S-2325.1

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**SUBSTITUTE SENATE BILL 5883**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** Senate Transportation (originally sponsored by Senators King, Hobbs, Takko, Wellman, Rivers, and Keiser)

AN ACT Relating to authorizing vehicles or combinations of vehicles carrying farm products to exceed total gross weight limits; amending RCW 46.44.041, 46.44.091, 46.44.105, 36.75.270, and 36.75.290; and prescribing penalties.

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

**Sec.**  RCW 46.44.041 and 2016 c 24 s 1 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, no vehicle or combination of vehicles shall operate upon the public highways of this state with a gross load on any single axle in excess of twenty thousand pounds, or upon any group of axles in excess of that set forth in the following table, except that two consecutive sets of tandem axles may carry a gross load of thirty-four thousand pounds each, if the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six feet or more.

The following table is based on the following formula:
W = 500((LN/N-1)+12N+36). W is the maximum weight in pounds (to the nearest 500 pounds) carried on any group of two (2) or more consecutive axles. L is the distance in feet between the extremes of any group of two (2) or more consecutive axles. N is the number of axles under consideration.

| Distance in feet between the extremes of any group of 2 or more consecutive axles |  | Maximum load in pounds carried on any group of 2 or more consecutive axles |  |
| --- | --- | --- | --- |
| 2 | 3 | 4 | 5 |  | 6 |  | 7 |  | 8 |  | 9 |
| axles | axles | axles | axles |  | axles |  | axles |  | axles |  | axles |
|  |  |  |  |  |  |  |  |  |
|  | 4 | 34,000 |  |  |  |  |  |  |  |
|  | 5 | 34,000 |  |  |  |  |  |  |  |
|  | 6 | 34,000 |  |  |  |  |  |  |  |
|  | 7 | 34,000 |  |  |  |  |  |  |  |
|  | 8 & less | 34,000 | 34,000 |  |  |  |  |  |  |
|  | more than 8 | 38,000 | 42,000 |  |  |  |  |  |  |
|  | 9 | 39,000 | 42,500 |  |  |  |  |  |  |
|  | 10 | 40,000 | 43,500 |  |  |  |  |  |  |
|  | 11 |  | 44,000 | 49,000 |  |  |  |  |  |
|  | 12 |  | 45,000 | 50,000 |  |  |  |  |  |
|  | 13 |  | 45,500 | 50,500 |  |  |  |  |  |
|  | 14 |  | 46,500 | 51,500 | 56,500 |  |  |  |  |
|  | 15 |  | 47,000 | 52,000 | 57,000 |  |  |  |  |
|  | 16 |  | 48,000 | 52,500 | 58,000 |  |  |  |  |
|  | 17 |  | 48,500 | 53,500 | 58,500 |  |  |  |  |
|  | 18 |  | 49,500 | 54,000 | 59,000 | 64,500 |  |  |  |
|  | 19 |  | 50,000 | 54,500 | 60,000 | 65,000 |  |  |  |
|  | 20 |  | 51,000 | 55,500 | 60,500 | 66,000 |  |  |  |
|  | 21 |  | 51,500 | 56,000 | 61,000 | 66,500 | 72,000 |  |  |
|  | 22 |  | 52,500 | 56,500 | 61,500 | 67,000 | 72,500 |  |  |
|  | 23 |  | 53,000 | 57,500 | 62,500 | 68,000 | 73,000 |  |  |
|  | 24 |  | 54,000 | 58,000 | 63,000 | 68,500 | 74,000 |  |  |
|  | 25 |  | 54,500 | 58,500 | 63,500 | 69,000 | 74,500 | 80,000 |  |
|  | 26 |  | 55,500 | 59,500 | 64,000 | 69,500 | 75,000 | 80,500 |  |
|  | 27 |  | 56,000 | 60,000 | 65,000 | 70,000 | 75,500 | 81,000 |  |
|  | 28 |  | 57,000 | 60,500 | 65,500 | 71,000 | 76,500 | 82,000 | 87,500 |
|  | 29 |  | 57,500 | 61,500 | 66,000 | 71,500 | 77,000 | 82,500 | 88,000 |
|  | 30 |  | 58,500 | 62,000 | 66,500 | 72,000 | 77,500 | 83,000 | 88,500 |
|  | 31 |  | 59,000 | 62,500 | 67,500 | 72,500 | 78,000 | 83,500 | 89,000 |
|  | 32 |  | 60,000 | 63,500 | 68,000 | 73,000 | 78,500 | 84,500 | 90,000 |
|  | 33 |  |  | 64,000 | 68,500 | 74,000 | 79,000 | 85,000 | 90,500 |
