
SENATE BILL 6304

State of Washington

54th Legislature

1996 Regular Session

By Senator Sutherland

Read first time 01/10/96. Referred to Committee on Transportation.

1 AN ACT Relating to recovery of pavement damage costs; amending RCW
2 10.82.070, 46.16.070, 46.44.0941, 46.44.095, and 46.44.105; reenacting
3 and amending RCW 3.62.020; creating a new section; and prescribing
4 penalties.

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

6 **Sec. 1.** RCW 3.62.020 and 1995 c 301 s 31 and 1995 c 291 s 5 are
7 each reenacted and amended to read as follows:

8 (1) Except as provided in subsection (4) of this section, all
9 costs, fees, fines, forfeitures and penalties assessed and collected in
10 whole or in part by district courts, except costs, fines, forfeitures
11 and penalties assessed and collected, in whole or in part, because of
12 the violation of city ordinances, shall be remitted by the clerk of the
13 district court to the county treasurer at least monthly, together with
14 a financial statement as required by the state auditor, noting the
15 information necessary for crediting of such funds as required by law.

16 (2) The county treasurer shall remit thirty-two percent of the
17 noninterest money received under subsection (1) of this section
18 (~~except certain costs~~) to the state treasurer for deposit, except as
19 follows:

1 (a) Under RCW 43.08.250, certain costs shall be deposited with the
2 state treasurer. "Certain costs" as used in this subsection, means
3 those costs awarded to prevailing parties in civil actions under RCW
4 4.84.010 or 36.18.040, or those costs awarded against convicted
5 defendants in criminal actions under RCW 10.01.160, 10.46.190, or
6 36.18.040, or other similar statutes if such costs are specifically
7 designated as costs by the court and are awarded for the specific
8 reimbursement of costs incurred by the state or county in the
9 prosecution of the case, including the fees of defense counsel(~~(-~~
10 ~~Money remitted under this subsection to the state treasurer shall be~~
11 ~~deposited as provided in RCW 43.08.250))); and~~

12 (b) All penalties provided for in RCW 46.44.105(2) shall be
13 deposited with the state treasurer and credited to the motor vehicle
14 fund as provided in RCW 46.44.105(8).

15 (3) The balance of the noninterest money received by the county
16 treasurer under subsection (1) of this section shall be deposited in
17 the county current expense fund.

18 (4) All money collected for county parking infractions shall be
19 remitted by the clerk of the district court at least monthly, with the
20 information required under subsection (1) of this section, to the
21 county treasurer for deposit in the county current expense fund.

22 (5) Penalties, fines, bail forfeitures, fees, and costs may accrue
23 interest at the rate of twelve percent per annum, upon assignment to a
24 collection agency. Interest may accrue only while the case is in
25 collection status.

26 (6) Interest retained by the court on penalties, fines, bail
27 forfeitures, fees, and costs shall be split twenty-five percent to the
28 state treasurer for deposit in the public safety and education account
29 as provided in RCW 43.08.250, twenty-five percent to the state
30 treasurer for deposit in the judicial information system account as
31 provided in RCW 2.68.020, twenty-five percent to the county current
32 expense fund, and twenty-five percent to the county current expense
33 fund to fund local courts.

34 **Sec. 2.** RCW 10.82.070 and 1995 c 292 s 3 are each amended to read
35 as follows:

36 (1) All sums of money derived from costs, fines, penalties, and
37 forfeitures imposed or collected, in whole or in part, by a superior
38 court for violation of orders of injunction, mandamus and other like

1 writs, for contempt of court, or for breach of the penal laws shall be
2 paid in cash by the person collecting the same, within twenty days
3 after the collection, to the county treasurer of the county in which
4 the same have accrued.

