

Washington state reformatory; the McNeil Island ((penitentiary)) corrections center; the Purdy ((treatment)) corrections center for women; the Cedar Creek corrections center; the Clearwater corrections center; the Firland ((correctional)) corrections center; the Indian Ridge ((treatment)) corrections center; the Larch corrections center; the Olympic ((correctional)) corrections center; Pine Lodge ((correctional)) corrections center; ((and)) the special offender center; the Twin Rivers corrections center; the proposed five hundred bed facility at Clallam Bay; and such other state correctional institutions, camps or facilities as may hereafter be established pursuant to law under the jurisdiction of the department for the treatment of convicted felons sentenced to a term of confinement.

(4) "Prisoner" shall mean a person either male or female, convicted of a felony and sentenced by the superior court to a term of confinement and treatment in a state correctional institution under the jurisdiction of the department.

(5) "Superintendent" shall mean the superintendent of a state correctional institution, camp or other facility now or hereafter established under the jurisdiction of the department pursuant to law.

Sec. 5. Section 2, chapter 2, Laws of 1982 2nd ex. sess. and RCW 72.13.091 are each amended to read as follows:

Effective July 1, ((+1985)) 1987, each prisoner in the correctional institution shall be provided with a single cell: PROVIDED, HOWEVER, That multiple type living arrangements may be provided in forestry or other labor camps maintained in conjunction with the institution.

NEW SECTION. Sec. 6. Section 72.12.050, chapter 28, Laws of 1959, section 1, chapter 251, Laws of 1959, section 194, chapter 141, Laws of 1979 and RCW 72.12.050 are each repealed.

NEW SECTION. Sec. 7. Section 5 of this act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1985.

Passed the Senate April 27, 1985.

Passed the House April 26, 1985.

Approved by the Governor May 20, 1985.

Filed in Office of Secretary of State May 20, 1985.

CHAPTER 351

[Senate Bill No. 3120]

MOTOR VEHICLE LENGTH AND WEIGHT LIMITATIONS

AN ACT Relating to motor vehicle standards; and amending RCW 46.44.030, 46.44.037, 46.44.041, 46.44.042, 46.44.0941, and 46.44.105.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 46.44.030, chapter 12, Laws of 1961 as last amended by section 1, chapter 104, Laws of 1984 and RCW 46.44.030 are each amended to read as follows:

It is unlawful for any person to operate upon the public highways of this state any vehicle other than a municipal transit vehicle having an overall length, with or without load, in excess of forty feet: PROVIDED, That an auto stage or school bus shall not exceed an overall length, inclusive of front and rear bumpers, of forty feet: PROVIDED FURTHER, That the route of any auto stage in excess of thirty-five feet or school bus in excess of thirty-six feet six inches upon or across the public highways shall be limited as determined by the department of transportation for state highways, or by the local legislative authority for other public roads.

It is unlawful for any person to operate on the highways of this state any combination of vehicles that contains a vehicle of which the permanent structure is in excess of forty-eight feet.

It is unlawful for any person to operate upon the public highways of this state any combination consisting of a tractor and semitrailer that has a semitrailer length in excess of forty-eight feet or a combination consisting of a tractor and two trailers in which the combined length of the trailers exceeds ~~((fifty-nine))~~ sixty feet.

It is unlawful for any person to operate on the highways of this state any combination consisting of a truck and trailer with an overall length, with or without load, in excess of ~~((sixty-five))~~ seventy-five feet ~~((or a combination consisting of a tractor and a stinger steered semitrailer that has an overall length in excess of sixty-five feet without load or in excess of seventy feet with load:~~

~~"Stinger steered" as used in this section means a tractor and semitrailer combination that has the coupling connecting the semitrailer to the tractor located to the rear of the center line of the rear axle of the tractor)).~~

These length limitations do not apply to vehicles transporting poles, pipe, machinery, or other objects of a structural nature that cannot be dismembered and operated by a public utility when required for emergency repair of public service facilities or properties, but in respect to night transportation every such vehicle and load thereon shall be equipped with a sufficient number of clearance lamps on both sides and marker lamps upon the extreme ends of any projecting load to clearly mark the dimensions of the load.

The length limitations described in this section are exclusive of safety and energy conservation devices, such as mud flaps and splash and spray suppressant devices, refrigeration units or air compressors, and other devices that the department determines to be necessary for safe and efficient operation of commercial vehicles. No device excluded under this paragraph from the limitations of this section may have, by its design or use, the capability to carry cargo.

