

ORDINANCE NO. 2787

Repealed by 2819

AN ORDINANCE OF THE CITY OF KIRKLAND AMENDING THE MODEL TRAFFIC ORDINANCE.

Be it ordained by the City Council of the City of Kirkland as follows:

Section 1. The following sections of Chapter 12.60 of the Kirkland Municipal Code, are hereby amended as follows:

12.60.010 RCW Chapter 46.90 adopted--Exceptions.

A. Except as otherwise provided, RCW Chapter 46.90 (Washington Model Traffic Ordinance), hereinafter referred to as MTO, is adopted as part of Chapter 12.60 of the Kirkland Municipal Code, providing that the following sections of RCW Chapter 46.90 are not adopted:

46.90.127	46.90.250	46.90.520	46.90.560	46.90.640
46.90.142	46.90.500	46.90.525	46.90.600	46.90.650
46.90.145	46.90.505	46.90.530	46.90.610	46.90.660
46.90.148	46.90.510	46.90.535	46.90.620	46.90.710
<u>46.90.200</u>	46.90.515	46.90.540	46.90.630	

Provided that 46.90.100 which incorporates 46.04.480 is adopted as amended by Section 13, Chapter 165, Laws of 1983.

B. MTO (RCW) 46.90.427 is adopted by reference except for the following sections:

- 46.61.520
- 46.61.525

Provided that 46.61.515 is adopted as amended by Chapter 150, Laws of 1983 and Section 21, Chapter 165, Laws of 1983, and further, provided that if any penalty prescribed therein is adjudged to exceed the maximum penalty authorized then, such penalty shall be the maximum penalty the City council has the power to impose.

12.60.020 Other laws adopted. The following laws of Washington are adopted by reference:

Approved by 2819

O-2787

RCW 16.24.065
RCW 16.24.070
RCW 35.21.165

RCW 46.08.030
RCW 46.20.393
RCW 46.61.5151

RCW 46.61.517
RCW 46.61.519
RCW 46.61.687

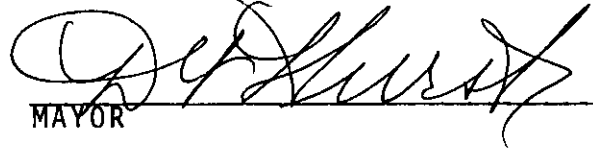
Sections 25, 27, 28, 33, 40 and 44, Chapter 165, Laws of 1983. For purposes of this ordinance "legislature" shall include the City council.

Section 2. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

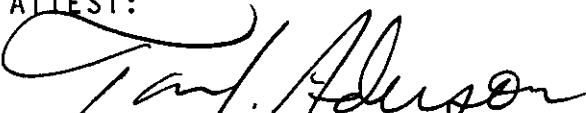
Section 3. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and posting or publication, as required by law.

Passed by majority vote of the Kirkland City Council in regular, open meeting this 3rd day of January, 1984.

Signed in authentication thereof this 3rd day of January, 1984.


MAYOR

ATTEST:

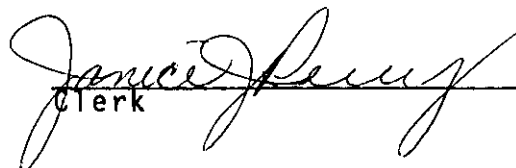

Director of Administration & Finance
(ex officio City Clerk)

APPROVED AS TO FORM:


City Attorney

CERTIFICATION OF POSTING

I hereby certify under penalty of perjury that the foregoing ordinance was posted on the 5th day of January, 1984 in accordance with the provisions of RCW 35A.12.160 and City of Kirkland Ordinance No. 2600.


Clerk

less than a year may obtain permits for such operations upon application to the department of licensing or a county auditor. Such permits may be issued for thirty, sixty, or ninety day periods. The cost of each such permit shall include the fees provided for in RCW sections 46.01.140, 46.16.061, 46.16.060 and one-twelfth of the fees provided for in RCW 46.16.070 and 82.44.020 for each thirty days' operations provided for in the permit. [1979 c 158 § 202; 1969 ex.s. c 281 § 32.]

Effective date—1969 ex.s. c 281: "This 1969 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and except for sections 32 and 34 of this 1969 amendatory act shall take effect immediately. Sections 32 and 34 of this 1969 amendatory act shall take effect January 1, 1970." [1969 ex.s. c 281 § 63.]

Reviser's note: Section 32 is codified as RCW 46.88.010, section 34 as RCW 46.16.070.

Chapter 46.90

WASHINGTON MODEL TRAFFIC ORDINANCE

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46.90.005 Purpose of this chapter. The purpose of this chapter is to encourage highway safety and uniform traffic laws by providing a comprehensive compilation of sound, uniform traffic laws to serve as a guide which local authorities may adopt by reference or any part thereof, including all future amendments or additions thereto. Any local authority which adopts this chapter by reference may at any time exclude any section or sections from this chapter which it does not desire to include in its local traffic ordinance. This chapter is not intended to deny any local authority its legislative power, but rather to enhance safe and efficient movement of traffic throughout the state by having current, uniform traffic laws available. [1975 1st ex.s. c 54 § 1.]

46.90.010 Amendments to this chapter automatically included. The addition of any new section to, or amendment or repeal of any section in, this chapter by the legislature shall be deemed to amend any city, town, or county, ordinance which has adopted by reference this chapter or any part thereof, and it shall not be necessary for the legislative authority of any city, town, or county to take any action with respect to such addition, amendment, or repeal notwithstanding the provisions of RCW 35.21.180, 35A.12.140, 35A.13.180, and 36.32.120(7). [1975 1st ex.s. c 54 § 2.]

46.90.100 Chapter 46.04 RCW (Definitions) adopted by reference. All sections of chapter 46.04 RCW as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full. [1975 1st ex.s. c 54 § 3.]

46.90.103 Abandoned vehicle. "Abandoned vehicle" means any vehicle or automobile hulk left within the right of way of any highway or on the property of another without the consent of the owner of such property for a period of twenty-four hours, or longer: *Provided*, That a vehicle or hulk shall not be considered abandoned if it is lawfully parked for a period not exceeding seventy-two hours: *Provided further*, That a vehicle or hulk shall not be considered abandoned if its owner or operator is unable to remove it from the place where it is located and so notifies law enforcement officials and requests assistance. [1975 1st ex.s. c 54 § 4.]

46.90.106 Automobile hulk. "Automobile hulk" means any portion or portions of a motor vehicle which is inoperative and cannot be made mechanically operative without additional vital parts and a substantial amount of labor. [1975 1st ex.s. c 54 § 5.]

46.90.109 Bus. "Bus" means every motor vehicle designed for carrying more than ten passengers and used for transportation of persons, and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation. [1975 1st ex.s. c 54 § 6.]

46.90.112 Bus stop. "Bus stop" means a fixed portion of the highway parallel and adjacent to the curb to

be reserved exclusively for buses for layover in operating schedules or while waiting for, loading, or unloading passengers: *Provided*, That such bus provides regularly scheduled service within the jurisdiction of the local authority. [1975 1st ex.s. c 54 § 7.]

46.90.115 City. "City" means every incorporated city and town. [1975 1st ex.s. c 54 § 8.]

46.90.118 Demolish. "Demolish" means to destroy completely by use of a hydraulic buler and shears, or a shredder. [1975 1st ex.s. c 54 § 9.]

46.90.121 Department. "Department" means the department of licensing unless otherwise specified in this chapter. [1979 c 158 § 203; 1975 1st ex.s. c 54 § 10.]

46.90.124 Garage keeper. "Garage keeper" means a person, firm, partnership, association, or corporation whose business it is to store vehicles for compensation. [1975 1st ex.s. c 54 § 11.]

46.90.127 Holidays. "Holidays" include the first day of January, commonly called New Year's Day; the third Monday of February, being celebrated as the anniversary of the birth of George Washington; the thirtieth day of May, commonly known as Memorial Day; the fourth day of July, being the anniversary of the Declaration of Independence; the first Monday in September, to be known as Labor Day; the fourth Thursday in November, to be known as Thanksgiving Day; the twenty-fifth day of December, commonly called Christmas Day; and any other day specified by ordinance by the local authority to be a holiday.

Whenever any holiday falls upon a Sunday, the following Monday shall be a holiday. [1975 1st ex.s. c 54 § 12.]

46.90.130 Hulk hauler. "Hulk hauler" means any person who deals in vehicles for the sole purpose of transporting and/or selling them to a licensed motor vehicle wrecker or scrap processor in substantially the same form in which they are obtained and who may not sell second-hand motor vehicle parts to anyone other than a licensed scrap processor or licensed wrecker. [1975 1st ex.s. c 54 § 13.]

46.90.133 Loading zone. "Loading zone" means a space reserved for the exclusive use of vehicles during the loading or unloading of property or passengers. [1975 1st ex.s. c 54 § 14.]

46.90.136 Official time standard. "Official time standard" means, whenever certain hours are named, standard time or daylight saving time as may be in current use within the jurisdiction of the local authority. [1975 1st ex.s. c 54 § 15.]

46.90.139 Ordinance. "Ordinance" means a city or town ordinance or a county ordinance or resolution. [1975 1st ex.s. c 54 § 16.]

46.90.142 Parking meter. "Parking meter" means any mechanical device or meter placed or erected adjacent to a parking meter space, for the purpose of regulating or controlling the period of time of occupancy of such parking meter space by any vehicle. Each parking meter installed shall indicate by proper legend the legal parking time and when operated shall at all times indicate the balance of legal parking time, and at the expiration of such period shall indicate illegal or overtime parking. Each meter shall bear a legend indicating the days and hours when the requirement to deposit coins therein shall apply, the value of the coins to be deposited, and the limited period of time for which parking is lawfully permitted in the parking meter space in which such meter is located. [1975 1st ex.s. c 54 § 17.]

46.90.145 Parking meter space. "Parking meter space" means any space within a parking meter zone, adjacent to a parking meter and which is duly designated for the parking of a single vehicle by appropriate markings on the pavement and/or the curb. [1975 1st ex.s. c 54 § 18.]