|  | 34 |  |  | 64,500 | 69,000 | 74,500 | 80,000 | 85,500 | 91,000 |
|  | 35 |  |  | 65,500 | 70,000 | 75,000 | 80,500 | 86,000 | 91,500 |
|  | 36 |  |  | 66,000 | 70,500 | 75,500 | 81,000 | 86,500 | 92,000 |
|  | 37 |  |  | 66,500 | 71,000 | 76,000 | 81,500 | 87,000 | 93,000 |
|  | 38 |  |  | 67,500 | 71,500 | 77,000 | 82,000 | 87,500 | 93,500 |
|  | 39 |  |  | 68,000 | 72,500 | 77,500 | 82,500 | 88,500 | 94,000 |
|  | 40 |  |  | 68,500 | 73,000 | 78,000 | 83,500 | 89,000 | 94,500 |
|  | 41 |  |  | 69,500 | 73,500 | 78,500 | 84,000 | 89,500 | 95,000 |
|  | 42 |  |  | 70,000 | 74,000 | 79,000 | 84,500 | 90,000 | 95,500 |
|  | 43 |  |  | 70,500 | 75,000 | 80,000 | 85,000 | 90,500 | 96,000 |
|  | 44 |  |  | 71,500 | 75,500 | 80,500 | 85,500 | 91,000 | 96,500 |
|  | 45 |  |  | 72,000 | 76,000 | 81,000 | 86,000 | 91,500 | 97,500 |
|  | 46 |  |  | 72,500 | 76,500 | 81,500 | 87,000 | 92,500 | 98,000 |
|  | 47 |  |  | 73,500 | 77,500 | 82,000 | 87,500 | 93,000 | 98,500 |
|  | 48 |  |  | 74,000 | 78,000 | 83,000 | 88,000 | 93,500 | 99,000 |
|  | 49 |  |  | 74,500 | 78,500 | 83,500 | 88,500 | 94,000 | 99,500 |
|  | 50 |  |  | 75,500 | 79,000 | 84,000 | 89,000 | 94,500 | 100,000 |
|  | 51 |  |  | 76,000 | 80,000 | 84,500 | 89,500 | 95,000 | 100,500 |
|  | 52 |  |  | 76,500 | 80,500 | 85,000 | 90,500 | 95,500 | 101,000 |
|  | 53 |  |  | 77,500 | 81,000 | 86,000 | 91,000 | 96,500 | 102,000 |
|  | 54 |  |  | 78,000 | 81,500 | 86,500 | 91,500 | 97,000 | 102,500 |
|  | 55 |  |  | 78,500 | 82,500 | 87,000 | 92,000 | 97,500 | 103,000 |
|  | 56 |  |  | 79,500 | 83,000 | 87,500 | 92,500 | 98,000 | 103,500 |
|  | 57 |  |  | 80,000 | 83,500 | 88,000 | 93,000 | 98,500 | 104,000 |
|  | 58 |  |  |  | 84,000 | 89,000 | 94,000 | 99,000 | 104,500 |
|  | 59 |  |  |  | 85,000 | 89,500 | 94,500 | 99,500 | 105,500 |
|  | 60 |  |  |  | 85,500 | 90,000 | 95,000 | 100,500 | 105,500 |
|  | 61 |  |  |  | 86,000 | 90,500 | 95,500 | 101,000 | 105,500 |
|  | 62 |  |  |  | 86,500 | 91,000 | 96,000 | 101,500 | 105,500 |
|  | 63 |  |  |  | 87,500 | 92,000 | 96,500 | 102,000 | 105,500 |
|  | 64 |  |  |  | 88,000 | 92,500 | 97,500 | 102,500 | 105,500 |
|  | 65 |  |  |  | 88,500 | 93,000 | 98,000 | 103,000 | 105,500 |
|  | 66 |  |  |  | 89,000 | 93,500 | 98,500 | 103,500 | 105,500 |
|  | 67 |  |  |  | 90,000 | 94,000 | 99,000 | 104,500 | 105,500 |
|  | 68 |  |  |  | 90,500 | 95,000 | 99,500 | 105,000 | 105,500 |
|  | 69 |  |  |  | 91,000 | 95,500 | 100,000 | 105,500 | 105,500 |
|  | 70 |  |  |  | 91,500 | 96,000 | 101,000 | 105,500 | 105,500 |
|  | 71 |  |  |  | 92,500 | 96,500 | 101,500 | 105,500 | 105,500 |
|  | 72 |  |  |  | 93,000 | 97,000 | 102,000 | 105,500 | 105,500 |
|  | 73 |  |  |  | 93,500 | 98,000 | 102,500 | 105,500 | 105,500 |
|  | 74 |  |  |  | 94,000 | 98,500 | 103,000 | 105,500 | 105,500 |
|  | 75 |  |  |  | 95,000 | 99,000 | 103,500 | 105,500 | 105,500 |
|  | 76 |  |  |  | 95,500 | 99,500 | 104,500 | 105,500 | 105,500 |
|  | 77 |  |  |  | 96,000 | 100,000 | 105,000 | 105,500 | 105,500 |
|  | 78 |  |  |  | 96,500 | 101,000 | 105,500 | 105,500 | 105,500 |
|  | 79 |  |  |  | 97,500 | 101,500 | 105,500 | 105,500 | 105,500 |
|  | 80 |  |  |  | 98,000 | 102,000 | 105,500 | 105,500 | 105,500 |
|  | 81 |  |  |  | 98,500 | 102,500 | 105,500 | 105,500 | 105,500 |
|  | 82 |  |  |  | 99,000 | 103,000 | 105,500 | 105,500 | 105,500 |
|  | 83 |  |  |  | 100,000 | 104,000 | 105,500 | 105,500 | 105,500 |
|  | 84 |  |  |  |  | 104,500 | 105,500 | 105,500 | 105,500 |
|  | 85 |  |  |  |  | 105,000 | 105,500 | 105,500 | 105,500 |
|  | 86 or more |  |  |  |  | 105,500 | 105,500 | 105,500 | 105,500 |

