

(1) For a person not previously convicted of a felony but armed with a deadly weapon at the time of the commission of his offense, the duration of confinement shall not be fixed at less than five years.

(2) For a person previously convicted of a felony either in this state or elsewhere and who was armed with a deadly weapon at the time of the commission of his offense, the duration of confinement shall not be fixed at less than seven and one-half years.

The words "deadly weapon," as used in this section include, but are not limited to, any instrument known as a blackjack, sling shot, billy, sand club, sandbag, metal knuckles, any dirk, dagger, pistol, revolver, or any other firearm, any knife having a blade longer than three inches, any razor with an unguarded blade, and any metal pipe or bar used or intended to be used as a club, any explosive, and any weapon containing poisonous or injurious gas.

(3) For a person convicted of being an habitual criminal within the meaning of the statute which provides for mandatory life imprisonment for such habitual criminals, the duration of confinement shall not be fixed at less than fifteen years. The board shall retain jurisdiction over such convicted person throughout his natural life unless the governor by appropriate executive action orders otherwise.

(4) Any person convicted of embezzling funds from any institution of public deposit of which he was an officer or stockholder, the duration of confinement shall be fixed at not less than five years.

Except when an inmate of the reformatory, penitentiary or such other penal institution as may hereafter be established, has been convicted of murder in the first or second degree, the board may parole an inmate prior to the expiration of a mandatory minimum term, provided such inmate has demonstrated a meritorious effort in rehabilitation and at least ~~((four))~~ two-thirds of the board members concur in such action: PROVIDED, That any inmate who has a mandatory minimum term and is paroled prior to the expiration of such term according to the provisions of this chapter shall not receive a conditional release from supervision while on parole until after the mandatory minimum term has expired.

Passed the Senate February 5, 1976.

Passed the House February 23, 1976.

Approved by the Governor March 2, 1976.

Filed in Office of Secretary of State March 2, 1976.

CHAPTER 64

[Engrossed Senate Bill No. 3070]

MOTOR VEHICLES—SIZE, WEIGHT, LOAD—LICENSES AND PERMITS—FEES

AN ACT Relating to motor vehicles; amending section 46.16.070, chapter 12, Laws of 1961 as last amended by section 54, chapter 281, Laws of 1969 ex. sess. and RCW 46.16.070; amending section 15, chapter 170, Laws of 1969 ex. sess. as amended by section 4, chapter 150, Laws of 1973 1st ex. sess. and RCW 46.16.115; amending section 46.16.135, chapter 12, Laws of 1961 as last amended by section 6, chapter 118, Laws of 1975 1st ex. sess. and RCW 46.16.135; amending section 46.16.137, chapter 12, Laws of 1961 as last amended by section 7, chapter 118, Laws of 1975 1st ex. sess. and RCW 46.16.137; amending section 46.16.145, chapter 12, Laws of 1961 and RCW 46.16.145; amending section 46.16.160, chapter 12, Laws of 1961 as last amended by section 8, chapter 170, Laws of 1969 ex. sess. and RCW 46.16.160; amending section 46.44.020, chapter

12, Laws of 1961 as last amended by section 1, chapter 248, Laws of 1971 ex. sess. and RCW 46-44.020; amending section 46.44.036, chapter 12, Laws of 1961 and RCW 46.44.036; amending section 46.44.037, chapter 12, Laws of 1961 as last amended by section 37, chapter 170, Laws of 1965 ex. sess. and RCW 46.44.037; amending section 46.44.042, chapter 12, Laws of 1961 and RCW 46.44.042; amending section 46.44.047, chapter 12, Laws of 1961 as last amended by section 2, chapter 150, Laws of 1973 1st ex. sess. and RCW 46.44.047; amending section 46.44.050, chapter 12, Laws of 1961 and RCW 46.44.050; amending section 46.44.090, chapter 12, Laws of 1961 and RCW 46.44.090; amending section 46.44.091, chapter 12, Laws of 1961 as last amended by section 1, chapter 168, Laws of 1975 1st ex. sess. and RCW 46.44.091; amending section 46.44.092, chapter 12, Laws of 1961 as last amended by section 1, chapter 9, Laws of 1970 ex. sess. and RCW 46.44.092; amending section 2, chapter 137, Laws of 1965 as last amended by section 2, chapter 168, Laws of 1975 1st ex. sess. and RCW 46.44.094; amending section 46.44.095, chapter 12, Laws of 1961 as last amended by section 1, chapter 76, Laws of 1974 ex. sess. and RCW 46-44.095; amending section 46.44.096, chapter 12, Laws of 1961 as last amended by section 4, chapter 248, Laws of 1971 ex. sess. and RCW 46.44.096; amending section 1, chapter 38, Laws of 1965 and RCW 46.44.098; amending section 1, chapter 1, Laws of 1973 1st ex. sess. as amended by section 3, chapter 168, Laws of 1975 1st ex. sess. and RCW 46.44.130; amending section 1, chapter 196, Laws of 1975 1st ex. sess. and RCW 46.44.160; adding new sections to chapter 12, Laws of 1961 and to chapter 46.44 RCW; repealing section 46.16.100, chapter 12, Laws of 1961, section 5, chapter 170, Laws of 1969 ex. sess., section 10, chapter 231, Laws of 1971 ex. sess., section 18, chapter 25, Laws of 1975 and RCW 46.16.100; repealing section 46.44.040, chapter 12, Laws of 1961, section 1, chapter 244, Laws of 1971 ex. sess., section 1, chapter 150, Laws of 1973 1st ex. sess., section 1, chapter 86, Laws of 1974 ex. sess. and RCW 46.44.040; repealing section 46.44.044, chapter 12, Laws of 1961 and RCW 46.44.044; repealing section 46.44.045, chapter 12, Laws of 1961, section 34, chapter 21, Laws of 1961 ex. sess., section 50, chapter 32, Laws of 1967, section 22, chapter 199, Laws of 1969 ex. sess., section 1, chapter 17, Laws of 1971 and RCW 46-44.045; repealing section 46.44.046, chapter 12, Laws of 1961 and RCW 46.44.046; repealing section 46.44.097, chapter 12, Laws of 1961, section 1, chapter 249, Laws of 1971 ex. sess. and RCW 46.44.097; repealing section 2, chapter 38, Laws of 1965 and RCW 46.44.099; providing effective dates; and prescribing penalties.