46.90.148 Parking meter zone. "Parking meter zone" means any highway or part thereof or any off-street parking lot on which parking meters are installed and in operation. [1975 1st ex.s. c 54 § 19.]

46.90.151 Passenger loading zone. "Passenger loading zone" means a place reserved for the exclusive use of vehicles while receiving or discharging passengers. [1975 1st ex.s. c 54 § 20.]

46.90.154 Planting strip. "Planting strip" means that portion of a highway lying between the constructed curb, or edge of the roadway, and the property line exclusive of the sidewalk area. [1975 1st ex.s. c 54 § 21.]

46.90.157 Police or police officer. "Police or police officer" includes the police officers of a city, a town marshal, or the sheriff and his deputies of a county whichever is applicable, but when the term sheriff is used in this chapter, it shall only mean the sheriff. [1975 1st ex.s. c 54 § 22.]

46.90.160 Police chief or chief of police. "Police chief or chief of police" includes the police chief or chief police officer of a city, a town marshal, or the sheriff of a county, whichever is applicable, but when the term sheriff is used in this chapter, it shall only mean the sheriff. [1975 1st ex.s. c 54 § 23.]

46.90.163 Police department. "Police department" includes the police department of a city or town or the sheriff's office of a county whichever is applicable, but when the term sheriff is used in this chapter, it shall only mean the sheriff. [1975 1st ex.s. c 54 § 24.]

46.90.166 Registered disposer. "Registered disposer" means any tow truck operator or garage keeper properly registered pursuant to RCW 46.52.108, who has and who displays at all times in a place conspicuous to the

public a valid certificate of registration evidencing his authorization from the department to dispose of abandoned vehicles. [1975 1st ex.s. c 54 § 25.]

46.90.169 School bus zone. "School bus zone" means a designated portion of the highway along the curb reserved for loading and unloading school buses during designated hours. [1975 1st ex.s. c 54 § 26.]

46.90.172 Service parking. "Service parking" means the use of a parking meter space while rendering service in cleaning, painting, adjusting, or making minor repairs or replacements in or to buildings or building equipment or to public utilities. [1975 1st ex.s. c 54 § 27.]

46.90.175 Street. "Street" means a "city street". [1975 1st ex.s. c 54 § 28.]

46.90.178 Taxicab. "Taxicab" means a motor vehicle for hire used for the transportation of persons for compensation, and not operated exclusively over a fixed route or between fixed termini. [1975 1st ex.s. c 54 § 29.]

46.90.181 Taxicab stand. "Taxicab stand" means a fixed portion of a highway set aside for taxicabs to stand or wait for passengers. [1975 1st ex.s. c 54 § 30.]

46.90.184 Tow truck operator. "Tow truck operator" means a person, firm, partnership, association, or corporation which, in its course of business, provides towing services for vehicles and automobile hulks. [1975 1st ex.s. c 54 § 31.]

46.90.187 Traffic division. "Traffic division" means the traffic division of the police department of the local authority, or in the event a traffic division is not established, then said term whenever used in this chapter shall be deemed to refer to the police department of the local authority. [1975 1st ex.s. c 54 § 32.]

46.90.190 U turn. "U turn" means turning a vehicle so as to proceed in the opposite direction on the same roadway. [1975 1st ex.s. c 54 § 33.]

46.90.200 Certain RCW sections adopted by reference. The following sections of the Revised Code of Washington as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 16.24.065, 16.24.070, 46.08.030, 46.10.010, 46.10.090, 46.10.100, 46.10.110, 46.10.120, 46.10.130, and 46.10.190. [1983 c 30 § 1; 1980 c 65 § 1; 1975 1st ex.s. c 54 § 34.]

46.90.205 Public employees to obey traffic regulations. The provisions of this chapter shall apply to the drivers of all vehicles owned or operated by the United States, the state, or any county, city, town, district, or any other political subdivision of the state, subject to such specific exceptions as are set forth in this chapter. [1975 1st ex.s. c 54 § 35.]

46.90.210 Police administration. There is established in the police department of the local authority a traffic division to be under the control of a police officer appointed by, and directly responsible to, the chief of police. [1975 1st ex.s. c 54 § 36.]

46.90.215 Duty of traffic division. It shall be the duty of the traffic division with such aid as may be rendered by other members of the police department to enforce the traffic regulations of the local authority, to make arrests for traffic violations, to investigate accidents and to cooperate with the traffic engineer and other officers of the local authority in the administration of the traffic laws and in developing ways and means to improve traffic conditions, and to carry out those duties specially imposed upon the said division by this chapter and the traffic ordinances of the local authority. [1975 1st ex.s. c 54 § 37.]

46.90.220 Authority of police and fire department officials. (1) Officers of the police department or such officers as are assigned by the chief of police are authorized to direct all traffic by voice, hand, or signal in conformance with law: *Provided*, That in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require notwithstanding the provisions of law.

(2) Officers of the fire department, when at the scene of a fire, may direct or assist the police in directing traffic thereat or in the immediate vicinity. [1975 1st ex.s. c 54 § 38.]

46.90.225 Records of traffic violations. (1) The police department or the traffic division thereof shall keep a record of all violations of the traffic ordinances of the local authority or of the state motor vehicle laws of which any person has been charged, with the exception of illegal parking or standing violations, together with a record of the final disposition of all such alleged offenses. Such records shall be so maintained as to show all types of violations and the total of each. Such records shall accumulate during at least a five year period, and from that time on the records shall be maintained complete for at least the most recent five year period.

(2) All forms for records of violations and notices of violations shall be serially numbered. For each month and year a written record of all such forms shall be kept.

(3) Records and reports concerning a person shall be available upon request only to that particular person requesting such record or report concerning himself, or the legal guardian thereof, the parent of a minor, or any authorized representative of such interested party, or the attorney or insurer thereof. [1975 1st ex.s. c 54 § 39.]

46.90.230 Traffic division to investigate accidents. It shall be the duty of the traffic division, assisted by other members of the police department, to investigate traffic accidents, to arrest, and to assist in the prosecution of those persons charged with violations of law causing or

contributing to such accidents. [1975 1st ex.s. c 54 § 40.]

46.90.235 Traffic accident studies. Whenever the accidents at any particular location become numerous, the traffic division shall cooperate with the traffic engineer in conducting studies of such accidents and in determining remedial measures. [1975 1st ex.s. c 54 § 41.]

46.90.240 Traffic accident reports. The traffic division shall maintain a suitable system of filing traffic accident reports. Accident reports or cards referring to them shall be filed alphabetically by location. Such reports shall be available for the use and the information of the traffic engineer. [1975 1st ex.s. c 54 § 42.]

46.90.245 Traffic division to submit annual traffic safety report. The traffic division shall annually prepare a traffic report which shall be filed with the appointing authority of the local authority. Such report shall contain information on traffic matters in the local authority as follows:

(1) The number of traffic accidents, the number of persons killed, the number of persons injured, and other pertinent traffic accident data;

(2) The number of traffic accidents investigated and other pertinent data on the safety activities of the police;

(3) The plans and recommendations of the division for future traffic safety activities. [1975 1st ex.s. c 54 § 43.]

46.90.250 Police department to administer bicycle licenses. The police department or some other office or department designated by the local authority shall administer the bicycle license regulations required by this chapter. [1975 1st ex.s. c 54 § 44.]

46.90.255 Police department to regulate parking meters. The police department shall be responsible for the regulation, control, operation, and use of parking meters installed in all parking meter zones. [1975 1st ex.s. c 54 § 45.]

46.90.260 Traffic engineer. (1) The office of traffic engineer is established: *Provided*, That if there is no traffic engineer, then the engineer of the local authority shall serve as traffic engineer in addition to his other functions, and shall exercise the powers and duties with respect to traffic as provided in this chapter: *Provided further*, That if there is no engineer in the local authority, then the appointing authority shall designate a person to exercise such powers and duties.

(2) It shall be the general duty of the traffic engineer to determine the installation and maintenance of traffic control devices, to conduct engineering analysis of traffic accidents and to devise remedial measures, to conduct engineering investigations of traffic conditions, to plan the operation of traffic on the highways of the local authority, to cooperate with other officials in the development of ways and means to improve traffic conditions, and to carry out the additional powers and duties imposed by any ordinances of the local authority. [1975 1st ex.s. c 54 § 46.]

46.90.265 Traffic engineer—Authority. The traffic engineer is authorized:

(1) To place and maintain official traffic control devices when and as required under the traffic ordinances or resolutions of the local authority to make effective the provisions of said ordinances or resolutions, and may place and maintain such additional official traffic control devices as he may deem necessary to regulate, warn, or guide traffic under the traffic ordinances or resolutions of the local authority;

(2) To place and maintain official traffic control devices as he may deem necessary to regulate, warn, or guide traffic for construction, detours, emergencies, and special conditions;

(3) To designate and maintain, by appropriate devices, marks, or lines upon the surface of the roadway, crosswalks at intersections where in his opinion there is particular danger to pedestrians crossing the roadway, and in such other places as he may deem necessary;

(4) To establish safety zones of such kind and character and at such places as he may deem necessary for the protection of pedestrians;

(5) To mark traffic lanes upon the roadway of any highway where a regular alignment of traffic is necessary;

(6) To regulate the timing of traffic signals so as to permit the movement of traffic in an orderly and safe manner;

(7) To place official traffic control devices within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections, in accordance with the provisions of this chapter, and such course to be traveled as so indicated may conform to or be other than as prescribed by law;

(8) To determine those intersections at which drivers of vehicles shall not make a right, left, or U turn, and shall place proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs or they may be removed when such turns are permitted;

(9) To erect and maintain stop signs, yield signs, or other official traffic control devices to designate arterial highways or to designate intersections or other roadway junctions at which vehicular traffic on one or more of the roadways shall yield or stop and yield before entering the intersection or junction, except as provided in RCW 46.61.195;

(10) To issue special permits to authorize the backing of a vehicle to the curb for the purpose of loading or unloading property subject to the terms and conditions of such permit. Such permits may be issued either to the owner or lessee of real property alongside the curb or to the owner of the vehicle and shall grant to such person the privilege as therein stated and authorized by this section;

(11) To erect signs indicating no parking upon both sides of a highway when the width of the improved roadway does not exceed twenty feet, or upon one side of a highway as indicated by such signs when the width of

the improved roadway is between twenty and twenty-eight feet;