Sec. 2. Section 46.44.037, chapter 12, Laws of 1961 as last amended by section 53, chapter 7, Laws of 1984 and RCW 46.44.037 are each amended to read as follows:

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

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

(2) A combination consisting of three trucks or truck tractors used in driveway service where two of the vehicles are towed by the third in double saddlemount position;

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

Sec. 3. Section 22, chapter 64, Laws of 1975-'76 2nd ex. sess. as amended by section 2, chapter 81, Laws of 1977 and RCW 46.44.041 are each amended to read as follows:

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.

~~((Dis-~~
~~tance~~
~~in feet~~ _____ ~~Maximum load in pounds~~
~~between~~ _____ ~~carried on any group of 2~~
~~the ex-~~ _____ ~~or more consecutive axles~~
~~tremes~~
~~of any~~ _____ ~~*(Maximum load in pounds carried~~
~~group~~ _____ ~~on any group of 2 consecutive~~
~~of 2~~ _____ ~~sets of tandem axles)~~
~~or more~~
~~consecu-~~
~~tive~~ ~~2~~ ~~3~~ ~~4~~ ~~5~~ ~~6~~ ~~7~~ ~~8~~ ~~9~~
~~axles~~ ~~axles~~ ~~axles~~ ~~axles~~ ~~axles~~ ~~axles~~ ~~axles~~ ~~axles~~ ~~axles~~

4	34,000
5	34,000
6	34,000
7	34,000
8	34,000 36,500
9	39,000 38,000
10	40,000 39,500
11	41,000
12	42,500 42,500
13	44,000 44,000
14	45,500 45,500
15	47,000 47,000
16	48,000 48,000 48,000
17	48,500 48,500 49,000
18	49,500 49,500 50,000
19	50,000 50,000 51,000
20	51,000 51,000 52,000 52,000 55,500)*
21	51,500 51,500 53,000 53,000 56,000)*
22	52,500 52,500 54,000 54,000 56,500)*
23	53,000 53,000 55,000 55,000 57,500)*
24	54,000 54,000 55,500 56,000 56,000 58,000)*
25	54,500 55,000 56,500 57,000 57,000 58,500)*
26	55,500 56,000 57,500 58,000 58,000 59,500)*

(Distance in feet between the extremes of any group of 2 or more consecutive

	2 axes	3 axes	4 axes	5 axes	6 axes	7 axes	8 axes	9 axes
27		56,000	57,000	58,500	59,000	59,000		
								60,000)*
28		57,000	58,000	60,000	60,000	60,000	60,000	
								60,500)*
29		57,500	59,000	60,500	61,000	61,000	61,000	
								61,500)*
30		58,500	59,000	61,500	62,000	62,000	62,000	
								62,000)*
31		59,000	60,500	62,500	63,000	63,000	63,000	
								62,500)*
32		60,000	61,500	63,500	64,000	64,000	64,000	64,600
								63,500)*
33			62,500	64,500	65,000	65,000	65,000	65,000
								64,000)*
34			63,500	65,000	66,500	66,500	66,500	66,500
								64,500)*
35			64,500	66,500	67,500	67,500	67,500	67,500
								65,500)*
36			65,500	67,500	68,500	68,500	68,500	68,500
								68,000)*
37			66,500	68,500	69,500	69,500	69,500	69,500
38			67,500	69,000	70,500	70,500	70,500	70,500
39			68,000	70,000	71,500	71,500	71,500	71,500
40			68,500	71,000	72,500	72,500	72,500	72,500
41			69,500	72,000	73,500	73,500	73,500	73,500
42			70,000	73,000	74,500	74,500	74,500	74,500
43			70,500	74,000	75,500	75,500	75,500	75,500
44			71,500	75,000	76,500	76,500	76,500	76,500
45			72,000	76,000	78,000	78,000	78,000	78,000
46			72,500	76,500	79,000	79,000	79,000	79,000

((Dis=
tance
in feet _____ Maximum load in pounds
between _____ carried on any group of 2
the ex= _____ or more consecutive axes
tremes
of any _____ *(Maximum load in pounds carried
group _____ on any group of 2 consecutive
of 2 _____ sets of tandem axes)
or more
consecu=