When inches are involved: Under six inches take lower, six inches or over take higher. The maximum load on any axle in any group of axles shall not exceed the single axle or tandem axle allowance as set forth in the table above.

The maximum axle and gross weights specified in this section are subject to the braking requirements set up for the service brakes upon any motor vehicle or combination of vehicles as provided by law.

Loads of not more than eighty thousand pounds which may be legally hauled in the state bordering this state which also has a sales tax, are legal in this state when moving to a port district within four miles of the bordering state except on the interstate system. This provision does not allow the operation of a vehicle combination consisting of a truck tractor and three trailers.

Notwithstanding anything contained herein, a vehicle or combination of vehicles in operation on January 4, 1975, may operate upon the public highways of this state, including the interstate system within the meaning of section 127 of Title 23, United States Code, with an overall gross weight upon a group of two consecutive sets of dual axles which was lawful in this state under the laws, regulations, and procedures in effect in this state on January 4, 1975.

(2)(a) A vehicle or combination of vehicles carrying farm products, as defined in RCW 7.48.310, from the field where the farm product was grown or harvested, may exceed the weight limits in subsection (1) of this section by up to five percent, as determined by the vehicle operator, in excess of any axle, internal axle spacing, or gross vehicle weight limit when operating upon any highway that is not part of the federal-aid interstate system. The exemption provided in this subsection does not allow a vehicle or combination of vehicles to exceed any posted weight limit for a bridge.