5 (2) The county treasurer shall remit monthly thirty-two percent of
6 the money received under this section (~~(except for certain costs)~~) to
7 the state treasurer for deposit (~~(as provided under RCW 43.08.250)~~) and
8 shall deposit the remainder as provided by law except as follows:

9 (a) Certain costs as provided under RCW 43.08.250 shall be
10 deposited to the state treasurer. "Certain costs" as used in this
11 subsection, means those costs awarded to prevailing parties in civil
12 actions under RCW 4.84.010 or 36.18.040, or those costs awarded against
13 convicted defendants in criminal actions under RCW 10.01.160,
14 10.46.190, or 36.18.040, or other similar statutes if such costs are
15 specifically designated as costs by the court and are awarded for the
16 specific reimbursement of costs incurred by the state or county in the
17 prosecution of the case, including the fees of defense counsel(~~(-)~~);

18 (b) All penalties provided for in RCW 46.44.105(2) shall be
19 deposited with the state treasurer and credited to the motor vehicle
20 fund as provided under RCW 46.44.105(8); and

21 (c) Costs or assessments awarded to dedicated accounts, state or
22 local, are not subject to this state allocation or to RCW 7.68.035.

23 (3) All fees, fines, forfeitures and penalties collected or
24 assessed by a district court because of the violation of a state law
25 shall be remitted as provided in chapter 3.62 RCW as now exists or is
26 later amended. All fees, fines, forfeitures, and penalties collected
27 or assessed by a superior court in cases on appeal from a lower court
28 shall be remitted to the municipal or district court from which the
29 cases were appealed.

30 **Sec. 3.** RCW 46.16.070 and 1994 c 262 s 8 are each amended to read
31 as follows:

32 (1) In lieu of all other vehicle licensing fees, unless
33 specifically exempt, and in addition to the excise tax prescribed in
34 chapter 82.44 RCW and the mileage fees prescribed for buses and stages
35 in RCW 46.16.125, there shall be paid and collected annually for each
36 truck, motor truck, truck tractor, road tractor, tractor, bus, auto
37 stage, or for hire vehicle with seating capacity of more than six,
38 based upon the declared combined gross weight or declared gross weight

1 thereof pursuant to the provisions of chapter 46.44 RCW, the following
 2 licensing fees by such gross weight:

DECLARED GROSS WEIGHT	SCHEDULE A	SCHEDULE B
4,000 lbs.	\$ ((37.00))	\$ ((37.00))
	<u>74</u>	<u>74</u>
6,000 lbs.	\$ ((44.00))	\$ ((44.00))
	<u>88</u>	<u>88</u>
8,000 lbs.	\$ ((55.00))	\$ ((55.00))
	<u>110</u>	<u>110</u>
10,000 lbs.	\$ ((62.00))	\$ ((62.00))
	<u>124</u>	<u>124</u>
12,000 lbs.	\$ ((72.00))	\$ ((72.00))
	<u>144</u>	<u>144</u>
14,000 lbs.	\$ ((82.00))	\$ ((82.00))
	<u>164</u>	<u>164</u>
16,000 lbs.	\$ ((92.00))	\$ ((92.00))
	<u>184</u>	<u>184</u>
18,000 lbs.	\$ ((137.00))	\$ ((137.00))
	<u>274</u>	<u>274</u>
20,000 lbs.	\$ ((152.00))	\$ ((152.00))
	<u>304</u>	<u>304</u>
22,000 lbs.	\$ ((164.00))	\$ ((164.00))
	<u>328</u>	<u>328</u>
24,000 lbs.	\$ ((177.00))	\$ ((177.00))
	<u>354</u>	<u>354</u>
26,000 lbs.	\$ ((187.00))	\$ ((187.00))
	<u>374</u>	<u>374</u>
28,000 lbs.	\$ ((220.00))	\$ ((220.00))
	<u>440</u>	<u>440</u>
30,000 lbs.	\$ ((253.00))	\$ ((253.00))
	<u>506</u>	<u>506</u>
32,000 lbs.	\$ ((304.00))	\$ ((304.00))
	<u>608</u>	<u>608</u>
34,000 lbs.	\$ ((323.00))	\$ ((323.00))
	<u>646</u>	<u>646</u>
36,000 lbs.	\$ ((350.00))	\$ ((350.00))
	<u>700</u>	<u>700</u>
38,000 lbs.	\$ ((384.00))	\$ ((384.00))
	<u>768</u>	<u>768</u>
40,000 lbs.	\$ ((439.00))	\$ ((439.00))
	<u>878</u>	<u>878</u>
42,000 lbs.	\$ ((456.00))	\$ ((546.00))
	<u>912</u>	<u>1,092</u>
44,000 lbs.	\$ ((466.00))	\$ ((556.00))
	<u>932</u>	<u>1,112</u>
46,000 lbs.	\$ ((501.00))	\$ ((591.00))