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

Section 1. Section 46.16.070, chapter 12, Laws of 1961 as last amended by section 54, chapter 281, Laws of 1969 ex. sess. and RCW 46.16.070 are each amended to read as follows:

In addition to other fees for the licensing of vehicles there shall be paid and collected annually for each motor truck, truck tractor, and auto stage or for hire vehicle with seating capacity of six or more, based upon the maximum gross weight thereof, the following gross weight fees as indicated in column A: PROVIDED, HOWEVER, That in the case of each motor truck or truck tractor which is propelled by steam, electricity, natural gas, or diesel oil the fee shall be as provided in column B:

	A	B
Up to 4,000 lbs.	\$ 6.00	\$ 6.00
4,000 or more and less than 6,000 lbs.	\$ 11.00	\$ 12.25
6,000 or more and less than 8,000 lbs.	\$ 18.50	\$ 20.80
8,000 or more and less than 10,000 lbs.	\$ 23.50	\$ 26.40
10,000 or more and less than 12,000 lbs.	\$ 30.50	\$ 34.30
12,000 or more and less than 14,000 lbs.	\$ 37.50	\$ 42.20
14,000 or more and less than 16,000 lbs.	\$ 44.50	\$ 50.10
16,000 or more and less than 18,000 lbs.	\$ 74.00	\$ 83.25
18,000 or more and less than 20,000 lbs.	\$ 84.00	\$ 94.50
20,000 or more and less than 22,000 lbs.	\$ 92.00	\$103.50
22,000 or more and less than 24,000 lbs.	\$100.00	\$112.50
24,000 or more and less than 26,000 lbs.	\$107.00	\$120.40
26,000 or more and less than 28,000 lbs.	\$128.00	\$144.00
28,000 or more and less than 30,000 lbs.	\$147.00	\$165.40
30,000 or more and less than 32,000 lbs.	\$179.00	\$201.40
32,000 or more and less than 34,000 lbs.	\$191.00	\$214.90
34,000 or more and less than 36,000 lbs.	\$208.00	\$234.00

	A	B
36,000 or more and less than 38,000 lbs.	\$229.00	\$257.60
38,000 or more and less than 40,000 lbs.	\$255.00	\$286.90
40,000 or more and less than 42,000 lbs.	\$265.00	\$298.10
42,000 or more and less than 44,000 lbs.	\$275.00	\$309.40
44,000 or more and less than 46,000 lbs.	\$295.00	\$331.90
46,000 or more and less than 48,000 lbs.	\$305.00	\$344.25
48,000 or more and less than 50,000 lbs.	\$328.00	\$369.00
50,000 or more and less than 52,000 lbs.	\$346.00	\$389.25
52,000 or more and less than 54,000 lbs.	\$371.00	\$417.40
54,000 or more and less than 56,000 lbs.	\$397.00	\$446.60
56,000 or more and less than 58,000 lbs.	\$417.00	\$469.10
58,000 or more and less than 60,000 lbs.	\$438.00	\$492.75
60,000 or more and less than 62,000 lbs.	\$467.00	\$525.40
62,000 or more and less than 64,000 lbs.	\$478.00	\$537.75
64,000 or more and less than 66,000 lbs.	\$531.00	\$597.40
66,000 or more and less than 68,000 lbs.	\$554.00	\$623.25
68,000 or more and less than 70,000 lbs.	\$603.00	\$675.75
70,000 or more and less than 72,000 lbs.	\$645.50	\$722.45
72,000 or more and less than 74,000 lbs.	\$705.50	\$782.45
<u>74,000 or more and less than 76,000 lbs.</u>	<u>\$773.00</u>	<u>\$849.95</u>
<u>76,000 or more and less than 78,000 lbs.</u>	<u>\$848.00</u>	<u>\$924.95</u>
<u>78,000 or more and less than 80,000 lbs.</u>	<u>\$923.00</u>	<u>\$999.95</u>

PROVIDED, HOWEVER, That every motor truck except trucks not exceeding 5,000 pounds empty scale weight shall be licensed for not less than one hundred fifty percent of its empty weight unless such an amount would be in excess of the legal limits prescribed for such a vehicle in ~~((RCW 46.44.040))~~ section 22 of this 1976 amendatory act in which event the vehicle shall be licensed for the maximum ~~((gross load specified))~~ weight authorized for such a vehicle.

Sec. 2. Section 15, chapter 170, Laws of 1969 ex. sess. as amended by section 4, chapter 150, Laws of 1973 1st ex. sess. and RCW 46.16.115 are each amended to read as follows:

The owner thereof may elect to pay tonnage fees separately on a trailer or semitrailer: PROVIDED, HOWEVER, In order to exercise this option the owner of such a vehicle with a gross weight of 12,000 pounds or more must pay for the maximum permissible gross weight for the vehicle under RCW ~~((46.44.040 and))~~ 46.44.042 and section 22 of this 1976 amendatory act.

The gross weight fee for such trailers and semitrailers shall be as follows:

<u>Gross Weight</u>	<u>Fee</u>
Up to 12,000 pounds	As specified in column ((A)) <u>B</u> of RCW 46.16.070
More than 12,000 pounds but not more than 18,000 pounds	\$178.00
More than 18,000 pounds but not more than 32,000 pounds	\$401.00
More than 32,000 pounds but not more than 36,000 pounds	\$470.00
<u>More than 36,000 pounds but not more than 40,000 pounds</u>	<u>\$700.00</u>

When vehicles licensed under this section are used with a truck tractor or motor truck the licensed gross weight of the combination shall be the sum of the licensed gross weights of the vehicles forming the combination, and such limits must comply with section 22 of this 1976 amendatory act in order to purchase additional tonnage as provided in RCW 46.44.095.

Sec. 3. Section 46.16.135, chapter 12, Laws of 1961 as last amended by section 6, chapter 118, Laws of 1975 1st ex. sess. and RCW 46.16.135 are each amended to read as follows:

Tonnage for motor trucks, trailers, tractors, pole trailers, or semitrailers having a declared gross weight in excess of twenty thousand pounds may be purchased for any registration quarter at one-fourth of the usual annual tonnage fee: PROVIDED, That the fee for the registration quarter in which the vehicle is licensed shall be reduced by one-twelfth of the usual tonnage fee for each full registration month of the registration quarter that shall have elapsed at the time the vehicle is licensed. An additional fee of one dollar shall be charged by the director each time tonnage is purchased. The director is authorized to establish rules and regulations relative to the issuance and display of certificates or insignia.

No vehicle licensed under the provisions of this section shall be operated over the public highways unless the owner or operator renews the quarterly tonnage ((~~permit~~)) license prior to the expiration of the existing tonnage ((~~permit~~)) license. Any person who operates any such vehicle upon the public highways after the expiration of the existing tonnage ((~~permit~~)) license, shall be guilty of a misdemeanor, and in addition shall be required to purchase a tonnage ((~~permit~~)) license for the vehicle involved at the fee covering an entire registration year's operation thereof, less the fees for any registration quarter or registration quarters of the registration year already paid. If, within five days thereafter, no tonnage license for a full registration year has been purchased as required aforesaid, the Washington state patrol, county sheriff, or city police shall impound such vehicle in such manner as may be directed for such cases by the chief of the Washington state patrol, until such requirement is met.