(b) The exemption provided in this subsection (2) applies only to a vehicle or combination of vehicles carrying a load or loads that consist solely of farm products, as defined in RCW 7.48.310.

**Sec.**  RCW 46.44.091 and 2001 c 262 s 2 are each amended to read as follows:

(1) Except as otherwise provided in subsections (3) and (4) of this section, no special permit shall be issued for movement on any state highway or route of a state highway within the limits of any city or town where the gross weight, including load, exceeds the following limits:

(a) Twenty-two thousand pounds on a single axle or on dual axles with a wheelbase between the first and second axles of less than three feet six inches;

(b) Forty-three thousand pounds on dual axles having a wheelbase between the first and second axles of not less than three feet six inches but less than seven feet;

(c) On any group of axles or in the case of a vehicle employing two single axles with a wheel base between the first and last axle of not less than seven feet but less than ten feet, a weight in pounds determined by multiplying six thousand five hundred times the distance in feet between the center of the first axle and the center of the last axle of the group;

(d) On any group of axles with a wheel base between the first and last axle of not less than ten feet but less than thirty feet, a weight in pounds determined by multiplying two thousand two hundred times the sum of twenty and the distance in feet between the center of the first axle and the center of the last axle of the group;

(e) On any group of axles with a wheel base between the first and last axle of thirty feet or greater, a weight in pounds determined by multiplying one thousand six hundred times the sum of forty and the distance in feet between the center of the first axle and the center of the last axle of the group.

(2) The total weight of a vehicle or combination of vehicles allowable by special permit under subsection (1) of this section shall be governed by the lesser of the weights obtained by using the total number of axles as a group or any combination of axles as a group.

(3) The weight limitations pertaining to single axles may be exceeded to permit the movement of equipment operating upon single pneumatic tires having a rim width of twenty inches or more and a rim diameter of twenty-four inches or more or dual pneumatic tires having a rim width of sixteen inches or more and a rim diameter of twenty-four inches or more and specially designed vehicles manufactured and certified for special permits prior to July 1, 1975.

(4) Permits may be issued for weights in excess of the limitations contained in subsection (1) of this section on highways or sections of highways which have been designed and constructed for weights in excess of such limitations, or for any shipment duly certified as necessary by military officials, or by officials of public or private power facilities, or when in the opinion of the department of transportation the movement or action is a necessary movement or action: PROVIDED, That in the judgment of the department of transportation the structures and highway surfaces on the routes involved are capable of sustaining weights in excess of such limitations and it is not reasonable for economic or operational considerations to transport such excess weights by rail or water for any substantial distance of the total mileage applied for.

(5) Application shall be made in writing on special forms provided by the department of transportation and shall be submitted at least thirty-six hours in advance of the proposed movement. An application for a special permit for a gross weight of any combination of vehicles exceeding two hundred thousand pounds shall be submitted in writing to the department of transportation at least thirty days in advance of the proposed movement.

(6) A special permit is not required for a vehicle or combination of vehicles meeting the exemption under RCW 46.44.041(2).

**Sec.**  RCW 46.44.105 and 2007 c 419 s 13 are each amended to read as follows:

(1)(a) Except as provided in (b) of this subsection, a violation of any of the provisions of this chapter is a traffic infraction, and upon the first finding thereof shall be assessed a basic penalty of not less than fifty dollars; and upon a second finding thereof shall be assessed a basic penalty of not less than seventy-five dollars; and upon a third or subsequent finding shall be assessed a basic penalty of not less than one hundred dollars.

(b) A violation of RCW 46.44.041(2) is not a traffic infraction unless the farm for which the driver is carrying farm products has received four prior written warnings of the violations of exceeding the weight limitations specified in RCW 46.44.041 within the calendar year. The written warnings must be recorded by the issuing officer to allow a determination of the number of previous written warnings within the calendar year. A traffic infraction issued under this subsection must be issued against the owner of the farm for whom the driver is carrying the products. The chief of the Washington state patrol, with the advice of the department, shall adopt rules to aid in the enforcement of this subsection.