	2	3	4	5	6	7	8	9
tive	axes	axes	axes	axes	axes	axes	axes	axes
47			73,500	77,500	80,000	80,000	80,000	80,000
48			74,000	78,000	81,000	81,000	81,000	81,000
49			74,500	78,500	82,000	82,000	82,000	82,000
50			75,500	79,000	83,000	83,000	83,000	83,000
51			76,000	80,000	84,000	84,000	84,000	84,000
52			76,500	80,500	85,000	85,000	85,000	85,000
53			77,500	81,000	86,000	86,000	87,000	87,000
54			78,000	81,500	86,500	87,500	89,000	89,000
55			78,500	82,500	87,000	88,000	91,000	91,000
56			79,500	83,000	87,500	90,000	93,000	93,000
57			80,000	83,500	88,000	91,000	95,000	95,000
58				84,000	89,000	92,500	97,000	97,000
59				85,000	89,500	93,500	99,000	99,000
60				85,500	90,000	95,000	100,500	100,500
61				86,000	90,500	95,500	101,000	102,500
62				86,500	91,000	96,000	101,500	104,000
63				87,500	92,000	96,500	102,000	105,500
64				88,000	92,500	97,000	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	104,000	105,500
68				90,500	94,500	99,500	104,500	105,500
69				91,000	95,500	100,000	105,500	105,500
70				91,500	96,000	101,000	105,500	105,500))

<u>Dis-</u> <u>tance</u> <u>in feet</u> <u>between</u> <u>the ex-</u> <u>tremes</u> <u>of any</u> <u>group</u> <u>of 2</u> <u>or more</u> <u>consecu-</u>	<u>Maximum load in pounds</u> <u>carried on any group of 2</u> <u>or more consecutive axles</u>								
	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>	<u>9</u>	
<u>tive</u> <u>axles</u>	<u>axles</u>	<u>axles</u>	<u>axles</u>	<u>axles</u>	<u>axles</u>	<u>axles</u>	<u>axles</u>	<u>axles</u>	<u>axles</u>
<u>4</u>	<u>34,000</u>								
<u>5</u>	<u>34,000</u>								
<u>6</u>	<u>34,000</u>								
<u>7</u>	<u>34,000</u>								
<u>8</u>	<u>34,000</u>	<u>42,000</u>							
<u>9</u>	<u>39,000</u>	<u>42,500</u>							
<u>10</u>	<u>40,000</u>	<u>43,500</u>							
<u>11</u>		<u>44,000</u>							
<u>12</u>		<u>45,000</u>	<u>50,000</u>						
<u>13</u>		<u>45,500</u>	<u>50,500</u>						
<u>14</u>		<u>46,500</u>	<u>51,500</u>						
<u>15</u>		<u>47,000</u>	<u>52,000</u>						
<u>16</u>		<u>48,000</u>	<u>52,500</u>	<u>52,500</u>					
<u>17</u>		<u>48,500</u>	<u>53,500</u>	<u>53,500</u>					
<u>18</u>		<u>49,500</u>	<u>54,000</u>	<u>54,000</u>					
<u>19</u>		<u>50,000</u>	<u>54,500</u>	<u>54,500</u>					
<u>20</u>		<u>51,000</u>	<u>55,500</u>	<u>55,500</u>					
<u>21</u>		<u>51,500</u>	<u>56,000</u>	<u>56,000</u>					
<u>22</u>		<u>52,500</u>	<u>56,500</u>	<u>56,500</u>					
<u>23</u>		<u>53,000</u>	<u>57,500</u>	<u>57,500</u>					
<u>24</u>		<u>54,000</u>	<u>58,000</u>	<u>58,000</u>					
<u>25</u>		<u>54,500</u>	<u>58,500</u>	<u>58,500</u>					
<u>26</u>		<u>55,500</u>	<u>59,500</u>	<u>59,500</u>					
<u>27</u>		<u>56,000</u>	<u>60,000</u>	<u>60,000</u>					
<u>28</u>		<u>57,000</u>	<u>60,500</u>	<u>61,000</u>	<u>61,000</u>				
<u>29</u>		<u>57,500</u>	<u>61,500</u>	<u>62,000</u>	<u>62,000</u>				
<u>30</u>		<u>58,500</u>	<u>62,000</u>	<u>63,000</u>	<u>63,000</u>				
<u>31</u>		<u>59,000</u>	<u>62,500</u>	<u>64,000</u>	<u>64,500</u>				
<u>32</u>		<u>60,000</u>	<u>63,500</u>	<u>65,000</u>	<u>65,000</u>				
<u>33</u>			<u>64,000</u>	<u>66,000</u>	<u>66,000</u>				