Sec. 4. Section 46.16.137, chapter 12, Laws of 1961 as last amended by section 7, chapter 118, Laws of 1975 1st ex. sess. and RCW 46.16.137 are each amended to read as follows:

During the months of October, November, December, January, February, and March the gross weight license for a three-axle truck, a three-axle truck tractor and a two-axle pole trailer used in combination, and a three-axle truck and two-axle trailer used in combination, when such vehicles or combinations of vehicles are licensed to the maximum gross weight provided by law and are used exclusively in the transportation of logs, and a two or three axle dump truck, or two or three axle dump truck and dump trailer used in combination, and a tractor and dump semitrailer used in combination, when such vehicles are licensed to the maximum gross weight provided by law, may be purchased for a monthly period. The fee for such a monthly license shall be one-twelfth the annual maximum gross weight fee provided for in RCW 46.16.070 and 46.16.111 or in RCW 46.16.070 and 46.16.115. For each fee so paid, other than at the time of the payment of the basic license fee, an additional fee of one dollar and fifty cents shall be charged by the director. The monthly tonnage license shall be effective for one

entire registration month. The director or his authorized agent shall issue a ~~((permit))~~ license indicating that monthly tonnage fees have been paid, which ~~((permit))~~ tonnage license shall be carried in the vehicle throughout the registration month for which it is issued. The director is authorized to establish rules and regulations relative to the issuance of such ~~((permits))~~ tonnage licenses. No vehicle licensed under the provisions of this section shall be operated over the public highways unless the owner or operator thereof prior to the expiration of any such monthly period applies for, and pays the required fee for ~~((:))~~ a license for an additional monthly period, a three-month period, or for the remainder of the registration year. Any person who operates any such vehicle upon the public highways after the expiration of the existing ~~((permit))~~ license, shall be guilty of a misdemeanor, and in addition shall be required to purchase a ~~((gross weight))~~ tonnage license for the vehicle involved at the fee covering an entire registration year's tonnage license for operation thereof, less the fees for any period or periods of the registration year already paid. If, within five days thereafter, no tonnage license for a full registration year has been purchased as required aforesaid, the Washington state patrol, county sheriff, or city police shall impound such vehicle in such manner as may be directed for such cases by the chief of the Washington state patrol, until such requirement is met.

Sec. 5. Section 46.16.145, chapter 12, Laws of 1961 and RCW 46.16.145 are each amended to read as follows:

Any person violating any of the provisions of RCW 46.16.140 shall, upon a first conviction, pay a fine of not less than ~~((ten))~~ twenty-five dollars nor more than ~~((twenty-five))~~ fifty dollars; upon a second conviction pay a fine of not less than ~~((twenty-five))~~ fifty dollars nor more than ~~((fifty))~~ one hundred dollars, and in addition the court may suspend the certificate of license registration of ~~((his))~~ the vehicle for not more than thirty days; upon a third and subsequent conviction pay a fine of not less than ~~((fifty))~~ one hundred dollars nor more than ~~((one))~~ two hundred dollars, and in addition the court shall suspend the certificate of license registration of the vehicle for not less than thirty days nor more than ninety days.

Upon ordering the suspension of any certificate of license registration, the court or judge shall forthwith secure such certificate and mail it to the director.

Sec. 6. Section 46.16.160, chapter 12, Laws of 1961 as last amended by section 8, chapter 170, Laws of 1969 ex. sess. and RCW 46.16.160 are each amended to read as follows:

Any commercial vehicle bearing valid license plates and a registration certificate of another state or territory and not registered in this state and which under reciprocal relations with that state would be required to obtain a full or proportional motor vehicle license in this state may, in lieu of a certificate of ownership and license registration, be issued a permit. Such permit shall be valid for the conduct of interstate operations only and shall be issued in such form and under such conditions as the director shall prescribe. Application for the permit shall be made to the director or his designated agent on forms provided by the director. On receiving such application, together with fees as provided herein, a permit may be issued for a period of not to exceed two hundred forty consecutive hours: **PROVIDED, HOWEVER,** That no permit shall be issued for any period less than twenty-four consecutive hours.

The director, or his designated agent, shall be authorized to issue a further permit on the same vehicle or combination of vehicles upon the expiration of any permit issued for a period less than two hundred forty consecutive hours: PROVIDED, Such further permit does not extend the duration thereof to exceed two hundred forty consecutive hours on any series of consecutive permits issued for such vehicle or combination of vehicles: PROVIDED, FURTHER, That no permit, or series of permits, shall be issued for any period exceeding two hundred forty consecutive hours within any period of thirty days.

When any vehicle subject to license is to be moved upon the public highways of this state from one point to another, the department may issue a special permit therefor upon an application presented in such form as shall be approved by the department. Such permit shall be for one transit only as set forth in the application: PROVIDED, That a special permit or one transit permit shall be issued for movement of a mobile home as defined in RCW 46.04.302 pursuant to RCW 46.16.105.

For each permit issued to a vehicle or a combination of vehicles the director, or his designated agent, shall assess an administrative charge of five dollars per permit plus the following fees for each period of twenty-four consecutive hours covered by such permit:

Vehicles or combinations of vehicles with gross ~~((loads))~~ weights as declared by applicant of:

0	.....	9,999 lbs.	.....	\$0.50
10,000	.....	19,999 lbs.	.....	\$1.00
20,000	.....	29,999 lbs.	.....	\$1.50
30,000	.....	35,999 lbs.	.....	\$2.00
36,000	.....	45,999 lbs.	.....	\$2.50
46,000	.....	59,999 lbs.	.....	\$3.00
60,000	.....	((72,000)) 71,999 lbs.	.....	\$4.00
72,000	.....	75,999 lbs.	.....	\$6.00
<u>76,000</u>	.....	<u>80,000 lbs.</u>	.....	<u>\$8.00</u>

These fees shall not be subject to quarterly reduction as provided in RCW 46.16.130. Such vehicles will be subject to all of the laws, rules, and regulations affecting the operation of like motor vehicles in this state. The permit shall be displayed at all times in a prominent place on the vehicle, or if the vehicle is a trailer, then the permit shall be at all times in vehicle operator's possession.

The director shall have the authority to adopt rules and regulations whereby such permits can be issued to qualifying operators in advance of use and paid for as used.

All fees collected under the provisions of this chapter shall be forwarded by the director with a proper identifying detailed report to the state treasurer who shall deposit such fees to the credit of the motor vehicle fund.

Sec. 7. Section 46.44.020, chapter 12, Laws of 1961 as last amended by section 1, chapter 248, Laws of 1971 ex. sess. and RCW 46.44.020 are each amended to read as follows:

It shall be unlawful for any vehicle unladen or with load to exceed a height of ~~((thirteen))~~ fourteen feet ~~((and six inches))~~ above the level surface upon which the

vehicle stands: PROVIDED, That ~~((automobile transporters and boat transporters shall not exceed fourteen feet and that these))~~ this height ((limitations)) limitation shall not apply to authorized emergency vehicles or repair equipment of a public utility engaged in reasonably necessary operation. The provisions of this section shall not relieve the owner or operator of a vehicle or combination of vehicles from the exercise of due care in determining that sufficient vertical clearance is provided upon the public highways where such vehicle or combination of vehicles is being operated; and no liability shall attach to the state or to any county, city, town, or other political subdivision by reason of any damage or injury to persons or property by reason of the existence of any structure over or across any public highway where the vertical clearance above the roadway is ~~((thirteen))~~ fourteen feet ((six inches)) or more; or, where such vertical clearance is less than ~~((thirteen))~~ fourteen feet ((six inches)), if impaired clearance signs of a design approved by the Washington state highway commission are erected and maintained on the right side of any such public highway: In cities and towns at a distance of not less than two hundred feet and not more than three hundred feet; and in rural areas at a distance of not less than three hundred fifty feet and not more than five hundred feet, from each side of such structure. If any structure over or across any public highway is not owned by the state or by a county, city, town, or other political subdivision, it shall be the duty of the owner thereof when billed therefor to reimburse the Washington state highway commission or the county, city, town, or other political subdivision having jurisdiction over such highway for the actual cost of erecting and maintaining such impaired clearance signs, but no liability shall attach to such owner by reason of any damage or injury to persons or property caused by impaired vertical clearance above the roadway.