(12) To determine when standing or parking may be permitted upon the left-hand side of any roadway when the highway includes two or more separate roadways and traffic is restricted to one direction upon any such roadway and to erect signs giving notice thereof;

(13) To determine and designate by proper signs places not exceeding one hundred feet in length in which the stopping, standing, or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic;

(14) To determine the location of loading zones, passenger loading zones, and tow-away zones and shall place and maintain appropriate signs or curb markings supplemented with the appropriate words stenciled on the curb indicating the same and stating the hours during which the provisions of this chapter are applicable;

(15) To establish bus stops, bus stands, taxicab stands, and stands for other for hire vehicles on such highways in such places and in such number as he shall determine to be of the greatest benefit and convenience to the public, and every such bus stop, bus stand, taxicab stand, or other stand shall be designated by appropriate signs or by curb markings supplemented with the appropriate words stenciled on the curb;

(16) To erect and maintain official traffic control devices on any highway or part thereof to impose gross weight limits on the basis of an engineering and traffic investigation;

(17) To erect and maintain official traffic control devices on any highway or part thereof to prohibit the operation of trucks exceeding ten thousand pounds gross weight on the basis of an engineering and traffic investigation: *Provided, That such devices shall not prohibit necessary local operation on such highways for the purpose of making a pickup or delivery;*

(18) To erect and maintain official traffic control devices on any highway or part thereof to impose vehicle size restrictions on the basis of an engineering and traffic investigation;

(19) To determine and designate those heavily traveled highways upon which shall be prohibited any class or kind of traffic which is found to be incompatible with the normal and safe movement of traffic on the basis of an engineering and traffic investigation and shall erect appropriate official traffic control devices giving notice thereof;

(20) To install parking meters in the established parking meter zones upon the curb adjacent to each designated parking space;

(21) To designate the parking space adjacent to each parking meter for which such meter is to be used by appropriate markings upon the curb and/or the pavement of the highway;

(22) To post appropriate signs making it unlawful for pedestrians to cross highways in certain crosswalks when such crossing would endanger either pedestrian or vehicular traffic using the highway;

(23) To test new or proposed traffic control devices under actual conditions of traffic. [1975 1st ex.s. c 54 § 47.]

46.90.270 Local authority—Authority. After an engineering and traffic investigation by the traffic engineer, the local authority may by resolution:

(1) Decrease maximum speed limits pursuant to RCW 46.61.415;

(2) Increase maximum speed limits pursuant to RCW 46.61.415;

(3) Determine and declare the maximum speed limits on arterial highways pursuant to RCW 46.61.415;

(4) Determine and declare upon what highways angle parking shall be permitted pursuant to RCW 46.61.575(3);

(5) Prohibit, regulate, or limit, stopping, standing, or parking of vehicles on any highway at all times or during such times as shall be indicated by official traffic control devices;

(6) Determine and declare parking meter zones upon those highways or parts thereof where the installation of parking meters will be necessary to regulate parking;

(7) Close any highway or part thereof temporarily to any or all traffic;

(8) Determine and declare one-way highways pursuant to RCW 46.61.135;

(9) Determine and declare arterial highways pursuant to RCW 46.61.195 and 46.61.435. [1975 1st ex.s. c 54 § 48.]

46.90.275 Traffic safety commission—Powers and duties. (1) There is established a traffic safety commission to serve without compensation, consisting of the traffic engineer, the chief of police, or, in his discretion as his representative, the chief of the traffic division or other cognizant member of the police department, one representative each from the engineer's office and the attorney's office, and such number of other officers of the local authority and representatives of unofficial bodies as may be determined and appointed by the appointing authority of the local authority. The chairman of the commission shall be appointed by such appointing authority and may be removed by such authority.

(2) It shall be the duty of the traffic safety commission, and to this end it shall have authority within the limits of the funds at its disposal, to coordinate traffic activities, to supervise the preparation and publication of traffic reports, to receive complaints having to do with traffic matters, and to recommend to the legislative body of the local authority and to the traffic engineer, the chief of the traffic division, and other officials, ways and means for improving traffic conditions and the administration and enforcement of traffic regulations. [1975 1st ex.s. c 54 § 49.]

46.90.300 Certain RCW sections adopted by reference. The following sections of the Revised Code of Washington as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in

full: RCW 46.12.070, 46.12.080, 46.12.101, 46.12.260, 46.12.300, 46.12.310, 46.12.320, 46.12.330, 46.12.340, 46.12.350, 46.16.010, 46.16.025, 46.16.030, 46.16.135, 46.16.140, 46.16.145, 46.16.170, 46.16.180, 46.16.240, 46.16.260, 46.16.290, 46.16.380, 46.16.500, 46.16.505, 46.20.011, 46.20.021, 46.20.022, 46.20.025, 46.20.027, 46.20.031, 46.20.041, 46.20.045, 46.20.190, 46.20.220, 46.20.308, 46.20.336, 46.20.342, 46.20.343, 46.20.344, 46.20.391, 46.20.410, 46.20.420, 46.20.430, 46.20.435, 46.20.440, 46.20.500, 46.20.510, 46.29.605, 46.32.060, 46.32.070, 46.37.010, 46.37.020, 46.37.030, 46.37.040, 46.37.050, 46.37.060, 46.37.070, 46.37.080, 46.37.090, 46.37.100, 46.37.110, 46.37.120, 46.37.130, 46.37.140, 46.37.150, 46.37.160, 46.37.170, 46.37.180, 46.37.184, 46.37.185, 46.37.186, 46.37.187, 46.37.188, 46.37.190, 46.37.196, 46.37.200, 46.37.210, 46.37.215, 46.37.220, 46.37.230, 46.37.240, 46.37.260, 46.37.270, 46.37.280, 46.37.290, 46.37.300, 46.37.310, 46.37.340, 46.37.351, 46.37.360, 46.37.365, 46.37.369, 46.37.375, 46.37.380, 46.37.390, 46.37.400, 46.37.410, 46.37.420, 46.37.425, 46.37.430, 46.37.440, 46.37.450, 46.37.460, 46.37.465, 46.37.480, 46.37.490, 46.37.500, 46.37.510, 46.37.513, 46.37.517, 46.37.520, 46.37.522, 46.37.523, 46.37.524, 46.37.525, 46.37.527, 46.37.528, 46.37.529, 46.37.530, 46.37.535, 46.37.537, 46.37.539, 46.37.540, 46.37.550, 46.37.560, 46.37.570, 46.37.590, 46.37.600, 46.44.010, 46.44.020, 46.44.030, 46.44.034, 46.44.036, 46.44.037, 46.44.041, 46.44.042, 46.44.047, 46.44.050, 46.44.060, 46.44.070, 46.44.090, 46.44.091, 46.44.092, 46.44.093, 46.44.095, 46.44.096, 46.44.100, 46.44.120, 46.44.130, 46.44.140, 46.44.170, 46.44.173, 46.44.175, 46.44.180, 46.48.170, 46.52.010, 46.52.020, 46.52.030, 46.52.040, 46.52.070, 46.52.080, 46.52.088, 46.52.090, 46.52.100, 46.52.104, 46.52.106, 46.52.108, 46.52.111, 46.52.112, 46.52.113, 46.52.114, 46.52.116, 46.52.117, 46.52.118, 46.52.119, 46.52.1192, 46.52.1194, 46.52.1196, 46.52.1198, 46.52.145, 46.52.160, 46.52.170, 46.52.180, 46.52.190, 46.52.200, 46.52.210, and 46.80.010. [1983 c 30 § 2; 1982 c 25 § 1; 1980 c 65 § 2; 1977 ex.s. c 60 § 1; 1975 1st ex.s. c 54 § 50.]

46.90.335 Owner of record presumed liable for costs when vehicle abandoned—Exception. (1) The abandonment of any vehicle or automobile hulk shall constitute a prima facie presumption that the last owner of record is responsible for such abandonment and thus liable for any costs incurred in removing, storing, and disposing of any abandoned vehicle.

(2) A registered owner transferring a vehicle shall be relieved from personal liability under this section if within five days of the transfer he transmits to the department a seller's report of sale on a form prescribed by the director. [1983 c 3 § 124; 1975 1st ex.s. c 54 § 52.]

46.90.340 Contract with registered disposer to dispose of vehicles and hulks—Compliance required. (1) The local authority may contract with any tow truck operator who is engaged in removing and storing of vehicles and who is registered as a registered disposer by the department for the purpose of disposing of certain

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automobile hulks, abandoned junk motor vehicles, and abandoned vehicles.

(2) Any registered disposer under contract to the local authority for the removing and storing of vehicles or hulks shall comply with the administrative regulations relative to the handling and disposing of vehicles or hulks as may be promulgated by the local authority or the director. [1975 1st ex.s. c 54 § 53.]

46.90.345 Stolen and abandoned vehicles—Reports of—Recovery, report required, penalty—Disposition. It shall be the duty of the chief of police to report immediately to the chief of the Washington state patrol all motor vehicles reported to them as stolen or recovered, upon forms to be provided by the chief of the Washington state patrol.

In the event that any motor vehicle reported as stolen has been recovered, failure of the person so reporting the same as stolen to report the recovery thereof to the chief of police to whom such motor vehicle was reported as stolen is a traffic infraction.

It shall be the duty of the chief of police to report to the chief of the Washington state patrol all vehicles or automobile hulks found abandoned on a highway or at any other place and the same shall, at the direction of a law enforcement officer, be placed in the custody of a registered disposer. [1979 ex.s. c 136 § 100; 1975 1st ex.s. c 54 § 54.]

Effective date—Severability—1979 ex.s. c 136: See notes following RCW 46.63.010.

46.90.375 Disposition of abandoned junk motor vehicles. (1) Notwithstanding any other provision of law, the chief of police on his own volition, or upon request from a private person having the right to possession of property upon which an abandoned junk motor vehicle has been left, shall inspect and may authorize the disposal of an abandoned junk motor vehicle. The chief of police shall record the make of such vehicle, the serial number if available, and shall also detail the damaged or missing equipment to substantiate a fair market value as scrap only. He shall prepare in duplicate for each such abandoned junk motor vehicle an authorization to dispose on a form provided by the director. He shall issue the original copy of such authorization to dispose to any licensed hulk hauler, motor vehicle wrecker, or scrap processor for the purpose of acquiring an abandoned junk motor vehicle: *Provided*, That such acquisition is for the purpose of ultimate transfer to and demolition by a licensed scrap processor.

