
SUBSTITUTE SENATE BILL 5883

AS AMENDED BY THE HOUSE

Passed Legislature - 2019 Regular Session

State of Washington 66th Legislature 2019 Regular Session

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

READ FIRST TIME 03/01/19.

1 AN ACT Relating to authorizing vehicles or combinations of
2 vehicles carrying farm products to exceed total gross weight limits;
3 amending RCW 46.44.105; and prescribing penalties.

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

5 **Sec. 1.** RCW 46.44.105 and 2007 c 419 s 13 are each amended to
6 read as follows:

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

14 ~~((2))~~ (b) (i) Except as provided in (c) of this subsection, in
15 addition to the penalties imposed in (a) of this subsection ~~((1) of~~
16 ~~this section)),~~ any person violating RCW 46.44.041, 46.44.042,
17 46.44.047, 46.44.090, 46.44.091, or 46.44.095 shall be assessed a
18 penalty for each pound overweight, as follows:

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

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

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

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

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

15 (ii) Upon a first violation in any calendar year, the court may
16 suspend the penalty for five hundred pounds of excess weight for each
17 axle on any vehicle or combination of vehicles, not to exceed a two
18 thousand pound suspension. Except as specified in (c) of this
19 subsection, in no case may the basic penalty assessed in (a) of this
20 subsection (~~((1) of this section)~~) or the additional penalty assessed
21 in (b) of this subsection (~~((2) of this section)~~), except as provided
22 for the first violation, be suspended.

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

27 (A) A vehicle or combination of vehicles carrying farm products,
28 as defined in RCW 7.48.310, from the field where the farm product was
29 grown or harvested, exceeds the gross vehicle weight limits in RCW
30 46.44.041 by five percent or less; and

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

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

38 (2) Any person found to have violated any posted limitations of a
39 highway or section of highway shall be assessed a monetary penalty of
40 not less than one hundred (~~and~~) fifty dollars, and the court shall

1 in addition thereto upon second violation within a twelve-month
2 period involving the same power unit, suspend the certificate of
3 license registration for not less than thirty days.

4 ~~((4))~~ (3) It is unlawful for the driver of a vehicle to fail or
5 refuse to stop and submit the vehicle and load to a weighing, or to
6 fail or refuse, when directed by an officer upon a weighing of the
7 vehicle to stop the vehicle and otherwise comply with the provisions
8 of this section. It is unlawful for a driver of a commercial motor
9 vehicle as defined in RCW 46.32.005, other than the driver of a bus
10 as defined in RCW 46.32.005(3) or a vehicle with a gross vehicle
11 weight rating or gross combination weight rating of 7,257 kilograms
12 or less (16,000 pounds or less) and not transporting hazardous
13 materials in accordance with RCW 46.32.005(4), to fail or refuse to
14 stop at a weighing station when proper traffic control signs indicate
15 scales are open. However, unladen tow trucks regardless of weight and
16 farm vehicles carrying farm produce with a gross vehicle weight
17 rating or gross combination weight rating of 11,794 kilograms or less
18 (26,000 pounds or less) may fail or refuse to stop at a weighing
19 station when proper traffic control signs indicate scales are open.

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

35 Any vehicle whose driver or owner represents that the vehicle is
36 disabled or otherwise unable to proceed to a weighing location shall
37 have its load sealed or otherwise marked by any police officer. The
38 owner or driver shall be directed that upon completion of repairs,
39 the vehicle shall submit to weighing with the load and markings
40 and/or seal intact and undisturbed. Failure to report for weighing,

1 appearing for weighing with the seal broken or the markings
2 disturbed, or removal of any cargo prior to weighing is unlawful. Any
3 person so convicted shall be fined one thousand dollars, and in
4 addition the certificate of license registration shall be suspended
5 for not less than thirty days.

6 ~~((+5))~~ (4) Any other provision of law to the contrary
7 notwithstanding, district courts having venue have concurrent
8 jurisdiction with the superior courts for the imposition of any
9 penalties authorized under this section.

10 ~~((+6))~~ (5) For the purpose of determining additional penalties
11 as provided by subsection ~~((+2))~~ (1)(b) of this section,
12 "overweight" means the poundage in excess of the maximum allowable
13 gross weight or axle/axle grouping weight prescribed by RCW
14 46.44.041, 46.44.042, 46.44.047, 46.44.091, and 46.44.095.

15 ~~((+7))~~ (6) The penalties provided in subsection ~~((s))~~ (1)(a) and
16 ~~((+2))~~ (b) of this section shall be remitted as provided in chapter
17 3.62 RCW or RCW 10.82.070. For the purpose of computing the basic
18 penalties and additional penalties to be imposed under
19 subsection ~~((s))~~ (1)(a) and ~~((+2))~~ (b) of this section, the
20 convictions shall be on the same vehicle or combination of vehicles
21 within a twelve-month period under the same ownership.

22 ~~((+8))~~ (7) Any state patrol officer or any weight control
23 officer who finds any person operating a vehicle or a combination of
24 vehicles in violation of the conditions of a permit issued under RCW
25 46.44.047, 46.44.090, and 46.44.095 may confiscate the permit and
26 forward it to the state department of transportation which may return
27 it to the permittee or revoke, cancel, or suspend it without refund.
28 The department of transportation shall keep a record of all action
29 taken upon permits so confiscated, and if a permit is returned to the
30 permittee the action taken by the department of transportation shall
31 be endorsed thereon. Any permittee whose permit is suspended or
32 revoked may upon request receive a hearing before the department of
33 transportation or person designated by that department. After the
34 hearing the department of transportation may reinstate any permit or
35 revise its previous action.

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

1 Upon the third finding within a calendar year of a violation of
2 the requirements and conditions of a permit issued under RCW
3 46.44.095, the permit shall be canceled, and the canceled permit
4 shall be immediately transmitted by the court or the arresting
5 officer to the department of transportation. The vehicle covered by
6 the canceled permit is not eligible for a new permit for a period of
7 thirty days.

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

11 ~~((10))~~ (9) It is a traffic infraction to direct the loading of
12 a vehicle with knowledge that it violates the requirements in RCW
13 46.44.041, 46.44.042, 46.44.047, 46.44.090, 46.44.091, or 46.44.095
14 and that it is to be operated on the public highways of this state.

15 ~~((11))~~ (10) The chief of the state patrol, with the advice of
16 the department, may adopt reasonable rules to aid in the enforcement
17 of this section.

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