1		<u>1.002</u>	<u>1.182</u>
2	48,000 lbs.	\$ ((522.00))	\$ ((612.00))
3		<u>1.044</u>	<u>1.224</u>
4	50,000 lbs.	\$ ((566.00))	\$ ((656.00))
5		<u>1.132</u>	<u>1.312</u>
6	52,000 lbs.	\$ ((595.00))	\$ ((685.00))
7		<u>1.190</u>	<u>1.370</u>
8	54,000 lbs.	\$ ((642.00))	\$ ((732.00))
9		<u>1.284</u>	<u>1.464</u>
10	56,000 lbs.	\$ ((677.00))	\$ ((767.00))
11		<u>1.354</u>	<u>1.534</u>
12	58,000 lbs.	\$ ((704.00))	\$ ((794.00))
13		<u>1.408</u>	<u>1.588</u>
14	60,000 lbs.	\$ ((750.00))	\$ ((840.00))
15		<u>1.500</u>	<u>1.680</u>
16	62,000 lbs.	\$ ((804.00))	\$ ((894.00))
17		<u>1.608</u>	<u>1.788</u>
18	64,000 lbs.	\$ ((822.00))	\$ ((912.00))
19		<u>1.644</u>	<u>1.824</u>
20	66,000 lbs.	\$ ((915.00))	\$ ((1,005.00))
21		<u>1.830</u>	<u>2.010</u>
22	68,000 lbs.	\$ ((954.00))	\$ ((1,044.00))
23		<u>1.908</u>	<u>2.088</u>
24	70,000 lbs.	\$ ((1,027.00))	\$ ((1,117.00))
25		<u>2.054</u>	<u>2.234</u>
26	72,000 lbs.	\$ ((1,098.00))	\$ ((1,188.00))
27		<u>2.196</u>	<u>2.376</u>
28	74,000 lbs.	\$ ((1,193.00))	\$ ((1,283.00))
29		<u>2.386</u>	<u>2.566</u>
30	76,000 lbs.	\$ ((1,289.00))	\$ ((1,379.00))
31		<u>2.578</u>	<u>2.758</u>
32	78,000 lbs.	\$ ((1,407.00))	\$ ((1,497.00))
33		<u>2.814</u>	<u>2.994</u>
34	80,000 lbs.	\$ ((1,518.00))	\$ ((1,608.00))
35		<u>3.036</u>	<u>3.216</u>
36	82,000 lbs.	\$ ((1,623.00))	\$ ((1,713.00))
37		<u>3.264</u>	<u>3.426</u>
38	84,000 lbs.	\$ ((1,728.00))	\$ ((1,818.00))
39		<u>3.456</u>	<u>3.636</u>
40	86,000 lbs.	\$ ((1,833.00))	\$ ((1,923.00))
41		<u>3.666</u>	<u>3.846</u>
42	88,000 lbs.	\$ ((1,938.00))	\$ ((2,028.00))
43		<u>3.876</u>	<u>4.056</u>
44	90,000 lbs.	\$ ((2,043.00))	\$ ((2,133.00))
45		<u>4.086</u>	<u>4.266</u>
46	92,000 lbs.	\$ ((2,148.00))	\$ ((2,238.00))
47		<u>4.296</u>	<u>4.476</u>