(2) Any moneys arising from the disposal of abandoned junk motor vehicles shall be deposited in the county general fund. [1975 1st ex.s. c 54 § 60.]

46.90.400 Provisions of chapter refer to vehicles upon highway—Exceptions. The provisions of this chapter relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways except:

(1) Where a different place is specifically referred to in a given section;

(2) The provisions of RCW 46.52.010, 46.52.020, 46.52.030, 46.52.070, 46.52.080, 46.52.090, and 46.61.500 through 46.61.515 shall apply upon highways and elsewhere throughout the jurisdiction of the local authority. [1975 1st ex.s. c 54 § 62.]

46.90.403 Required obedience to traffic ordinance. It is unlawful for any person to do any act forbidden or fail to perform any act required by this chapter. [1975 1st ex.s. c 54 § 63.]

46.90.406 Certain RCW sections adopted by reference. The following sections of the Revised Code of Washington as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.61.015, 46.61.020, 46.61.021, 46.61.022, 46.61.025, 46.61.030, 46.61.035, 46.61.050, 46.61.055, 46.61.060, 46.61.065, 46.61.070, 46.61.072, 46.61.075, and 46.61.080. [1980 c 65 § 3; 1977 ex.s. c 60 § 2; 1975 1st ex.s. c 54 § 64.]

46.90.409 Traffic control devices required—Stopping, standing, and parking. No prohibition, regulation, or limitation relating to stopping, standing, or parking imposed under this chapter or any ordinance of the local authority for which traffic control devices are required shall be effective unless official traffic control devices are erected and in place at the time of any alleged offense. [1975 1st ex.s. c 54 § 65.]

46.90.412 Crossing new pavement and markings. No person shall ride or drive any animal, bicycle, or vehicle, across any newly made pavement or freshly applied markings on any highway when a sign, cone marker, or other warning device is in place warning persons not to drive across such pavement or marking. [1975 1st ex.s. c 54 § 66.]

46.90.415 Certain RCW sections adopted by reference. The following sections of the Revised Code of Washington as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.61.085, 46.61.100, 46.61.105, 46.61.110, 46.61.115, 46.61.120, 46.61.125, 46.61.130, 46.61.135, 46.61.140, 46.61.145, 46.61.150, 46.61.155, 46.61.160, 46.61.180, 46.61.185, 46.61.190, 46.61.195, 46.61.200, 46.61.202, 46.61.205, 46.61.210, 46.61.215, 46.61.230, 46.61.235, 46.61.240, 46.61.261, 46.61.264, 46.61.266, and 46.61.269. [1977 ex.s. c 60 § 3; 1975 1st ex.s. c 54 § 67.]

46.90.418 Prohibited crossing. No pedestrian shall cross a roadway except an alley other than in a crosswalk in any business district. [1975 1st ex.s. c 54 § 68.]

46.90.421 Certain RCW sections adopted by reference. The following sections of the Revised Code of Washington as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in

full: RCW 46.61.245, 46.61.250, 46.61.255, 46.61.260, 46.61.290, and 46.61.295. [1975 1st ex.s. c 54 § 69.]

46.90.427 Certain RCW sections adopted by reference. The following sections of the Revised Code of Washington as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.61.300, 46.61.305, 46.61.310, 46.61.315, 46.61.340, 46.61.345, 46.61.350, 46.61.355, 46.61.365, 46.61.370, 46.61.375, 46.61.385, 46.61.400, 46.61.415, 46.61.425, 46.61.427, 46.61.428, 46.61.435, 46.61.440, 46.61.445, 46.61.450, 46.61.455, 46.61.460, 46.61.465, 46.61.470, 46.61.475, 46.61.500, 46.61.502, 46.61.504, 46.61.506, 46.61.515, 46.61.520, 46.61.525, 46.61.530, 46.61.535, 46.61.540, 46.61.560, 46.61.565, 46.61.570, and 46.61.575. [1982 c 25 § 2; 1980 c 65 § 4; 1977 ex.s. c 60 § 4; 1975 1st ex.s. c 54 § 71.]

46.90.430 Obedience to angle-parking signs or markings. Upon those highways which have been signed or marked for angle-parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings. [1975 1st ex.s. c 54 § 72.]

46.90.433 Parking not to obstruct traffic. (1) No person shall park a vehicle upon a highway in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for free movement of vehicular traffic.

(2) No person shall stop, stand, or park a vehicle within an alley in such position as to block the driveway entrance to any abutting property. [1975 1st ex.s. c 54 § 73.]

46.90.436 Parking for certain purposes unlawful. (1) No person shall park any vehicle upon any highway for the principal purpose of:

- (a) Displaying advertising;
- (b) Displaying such vehicle for sale;
- (c) Selling merchandise from such vehicle, except when authorized.

(2) No person shall park any vehicle upon any roadway for the principal purpose of washing, greasing, or repairing such vehicle except repairs necessitated by an emergency. [1975 1st ex.s. c 54 § 74.]

46.90.439 Standing in passenger loading zone. No person shall stop, stand, or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger loading zone during hours when the regulations applicable to the loading zone are effective, and then only for a period not to exceed three minutes. [1975 1st ex.s. c 54 § 75.]

46.90.442 Standing in loading zone. (1) No person shall stop, stand, or park a vehicle for any purpose or period of time other than for the expeditious unloading and delivery or pickup and loading of property in any place marked as a loading zone during hours when the

provisions applicable to such zone are in effect. In no case shall the stop for loading and unloading of property exceed thirty minutes.

(2) The driver of a vehicle may stop temporarily at a loading zone for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any vehicle which is waiting to enter or about to enter such zone to load or unload property. [1975 1st ex.s. c 54 § 76.]

46.90.445 Standing in a tow-away zone. No person shall stop, stand, or park a vehicle in a place marked as a tow-away zone during hours when the provisions applicable to such zone are in effect. [1975 1st ex.s. c 54 § 77.]

46.90.448 Violating permits for loading or unloading at an angle to the curb. It shall be unlawful for any permittee or other person to violate any of the special terms or conditions of any permit issued by the traffic engineer for the backing of a vehicle to the curb for the purpose of loading or unloading property. [1975 1st ex.s. c 54 § 78.]

46.90.451 Standing or parking on one-way roadways. In the event a highway includes two or more separate roadways, no person shall stand or park a vehicle upon the left-hand side of such one-way roadway unless signs are erected to permit such standing or parking. [1975 1st ex.s. c 54 § 79.]

46.90.454 Stopping, standing, and parking of buses and taxicabs regulated. (1) The operator of a bus shall not stand or park such vehicle upon any highway at any place other than a designated bus stop. This provision shall not prevent the operator of a bus from temporarily stopping in accordance with other stopping, standing, or parking regulations at any place for the purpose of and while actually engaged in the expeditious loading or unloading of passengers or their baggage.

(2) The operator of a bus shall enter a bus stop or passenger loading zone on a highway in such a manner that the bus when stopped to load or unload passengers or baggage shall be in a position with the right front wheel of such vehicle not farther than eighteen inches from the curb and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.

(3) The operator of a taxicab shall not stand or park such vehicle upon any highway at any place other than in a designated taxicab stand. This provision shall not prevent the operator of a taxicab from temporarily stopping in accordance with other stopping, standing, or parking regulations at any place for the purpose of and while actually engaged in the expeditious loading or unloading of passengers. [1975 1st ex.s. c 54 § 80.]

46.90.457 Restricted use of bus stops and taxicab stands. No person shall stop, stand, or park a vehicle other than a bus in a bus stop, or other than a taxicab in a taxicab stand when any such stop or stand has been

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officially designated and appropriately signed, except the driver of a passenger vehicle may temporarily stop there for the purpose of or while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus, or taxicab waiting to enter or about to enter such stop or stand. [1975 1st ex.s. c 54 § 81.]

46.90.460 Right of way for parking. The driver of any vehicle who first begins driving or maneuvering his vehicle into a vacant parking space shall have a prior right of way to park in such place, and it shall be unlawful for another driver to attempt to deprive him thereof by blocking his access or otherwise. For the purpose of establishing right of way in this section it shall be considered proper to back into any but a front-in angle parking space. [1975 1st ex.s. c 54 § 82.]

46.90.463 Certain RCW sections adopted by reference. The following sections of the Revised Code of Washington as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.61.580, 46.61.590, 46.61.600, 46.61.605, 46.61.606, 46.61.608, 46.61.610, 46.61.611, 46.61.612, 46.61.614, 46.61.615, 46.61.620, 46.61.625, 46.61.630, 46.61.635, 46.61.640, 46.61.645, 46.61.655, 46.61.660, 46.61.665, 46.61.670, 46.61.675, 46.61.680, and 46.61.685. [1980 c 65 § 5; 1977 ex.s. c 60 § 5; 1975 1st ex.s. c 54 § 83.]

46.90.466 Funeral processions. (1) A funeral procession shall proceed to the place of interment by the most direct route which is both legal and practicable.

(2) A funeral procession shall be accompanied by adequate escort vehicles for traffic control purposes as determined by the chief of police.

(3) All motor vehicles in a funeral procession shall be identified by having their headlights turned on or by such other method as may be determined and designated by the chief of police.

(4) All motor vehicles in a funeral procession shall be operated as near to the right-hand edge of the roadway as is practicable and shall follow the vehicle ahead as close as is practicable and safe. [1975 1st ex.s. c 54 § 84.]

46.90.469 When permits required for parades and processions. With the exception of funeral processions and parades of the armed forces of the United States, the military forces of this state, and the forces of the police and fire departments, no processions or parades shall be conducted on the highways within the jurisdiction of the local authority except in accordance with a permit issued by the chief of police and such other regulations as are set forth in this chapter which may be applicable. [1975 1st ex.s. c 54 § 85.]

