

SSB 5883 - H COMM AMD  
By Committee on Transportation

ADOPTED 04/15/2019

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 46.44.105 and 2007 c 419 s 13 are each amended to  
4 read as follows:

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

12 ~~((2))~~ (b) (i) Except as provided in (c) of this subsection, in  
13 addition to the penalties imposed in (a) of this subsection ~~((1) of~~  
14 ~~this section)),~~ any person violating RCW 46.44.041, 46.44.042,  
15 46.44.047, 46.44.090, 46.44.091, or 46.44.095 shall be assessed a  
16 penalty for each pound overweight, as follows:

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

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

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

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

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

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

9       ~~((3))~~ (c) (i) The penalties in (a) and (b) of this subsection are  
10 not applicable and a written warning must be issued when a traffic  
11 infraction for a violation of RCW 46.44.041 occurs and the following  
12 applies:

13       (A) A vehicle or combination of vehicles carrying farm products,  
14 as defined in RCW 7.48.310, from the field where the farm product was  
15 grown or harvested, exceeds the gross vehicle weight limits in RCW  
16 46.44.041 by five percent or less; and

17       (B) The driver of the vehicle has not been issued a traffic  
18 infraction or has received no more than one written warning for a  
19 violation of RCW 46.44.041 within the calendar year in which the  
20 violation occurs.

21       (ii) The state patrol must track the issuance of written warnings  
22 issued for RCW 46.44.041 for the purposes of determining whether a  
23 violation of RCW 46.44.041 is the first in a calendar year.

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

30       ~~((4))~~ (3) It is unlawful for the driver of a vehicle to fail or  
31 refuse to stop and submit the vehicle and load to a weighing, or to  
32 fail or refuse, when directed by an officer upon a weighing of the  
33 vehicle to stop the vehicle and otherwise comply with the provisions  
34 of this section. It is unlawful for a driver of a commercial motor  
35 vehicle as defined in RCW 46.32.005, other than the driver of a bus  
36 as defined in RCW 46.32.005(3) or a vehicle with a gross vehicle  
37 weight rating or gross combination weight rating of 7,257 kilograms  
38 or less (16,000 pounds or less) and not transporting hazardous  
39 materials in accordance with RCW 46.32.005(4), to fail or refuse to  
40 stop at a weighing station when proper traffic control signs indicate

1 scales are open. However, unladen tow trucks regardless of weight and  
2 farm vehicles carrying farm produce with a gross vehicle weight  
3 rating or gross combination weight rating of 11,794 kilograms or less  
4 (26,000 pounds or less) may fail or refuse to stop at a weighing  
5 station when proper traffic control signs indicate scales are open.

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

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

32 ~~((+5))~~ (4) Any other provision of law to the contrary  
33 notwithstanding, district courts having venue have concurrent  
34 jurisdiction with the superior courts for the imposition of any  
35 penalties authorized under this section.

36 ~~((+6))~~ (5) For the purpose of determining additional penalties  
37 as provided by subsection ~~((+2))~~ (1)(b) of this section,  
38 "overweight" means the poundage in excess of the maximum allowable  
39 gross weight or axle/axle grouping weight prescribed by RCW  
40 46.44.041, 46.44.042, 46.44.047, 46.44.091, and 46.44.095.

1       ~~((7))~~ (6) The penalties provided in subsection~~((s))~~ (1)(a) and  
2       ~~((2))~~ (b) of this section shall be remitted as provided in chapter  
3 3.62 RCW or RCW 10.82.070. For the purpose of computing the basic  
4 penalties and additional penalties to be imposed under  
5 subsection~~((s))~~ (1)(a) and ~~((2))~~ (b) of this section, the  
6 convictions shall be on the same vehicle or combination of vehicles  
7 within a twelve-month period under the same ownership.

8       ~~((8))~~ (7) Any state patrol officer or any weight control  
9 officer who finds any person operating a vehicle or a combination of  
10 vehicles in violation of the conditions of a permit issued under RCW  
11 46.44.047, 46.44.090, and 46.44.095 may confiscate the permit and  
12 forward it to the state department of transportation which may return  
13 it to the permittee or revoke, cancel, or suspend it without refund.  
14 The department of transportation shall keep a record of all action  
15 taken upon permits so confiscated, and if a permit is returned to the  
16 permittee the action taken by the department of transportation shall  
17 be endorsed thereon. Any permittee whose permit is suspended or  
18 revoked may upon request receive a hearing before the department of  
19 transportation or person designated by that department. After the  
20 hearing the department of transportation may reinstate any permit or  
21 revise its previous action.

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

26       Upon the third finding within a calendar year of a violation of  
27 the requirements and conditions of a permit issued under RCW  
28 46.44.095, the permit shall be canceled, and the canceled permit  
29 shall be immediately transmitted by the court or the arresting  
30 officer to the department of transportation. The vehicle covered by  
31 the canceled permit is not eligible for a new permit for a period of  
32 thirty days.

33       ~~((9))~~ (8) For the purposes of determining gross weights the  
34 actual scale weight taken by the arresting officer is prima facie  
35 evidence of the total gross weight.

36       ~~((10))~~ (9) It is a traffic infraction to direct the loading of  
37 a vehicle with knowledge that it violates the requirements in RCW  
38 46.44.041, 46.44.042, 46.44.047, 46.44.090, 46.44.091, or 46.44.095  
39 and that it is to be operated on the public highways of this state.

1        (~~(11)~~) (10) The chief of the state patrol, with the advice of  
2 the department, may adopt reasonable rules to aid in the enforcement  
3 of this section."

4        Correct the title.

EFFECT: (1) The penalty for violation of the gross weight law does not apply and a written warning must be issued when: A vehicle or combination of vehicles is carrying farm products, as defined in RCW 7.48.310, from the field where the farm product was grown or harvested; the vehicle exceeds the gross vehicle weight limits by five percent or less; and the driver of the vehicle has not been issued a traffic infraction or received a written warning for a violation of gross vehicle weight limits within the calendar year.

(2) Allows a second written warning for a violation of exceeding gross vehicle weight limits before a penalty is applicable.

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