Sec. 8. Section 46.44.036, chapter 12, Laws of 1961 and RCW 46.44.036 are each amended to read as follows:

Except as provided in RCW 46.44.037, it is unlawful for any person to operate upon the public highways of this state any combination of vehicles consisting of more than two vehicles. For the purposes of this section a truck tractor-semitrailer ~~((and/or))~~ or pole trailer combination will be considered as two vehicles but the addition of another axle to the tractor of a truck tractor-semitrailer ~~((and/or))~~ or pole trailer combination in such a way that it supports a proportional share of the load of the semitrailer ~~((and/or))~~ or pole trailer shall not be deemed a separate vehicle but ~~((for all purposes))~~ shall be considered a part of the truck tractor. For the purposes of this section a converter gear used in converting a semitrailer to a full trailer shall not be deemed a separate vehicle but ~~((for all purposes))~~ shall be considered a part of the trailer.

Sec. 9. Section 46.44.037, chapter 12, Laws of 1961 as last amended by section 37, chapter 170, Laws of 1965 ex. sess. 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 highway commission operation of the following combinations shall be lawful:

(1) A combination consisting of a truck tractor, a semitrailer, and a full trailer. In this connection 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 drive-away service where two of the vehicles are towed by the third in double saddle-mount position.

~~((A combination consisting of a truck tractor, a semitrailer, and a full trailer when licensed for a total gross weight of seventy-two thousand pounds may be entitled to either an annual or temporary special permit authorizing the combination to carry not more than four thousand pounds of gross weight in excess of the maximum allowed in RCW 46.44.044 upon the payment of the fees set forth in RCW 46.44.095 and on such highways and subject to such terms and conditions as the state highway commission shall prescribe pursuant to the provisions of RCW 46.44.095. PROVIDED, That any state patrol officer who shall find any person operating a vehicle in violation of the conditions of a special permit issued under this section may confiscate such permit and forward it to the state highway commission which may return it to the permittee or revoke, cancel, or suspend it.))~~

Sec. 10. Section 46.44.042, chapter 12, Laws of 1961 and RCW 46.44.042 are each amended to read as follows:

Subject to the maximum gross weights specified in ~~((subsection (1) of RCW 46.44.040))~~ section 22 of this 1976 amendatory act, 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 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. 11. Section 46.44.047, chapter 12, Laws of 1961 as last amended by section 2, chapter 150, Laws of 1973 1st ex. sess. and RCW 46.44.047 are each amended to read as follows:

~~((In addition to the limitations of RCW 46.44.040, 46.44.042 and 46.44.044, a three-axle truck tractor and a two-axle pole trailer combination engaged in the operation of hauling logs, shall have an allowable variation in wheelbase length of six feet for the distance between the first and last axle of the vehicle in combination which has a wheelbase overall length of thirty-seven feet or more and upon special permit the gross weight of two axles spaced less than seven feet apart may exceed by not more than sixteen hundred pounds the maximum gross axle weight specified for two axles spaced less than seven feet apart, being thirty-two thousand pounds as provided in RCW 46.44.040, and the gross weight of the combination of vehicles may exceed by not more than six thousand eight hundred pounds the legal gross weight of the combination of vehicles, when licensed as~~

permitted by law, for sixty-eight thousand pounds.)) A three axle truck tractor and a two axle pole trailer combination engaged in the operation of hauling logs may exceed by not more than six thousand eight hundred pounds the legal gross weight of the combination of vehicles when licensed, as permitted by law, for sixty-eight thousand pounds: PROVIDED, That the distance between the first and last axle of the vehicles in combination shall have a total wheelbase of not less than thirty-seven feet, and the weight upon two axles spaced less than seven feet apart shall not exceed thirty-three thousand six hundred pounds.

Such additional allowances shall be permitted by a special permit to be issued by the state highway commission valid only on state primary or secondary highways authorized by the state highway commission and under such rules, regulations, terms, and conditions prescribed by the state highway commission. The fee for such special permit shall be fifty dollars for a twelve-month period beginning and ending on April 1st of each calendar year. Permits may be issued at any time, but if issued after July 1st of any year the fee shall be thirty-seven dollars and fifty cents. If issued on or after October 1st the fee shall be twenty-five dollars, and if issued on or after January 1st the fee shall be twelve dollars and fifty cents. A copy of such special permit covering the vehicle involved shall be carried in the cab of the vehicle at all times. Upon the third conviction within ~~((a calendar year))~~ the duration of the permit for violation of the terms and conditions of the special permit, the special permit shall be canceled. The vehicle covered by such canceled special permit shall not be eligible for a new special permit until thirty days after the cancellation of the special permit issued to said vehicle. The fee for such renewal shall be at the same rate as set forth in this section which covers the original issuance of such special permit. Each special permit shall be assigned to a three-axle truck tractor in combination with a two-axle pole trailer ~~((and may be transferred upon application to the department of highways with payment of a two-dollar fee))~~. When the highway commission issues a duplicate permit to replace a lost or destroyed permit and where the highway commission transfers a permit, a fee of five dollars shall be charged for each such duplicate issued or each such transfer.

All fees collected hereinabove shall be deposited with the state treasurer and credited to the motor vehicle fund.

Permits involving city streets or county roads or using city streets or county roads to reach or leave state highways, authorized for permit by the state highway department may be issued by the city or county or counties involved. A fee of five dollars for such city or county permit may be assessed by the city or by the board of county commissioners which shall be deposited in the city or county road fund. The special permit provided for herein shall be known as a "log tolerance permit" and shall designate the route or routes to be used, which shall first be approved by the city or county engineer involved. Authorization of additional route or routes may be made at the discretion of the city or county by amending the original permit or by issuing a new permit. Said permits shall be issued on a yearly basis expiring on March 31st of each calendar year. Any person, firm, or corporation who uses any city street or county road for the purpose of transporting logs with weights authorized by state highway log tolerance permits, to reach or leave a state highway route, without first obtaining a city or county permit when required

by the city or board of county commissioners shall be subject to the penalties prescribed by ~~((RCW 46.44.045))~~ section 23 of this 1976 amendatory act. For the purpose of determining gross weight the actual scale weight taken by the officer shall be prima facie evidence of such total gross weight. In the event the gross weight is in excess of the weight permitted by law, the officer may, within his discretion, permit the operator to proceed with his vehicles in combination.