46.90.472 Interfering with processions. (1) No person shall unreasonably interfere with a procession.

(2) No person shall operate a vehicle that is not part of a procession between the vehicles of the procession.

This provision shall not apply at intersections where traffic is controlled by traffic control devices unless a police officer is present at such intersections to direct traffic so as to preserve the continuity of the procession. [1975 1st ex.s. c 54 § 86.]

46.90.475 Boarding or alighting from vehicles. No person shall board or alight from any vehicle while such vehicle is in motion. [1975 1st ex.s. c 54 § 87.]

46.90.478 Unlawful riding. No person shall ride upon any portion of a vehicle not designed or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty, or to persons riding within truck bodies in space intended for merchandise. [1975 1st ex.s. c 54 § 88.]

46.90.481 Certain RCW sections adopted by reference. The following sections of the Revised Code of Washington as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.61.700, 46.61.710, 46.61.720, 46.61.750, 46.61.755, 46.61.760, 46.61.765, 46.61.770, 46.61.775, and 46.61.780. [1980 c 65 § 6; 1975 1st ex.s. c 54 § 89.]

46.90.500 Bicycle license required. No person who resides within the jurisdiction of the local authority shall ride or propel a bicycle on any highway or upon any public path set aside for the exclusive use of bicycles unless such bicycle has been licensed and a license plate or decal is attached thereto as provided in RCW 46.90.500 through 46.90.540. [1975 1st ex.s. c 54 § 90.]

46.90.505 Bicycle license application. Application for a bicycle license and license plate or decal shall be made upon a form provided by and to the chief of police. An annual license fee as prescribed by the local authority shall be paid to the local authority before each license or renewal thereof is granted. Duplicate license plates or decals may be supplied for the same cost as the original plate or decal in the event of loss of the plate or decal. [1975 1st ex.s. c 54 § 91.]

46.90.510 Issuance of bicycle license. (1) The chief of police upon receiving proper application therefor is authorized to issue a bicycle license which shall be effective for one calendar year.

(2) The chief of police shall not issue a license for any bicycle when he knows or has reasonable grounds to believe that the applicant is not the owner of, or entitled to the possession of, such bicycle.

(3) The chief of police shall keep a record of the number of each license, the date issued, the name and address of the person to whom issued, and a record of all bicycle license fees collected by him. [1975 1st ex.s. c 54 § 92.]

46.90.515 Attachment of bicycle license plate or decal. (1) The chief of police, upon issuing a bicycle license, shall also issue a license plate or decal bearing the

license number assigned to the bicycle, and the name of the local authority.

(2) Such license plate or decal shall be firmly attached to the rear mudguard or frame of the bicycle for which issued in such position as to be plainly visible from the rear.

(3) No person shall remove a license plate or decal from a bicycle during the period for which issued except upon a transfer of ownership or in the event the bicycle is dismantled and no longer operated upon any highway within the jurisdiction of the local authority. [1975 1st ex.s. c 54 § 93.]

46.90.520 Inspection of bicycles. The chief of police, or an officer assigned such responsibility, may inspect each bicycle before licensing the same and may refuse a license for any bicycle which he determines is in unsafe mechanical condition. [1975 1st ex.s. c 54 § 94.]

46.90.525 Renewal of bicycle license. Upon the expiration of any bicycle license, the same may be renewed upon application and payment of the same fee as upon an original application. [1975 1st ex.s. c 54 § 95.]

46.90.530 Transfer of ownership. Upon the sale or other transfer of a licensed bicycle, the licensee shall remove the license plate or decal and shall either surrender the same to the chief of police or may upon proper application, but without payment of additional fee, have such plate or decal assigned to another bicycle owned by the applicant. [1975 1st ex.s. c 54 § 96.]

46.90.535 Rental agencies. A rental agency shall not rent or offer any bicycle for rent unless the bicycle is licensed and a license plate or decal is attached thereto as provided herein and such bicycle is equipped with the equipment required by RCW 46.61.780. [1975 1st ex.s. c 54 § 97.]

46.90.540 Bicycle dealers. Every person engaged in the business of buying or selling new or second-hand bicycles shall make a report to the chief of police of every bicycle purchased or sold by such dealer, giving the name and address of the person from whom purchased or to whom sold, a description of such bicycle by name or make, the frame number thereof, and number of license plate or decal, if any, found thereon. [1975 1st ex.s. c 54 § 98.]

46.90.545 Bicycles—Obedience to traffic control devices. (1) Any person operating a bicycle shall obey the instructions of official traffic control devices applicable to vehicles, unless otherwise directed by a police officer.

(2) Whenever authorized signs are erected indicating that no right or left or U turn is permitted, no person operating a bicycle shall disobey the directions of any such sign, except where such person dismounts from the bicycle at the right-hand curb or as close as is practicable to the right edge of the right-hand shoulder to make

any such turn, in which event such person shall then obey the regulations applicable to pedestrians. [1975 1st ex.s. c 54 § 99.]

46.90.550 Bicycles—Parking. No person shall park a bicycle upon a highway other than:

- (1) Off the roadway except in designated areas;
- (2) Upon the sidewalk in a rack to support the bicycle;
- (3) Against a building; or
- (4) In such manner as to afford the least obstruction to pedestrian traffic. [1975 1st ex.s. c 54 § 100.]

46.90.555 Bicycles—Riding on sidewalks. (1) No person shall ride a bicycle upon a sidewalk in a business district.

(2) A person may ride a bicycle on any other sidewalk or any roadway unless restricted or prohibited by traffic control devices.

(3) Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right of way to any pedestrian. [1975 1st ex.s. c 54 § 101.]

46.90.560 Bicycles—Penalties. Violation of any provision of RCW 46.90.500 through 46.90.540 is a traffic infraction. [1979 ex.s. c 136 § 101; 1975 1st ex.s. c 54 § 102.]

Effective date—Severability—1979 ex.s. c 136: See notes following RCW 46.63.010.

46.90.565 Unclaimed bicycles. All unclaimed bicycles in the custody of the police department shall be disposed of as provided in chapter 63.32 RCW. [1975 1st ex.s. c 54 § 103.]

46.90.600 Parking meter spaces. No person shall park a vehicle in any designated parking meter space during the restricted or regulated time applicable to the parking meter zone in which such meter is located so that any part of such vehicle occupies more than one such space or protrudes beyond the markings designating such space, except that a vehicle which is of a size too large to be parked within a single designated parking meter space shall be permitted to occupy two adjoining parking meter spaces when coins shall have been deposited in the parking meter for each space so occupied as is required for the parking of other vehicles in such spaces. [1975 1st ex.s. c 54 § 104.]

46.90.610 Parking meters—Deposit of coins and time limits. (1) No person shall park a vehicle in any parking meter space alongside of and next to which a parking meter has been installed during the restricted and regulated time applicable to the parking meter zone in which such meter is located unless a United States coin or coins of the appropriate denomination as indicated on the parking meter shall have been deposited therein, or shall have been previously deposited therein for an unexpired interval of time, and said meter has been placed in operation.

(2) No person shall permit a vehicle within his control to be parked in any parking meter space during the restricted and regulated time applicable to the parking meter zone in which such meter is located while the parking meter for such space indicates by signal that the lawful parking time in such space has expired. This provision shall not apply to the act of parking or the necessary time which is required to deposit immediately thereafter a coin or coins in such meter.

(3) No person shall park a vehicle in any parking meter space for a consecutive period of time longer than that limited period of time for which parking is lawfully permitted in the parking meter zone in which such meter is located, irrespective of the number or amounts of the coins deposited in such meter.

(4) The provisions of this section shall not relieve any person from the duty to observe other and more restrictive provisions of this chapter prohibiting or limiting the stopping, standing, or parking of vehicles in specified places or at specified times. [1975 1st ex.s. c 54 § 105.]

46.90.620 Parking meters—Use of slugs prohibited. No person shall deposit or attempt to deposit in any parking meter any bent coin, slug, button, or any other device or substance as substitutes for United States coins. [1975 1st ex.s. c 54 § 106.]

46.90.630 Tampering with parking meter. No person shall deface, injure, tamper with, open, or wilfully break, destroy, or impair the usefulness of any parking meter. [1975 1st ex.s. c 54 § 107.]

46.90.640 Parking meters—Rule of evidence. The parking or standing of any motor vehicle in a parking space, at which space the parking meter displays the sign or signal indicating illegal parking, shall constitute a prima facie presumption that the vehicle has been parked or allowed to stand in such space for a period longer than permitted by this chapter. [1975 1st ex.s. c 54 § 108.]

46.90.650 Parking meters—Application of proceeds. (1) The coins required to be deposited in parking meters are levied and assessed as fees to cover the regulation and control of parking upon highways, the costs of parking meters, their installation, inspection, supervision, operation, repair, and maintenance, control and use of parking spaces, and regulating the parking of vehicles in parking meter zones; and the costs of acquiring, establishing, improving, maintaining, and operating public off-street parking facilities.

(2) The coins deposited in parking meters shall be collected by the duly authorized agents of the local authority and shall be deposited by them as directed by the local authority.

(3) The local authority shall pay from the moneys collected from parking meters the costs of any parking meters purchased and installed as provided herein, and expenses incurred for their installation, inspection, service, supervision, repair, and maintenance, for making

collections from such parking meters, and for the enforcement of provisions herein applicable to parking meter zones. The net proceeds derived from the operation of parking meters after the payment of such costs and expenses, may be used for parking studies and for the acquisition, establishment, improvement, maintenance, and operation of public off-street parking facilities. [1975 1st ex.s. c 54 § 109.]

46.90.660 Service parking. The chief of police is authorized to issue a permit for service parking upon payment of the fee prescribed by the local authority and upon the following conditions:

(1) Application shall be made to the chief of police on such forms as the chief of police shall prescribe. The applicant shall set forth the applicant's business and the necessity for such permit. The chief of police shall investigate the facts as necessary.

(2) If it appears that a necessity exists, the chief of police may authorize the issuance of such permit under the conditions prescribed in this section.

(3) Upon issuance of the permit, the permittee shall be issued a hood to use in covering any parking meter. As many hoods may be issued upon payment of the prescribed fee as the chief of police deems necessary or convenient for the applicant. The hood shall be provided with a padlock, two keys, and an identification card attached with a blank space thereon.

