

government and its existing public institutions, and shall take effect immediately.

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CHAPTER 20

[Substitute House Bill No. 1807]

STATE PATROL—TRANSPORTATION OF HAZARDOUS MATERIALS

AN ACT Relating to the transportation of hazardous materials; amending section 46.48.170, chapter 12, Laws of 1961 and RCW 46.48.170; amending section 46.48.180, chapter 12, Laws of 1961 and RCW 46.48.180; amending section 46.48.190, chapter 12, Laws of 1961 and RCW 46.48.190; and adding a new section to chapter 46.48 RCW.

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

Section 1. Section 46.48.170, chapter 12, Laws of 1961 and RCW 46.48.170 are each amended to read as follows:

The Washington state patrol acting by and through the chief of the Washington state patrol (~~(, together with the committee created by RCW 46.48.190 shall have jurisdiction over the safety in the transportation of explosives, flammable materials, corrosives, compressed gases, poisons, oxidizing materials and other dangerous articles))~~ shall have the authority to adopt and enforce the regulations promulgated by the United States department of transportation, Title 49 CFR parts 100 through 199, transportation of hazardous materials, as these regulations apply to motor carriers. "Motor carrier" means any person engaged in the transportation of passengers or property operating interstate and intrastate upon the public highways of this state, except farmers. The chief of the Washington state patrol shall confer with the committee created by RCW 46.48.190 and ((shall have power to)) may make rules and regulations pertaining thereto, sufficient to protect persons and property from unreasonable risk of harm or damage. ((No such rules or regulations shall be inconsistent with the rules and regulations of the interstate commerce commission issued under authority of the "Transportation of Explosives act" (62 Stat. 738, 18 U.S.C.A., pp. 831-835):)) The chief of the Washington state patrol and the committee shall establish such additional rules not inconsistent with Title 49 CFR parts 100 through 199, transportation of hazardous materials, which for compelling reasons make necessary the reduction of risk associated with the transportation of hazardous materials. No such rules may lessen a standard of care; however, the chief of the Washington state patrol may after conferring with the committee establish a rule imposing a more stringent standard of care. The chief of the Washington state patrol shall appoint the

necessary qualified personnel to carry out the provisions of RCW 46.48.170 through 46.48.190.

Sec. 2. Section 46.48.180, chapter 12, Laws of 1961 and RCW 46.48-.180 are each amended to read as follows:

~~((It shall be the duty of))~~ The Washington state patrol ~~((to))~~ shall make a study of the ~~((interstate commerce commission))~~ United States department of transportation regulations pertaining to ~~((the transportation of the materials described in RCW 46.48.170))~~ Title 49 CFR, parts 100 through 199, and the laws of this state pertaining to the same subject in order that the chief of the Washington state patrol may make necessary and proper recommendations to the legislature and state departments from time to time to bring about uniformity between the laws and regulations of the federal government and this state in regard to the transportation of such materials.

NEW SECTION. Sec. 3. There is added to chapter 46.48 RCW a new section to read as follows:

The chief of the Washington state patrol shall direct the necessary qualified personnel to inspect the cargo of any motor carriers vehicle transporting hazardous material, inspect for proper securing, and inspect for the combined loading of cargo which would be inconsistent with the provisions of Title 49 CFR, parts 100 through 199. Authorized personnel inspecting loads of hazardous material shall do so in the presence of a representative of the motor carrier. Seal and locking devices may be removed as necessary to facilitate the inspection. The seals or locking devices removed shall be replaced by the Washington state patrol with a written form approved by the chief to certify seal or locking device removal for inspection of the cargo.

Sec. 4. Section 46.48.190, chapter 12, Laws of 1961 and RCW 46.48-.190 are each amended to read as follows:

The chief of the Washington state patrol shall appoint a committee to serve in a purely technical advisory capacity to aid in the study and evaluation of proposed regulations concerning safety in the transportation of materials described in RCW 46.48.170 as now or hereafter amended. The technical advisory committee shall consist of ~~((five))~~ six citizens of the state employed in the following designated enterprises: One appointed each from the explosive industry, the petroleum industry, the chemical industry, the trucking industry, the herbicide and pesticide industry, and a representative appointed by the Washington state association of fire chiefs.

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