1	94,000 lbs.	\$ ((2,253.00))	.....	\$ ((2,343.00))
2		<u>4.506</u>		<u>4.686</u>
3	96,000 lbs.	\$ ((2,358.00))	.....	\$ ((2,448.00))
4		<u>4.716</u>		<u>4.896</u>
5	98,000 lbs.	\$ ((2,463.00))	.....	\$ ((2,553.00))
6		<u>4.926</u>		<u>5.106</u>
7	100,000 lbs.	\$ ((2,568.00))	.....	\$ ((2,658.00))
8		<u>5.138</u>		<u>5.316</u>
9	102,000 lbs.	\$ ((2,673.00))	.....	\$ ((2,763.00))
10		<u>5.346</u>		<u>5.526</u>
11	104,000 lbs.	\$ ((2,778.00))	.....	\$ ((2,868.00))
12		<u>5.556</u>		<u>5.736</u>
13	105,500 lbs.	\$ ((2,883.00))	.....	\$ ((2,973.00))
14		<u>5.766</u>		<u>5.946</u>

15 Schedule A applies to vehicles either used exclusively for hauling
16 logs or that do not tow trailers. Schedule B applies to vehicles that
17 tow trailers and are not covered under Schedule A.

18 Every truck, motor truck, truck tractor, and tractor exceeding
19 6,000 pounds empty scale weight registered under chapter 46.16, 46.87,
20 or 46.88 RCW shall be licensed for not less than one hundred fifty
21 percent of its empty weight unless the amount would be in excess of the
22 legal limits prescribed for such a vehicle in RCW 46.44.041 or
23 46.44.042, in which event the vehicle shall be licensed for the maximum
24 weight authorized for such a vehicle or unless the vehicle is used only
25 for the purpose of transporting any well drilling machine, air
26 compressor, rock crusher, conveyor, hoist, donkey engine, cook house,
27 tool house, bunk house, or similar machine or structure attached to or
28 made a part of such vehicle.

29 The following provisions apply when increasing gross or combined
30 gross weight for a vehicle licensed under this section:

31 (a) The new license fee will be one-twelfth of the fee listed above
32 for the new gross weight, multiplied by the number of months remaining
33 in the period for which licensing fees have been paid, including the
34 month in which the new gross weight is effective.

35 (b) Upon surrender of the current certificate of registration or
36 cab card, the new licensing fees due shall be reduced by the amount of
37 the licensing fees previously paid for the same period for which new
38 fees are being charged.

39 (2) The proceeds from the fees collected under subsection (1) of
40 this section shall be distributed in accordance with RCW 46.68.035.

1 **Sec. 4.** RCW 46.44.0941 and 1995 c 171 s 2 are each amended to read
2 as follows:

3 The following fees, in addition to the regular license and tonnage
4 fees, shall be paid for all movements under special permit made upon
5 state highways. All funds collected, except the amount retained by
6 authorized agents of the department as provided in RCW 46.44.096, shall
7 be forwarded to the state treasury and shall be deposited in the motor
8 vehicle fund:

9 All overlegal loads, except overweight, single	
10 trip	\$ 10.00
11 Continuous operation of overlegal loads	
12 having either overwidth or overheight	
13 features only, for a period not to exceed	
14 thirty days	\$ 20.00
15 Continuous operations of overlegal loads	
16 having overlength features only, for a	
17 period not to exceed thirty days	\$ 10.00
18 Continuous operation of a combination of	
19 vehicles having one trailing unit that	
20 exceeds fifty-three feet and is not	
21 more than fifty-six feet in length, for	
22 a period of one year	\$ 100.00
23 Continuous operation of a combination of	
24 vehicles having two trailing units	
25 which together exceed sixty-one feet and	
26 are not more than sixty-eight feet in	
27 length, for a period of one year	\$ 100.00
28 Continuous operation of a three-axle fixed	
29 load vehicle having less than 65,000	
30 pounds gross weight, for a period not	
31 to exceed thirty days	\$ ((70.00))
32	<u>140.00</u>
33 Continuous operation of a four-axle fixed load	
34 vehicle meeting the requirements of	
35 RCW 46.44.091(1) and weighing less than	
36 86,000 pounds gross weight, not to exceed	
37 thirty days	\$ 90.00
38 Continuous movement of a mobile home or manufactured home	
39 having nonreducible features not to	