Dis- tance in feet between the ex- tremes of any group of 2 or more consecu-	Maximum load in pounds carried on any group of 2 or more consecutive axles								
	2 axles	3 axles	4 axles	5 axles	6 axles	7 axles	8 axles	9 axles	
34		64,500	67,000	67,000					
35		65,500	68,000	68,000					
36		66,000	69,500	69,500					
37		66,500	70,500	70,500					
38		67,500	72,000	72,000					
39		68,000	72,500	72,500					
40		68,500	73,000	73,000					
41		69,500	73,500	73,500					
42		70,000	74,000	74,000					
43		70,500	75,000	75,000					
44		71,500	75,500	75,500					
45		72,000	76,000	76,000					
46		72,500	76,500	80,000	80,000				
47		73,500	77,000	81,000	81,000				
48		74,000	78,000	82,000	82,000				
49		74,500	78,500	83,000	83,000				
50		75,500	79,000	84,000	84,000				
51		76,000	80,000	84,500	85,000				
52		76,500	80,500	85,000	86,000				
53		77,500	81,000	86,000	87,000				
54		78,000	81,500	86,500	88,000	91,000	91,000		
55		78,500	82,500	87,000	89,000	92,000	92,000		
56		79,500	83,000	87,500	90,000	93,000	93,000		
57		80,000	83,500	88,000	91,000	94,000	94,000		
58			84,000	89,000	92,000	95,000	95,000		
59			85,000	89,500	93,500	96,000	96,000		
60			85,500	90,000	95,000	97,000	97,000		
61			86,000	90,500	95,500	98,000	98,000		
62			87,000	91,000	96,000	99,000	99,000		
63			87,500	92,000	97,000	100,000	100,000		

Dis- tance in feet between the ex- tremes of any group of 2 or more consecu-	Maximum load in pounds carried on any group of 2 or more consecutive axles								
	tive axles	2 axles	3 axles	4 axles	5 axles	6 axles	7 axles	8 axles	9 axles
64				88,000	92,500	97,500	101,000	101,000	
65				88,500	93,000	98,000	102,000	102,000	
66				89,500	93,500	98,500	103,000	103,000	
67				90,000	94,000	99,000	104,000	104,000	
68				90,500	95,000	99,500	105,000	105,000	
69				91,000	95,500	100,000	105,500	105,500	
70				92,000	96,000	101,000	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 1.2 times the load given in the above table divided by the number of axles in that group, and shall not exceed the single axle or tandem axle allowance as set forth elsewhere. For considering the number of axles in a group, the front axle of a unit supplying motive power need not be included in the axle group.

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.

It is unlawful to operate upon the public highways any single unit vehicle, supported upon three axles or more with a gross weight including load in excess of forty thousand pounds or any combination of vehicles having a gross weight in excess of eighty thousand pounds without first obtaining an additional tonnage permit as provided for in RCW 46.44.095: PROVIDED, That when a combination of vehicles has purchased license tonnage in excess of seventy-two thousand pounds as provided by RCW 46.16.070, such excess license tonnage may be applied to the power unit subject to limitations of RCW 46.44.042 and this section when such vehicle is operated without a trailer.

It is unlawful to operate any vehicle upon the public highways equipped with two axles spaced less than seven feet apart, unless the two

axles are so constructed and mounted in such a manner as to provide oscillation between the two axles and that either one of the two axles will not at any one time carry more than the maximum gross weight allowed for one axle specified in this section.

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.

Sec. 4. Section 46.44.042, chapter 12, Laws of 1961 as amended by section 10, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.44.042 are each amended to read as follows:

Subject to the maximum gross weights specified in RCW 46.44.041, it is unlawful to operate any vehicle upon the public highways with a gross weight, including load, upon any tire concentrated upon the surface of the highway in excess of ((five)) six hundred ((fifty)) pounds per inch width of such tire(~~(, up to a maximum width of twelve inches, and for a tire having a width of twelve inches or more there shall be allowed a twenty percent tolerance above five hundred fifty pounds per inch width of such tire))~~). For the purpose of this section, the width of tire in case of solid rubber or hollow center cushion tires, so long as the use thereof may be permitted by the law, shall be measured between the flanges of the rim. For the purpose of this section, the width of tires in case of pneumatic tires shall be the maximum overall normal inflated width as stipulated by the manufacturer when inflated to the pressure specified and without load thereon.

