

SESSION OF 2004

**CONFERENCE COMMITTEE REPORT BRIEF ON
HOUSE BILL NO. 2871**

As Agreed to April 1, 2004

Brief*

HB 2871 pertains to traffic infractions for motor vehicles, compression release engine braking systems (known by the trademark name of Jake Brakes® or commonly as engine brakes), and warning devices on garbage trucks.

Traffic Infractions. The bill would amend existing law relating to certain violations of laws governing trucks and other commercial vehicles. The change would make certain violations traffic infractions rather than misdemeanors, thus eliminating the requirement for a personal appearance in court. Under current law, anyone with a traffic infraction may enter a written appearance, waive the right to trial, plead guilty or no contest, and pay the fine for the violation and court costs specified by law. Fines that would be imposed for violations affected by the bill would not change from those imposed under current law.

Violations that would become traffic infractions would include:

- ! overweight vehicle;
- ! failure to have proper registration, clearance, or a current certificate;
- ! insufficient liability insurance for motor carrier;
- ! failure to obtain interstate motor fuel tax authorization;
- ! no authority as common carrier;
- ! improper equipment;
- ! no current driver's daily log; and
- ! invalid or no physical examination card.

Warning Devices on Garbage Trucks. The bill would:

- ! require trucks designed, equipped, and used exclusively for garbage, refuse, or solid waste disposal operations to be

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equipped with a whistle, bell, or other audible backup signal;

- ! limit the activation of such warning devices to use only when the truck is backing up; and
- ! specify that the bill would not preclude a city from adopting an ordinance prohibiting the activation of the warning devices during specific periods of time during the day.

Engine brakes. The bill would make it unlawful to use engine brakes unless the truck is equipped with a muffler as required by existing law. The fine for violation of that provision would be \$60. The bill defines "compression release engine braking system" as "a hydraulically operated device that converts a power producing diesel engine into a power absorbing retarding mechanism."

Conference Committee Action

The Conference Committee agreed to the Senate version of the bill and to include in the bill provisions governing use of engine brakes. Those latter provisions were included in SB 501 as that bill passed both the House and the Senate.

Background

The introduced version of the bill contained the provisions regarding traffic infractions. The Senate Committee of the Whole added to HB 2871 the provision relating to warning devices on garbage trucks, originally contained in SB 330. The Conference Committee included in the bill the engine brake provisions originally contained in SB 501.

The Division of the Budget's fiscal note on the introduced version of HB 2871 states that enactment would not have a fiscal effect on any state agency budget. The Division's fiscal note on the introduced version of SB 501 states that the establishment of a fine as provided for in that bill could increase revenue, but that no information is available upon which to base an estimate. The Division's fiscal note on the introduced version of SB 330 states that enactment of the garbage truck backup provisions would have no fiscal impact on the departments of Transportation and Revenue.