The chief of the state patrol, with the advice of the state highway commission, may make reasonable rules and regulations to aid in the enforcement of the provisions of this section.

Sec. 12. Section 46.44.050, chapter 12, Laws of 1961 and RCW 46.44.050 are each amended to read as follows:

It shall be unlawful to operate any vehicle upon public highways with a wheelbase between any two axles thereof of less than three feet, six inches when weight exceeds that allowed for one axle under RCW 46.44.042 or section 22 of this 1976 amendatory act. It shall be unlawful to operate any motor vehicle upon the public highways of this state with a wheelbase between the frontmost axle and the rearmost axle of less than three feet, six inches.

For the purposes of this section, wheelbase shall be measured upon a straight line from center to center of the vehicle axles designated.

Sec. 13. Section 46.44.090, chapter 12, Laws of 1961 and RCW 46.44.090 are each amended to read as follows:

The state highway commission with respect to primary and secondary state highways and local authorities with respect to public highways under their jurisdiction may, upon application in writing and good cause being shown therefor, issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size, weight of vehicle, or load exceeding the maximum specified in this chapter or otherwise not in conformity with the provisions of this chapter upon any public highway under the jurisdiction of the authority granting such permit and for the maintenance of which such authority is responsible.

~~((No overweight permit shall be issued to any vehicle or combination of vehicles unless such vehicle or combination of vehicles is licensed for the maximum gross weight allowed by law.))~~

Sec. 14. Section 46.44.091, chapter 12, Laws of 1961 as last amended by section 1, chapter 168, Laws of 1975 1st ex. sess. and RCW 46.44.091 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 highway commission ((such) the movement or action is a necessary movement or action ((and the commission further determines that))): PROVIDED, That in the judgment of the highway commission 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 highway commission 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 highway commission at least thirty days in advance of the proposed movement.

Sec. 15. Section 46.44.092, chapter 12, Laws of 1961 as last amended by section 1, chapter 9, Laws of 1970 ex. sess. and RCW 46.44.092 are each amended to read as follows:

No special permit shall be issued for movement on any two lane state highway outside the limits of any city or town where the overall width of load exceeds

fourteen feet, or on any multiple lane state highway where the overall width of load exceeds thirty-two feet; except that on multiple lane state highways where a physical barrier serving as a median divider separates the oncoming and opposing traffic lanes, no special permit shall be issued for width in excess of twenty feet: ~~PROVIDED, ((That (1) these width limitations may be exceeded on state highways where the latest available traffic figures show that the highway or section of highway carries less than one hundred vehicles per day: PROVIDED FURTHER;))~~ That (1) in the case of buildings, the limitations referred to in this section for movement on any two lane state highway other than the national system of interstate and defense highways may be exceeded under the following conditions: (a) ~~((Uninterrupted))~~ Controlled vehicular traffic shall be maintained in one direction at all times; (b) maximum distance of movement shall not exceed five miles; additional contiguous permits shall not be issued to exceed the five-mile limit: ~~PROVIDED, That~~ when in the opinion of the highway commission a hardship would result, this limitation may be exceeded upon approval of the commission; (c) prior to issuing a permit a qualified highway department employee shall make a visual inspection of the building and route involved determining that the conditions listed herein shall be complied with and that structures or overhead obstructions may be cleared or moved in order to maintain a constant and uninterrupted movement of the building; (d) special escort or other precautions may be imposed to assure movement is made under the safest possible conditions, and the Washington state patrol shall be advised when and where the movement is to be made; (2) permits may be issued for widths of vehicles in excess of the preceding limitations on highways or sections of highways which have been designed and constructed for width in excess of such limitations; (3) these limitations may be rescinded when certification is made by military officials, or by officials of public or private power facilities, or when in the opinion of the highway commission~~(;))~~ the movement or action is a necessary ~~((emergency))~~ movement or action: ~~PROVIDED FURTHER, That in the judgment of the highway commission the structures and highway surfaces on the routes involved are ((determined to be)) capable of sustaining widths in excess of such limitation; (4) ((these limitations shall not apply to farmers moving farm machinery between farms during daylight hours if the movement does not pass along and upon any primary or secondary state highway for a distance greater than one hundred miles, if properly patrolled and flagged; (5)))~~ these limitations shall not apply to movement during daylight hours on any two lane state highway where the gross weight, including load, does not exceed forty-five thousand pounds and the overall width of load does not exceed sixteen feet: ~~PROVIDED, That~~ the minimum and maximum speed of such movements, prescribed routes of such movements, the times of such movements, limitation upon frequency of trips (which limitation shall be not less than one per week), and conditions to assure safety of traffic may be prescribed by the highway commission or local authority issuing such special permit.

The applicant for any special permit shall specifically describe the vehicle or vehicles and load to be operated or moved and the particular state highways for which permit to operate is requested and whether such permit is requested for a single trip or for continuous operation.

Sec. 16. Section 2, chapter 137, Laws of 1965 as last amended by section 2, chapter 168, Laws of 1975 1st ex. sess. 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 over- length only for a period not to exceed thirty days	\$ 10.00
((Continuous operation of a vehicle having a maximum height not to exceed fourteen feet for a period of one year	\$150.00))
Continuous operation of a combination of vehicles not to exceed seventy-five feet overall length which may contain a permanent structure vehicle not in excess of forty-seven 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((, fourteen feet in width,)) and fourteen feet in ((height)) <u>width</u> 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 ex- ceed 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 provisions of RCW 46.44.095((5)) or 46.44.047((, -46.44.037)) as now or hereafter amended, or any other statute authorizing state highway commission 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 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 which 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. 17. Section 46.44.095, chapter 12, Laws of 1961 as last amended by section 1, chapter 76, Laws of 1974 ex. sess. and RCW 46.44.095 are each amended to read as follows:

~~((When fully licensed to the maximum gross weight permitted under RCW 46.44.040, a two-axle truck or a three-axle truck operated as a solo unit and not in combination shall be eligible to carry gross weight in excess of that permitted for such a vehicle in RCW 46.44.040 upon the payment to the state highway commission of a fee of thirty dollars for each one thousand pounds of excess weight. PROVIDED, That the axle loads of such vehicles shall not exceed the limits specified in RCW 46.44.040 and the tire limits specified in RCW 46.44.042 or the wheelbase requirements specified in RCW 46.44.044.~~

