

Chapter 46.48 RCW
TRANSPORTATION OF HAZARDOUS MATERIALS

Sections

- 46.48.170 State patrol authority—Rules and regulations.
46.48.175 Rules—Penalties—Responsibility for compliance.
46.48.185 Inspections.

*Hazardous materials incident command agency, state patrol as: RCW
70.136.030.*

RCW 46.48.170 State patrol authority—Rules and regulations.

(1) The Washington state patrol acting by and through the chief of the Washington state patrol has the authority to adopt and enforce the regulations promulgated by the United States department of transportation, 49 C.F.R. Parts 100 through 199, transportation of hazardous materials, as these regulations apply to motor carriers offering, accepting, storing, or transporting hazardous materials and to persons that inspect, certify, test, or repair cargo tank motor vehicles. "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 certain agricultural operations as outlined in 49 C.F.R. Sec. 173.5.

(2) The chief of the Washington state patrol may confer with the emergency management council under RCW 38.52.040 and may make rules and regulations pertaining thereto, sufficient to protect persons and property from unreasonable risk of harm or damage. The chief of the Washington state patrol may establish such additional rules not inconsistent with 49 C.F.R. 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.

(3) No such rules may lessen a standard of care; however, the chief of the Washington state patrol may, after conferring with the emergency management council, establish a rule imposing a more stringent standard of care. The chief of the Washington state patrol must appoint the necessary qualified personnel to carry out the provisions of this chapter. [2014 c 154 § 2; 1988 c 81 § 19; 1980 c 20 § 1; 1961 c 12 § 46.48.170. Prior: 1951 c 102 § 1; 1949 c 101 § 1; Rem. Supp. 1949 § 6360-63a.]

RCW 46.48.175 Rules—Penalties—Responsibility for compliance.

Each violation of any rules and/or regulations made pursuant to RCW 46.48.170 or 81.80.290 pertaining to vehicle equipment on motor carriers transporting hazardous material shall be a misdemeanor.

Bail for such a violation shall be set at a minimum of one hundred dollars. The fine for such a violation shall be not less than two hundred dollars nor more than five hundred dollars. Compliance with the provisions of this chapter is the primary responsibility of the owner or lessee of the vehicle or any vehicle used in combination that is cited in the violation. [1980 c 104 § 1; 1961 c 12 § 46.48.175. Prior: 1951 c 102 § 2.]

Rules of court: *Bail in criminal traffic offense cases—Mandatory appearance—CrRLJ 3.2.*

RCW 46.48.185 Inspections. 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 C.F.R., 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. [1980 c 20 § 3.]