1	exceed eighty-five feet in total length and	
2	fourteen feet in width, for a period of	
3	one year	\$ 150.00
4	Continuous operation of a two or three-axle	
5	collection truck, actually engaged in the	
6	collection of solid waste or recyclables,	
7	or both, under chapter 81.77 or 35.21 RCW	
8	or by contract under RCW 36.58.090, for	
9	one year with an additional six thousand	
10	pounds more than the weight authorized in	
11	RCW 46.16.070 on the rear axle of a two-axle	
12	truck or eight thousand pounds for the tandem	
13	axles of a three-axle truck. RCW 46.44.041	
14	and 46.44.091 notwithstanding, the tire limits	
15	specified in RCW 46.44.042 apply, but none of	
16	the excess weight is valid or may be permitted	
17	on any part of the federal interstate highway	
18	system	\$ ((42.00))
19		<u>84.00</u>
20		per thousand pounds

21 The department may issue any of the above-listed permits that
22 involve height, length, or width for an expanded period of consecutive
23 months, not to exceed one year.

24 Continuous operation of farm implements under a permit issued as
25 authorized by RCW 46.44.140 by:

26	(1) Farmers in the course of farming activities,	
27	for any three-month period	\$ 10.00
28	(2) Farmers in the course of farming activities,	
29	for a period not to exceed one year	\$ 25.00
30	(3) Persons engaged in the business of the	
31	sale, repair, or maintenance of such	
32	farm implements, for any three-month period	\$ 25.00
33	(4) Persons engaged in the business of the	
34	sale, repair, or maintenance of such	
35	farm implements, for a period not to	
36	exceed one year	\$ 100.00

37 Overweight Fee Schedule

1 Excess weight over legal capacity, Cost per mile.
2 as provided in RCW 46.44.041.

3	0- 9,999 pounds	\$ ((.07))	<u>.14</u>
4	10,000-14,999 pounds	\$ ((.14))	<u>.28</u>
5	15,000-19,999 pounds	\$ ((.21))	<u>.42</u>
6	20,000-24,999 pounds	\$ ((.28))	<u>.56</u>
7	25,000-29,999 pounds	\$ ((.35))	<u>.70</u>
8	30,000-34,999 pounds	\$ ((.49))	<u>.98</u>
9	35,000-39,999 pounds	\$ ((.63))	<u>1.26</u>
10	40,000-44,999 pounds	\$ ((.79))	<u>1.58</u>
11	45,000-49,999 pounds	\$ ((.93))	<u>1.86</u>
12	50,000-54,999 pounds	\$((1.14))	<u>2.28</u>
13	55,000-59,999 pounds	\$((1.35))	<u>2.70</u>
14	60,000-64,999 pounds	\$((1.56))	<u>3.12</u>
15	65,000-69,999 pounds	\$((1.77))	<u>3.54</u>
16	70,000-74,999 pounds	\$((2.12))	<u>4.24</u>
17	75,000-79,999 pounds	\$((2.47))	<u>4.94</u>
18	80,000-84,999 pounds	\$((2.82))	<u>5.64</u>
19	85,000-89,999 pounds	\$((3.17))	<u>6.34</u>
20	90,000-94,999 pounds	\$((3.52))	<u>7.04</u>
21	95,000-99,999 pounds	\$((3.87))	<u>7.74</u>
22	100,000 pounds	\$((4.25))	<u>8.50</u>

23 The fee for weights in excess of 100,000 pounds is \$((4.25)) 8.50 plus
24 fifty cents for each 5,000 pound increment or portion thereof exceeding
25 100,000 pounds.

26 PROVIDED: (a) The minimum fee for any overweight permit shall be
27 \$((14.00)) 28.00, (b) the fee for issuance of a duplicate permit shall
28 be \$((14.00)) 28.00, (c) when computing overweight fees prescribed in
29 this section or in RCW 46.44.095 that result in an amount less than
30 even dollars the fee shall be carried to the next full dollar if fifty
31 cents or over and shall be reduced to the next full dollar if forty-
32 nine cents or under.

33 The fees levied in this section and RCW 46.44.095 do not apply to
34 vehicles owned and operated by the state of Washington, a county within
35 the state, a city or town or metropolitan municipal corporation within
36 the state, or the federal government.