~~When fully licensed to a minimum gross weight of seventy-two thousand pounds a three or more axle truck tractor and a three or more axle dromedary truck tractor, and a three or more axle truck, when operating in combination with another vehicle or vehicles (the licensed gross weight of which, if any, shall be included when computing the minimum gross weights set forth above), shall be eligible under special permits to be issued by the state highway commission to carry~~

additional gross loads beyond the licensed capacity of the combination of vehicles upon the payment of a fee based upon thirty dollars per year for each one thousand pounds of such additional gross weight but not to exceed one hundred and twenty dollars for the total additional weight. ~~PROVIDED, That the axle loads of such vehicles shall not exceed the limits specified in RCW 46.44.040 and the tire limits specified in RCW 46.44.042. AND PROVIDED FURTHER, That the gross weight of a three or more axle truck operated in combination with a two or three axle trailer shall not exceed seventy-six thousand pounds, and the gross weight for a three or more axle truck tractor operated in combination with a semitrailer shall not exceed seventy-three thousand two hundred eighty pounds except where the semitrailer is eligible to carry a gross load of thirty-six thousand pounds pursuant to the provisions of RCW 46.44.040, in which event the maximum gross weight of the combination shall not exceed seventy-six thousand pounds. The minimum additional tonnage to be purchased pursuant to this paragraph for a three or more axle tractor to be operated in combination with a semitrailer shall be not less than one thousand two hundred and eighty pounds. The permits provided for in the two preceding paragraphs shall be known as class A additional tonnage permits.~~

~~In addition to the gross weight purchased pursuant to RCW 46.16.070, 46.16.115, 46.44.037, and the foregoing provisions of this section and where, in the case of combinations of vehicles, the maximum gross weight permitted by law, including the preceding provisions of this section, has been purchased, a special permit for additional gross weight may be issued by the state highway commission upon the payment of thirty-seven dollars and fifty cents per year for each one thousand pounds of such additional gross weight. PROVIDED, The tire limits specified in RCW 46.44.042 shall apply, and the gross weight on any single axle shall not exceed twenty thousand pounds and the gross load on any group of axles shall not exceed the following table:~~

~~Dis-~~
~~tance~~
~~in feet~~
~~between~~
~~the ex-~~
~~tremes~~
~~of any~~
~~group~~ _____ ~~Maximum load in pounds~~
~~of 2~~ _____ ~~carried on any group of 2~~
~~or more~~ _____ ~~or more consecutive axles~~
~~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							

Dis- tance in feet between the ex- tremes of any group of 2 or more consecu- tive axles	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	
8	34,000	42,000							
9	39,000	42,500							
10	40,000	43,500							
11		44,000							
12		45,000	50,000						
13		45,500	50,500						
14		46,500	51,500						
15		47,000	52,000						
16		48,000	52,500	58,000					
17		48,500	53,500	58,500					
18		49,500	54,000	59,000					
19		50,000	54,500	60,000					
20		51,000	55,500	60,500	66,000				
21		51,500	56,000	61,000	66,500				
22		52,500	56,500	61,500	67,000				
23		53,000	57,500	62,500	68,000				
24		54,000	58,000	63,000	68,500	74,000			
25		54,500	58,500	64,500	69,000	74,500			
26		55,500	59,500	65,000	69,500	75,000			
27		56,000	60,000	65,000	70,000	75,500			
28		57,000	60,500	65,500	71,000	76,500	82,000		
29		57,500	61,500	66,000	71,500	77,000	82,500		
30		58,500	62,000	66,500	72,000	77,500	83,000		
31		59,000	62,500	67,500	72,500	78,000	83,500		
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	72,000	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	

Distance in feet between the ex- tremes of any group of 2 or more consecu- tive axles	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	
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	87,500	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	105,000	
60				85,500	90,000	95,000	100,500	105,500	

Permits issued pursuant to the foregoing paragraph shall be known as class-B additional tonnage permits.))

Until December 31, 1976, a combination of vehicles lawfully licensed to a total gross weight of seventy two thousand pounds, and a three or more axle single unit vehicle lawfully licensed to a total gross weight of forty thousand pounds, and on January 1, 1977, and thereafter, when a combination of vehicles has been lawfully licensed to a total gross weight of eighty thousand pounds and when a three or more axle single unit vehicle has been lawfully licensed to a total gross weight of forty thousand pounds pursuant to provisions of section 22 of this 1976 amendatory act, a permit for additional gross weight may be issued by the state highway commission upon the payment of thirty-seven dollars and fifty cents per year for each one thousand pounds or fraction thereof of such additional gross weight:

PROVIDED, That the tire limits specified in RCW 46.44.042 shall apply, and the gross weight on any single axle shall not exceed twenty thousand pounds, and the gross load on any group of axles shall not exceed the limits set forth in section 22 of this 1976 amendatory act: PROVIDED FURTHER, That an additional two thousand pounds may be purchased for an amount not to exceed thirty dollars per thousand for the rear axle of a two-axle garbage truck. Such additional weight shall not be valid or permitted on any part of the federal interstate highway system where the maximum single axle load shall not exceed twenty thousand pounds.

The ~~((special))~~ annual additional tonnage permits provided for in this section shall be issued under such rules and regulations and upon such terms and conditions as may be prescribed by the state highway commission. Such ~~((special))~~ permits shall entitle the permittee to carry such additional load in such an amount and upon such highways or sections of highways as may be determined by the state highway commission to be capable of withstanding such increased gross load without undue injury to the highway: PROVIDED, That the permits shall not be valid on any highway where the use of such permits would deprive this state of federal funds for highway purposes.

The annual additional tonnage permits provided for in this section shall commence on the first of January of each year. The permits may be purchased at any time, and if they are purchased for less than a full year, the fee shall be one-twelfth of the full fee multiplied by the number of months, including any fraction thereof, covered by the permit. When the department issues a duplicate permit to replace a lost or destroyed permit and where the department transfers a permit from one vehicle to another a fee of five dollars shall be charged for each such duplicate issued or each such transfer. The state highway commission shall issue such ~~((special))~~ permits on a temporary basis for periods not less than ~~((ten days at a fee of one dollar per day in the case of class A permits and not less than))~~ five days at ~~((two dollars))~~ one dollar per day ~~((in the case of class B permits))~~ for each two thousand pounds or fraction thereof.

The fees levied in RCW ~~((46.44.094))~~ 46.44.0941 and this section shall not apply to any vehicles owned and operated by the state of Washington, any county within the state or any city or town or metropolitan municipal corporation within the state, or by the federal government.

In the case of fleets prorating license fees under the provisions of chapter 46.85 RCW the fees provided for in ~~((RCW 46.44.037 and 46.44.095))~~ this section shall be computed by the state highway commission by applying the proportion of the Washington mileage of the fleet in question to the total mileage of the fleet as reported pursuant to chapter 46.85 RCW to the fees that would be required to purchase the additional weight allowance for all eligible vehicles or combinations of vehicles for which the extra weight allowance is requested.

The state highway commission shall prorate the fees provided in ~~((RCW 46-44.037 and 46.44.095))~~ this section only if the name of the operator or owner is submitted on official listings of authorized fleet operators furnished by the department of motor vehicles. Listings furnished shall also include the percentage of mileage operated in Washington, which shall be the same percentage as determined by the department of motor vehicles, for purposes of prorating license fees.

