

HOUSE BILL REPORT

HB 2687

As Passed House:

February 5, 1996

Title: An act relating to vehicle size and load regulation.

Brief Description: Revising regulation of vehicle size and load.

Sponsors: By House Committee on Transportation (originally sponsored by Representatives Robertson, R. Fisher and K. Schmidt; by request of Department of Transportation).

Brief History:

Committee Activity:

Transportation: 1/18/96 [DP].

Floor Activity:

Passed House: 2/5/96, 97-0.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass. Signed by 25 members: Representatives K. Schmidt, Chairman; Benton, Vice Chairman; Mitchell, Vice Chairman; R. Fisher, Ranking Minority Member; Hatfield, Assistant Ranking Minority Member; Backlund; Blanton; Brown; Buck; Cairnes; Chandler; Chopp; Elliot; Hankins; Johnson; McMahan; Ogden; Patterson; Quall; Robertson; Romero; D. Schmidt; Scott; Sterk and Tokuda.

Staff: Mary McLaughlin (786-7309).

Background: The Department of Transportation's (DOT's) vehicle oversize and overweight fines and penalties are intended to discourage the overloading of vehicles. The purpose is to preserve the road surface and slow the deterioration of state highways.

The current fine structure for an oversize or overweight violation is not less than \$50 on first offense, \$75 on second offense and \$100 on third and subsequent offenses. For weight violations there is an additional fine of 3 cents per pound in excess legal weight.

Several studies conducted by the Washington State Transportation Center (TRAC) concluded that the combination of the capture rate (the likelihood of being caught by

enforcement), the permit fee structure and the current fine structure provides an economic incentive to overload. In other words, it is cheaper to get caught and pay the fine than it is to obtain a permit or stay within the legal weight limits.

Special permits (oversize, overweight, additional tonnage and log tolerance permits) are issued by the DOT at headquarters and maintenance area offices and by the Washington State Patrol (WSP) at the ports of entry. In addition, the department may appoint independent agents (county auditors, insurance companies, small operators) to issue these permits. The independent agents may retain \$3.50 of the permit fee for their services.

The department is seeking greater flexibility in contracting for the issuance of its special permits. Through advanced technologies permitting services are now available that further the "one-stop-shop" concept, for example, expanded payment options for the carriers, electronic fund transfers for speedy revenue collection, etc. Expanding the contracting requirements would give the department more options when negotiating with the private sector for permit issuance.

Summary of Bill: The additional fine of 3 cents per pound in excess of the legal weight is replaced with a graduated fine structure. The fine structure consists of a set dollar amount, plus a certain number of cents per pound. The penalty, designed as a deterrent, dramatically rises as the amount of illegal weight increases:

- 1-4000 pounds overweight, no additional penalty, 3 cents per pound;
- 4,001-10,000 pounds overweight, \$120 additional penalty, 12 cents per pound;
- 10,001-15,000 pounds overweight, \$840 additional penalty, 16 cents per pound;
- 15,001-20,000 pounds overweight, \$1,640 additional penalty, 20 cents per pound;
- Over 20,000 pounds overweight, \$2,640 additional penalty, 30 cents per pound.

The DOT is given more latitude when contracting with the private sector for the issuance of its special permits. The department may select a third party contractor, by means of competitive bid, to issue DOT special permits. A third party contractor is a business entity authorized by the department to issue the permits. In selecting a third party contractor, the department will consider the benefits to the DOT, the trucking industry, and the overall level of permit service. The Transportation Commission may adopt qualification rules for third party contractors.

Appropriation: None.

Fiscal Note: Requested on January 16, 1996.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Increasing the overweight fines on a graduated scale will discourage the overloading of trucks and help preserve the highway system.

Testimony Against: None.

Testified: Barry Diseth, Department of Transportation.