(2) Except as provided in subsection (1)(b) of this section, in addition to the penalties imposed in subsection (1) of this section, any person violating RCW 46.44.041, 46.44.042, 46.44.047, 46.44.090, 46.44.091, or 46.44.095 shall be assessed a penalty for each pound overweight, as follows:

(a) One pound through four thousand pounds overweight is three cents for each pound;

(b) Four thousand one pounds through ten thousand pounds overweight is one hundred twenty dollars plus twelve cents per pound for each additional pound over four thousand pounds overweight;

(c) Ten thousand one pounds through fifteen thousand pounds overweight is eight hundred forty dollars plus sixteen cents per pound for each additional pound over ten thousand pounds overweight;

(d) Fifteen thousand one pounds through twenty thousand pounds overweight is one thousand six hundred forty dollars plus twenty cents per pound for each additional pound over fifteen thousand pounds overweight;

(e) Twenty thousand one pounds and more is two thousand six hundred forty dollars plus thirty cents per pound for each additional pound over twenty thousand pounds overweight.

Upon a first violation in any calendar year, the court may suspend the penalty for five hundred pounds of excess weight for each axle on any vehicle or combination of vehicles, not to exceed a two thousand pound suspension. In no case may the basic penalty assessed in subsection (1) of this section or the additional penalty assessed in subsection (2) of this section, except as provided for the first violation, be suspended.

(3) Any person found to have violated any posted limitations of a highway or section of highway shall be assessed a monetary penalty of not less than one hundred ((~~and~~)) fifty dollars, and the court shall in addition thereto upon second violation within a twelve-month period involving the same power unit, suspend the certificate of license registration for not less than thirty days.

(4) It is unlawful for the driver of a vehicle to fail or refuse to stop and submit the vehicle and load to a weighing, or to fail or refuse, when directed by an officer upon a weighing of the vehicle to stop the vehicle and otherwise comply with the provisions of this section. It is unlawful for a driver of a commercial motor vehicle as defined in RCW 46.32.005, other than the driver of a bus as defined in RCW 46.32.005(3) or a vehicle with a gross vehicle weight rating or gross combination weight rating of 7,257 kilograms or less (16,000 pounds or less) and not transporting hazardous materials in accordance with RCW 46.32.005(4), to fail or refuse to stop at a weighing station when proper traffic control signs indicate scales are open. However, unladen tow trucks regardless of weight and farm vehicles carrying farm produce with a gross vehicle weight rating or gross combination weight rating of 11,794 kilograms or less (26,000 pounds or less) may fail or refuse to stop at a weighing station when proper traffic control signs indicate scales are open.

Any police officer is authorized to require the driver of any vehicle or combination of vehicles to stop and submit to a weighing either by means of a portable or stationary scale and may require that the vehicle be driven to the nearest public scale. Whenever a police officer, upon weighing a vehicle and load, determines that the weight is unlawful, the officer may require the driver to stop the vehicle in a suitable location and remain standing until such portion of the load is removed as may be necessary to reduce the gross weight of the vehicle to the limit permitted by law. If the vehicle is loaded with grain or other perishable commodities, the driver shall be permitted to proceed without removing any of the load, unless the gross weight of the vehicle and load exceeds by more than ten percent the limit permitted by this chapter. The owner or operator of the vehicle shall care for all materials unloaded at the risk of the owner or operator.

Any vehicle whose driver or owner represents that the vehicle is disabled or otherwise unable to proceed to a weighing location shall have its load sealed or otherwise marked by any police officer. The owner or driver shall be directed that upon completion of repairs, the vehicle shall submit to weighing with the load and markings and/or seal intact and undisturbed. Failure to report for weighing, appearing for weighing with the seal broken or the markings disturbed, or removal of any cargo prior to weighing is unlawful. Any person so convicted shall be fined one thousand dollars, and in addition the certificate of license registration shall be suspended for not less than thirty days.

(5) Any other provision of law to the contrary notwithstanding, district courts having venue have concurrent jurisdiction with the superior courts for the imposition of any penalties authorized under this section.