Sec. 18. Section 46.44.096, chapter 12, Laws of 1961 as last amended by section 4, chapter 248, Laws of 1971 ex. sess. and RCW 46.44.096 are each amended to read as follows:

In determining fees according to RCW (~~46.44.094~~) 46.44.0941, mileage on state primary and secondary highways shall be determined from the planning survey records of the department of highways and the gross weight of the vehicle or vehicles, including load, shall be declared by the applicant. Overweight on which fees shall be paid will be gross loadings in excess of loadings authorized by law or axle loadings in excess of loadings authorized by law, whichever is the greater. Loads which are overweight and oversize shall be charged the fee for the overweight permit without additional fees being assessed for the oversize features.

Fees established in RCW (~~46.44.094~~) 46.44.0941 shall be paid to the political body issuing the permit if the entire movement is to be confined to roads, streets, or highways for which that political body is responsible; when a movement involves a combination of state highways, county roads, and/or city streets the fee shall be paid to the state highway commission. When a movement is confined within the city limits of a city or town upon city streets, including routes of state highways on city streets, all fees shall be paid to the city or town involved. A permit will not be required from city or town authorities for a move involving a combination of city or town streets and state highways when the move through a city or town is being confined to the route of the state highway. When a move involves a combination of county roads and city streets the fee shall be paid to the county authorities, but the fee shall not be collected nor the county permit issued until valid permits are presented showing the city or town authorities approve of the move in question. When the movement involves only county roads the fees collected shall be paid to the county involved. Fees established shall be paid to the political body issuing the permit if the entire use of the vehicle during the period covered by the permit shall be confined to the roads, streets, or highways for which that political body is responsible.

If, pursuant to RCW 46.44.090, cities or counties issue additional tonnage permits similar to those provided for issuance by the state highway commission in RCW 46.44.095, the state highway commission shall authorize the use of such additional tonnage permits on state highways subject to the following conditions:

- (1) The owner of the vehicle covered by such permit shall establish to the satisfaction of the state highway department that the primary use of the vehicle is on the streets or roads of the city or county issuing the additional tonnage permit(~~(:)~~);
- (2) That the fees paid for such additional tonnage are not less than those established in RCW 46.44.095(~~(:)~~);
- (3) That the city or county issuing such permit shall allow the use of permits issued by the state pursuant to RCW 46.44.095 on the streets or roads under its jurisdiction(~~(:)~~);
- (4) That all of the provisions of RCW (~~46.44.040~~;) 46.44.042 and (~~46.44.044~~) section 22 of this 1976 amendatory act shall be observed.

When the department of highways is satisfied that the above conditions have been complied with the state highway department by suitable endorsement on the permit shall authorize its use on such highways as the state highway commission has authorized for such permits pursuant to RCW 46.44.095, and all such use of

such highways shall be subject to whatever rules and regulations the state highway commission has adopted for such permits.

Sec. 19. Section 1, chapter 38, Laws of 1965 and RCW 46.44.098 are each amended to read as follows:

In the event the congress of the United States further amends section 127, Title 23 of the United States Code, authorizing increased sizes and weights, the Washington state highway commission may authorize~~((, by permit,))~~ the operation of vehicles and combinations of vehicles upon completed portions of the interstate highway system and other designated state highways as the commission may authorize if determined to be capable of accommodating the increased sizes and weights in excess of those prescribed in ~~((RCW 46.44.040 and 46.44.044))~~ section 22 of this 1976 amendatory act, or as provided in RCW 46.44.010 and 46.44.037. Such permitted increases shall not in any way exceed the federal limits which would jeopardize the state's allotment of federal funds. ~~((Permits issued under this provision may be issued upon payment of a fee in the amount of sixty dollars per two thousand pounds in excess weight per year over and above the maximum fees levied in RCW 46.44.037, 46.44.047 and 46.44.095 relating to permits issued to combinations of vehicles. Other vehicles or combinations of vehicles, to be eligible for said permit, must be licensed to the maximum limits prescribed in RCW 46.44.040. The fees provided herein shall be subject to quarterly reduction and proration as provided in RCW 46.44.047 and 46.44.095. The fees levied in this section shall not apply to vehicles owned and operated by the state of Washington, any county within the state or any city or town within the state, or by the federal government. All fees collected shall be deposited in the motor vehicle fund.))~~

Sec. 20. Section 1, chapter 1, Laws of 1973 1st ex. sess. as amended by section 3, chapter 168, Laws of 1975 1st ex. sess. and RCW 46.44.130 are each amended to read as follows:

The limitations of RCW 46.44.010, 46.44.020, 46.44.030, and ~~((46.44.040))~~ section 22 of this 1976 amendatory act shall not apply to the movement of farm implements of less than forty-five thousand pounds gross weight, a total length of seventy feet or less, and a total outside width of fourteen feet or less when being moved while patrolled, flagged, lighted, signed and at a time of day in accordance with rules hereby authorized to be adopted by the highway commission and the statutes. Violation of a rule adopted by the highway commission as authorized by this section or a term of this section is a misdemeanor.

Sec. 21. Section 1, chapter 196, Laws of 1975 1st ex. sess. and RCW 46.44.160 are each amended to read as follows:

In the case of seasonal vehicles for which licensed tonnage has been purchased on a quarterly basis pursuant to RCW 46.16.135, then the additional tonnage provided for in RCW ~~((46.44.037 and))~~ 46.44.095 may be purchased on a quarterly basis: PROVIDED, That the total additional tonnage purchased under each section or both sections combined is not less than six thousand pounds. The fee for such a quarterly permit shall be one-fourth the amount charged for a corresponding twelve month permit, and shall further be reduced by one-twelfth for each full calendar month of the quarter that shall have elapsed at the time the

quarterly permit is purchased. In addition, a fee of five dollars shall be charged for each quarterly permit issued hereunder.

The quarterly periods covered by this section shall be ~~((calendar quarters expiring on March 31, June 30, September 30, and December 31))~~ registration quarters consisting of three registration months. The first quarter shall commence with registration month one.

"Seasonal vehicles" as used in this section shall mean vehicles or a combination of vehicles engaged exclusively in end or belly dump truck service, transportation of logs, transportation of specialized underwater exploration equipment for hydroelectric projects, transportation of unprocessed agricultural commodities from farm to place of first processing, and transportation of farm and orchard supplies.

NEW SECTION. Sec. 22. There is added to chapter 12, Laws of 1961 and to chapter 46.44 RCW a new section 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 between the ex- tremes of any group of 2 or more consecu- tive axles	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	
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						

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

*(Maximum load in pounds carried
on any group of 2 consecutive
sets of tandum axles)

axles	2 axles	3 axles	4 axles	5 axles	6 axles	7 axles	8 axles	9 axles
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			
21		51,500	51,500	53,000	53,000			
22		52,500	52,500	54,000	54,000			
23		53,000	53,000	55,000	55,000			
24		54,000	54,000	55,500	56,000	56,000		
25		54,500	55,000	56,500	57,000	57,000		
26		55,500	56,000	57,500	58,000	58,000		
27		56,000	57,000	58,500	59,000	59,000		
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	64,000
			(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

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

*(Maximum load in pounds carried
on any group of 2 consecutive
sets of tandum axles)

	2 axles	3 axles	4 axles	5 axles	6 axles	7 axles	8 axles	9 axles
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
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

When inches are involved: Under six inches take lower, six inches or over take higher. When wheelbase of a group of axles is less than the wheelbase required by the above table to attain maximum single axle and tandem axle allowance, no axle shall exceed any axle in such group by more than two thousand five hundred pounds in weight. For this purpose of determining equal axle weight distribution, the front axle of a unit supplying motive power shall 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.

