46.44.030;

17 (3) A motor home or travel trailer with a cargo extension,  
18 provided that there are no trailers or secondary cargo extensions or  
19 units attached to the cargo extension.

20 NEW SECTION. **Sec. 8.** This act takes effect July 1, 2016.

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