1 **Sec. 5.** RCW 46.44.095 and 1993 c 102 s 5 are each amended to read
2 as follows:

3 When a combination of vehicles has been licensed to a total gross
4 weight of 80,000 pounds or when a three or more axle single unit
5 vehicle has been licensed to a total gross weight of 40,000 pounds, a
6 temporary additional tonnage permit to haul loads in excess of these
7 limits may be issued. This permit is valid for periods of not less
8 than five days at ~~((two))~~ five dollars and ~~((eighty))~~ sixty cents per
9 day for each two thousand pounds or fraction thereof. The fee may not
10 be prorated. The permits shall authorize the movement of loads not
11 exceeding the weight limits set forth in RCW 46.44.041 and 46.44.042.

12 **Sec. 6.** RCW 46.44.105 and 1993 c 403 s 4 are each amended to read
13 as follows:

14 (1) Violation of any of the provisions of ~~((RCW 46.44.041,~~
15 ~~46.44.042, 46.44.047, 46.44.090, 46.44.091, and 46.44.095, or failure~~
16 ~~to obtain a permit as provided by RCW 46.44.090 and 46.44.095, or~~
17 ~~misrepresentation of the size or weight of any load or failure to~~
18 ~~follow the requirements and conditions of a permit issued hereunder))~~
19 this chapter is a traffic infraction, and upon the first finding
20 thereof shall be assessed a basic penalty of not less than fifty
21 dollars; and upon a second finding thereof shall be assessed a basic
22 penalty of not less than seventy-five dollars; and upon a third or
23 subsequent finding shall be assessed a basic penalty of not less than
24 one hundred dollars.

25 (2) In addition to the penalties imposed in subsection (1) of this
26 section, any person violating RCW 46.44.041, 46.44.042, 46.44.047,
27 46.44.090, 46.44.091, or 46.44.095 shall be assessed ~~((three cents for~~
28 ~~each pound of excess weight))~~ a penalty as prescribed in this
29 subsection:

- 30 (a) One pound through 1,000 pounds overweight: \$90;
31 (b) 1,001 pounds through 2,000 pounds overweight: \$180;
32 (c) 2,001 pounds through 4,000 pounds overweight: \$360;
33 (d) 4,001 pounds through 15,000 pounds overweight: \$360 plus \$.30
34 per pound for each additional pound over 4,000 pounds overweight;
35 (e) 15,001 pounds and over overweight: \$3,000 plus \$.30 per pound
36 for each additional pound over 15,000 pounds overweight. Upon a first
37 violation in any calendar year, the court may suspend the penalty for
38 five hundred pounds of excess weight for each axle on any vehicle or

1 combination of vehicles, not to exceed a two thousand pound suspension.
2 In no case may the basic penalty assessed in subsection (1) of this
3 section or the additional penalty assessed in subsection (2), except as
4 provided for the first violation, be suspended.

5 (3) Whenever any vehicle or combination of vehicles is involved in
6 two violations of RCW 46.44.041, 46.44.042, 46.44.047, 46.44.090,
7 46.44.091, or 46.44.095 during any twelve-month period, the court may
8 suspend the certificate of license registration of the vehicle or
9 combination of vehicles for not less than thirty days. Upon a third or
10 succeeding violation in any twelve-month period, the court shall
11 suspend the certificate of license registration for not less than
12 thirty days. Whenever the certificate of license registration is
13 suspended, the court shall secure such certificate and immediately
14 forward the same to the director with information concerning the
15 suspension.

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

22 (5) It is unlawful for the driver of a vehicle to fail or refuse to
23 stop and submit the vehicle and load to a weighing, or to fail or
24 refuse, when directed by an officer upon a weighing of the vehicle to
25 stop the vehicle and otherwise comply with the provisions of this
26 section. It is unlawful for a driver of a commercial motor vehicle as
27 defined in RCW 46.32.005, other than the driver of a bus as defined in
28 RCW 46.32.005(2), to fail or refuse to stop at a weighing station when
29 proper traffic control signs indicate scales are open.