NEW SECTION. Sec. 23. There is added to chapter 12, Laws of 1961 and to chapter 46.44 RCW a new section to read as follows:

(1) Any person violating any of the provisions of RCW 46.44.042, 46.44.047, 46.44.090, 46.44.091, 46.44.095, and section 22 of this 1976 amendatory act, or who fails to obtain a permit as provided by RCW 46.44.090 and 46.44.095, or misrepresents the size or weight of any load or does not follow the requirements and conditions of a permit issued hereunder shall be guilty of a misdemeanor, and upon first conviction thereof shall be fined a basic fine of not less than fifty dollars; and upon second conviction thereof shall be fined a basic fine of not less than seventy-five dollars; and upon a third or subsequent conviction shall be fined a basic fine of not less than one hundred dollars.

(2) In addition to the fines levied 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 section 22 of this 1976 amendatory act shall be fined three cents for each pound of excess weight: PROVIDED, That upon a first violation in any calendar year, the court may suspend the fine 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 shall the basic fine levied 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 section 22 of this 1976 amendatory act 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. For purposes of this section, bail forfeiture shall be given the same effect as a conviction. 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 convicted of violating any posted limitations of a highway or section of highway shall be fined 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 such vehicle be driven to the nearest public scale. Whenever a police officer, upon weighing a vehicle and load, determines that the weight is unlawful, such 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 such limit as 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 shall be 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 courts having venue shall have concurrent jurisdiction with the superior courts for the imposition of any penalties authorized under this section.

(7) For the purpose of determining additional fines as provided by subsection (2) of this section, "excess weight" shall mean the poundage in excess of the maximum gross weight prescribed by RCW 46.44.042 and section 22 of this 1976 amendatory act plus the weights allowed by RCW 46.44.047, 46.44.091, and 46.44.095.

(8) The basic fine provided in subsection (1) of this section shall be distributed as prescribed in RCW 46.68.050: PROVIDED, That all fees, fines, forfeitures, and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as it now exists or is later amended. For the purpose of computing the basic fines and additional fines 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) The additional fine for excess poundage provided in subsection (2) of this section shall be transmitted by the court to the county treasurer and by him

transmitted to the state treasurer for deposit in the motor vehicle fund: PROVIDED, That all fees, fines, forfeitures, and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as it now exists or is later amended. It shall then be allocated annually on or before June 30th of each year in the amounts prescribed in RCW 46.68.100 as now or hereafter amended.

(10) Any state patrol officer or any weight control officer who shall find any person operating a vehicle or a combination of vehicles in violation of the conditions of a permit issued under RCW 46.44.037, 46.44.090, and 46.44.095 may confiscate such permit and forward the same to the state highway commission which may return it to the permittee or revoke, cancel, or suspend it without refund. The state highway commission shall keep a record of all action taken upon permits so confiscated, and if a permit shall be returned to the permittee the action taken by the commission shall be endorsed thereon. Any permittee whose permit is suspended or revoked may upon request receive a hearing before the commission or person designated by the commission. The commission after such hearing 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 conviction within a calendar year for 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 highways, and for the purposes of this section bail forfeiture shall be considered to be a conviction. The vehicle covered by such canceled permit shall not be eligible for a new permit for a period of thirty days.

(11) For the purposes of determining gross weights the actual scale weight taken by the arresting officer shall be prima facie evidence of such total gross weight.

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

NEW SECTION. Sec. 24. The following acts or parts of acts are each repealed:

(1) Section 46.16.100, chapter 12, Laws of 1961, section 5, chapter 170, Laws of 1969 ex. sess., section 10, chapter 231, Laws of 1971 ex. sess., section 18, chapter 25, Laws of 1975 and RCW 46.16.100;

(2) Section 46.44.040, chapter 12, Laws of 1961, section 1, chapter 244, Laws of 1971 ex. sess., section 1, chapter 150, Laws of 1973 1st ex. sess., section 1, chapter 86, Laws of 1974 ex. sess. and RCW 46.44.040;

(3) Section 46.44.044, chapter 12, Laws of 1961 and RCW 46.44.044;

(4) Section 46.44.045, chapter 12, Laws of 1961, section 34, chapter 21, Laws of 1961 ex. sess., section 50, chapter 32, Laws of 1967, section 22, chapter 199, Laws of 1969 ex. sess., section 1, chapter 17, Laws of 1971 and RCW 46.44.045;

(5) Section 46.44.046, chapter 12, Laws of 1961 and RCW 46.44.046;

(6) Section 46.44.097, chapter 12, Laws of 1961, section 1, chapter 249, Laws of 1971 ex. sess. and RCW 46.44.097; and

(7) Section 2, chapter 38, Laws of 1965 and RCW 46.44.099.

NEW SECTION. Sec. 25. Sections 1, 2, and 5 through 24 of this 1976 amendatory act shall take effect on July 1, 1976, and sections 3 and 4 of this 1976 amendatory act shall take effect on January 1, 1977. All current and outstanding valid licenses and permits held by licensees on July 1, 1976, shall remain valid until their expiration dates, but renewals and original applications made after July 1, 1976, shall be governed by the law in effect at the time such renewal or application is made.

NEW SECTION. Sec. 26. If any provision of this 1976 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the Senate February 5, 1976.

Passed the House February 23, 1976.

Approved by the Governor March 2, 1976.

Filed in Office of Secretary of State March 2, 1976.

CHAPTER 65

[Senate Bill No. 3074]

COUNTY FERRIES—FRANCHISES, TOLLS, ROUTES, REGULATIONS

AN ACT Relating to county ferries; adding a new section to chapter 13, Laws of 1961 and to chapter 47.04 RCW; and declaring an emergency.

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

NEW SECTION. Section 1. There is added to chapter 13, Laws of 1961 and to chapter 47.04 RCW a new section to read as follows:

Whenever a county which operates or proposes to operate ferries obtains federal aid for the construction, reconstruction, or modification of any ferry boat under Title 23, United States Code, the following provisions shall apply to the county's operation of its ferries:

(1) The county shall obtain from the Washington state highway commission a franchise authorizing such ferry operations. The county's application for a franchise or amended franchise shall designate all ferry routes it proposes to operate. The commission shall issue the franchise or amended franchise for the operation of each route which it finds is not otherwise served by adequate transportation facilities. A county may terminate any ferry route without approval of the commission.

(2) At least thirty days before applying for federal aid for the construction, reconstruction, or modification of any of its ferries, and thereafter whenever new tolls or charges are proposed for use of its ferries, the county shall file with the commission for its approval, the current or proposed schedule of tolls and charges for use of its ferries. The commission shall approve such tolls and charges, unless