(4) Upon entering any parking meter space available, the permittee shall place the hood over the parking meter and lock the same and shall indicate in such blank space the exact place where the service work is being rendered.

(5) The permittee shall not place the hood over any meter when the space is occupied by another vehicle, and shall before vacating the space at the conclusion of the work remove the hood. The hood shall not be allowed to remain in place for over one hour when the space is not occupied by an authorized vehicle, nor shall it be allowed to remain in place after 6 p.m. on any weekday or on any Sunday or holiday. It shall not be used during hours when parking or stopping in the parking meter space is prohibited. No vehicle licensed as a passenger car shall be parked in the space covered by the hooded parking meter.

(6) The chief of police may revoke any permit if the service parking hood is used for any purpose other than that authorized in this section or for any violation of this chapter. Upon revocation, the hood shall immediately be returned to the police department and all fees paid shall be forfeited. Police officers finding such hood in use shall investigate the use being made thereof, and if it is found in violation of this section shall report the facts to the chief of police.

(7) Any permit issued under this section shall unless revoked be valid for a period of one year.

(8) The permittee shall also pay a deposit in an amount prescribed by the local authority at the time of issuance of the hood, padlock, and keys, which shall remain the property of the local authority. In case a hood,

a padlock, or key becomes lost or destroyed or so defaced that it is no longer usable, the permittee shall forfeit such deposit. [1975 1st ex.s. c 54 § 110.]

46.90.700 Certain RCW sections adopted by reference. The following sections of the Revised Code of Washington as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.64.010, 46.64.015, 46.64.020, 46.64.025, 46.64.030, and 46.64.048. [1980 c 65 § 7; 1977 ex.s. c 60 § 6; 1975 1st ex.s. c 54 § 111.]

46.90.705 Certain RCW sections adopted by reference. The following sections of the Revised Code of Washington as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.63.010, 46.63.020, 46.63.030, 46.63.040, 46.63.060, 46.63.070, 46.63.080, 46.63.090, 46.63.100, 46.63.110, 46.63.120, 46.63.130, 46.63.140, and 46.63.151. [1982 c 25 § 3; 1980 c 65 § 8.]

46.90.710 Penalties. Unless another penalty is expressly provided by law, any person found to have committed an act designated a traffic infraction under the provisions of this chapter shall be punished by a penalty of not more than two hundred fifty dollars. [1980 c 128 § 15; 1975 1st ex.s. c 54 § 112.]

Effective date—Severability—1980 c 128: See notes following RCW 46.63.060.

46.90.720 Citation on illegally parked vehicle. Whenever any motor vehicle without driver is found parked, standing, or stopped in violation of this chapter, the officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a traffic citation. [1975 1st ex.s. c 54 § 113.]

46.90.730 Failure to comply with traffic citation attached to parked vehicle. If a violator of any provision of this chapter on stopping, standing, or parking does not appear in response to a traffic citation affixed to such motor vehicle within a period of five days, the clerk of the traffic court shall send to the owner of the motor vehicle to which the traffic citation was affixed a letter informing him of the violation and warning him that in the event such letter is disregarded for a period of five days, a warrant of arrest will be issued. [1975 1st ex.s. c 54 § 114.]

46.90.740 Presumption in reference to illegal parking. (1) In any prosecution charging a violation of any law or regulation governing the stopping, standing, or parking of a vehicle, proof that the particular vehicle described in the complaint was stopping, standing, or parking in violation of any such law or regulation, together with proof that the defendant named in the complaint was at the time of such violation, the registered

owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred.

(2) The foregoing stated presumption shall apply only when the procedure as prescribed in RCW 46.90.720 and 46.90.730 has been followed. [1975 1st ex.s. c 54 § 115.]

46.90.900 Certain RCW sections adopted by reference. The following sections of the Revised Code of Washington as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.98.020, 46.98.030, 46.98.040, 47.36.060, 47.36.110, 47.36.180, 47.36.200, 47.36.220, 47.52.010, 47.52.011, 47.52.040, 47.52.110, 47.52.120, 70.84.020, 70.84.040, and 70.93.060. [1975 1st ex.s. c 54 § 116.]

46.90.910 Uniformity of interpretation. This chapter shall be so interpreted and construed as to effectuate its general purpose to make uniform the laws of those local authorities which enact it. [1975 1st ex.s. c 54 § 117.]

46.90.920 Short title. This chapter may be known and cited as the "Washington Model Traffic Ordinance." [1975 1st ex.s. c 54 § 118.]

46.90.930 Chapter not retroactive. This chapter shall not have a retroactive effect and shall not apply to any traffic accident, to any cause of action arising out of a traffic accident or judgment arising therefrom, or to any violation of a traffic ordinance of the local authority, occurring prior to the effective date of this chapter. [1975 1st ex.s. c 54 § 119.]

46.90.940 Severability—1975 1st ex.s. c 54. If any provision of this chapter, or its application to any person or circumstance is held invalid, the remainder of the chapter, or the application of the provision to other persons or circumstances is not affected. [1975 1st ex.s. c 54 § 120.]

46.90.950 Effect of headings. Section headings contained in this chapter shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or extent of the provisions of any section hereof. [1975 1st ex.s. c 54 § 121.]

Chapter 46.98 CONSTRUCTION

Sections	
46.98.010	Continuation of existing law.
46.98.020	Provisions to be construed <i>in pari materia</i> .
46.98.030	Title, chapter, section headings not part of law.
46.98.040	Invalidity of part of title not to affect remainder.
46.98.041	Severability—1963 ex.s. c 3.
46.98.042	Severability—1965 ex.s. c 170.
46.98.043	Severability—1969 ex.s. c 281.
46.98.050	Repeals and saving—1961 c 12.

16.24.010 Restricted areas authorized. The board of county commissioners of any county of this state shall have the power to designate by an order made and published, as provided in RCW 16.24.030, certain territory as stock restricted area within such county in which it shall be unlawful to permit livestock of any kind to run at large: *Provided*, That no territory so designated shall be less than two square miles in area: *And provided further*, That RCW 16.24.010 through 16.24.065 shall not affect counties having adopted township organization. All territory not so designated shall be range area, in which it shall be lawful to permit livestock to run at large. [1937 c 40 § 1; 1911 c 25 § 1; RRS § 3068. Prior: 1907 c 230 § 1; 1905 c 91 § 1; R & B § 3166.]

16.24.020 Hearing—Notice. Within sixty days after the taking effect of RCW 16.24.010 through 16.24.065, the county commissioners of each of the several counties of the state may make an order fixing a time and place when a hearing will be had, notice of which shall be published at least once each week for two successive weeks in some newspaper having a general circulation within the county. It shall be the duty of the board of county commissioners at the time fixed for such hearing, or at the time to which such hearing may be adjourned, to hear all persons interested in the establishment of range areas or stock restricted areas as defined in RCW 16.24.010 through 16.24.065. [1937 c 40 § 2; 1923 c 33 § 1; 1911 c 25 § 2; RRS § 3069.]

16.24.030 Order establishing area—Publication. Within thirty days after the conclusion of any such hearing the county commissioners shall make an order describing the stock restricted areas within the county where livestock may not run at large, which order shall be entered upon the records of the county and published in a newspaper having general circulation in such county at least once each week for four successive weeks. [1937 c 40 § 3; 1923 c 33 § 2; 1911 c 25 § 3; RRS § 3070.]

16.24.040 Penalty. Any person, or any agent, employee or representative of a corporation, violating any of the provisions of such order after the same shall have been published or posted as provided in RCW 16.24.030 or, violating any provision of this chapter, shall be guilty of a misdemeanor. [1975 c 38 § 1; 1911 c 25 § 4; RRS § 3071.]

16.24.050 Change of boundaries. When the county commissioners of any county deem it advisable to change the boundary or boundaries of any stock restricted area, a hearing shall be held in the same manner as provided in RCW 16.24.020. If the county commissioners decide to change the boundary or boundaries of any stock restricted area or areas, they shall within thirty days after the conclusion of such hearing make an order describing said change or changes. Such order shall be entered upon the records of the county and published in a newspaper having general circulation in such county once each week for four successive weeks. [1937 c 40 § 4; 1923 c 93 § 1; RRS § 3070-1.]

16.24.060 Road signs in range areas. At the point where a public road enters a range area, and at such other points thereon within such area as the county commissioners shall designate, there shall be erected a road sign bearing the words: "RANGE AREA. WATCH OUT FOR LIVESTOCK." [1937 c 40 § 5; RRS § 3070-2.]

16.24.065 Stock at large in areas—Unlawful. No person owning or in control of any livestock shall wilfully or negligently allow such livestock to run at large in any stock restricted area, nor shall any person owning or in control of any livestock allow such livestock to wander or stray upon the right-of-way of any public highway lying within a stock restricted area when not in the charge of some person. [1937 c 40 § 6; RRS § 3070-3. Formerly RCW 16.24.070, part.]

16.24.070 Stock at large on highway right-of-way—Unlawful—Impounding. It shall be unlawful for any person to cause or permit any livestock to graze or stray upon any portion of the right-of-way of any public highway of this state, within any stock restricted area. It shall be unlawful for any person to herd or move any livestock over, along or across the right-of-way of any public highway, or portion thereof, within any stock restricted area, without having in attendance a sufficient number of persons to control the movement of such livestock and to warn or otherwise protect vehicles traveling upon such public highway from any danger by reason of such livestock being herded or moved thereon.

In the event that any livestock is allowed to stray or graze upon the right-of-way of any public highway, or portion thereof, within any stock restricted area, unattended, the same may be impounded for safekeeping and, if the owner be not known, complaint may be instituted against such stock in a court of competent jurisdiction. Notice shall be published in one issue of a paper of general circulation published as close as possible to the location where the livestock were found, describing as nearly as possible the stock, where found, and that the same are to be sold. In the event that the owner appears and convinces the court of his right thereto, the stock may be delivered upon payment by him of all costs of court, advertising and caring for the stock. In the event no person claiming the right thereto shall appear by the close of business on the tenth day following and exclusive of the date of publication of notice, the stock may be sold at public or private sale, all costs of court, advertising and caring therefor paid from the proceeds thereof and the balance certified by the judge of the court ordering such sale, to the treasurer of the county in which located, to be credited to the county school fund. [1937 c 189 § 127; RRS § 6360-127, part. Prior: 1927 c 309 § 41, part; RRS § 6362-41, part. FORMER PART OF SECTION: 1937 c 40 § 6; RRS § 3070-3, now codified as RCW 16.24.065. Formerly RCW 16.24.070 and 16.24.080.]