(6) For the purpose of determining additional penalties as provided by subsection (2) of this section, "overweight" means the poundage in excess of the maximum allowable gross weight or axle/axle grouping weight prescribed by RCW 46.44.041, 46.44.042, 46.44.047, 46.44.091, and 46.44.095.

(7) The penalties provided in subsections (1) and (2) of this section shall be remitted as provided in chapter 3.62 RCW or RCW 10.82.070. For the purpose of computing the basic penalties and additional penalties to be imposed under subsections (1) and (2) of this section, the convictions shall be on the same vehicle or combination of vehicles within a twelve-month period under the same ownership.

(8) Any state patrol officer or any weight control officer who finds any person operating a vehicle or a combination of vehicles in violation of the conditions of a permit issued under RCW 46.44.047, 46.44.090, and 46.44.095 may confiscate the permit and forward it to the state department of transportation which may return it to the permittee or revoke, cancel, or suspend it without refund. The department of transportation shall keep a record of all action taken upon permits so confiscated, and if a permit is returned to the permittee the action taken by the department of transportation shall be endorsed thereon. Any permittee whose permit is suspended or revoked may upon request receive a hearing before the department of transportation or person designated by that department. After the hearing the department of transportation may reinstate any permit or revise its previous action.

Every permit issued as provided for in this chapter shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any law enforcement officer or authorized agent of any authority granting such a permit.

Upon the third finding within a calendar year of a violation of the requirements and conditions of a permit issued under RCW 46.44.095, the permit shall be canceled, and the canceled permit shall be immediately transmitted by the court or the arresting officer to the department of transportation. The vehicle covered by the canceled permit is not eligible for a new permit for a period of thirty days.

(9) For the purposes of determining gross weights the actual scale weight taken by the arresting officer is prima facie evidence of the total gross weight.

(10) Except as provided in subsection (1)(b) of this section, it is a traffic infraction to direct the loading of a vehicle with knowledge that it violates the requirements in RCW 46.44.041, 46.44.042, 46.44.047, 46.44.090, 46.44.091, or 46.44.095 and that it is to be operated on the public highways of this state.

(11) The chief of the state patrol, with the advice of the department, may adopt reasonable rules to aid in the enforcement of this section.

**Sec.**  RCW 36.75.270 and 1963 c 4 s 36.75.270 are each amended to read as follows:

(1) The board of county commissioners of each county may by resolution limit or prohibit classes or types of vehicles on any county road or bridge and may limit the weight of vehicles which may travel thereon. Any such resolution shall be effective for a definite period of time which shall be stated in the resolution. If such resolution is published at least once in a newspaper of general circulation in the county and if signs indicating such closure or limitation of traffic have been posted on such road or bridge, any person violating such resolution shall be guilty of a misdemeanor.

(2)(a) However, a vehicle or combination of vehicles carrying farm products, as defined in RCW 7.48.310, from the field where the farm product was grown or harvested, may exceed the weight limits established by a board of county commissioners under subsection (1) of this section by up to five percent, as determined by the vehicle operator, in excess of any axle, internal axle spacing, or gross vehicle weight limit when operating upon the public highways of the state. The exemption provided in this subsection does not allow a vehicle or combination of vehicles to exceed any posted weight limit for a bridge.

(b) The exemption provided in this subsection (2) applies only to a vehicle or combination of vehicles carrying a load or loads that consist solely of farm products, as defined in RCW 7.48.310.

**Sec.**  RCW 36.75.290 and 1963 c 4 s 36.75.290 are each amended to read as follows:

(1) Except as provided subsection (2) of this section, it shall be a misdemeanor for any person to violate any of the provisions of this title relating to county roads and bridges unless such violation is by this title or other law of this state declared to be a felony or gross misdemeanor.

(2) A violation of RCW 36.75.270(2) is not a misdemeanor unless the farm for which the driver is carrying farm products has received four prior written warnings of the violations of exceeding the weight limitations specified in RCW 36.75.270(2) within the calendar year. The written warnings must be recorded by the issuing officer to allow a determination of the number of previous written warnings within the calendar year. A traffic infraction issued under this subsection must be issued against the owner of the farm for whom the driver is carrying the products.

**--- END ---**