Sec. 5. Section 2, chapter 137, Laws of 1965 as last amended by section 3, chapter 278, Laws of 1983 and RCW 46.44.0941 are each amended to read as follows:

The following fees, in addition to the regular license and tonnage fees, shall be paid for all movements under special permit made upon state highways. All funds collected shall be forwarded to the state treasury and shall be deposited in the motor vehicle fund:

All overlegal loads, except overweight, single trip	\$ 5.00
Continuous operation of overlegal loads having either overwidth or overheight features only, for a period not to exceed thirty days	\$ 20.00
Continuous operations of overlegal loads having overlength features only, for a period not to exceed thirty days	\$ 10.00

Continuous operation of a combination of vehicles having one trailing unit that exceeds forty-eight feet and is not more than fifty-six feet in length, for a period of one year	\$100.00
Continuous operation of a combination of vehicles having two trailing units which together exceed ((fifty-nine)) <u>sixty</u> feet and are not more than sixty-eight feet in length, for a period of one year	\$100.00
((Continuous operation of a truck and trailer not to exceed seventy-five feet overall length that may contain a permanent structure vehicle not in excess of forty-eight feet, for a period of one year	\$ 60.00))
Continuous operation of a three-axle fixed load vehicle having less than 65,000 pounds gross weight, for a period not to exceed thirty days	\$ 50.00
Continuous operation of overlegal loads having nonreducible features not to exceed eighty-five feet in length and fourteen feet in width, for a period of one year	\$150.00
Continuous operation of farm implements under a permit issued as authorized by RCW 46.44.140 by:	
(1) Farmers in the course of farming activities, for any three-month period	\$ 10.00
(2) Farmers in the course of farming activities, for a period not to exceed one year	\$ 25.00
(3) Persons engaged in the business of the sale, repair, or maintenance of such farm implements, for any three-month period	\$ 25.00
(4) Persons engaged in the business of the sale, repair, or maintenance of such farm implements, for a period not to exceed one year	\$100.00

Overweight Fee Schedule

Weight over total registered gross weight plus additional gross weight purchased under RCW 46.44.095 or 46.44.047, or any other statute authorizing the state department of transportation to issue annual overweight permits.	Fee per mile on state highways
1- 5,999 pounds	\$.05
6,000-11,999 pounds	\$.10
12,000-17,999 pounds	\$.15
18,000-23,999 pounds	\$.25
24,000-29,999 pounds	\$.35
30,000-35,999 pounds	\$.45
36,000-41,999 pounds	\$.60
42,000-47,999 pounds	\$.75
48,000-53,999 pounds	\$.90
54,000-59,999 pounds	\$ 1.05
60,000-65,999 pounds	\$ 1.20
66,000-71,999 pounds	\$ 1.45
72,000-((77,999))79,999 pounds	\$ 1.70
80,000 pounds or more	\$ 2.00

PROVIDED: (1) The minimum fee for any overweight permit shall be \$5.00, (2) the fee for issuance of a duplicate permit shall be \$5.00, (3) when computing overweight fees that result in an amount less than even dollars the fee shall be carried to the next full dollar if fifty cents or over and shall be reduced to the next full dollar if forty-nine cents or under.

Sec. 6. Section 23, chapter 64, Laws of 1975-'76 2nd ex. sess. as last amended by section 327, chapter 258, Laws of 1984 and RCW 46.44.105 are each amended to read as follows:

(1) Violation of any of the provisions of RCW 46.44.042, 46.44.047, 46.44.090, 46.44.091, 46.44.095, and 46.44.041, or failure to obtain a permit as provided by RCW 46.44.090 and 46.44.095, or misrepresentation of the size or weight of any load or failure to follow the requirements and conditions of a permit issued hereunder 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.

(2) In addition to the penalties imposed in subsection (1) of this section, any person violating RCW 46.44.042, 46.44.047, 46.44.090, 46.44.091,

46.44.095, or 46.44.041 shall be assessed three cents for each pound of excess weight. 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 be suspended.

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

(4) 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.

(5) 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.

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 five hundred dollars, and in addition the certificate of license registration shall be suspended for not less than thirty days.

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

(7) For the purpose of determining additional penalties as provided by subsection (2) of this section, "excess weight" means the poundage in excess of the maximum gross weight prescribed by RCW 46.44.042 and 46.44.041 plus the weights allowed by RCW 46.44.047, 46.44.091, and 46.44.095.

(8) 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 the provisions of 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.

(9) 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 (~~46.44.037~~) 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 as now or hereafter amended, 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.

(10) 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.

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

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