16.24.090 Swine not permitted at large. The owner of swine shall not allow them to run at large at any time

thereof adjacent to or fronting on any bay or bays, lake or lakes, sound or sounds, river or rivers, or other navigable waters are hereby extended into and over such waters and over any tidelands intervening between any such boundary and any such waters to the middle of such bays, sounds, lakes, rivers, or other waters in every manner and for every purpose that such powers and jurisdiction could be exercised if the waters were within the city or town limits. In calculating the area of any town for the purpose of determining compliance with the limitation on the area of a town prescribed by RCW 35.21.010, the area over which jurisdiction is conferred by this section shall not be included. [1969 c 124 § 1; 1965 c 7 § 35.21.160. Prior: 1961 c 277 § 4; 1909 c 111 § 1; RRS § 8892.]

35.21.165 Driving while under the influence of liquor or drug—Minimum penalties. Except as limited by the maximum penalties authorized by law, no city or town may establish a penalty for an act that constitutes the crime of driving while under the influence of intoxicating liquor or any drug, as provided in RCW 46.61.502, or the crime of being in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug, as provided in RCW 46.61.504, that is less than the penalties prescribed for those crimes in RCW 46.61.515. [1983 c 165 § 40.]

Legislative finding, intent—Effective dates—Severability—1983 c 165: See notes following RCW 46.20.308.

35.21.170 Liquor law violations—Annual report of. In every city and town having a police court, the judge thereof shall send to the state liquor board an annual written report in respect of prosecutions for liquor law violations brought under Title 66 RCW showing in each case the name of the accused, the nature of the charges, the date of trial, the disposition of the case and the name of the judge presiding. [1965 c 7 § 35.21.170. Prior: 1933 ex.s. c 62 § 81, part; RRS § 7306-81, part.]

Justices of the peace and constables: Title 3 RCW.
State liquor control board: Chapter 66.08 RCW.

35.21.175 Offices to be open certain days and hours. All city and town offices shall be kept open for the transaction of business during such days and hours as the municipal legislative authority shall by ordinance prescribe. [1965 c 7 § 35.21.175. Prior: 1955 ex.s. c 9 § 4; prior: 1951 c 100 § 2.]

35.21.180 Ordinances—Adoption of codes by reference. Ordinances passed by cities or towns must be posted or published in a newspaper as required by their respective charters or the general laws: *Provided*, That ordinances may by reference adopt Washington state statutes and codes, including fire codes and ordinances relating to the construction of buildings, the installation of plumbing, the installation of electric wiring, health and sanitation, the slaughtering, processing and selling of meats and meat products for human consumption, the production, pasteurizing and sale of milk and milk products, or other subjects, may adopt by reference, any

printed code or compilation, or portions thereof, together with amendments thereof or additions thereto, on the subject of the ordinance; and where publications of ordinances in a newspaper is required, such Washington state statutes or codes or other codes or compilations so adopted need not be published therein: *Provided, however*, That not less than one copy of such statute, code or compilation and amendments and additions thereto adopted by reference shall be filed for use and examination by the public, in the office of the city or town clerk of said city, or town prior to adoption thereof. Any city or town ordinance heretofore adopting any state law or any such codes or compilations by reference are hereby ratified and validated. [1982 c 226 § 1; 1965 c 7 § 35.21.180. Prior: 1963 c 184 § 1; 1943 c 213 § 1; 1935 c 32 § 1; Rem. Supp. 1943 § 9199-1.]

Effective date—1982 c 226: "This act shall take effect on July 1, 1982." [1982 c 226 § 8.]

35.21.190 Parkways, park drives and boulevards. Any city or town council upon request of the board of park commissioners, shall have authority to designate such streets as they may see fit as parkways, park drives, and boulevards, and to transfer all care, maintenance and improvement of the surface thereof to the board of park commissioners, or to such authority of such city or town as may have the care and management of the parks, parkways, boulevards and park drives of the city.

Any city or town may acquire, either by gift, purchase or the right of eminent domain, the right to limit the class, character and extent of traffic that may be carried on such parkways, park drives and boulevards, and to prescribe that the improvement of the surface thereof shall be made wholly in accordance with plans of such board of park commissioners, but that the setting over of all such streets for such purposes shall not in any wise limit the right and authority of the city council to construct underneath the surface thereof any and all public utilities nor to deprive the council of the right to levy assessments for special benefits. In the construction of any such utilities, any damages done to the surface of such parkways, park drives or boulevards shall not be borne by any park funds of such city or town. [1965 c 7 § 35.21.190. Prior: 1911 c 98 § 57; RRS § 9410.]

35.21.200 Residence qualifications of appointive officials and employees. Any city or town may by ordinance of its legislative authority determine whether there shall be any residential qualifications for any or all of its appointive officials or for preference in employment of its employees, but residence of an employee outside the limits of such city or town shall not be grounds for discharge of any regularly appointed civil service employee otherwise qualified: *Provided*, That this section shall not authorize a city or town to change any residential qualifications prescribed in any city charter for any appointive official or employee: *Provided, further*, That all employees appointed prior to the enactment of any ordinance establishing such residence qualifications as provided herein or who shall have been appointed or employed by such cities or towns having waived such

to mean "traffic safety education". [1969 ex.s. c 218 § 12.]

46.04.710 Wheelchair conveyance. "Wheelchair conveyance" means any vehicle specially manufactured or designed for the transportation of a physically or medically impaired wheelchair-bound person. The vehicle may be a separate vehicle used in lieu of a wheelchair or a separate vehicle used for transporting the impaired person while occupying a wheelchair. The vehicle shall be equipped with a propulsion device capable of propelling the vehicle within a speed range established by the commission on equipment. The commission may approve and define as a wheelchair conveyance, a vehicle that fails to meet these specific criteria but is essentially similar in performance and application to vehicles that do meet these specific criteria. [1983 c 200 § 1.]

Severability—1983 c 200: "If any provision of this 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." [1983 c 200 § 7.]

Wheelchair conveyances

licensing: RCW 46.16.640.

operator's license: RCW 46.20.550.

public roadways, operating on: RCW 46.61.730.

safety standards: RCW 46.37.610.

Chapter 46.08

GENERAL PROVISIONS

Sections

- 46.08.010 State preempts licensing field.
- 46.08.020 Precedence over local vehicle and traffic regulations.
- 46.08.030 Uniformity of application.
- 46.08.065 Publicly owned vehicles to be marked—Exceptions.
- 46.08.066 Publicly owned vehicles—Confidential license plates—Issuance, rules governing—Review by legislative auditor.
- 46.08.067 Publicly owned vehicles—Violations concerning marking and confidential license plates.
- 46.08.068 Publicly owned vehicles—Remarking not required, when.
- 46.08.070 Nonresidents, application to.
- 46.08.150 Control of traffic on capitol grounds.
- 46.08.160 Control of traffic on capitol grounds—Enforcing officer.
- 46.08.170 Control of traffic on capitol grounds—Violations, traffic infractions, misdemeanors—Jurisdiction.
- 46.08.172 Control of traffic on capitol grounds—Disposition of fines and parking revenue—State capitol vehicle parking account.
- 46.08.190 Jurisdiction of justices of peace, police court, and superior court.

Extension of licensing period authorized—Rules and regulations, manner and content: RCW 43.24.140.

46.08.010 State preempts licensing field. The provisions of this title relating to the certificate of ownership, certificate of license registration, vehicle license, vehicle license plates and vehicle operator's license shall be exclusive and no political subdivision of the state of Washington shall require or issue any licenses or certificates for the same or a similar purpose, nor shall any city or town in this state impose a tax, license, or other fee upon vehicles operating exclusively between points outside of such city or town limits, and to points therein.

[1961 c 12 § 46.08.010. Prior: 1937 c 188 § 75; RRS § 6312-75.]

46.08.020 Precedence over local vehicle and traffic regulations. The provisions of this title relating to vehicles shall be applicable and uniform throughout this state and in all incorporated cities and towns and all political subdivisions therein and no local authority shall enact or enforce any law, ordinance, rule or regulation in conflict with the provisions of this title except and unless expressly authorized by law to do so and any laws, ordinances, rules or regulations in conflict with the provisions of this title are hereby declared to be invalid and of no effect. Local authorities may, however, adopt additional vehicle and traffic regulations which are not in conflict with the provisions of this title. [1961 c 12 § 46.08.020. Prior: 1937 c 189 § 2; RRS § 6360-2.]

46.08.030 Uniformity of application. The provisions of this title relating to the operation of vehicles shall be applicable and uniform upon all persons operating vehicles upon the public highways of this state, except as otherwise specifically provided. [1961 c 12 § 46.08.030. Prior: 1937 c 189 § 3; RRS § 6360-3.]

46.08.065 Publicly owned vehicles to be marked—Exceptions. (1) It shall be unlawful for any public officer having charge of any vehicle other than a motorcycle owned or controlled by any county, city, town, or public body in this state other than the state of Washington and used in public business to operate the same upon the public highways of this state unless and until there shall be displayed upon such automobile or other motor vehicle in letters of contrasting color not less than one and one-quarter inches in height in a conspicuous place on the right and left sides thereof, the name of such county, city, town, or other public body, together with the name of the department or office upon the business of which the said vehicle is used. This section shall not apply to vehicles of a sheriff's office, local police department, or any vehicles used by local peace officers under public authority for special undercover or confidential investigative purposes. This subsection shall not apply to: (a) Any municipal transit vehicle operated for purposes of providing public mass transportation; nor to (b) any motor vehicle on loan to a school district for driver training purposes. It shall be lawful and constitute compliance with the provisions of this section, however, for the governing body of the appropriate county, city, town, or public body other than the state of Washington or its agencies to adopt and use a distinctive insignia which shall be not less than six inches in diameter across its smallest dimension and which shall be displayed conspicuously on the right and left sides of the vehicle. Such insignia shall be in a color or colors contrasting with the vehicle to which applied for maximum visibility. The name of the public body owning or operating the vehicle shall also be included as part of or displayed above such approved insignia in colors contrasting with the vehicle in letters not less than one and one-quarter inches in height. Immediately below the lettering identifying the

court upon determining that the petitioner is engaged in an occupation or trade that makes it essential that the petitioner operate a motor vehicle may stay the effect of the mandatory suspension or revocation, notwithstanding RCW 46.20.270, for a period of not more than thirty days and may set definite restrictions as provided in RCW 46.20.393. No person may petition for, and the court may not order, a stay affecting the first thirty days of any suspension or revocation imposed under RCW 46.61.515.