30 Any police officer is authorized to require the driver of any
31 vehicle or combination of vehicles to stop and submit to a weighing
32 either by means of a portable or stationary scale and may require that
33 the vehicle be driven to the nearest public scale. Whenever a police
34 officer, upon weighing a vehicle and load, determines that the weight
35 is unlawful, the officer may require the driver to stop the vehicle in
36 a suitable location and remain standing until such portion of the load
37 is removed as may be necessary to reduce the gross weight of the
38 vehicle to the limit permitted by law. If the vehicle is loaded with
39 grain or other perishable commodities, the driver shall be permitted to

1 proceed without removing any of the load, unless the gross weight of
2 the vehicle and load exceeds by more than ten percent the limit
3 permitted by this chapter. The owner or operator of the vehicle shall
4 care for all materials unloaded at the risk of the owner or operator.

5 Any vehicle whose driver or owner represents that the vehicle is
6 disabled or otherwise unable to proceed to a weighing location shall
7 have its load sealed or otherwise marked by any police officer. The
8 owner or driver shall be directed that upon completion of repairs, the
9 vehicle shall submit to weighing with the load and markings and/or seal
10 intact and undisturbed. Failure to report for weighing, appearing for
11 weighing with the seal broken or the markings disturbed, or removal of
12 any cargo prior to weighing is unlawful. Any person so convicted shall
13 be fined (~~(five hundred)~~) one thousand dollars, and in addition the
14 certificate of license registration shall be suspended for not less
15 than thirty days. Half of the monetary penalties provided in this
16 subsection shall be remitted as provided in RCW 3.62.020 or 10.82.070.
17 Half of the penalties shall be remitted to the state treasurer and
18 deposited in the motor vehicle fund.

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

23 (7) For the purpose of determining additional penalties as provided
24 by subsection (2) of this section, "excess weight" means the poundage
25 in excess of the maximum allowable gross weight or axle/axle grouping
26 weight prescribed by RCW 46.44.041 (~~(and)~~), 46.44.042 (~~(plus the~~
27 ~~weights allowed by RCW)~~), 46.44.047, 46.44.091, and 46.44.095.

28 (8) The penalties provided in subsection(~~s~~) (1) (~~(and (2))~~) of
29 this section shall be remitted as provided in chapter 3.62 RCW or RCW
30 10.82.070. The penalties provided in subsection (2) of this section
31 shall be remitted to the state treasurer and deposited in the motor
32 vehicle fund. For the purpose of computing the basic penalties and
33 additional penalties to be imposed under the provisions of subsections
34 (1) and (2) of this section the convictions shall be on the same
35 vehicle or combination of vehicles within a twelve-month period under
36 the same ownership.

37 (9) Any state patrol officer or any weight control officer who
38 finds any person operating a vehicle or a combination of vehicles in
39 violation of the conditions of a permit issued under RCW 46.44.047,

1 46.44.090, and 46.44.095 may confiscate the permit and forward it to
2 the state department of transportation which may return it to the
3 permittee or revoke, cancel, or suspend it without refund. The
4 department of transportation shall keep a record of all action taken
5 upon permits so confiscated, and if a permit is returned to the
6 permittee the action taken by the department of transportation shall be
7 endorsed thereon. Any permittee whose permit is suspended or revoked
8 may upon request receive a hearing before the department of
9 transportation or person designated by that department. After the
10 hearing the department of transportation may reinstate any permit or
11 revise its previous action.

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

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

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

26 (11) It is a traffic infraction to direct the loading of a vehicle
27 with knowledge that it violates the requirements in RCW 46.44.041,
28 46.44.042, 46.44.047, 46.44.090, 46.44.091, or 46.44.095 and that it is
29 to be operated on the public highways of this state.

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

33 NEW SECTION. **Sec. 7.** The department of transportation, in
34 cooperation with the department of licensing and the department of
35 revenue shall conduct a vehicle cost allocation study examining the
36 feasibility of recovering pavement damage costs through the
37 establishment of a weight-distance tax based on the weight of the
38 vehicle and the distance traveled each year in this state. Periodic

1 reports shall be submitted to the legislative transportation committee
2 and the house and senate standing committees on transportation. A
3 final report and recommendations are due July 1, 1997.

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