(2) An applicant for an occupational driver's license is eligible to receive such license only if:

(a) Within one year immediately preceding the present conviction the applicant has not been convicted of any offense relating to motor vehicles for which suspension or revocation of a driver's license is mandatory; and

(b) Within five years immediately preceding the present conviction the applicant has not been convicted more than once of driving or being in actual physical control of a motor vehicle while under the influence of intoxicating liquor under RCW 46.61.502 or 46.61.504, of vehicular homicide under RCW 46.61.520, or of vehicular assault under RCW 46.61.522; and

(c) The applicant is engaged in an occupation or trade that makes it essential that he or she operate a motor vehicle; and

(d) The applicant files satisfactory proof of financial responsibility pursuant to chapter 46.29 RCW.

(3) The department, upon receipt of an application and the prescribed fee, may issue an occupational driver's license to any person eligible under this section that permits the operation of a motor vehicle only within the limits established by the court and only when the operation is essential to the licensee's occupation or trade. No person may apply for, and the department may not issue, an occupational license for the first thirty days of any suspension or revocation imposed under RCW 46.61.515.

(4) The director shall cancel an occupational driver's license upon receipt of notice that the holder thereof has been convicted of operating a motor vehicle in violation of its restrictions, or of an offense that pursuant to chapter 46.20 RCW would warrant suspension or revocation of a regular driver's license. The cancellation is effective as of the date of the conviction, and continues with the same force and effect as any suspension or revocation under this title. [1983 c 165 § 23; 1983 c 164 § 4; 1979 c 61 § 13; 1973 c 5 § 1.]

Legislative finding, intent—Effective dates—Severability—
1983 c 165: See notes following RCW 46.20.308.

46.20.391 Occupational driver's license—Application—Eligibility—Restrictions—Cancellation.

(Effective January 1, 1985.) (1) Any person licensed under this chapter whose driving privilege has been suspended or revoked under RCW 46.20.610(1)(b)(i) or who is convicted of an offense relating to motor vehicles for which suspension or revocation of the driver's license is mandatory, other than vehicular homicide or vehicular

assault, may submit to the department an application for an occupational driver's license. The department, upon receipt of the prescribed fee and upon determining that the petitioner is engaged in an occupation or trade that makes it essential that the petitioner operate a motor vehicle, may issue an occupational driver's license and may set definite restrictions as provided in RCW 46.20.394. No person may petition for, and the department shall not issue, an occupational driver's license that is effective during the first thirty days of any suspension or revocation imposed under RCW 46.61.515 or pursuant to RCW 46.20.610(1)(b)(i). A person aggrieved by the decision of the department on the application for an occupational driver's license may request a hearing as provided by rule of the department.

(2) An applicant for an occupational driver's license is eligible to receive such license only if:

(a) Within one year immediately preceding the present conviction or administrative action, the applicant has not been convicted of any offense relating to motor vehicles for which suspension or revocation of a driver's license is mandatory; and

(b) Within five years immediately preceding the present conviction or administrative action, the applicant has not been convicted more than once of driving or being in actual physical control of a motor vehicle while under the influence of intoxicating liquor under RCW 46.61.502 or 46.61.504, of vehicular homicide under RCW 46.61.520, or of vehicular assault under RCW 46.61.522, or had a license administratively suspended or revoked under RCW 46.20.610; and

(c) The applicant is engaged in an occupation or trade that makes it essential that he or she operate a motor vehicle; and

(d) The applicant files satisfactory proof of financial responsibility pursuant to chapter 46.29 RCW.

(3) The director shall cancel an occupational driver's license upon receipt of notice that the holder thereof has had a driver's license administratively suspended or revoked under RCW 46.20.610 or has been convicted of operating a motor vehicle in violation of its restrictions, or of an offense that pursuant to chapter 46.20 RCW would warrant suspension or revocation of a regular driver's license. The cancellation is effective as of the date of the conviction or administrative action, and continues with the same force and effect as any suspension or revocation under this title. [1983 c 165 § 24; 1983 c 165 § 23; 1979 c 61 § 13; 1973 c 5 § 1.]

Legislative finding, intent—Effective dates—Severability—
1983 c 165: See notes following RCW 46.20.308.

46.20.393 Occupational driver's license—Court order—Detailed restrictions—Violation. In issuing an order staying the mandatory suspension or revocation of a person's driver's license so that the person may apply for an occupational driver's license under RCW 46.20.391, the court shall describe the type of occupation permitted and shall set forth in detail the specific hours of the day during which the person may drive to and from his place of work, which may not exceed twelve hours in

any one day; the days of the week during which the license may be used; and the general routes over which the person may travel.

Any restrictions shall be prepared in written form by the department, which document shall be carried in the vehicle at all times and presented to a law enforcement officer under the same terms as the occupational driver's license. Any violation of the restrictions constitutes a violation of RCW 46.20.342 and subjects the person to all procedures and penalties therefor. [1983 c 165 § 25.]

Legislative finding, intent—Effective dates—Severability—
1983 c 165: See notes following RCW 46.20.308.

46.20.394 Occupational driver's license—Departmental issuance—Detailed restrictions—Violation. (Effective January 1, 1985.) In issuing an occupational driver's license under RCW 46.20.391, the department shall describe the type of occupation permitted and shall set forth in detail the specific hours of the day during which the person may drive to and from his place of work, which may not exceed twelve hours in any one day; the days of the week during which the license may be used; and the general routes over which the person may travel. These restrictions shall be prepared in written form by the department, which document shall be carried in the vehicle at all times and presented to a law enforcement officer under the same terms as the occupational driver's license. Any violation of the restrictions constitutes a violation of RCW 46.20.342 and subjects the person to all procedures and penalties therefor. [1983 c 165 § 26.]

Legislative finding, intent—Effective dates—Severability—
1983 c 165: See notes following RCW 46.20.308.

46.20.400 Occupational operator's license—When new operator's license may be obtained—Surrender of order and occupational operator's license. If an occupational driver's license is issued and is not revoked during the period for which issued the licensee may obtain a new driver's license at the end of such period, but no new driver's permit shall be issued to such person until he surrenders his occupational driver's license and his copy of the order and the director is satisfied that he complies with all other provisions of law relative to the issuance of a driver's license. [1967 c 32 § 33; 1961 c 12 § 46.20.400. Prior: 1957 c 268 § 3.]

46.20.410 Occupational operator's license—Penalty. Any person convicted for violation of any restriction of an occupational driver's license shall in addition to the immediate revocation of such license and any other penalties provided by law be fined not less than fifty nor more than two hundred dollars or imprisoned for not more than six months or both such fine and imprisonment. [1967 c 32 § 34; 1961 c 12 § 46.20.410. Prior: 1957 c 268 § 4.]

Rules of court: Bail in traffic offense cases—Mandatory appearance—JCrR 2.09.

46.20.414 Unlicensed drivers—Placement in suspended or revoked status authorized. The department is

hereby authorized to place any unlicensed person into a suspended or revoked status under any circumstances which would have resulted in the suspension or revocation of the driver's license had that person been licensed. [1975-'76 2nd ex.s. c 29 § 2.]

46.20.416 Driving while in suspended or revoked status—Penalties. Any person who drives a motor vehicle on any public highway of this state while that person is in a suspended or revoked status shall be guilty of a misdemeanor. Upon a first conviction therefor, the person shall be punished by imprisonment of not less than ten days, nor more than six months. Upon the second such conviction therefor, the person shall be punished by imprisonment of not less than twenty days, nor more than one year. Upon the third such conviction therefor, the person shall be punished by imprisonment for one year. There may also be imposed in connection with each conviction a fine of not more than five hundred dollars. [1975-'76 2nd ex.s. c 29 § 3.]

Arrest without warrant for driving while license suspended or revoked: RCW 10.31.100.

46.20.418 Driving while in suspended or revoked status—Extension of period of suspension—Delay in issuing new license. The department upon receiving a record of conviction of any person or upon receiving an order by the juvenile court or any duly authorized court officer of the conviction of any juvenile under RCW 46.20.022 and 46.20.414 through 46.20.416 upon a charge of driving a vehicle while such person or juvenile is in a suspended status, shall extend the period of such suspended status for an additional like period or if the conviction was upon a charge of driving while such person or juvenile is in a revoked status, the department shall not issue a new license for an additional period of one year after the date such person or juvenile would have otherwise been entitled to apply for a new license. [1975-'76 2nd ex.s. c 29 § 4.]

46.20.420 Operation of motor vehicle under other license or permit prohibited while license is suspended or revoked. Any resident or nonresident whose driver's license or right or privilege to operate a motor vehicle in this state has been suspended or revoked as provided in this title shall not operate a motor vehicle in this state under a license, permit or registration certificate issued by any other jurisdiction or otherwise during such suspension or after such revocation until a new license is obtained when and as permitted under this chapter. [1967 c 32 § 35; 1961 c 134 § 2.]

Rules of court: Bail in traffic offense cases—Mandatory appearance—JCrR 2.09.

Impoundment of vehicle for driver's license violations—Release, when—Rules implementing: RCW 46.20.435.

46.20.430 Stopping of vehicle registered to person whose driver's license has been suspended or revoked authorized—Display of license. Any police officer who has received notice of the suspension or revocation of a driver's license from the department of licensing, may,

46.61.5151 Sentence under RCW 46.61.515—Intermittent fulfillment of—Restrictions. A sentencing court may allow persons convicted of violating RCW 46.61.502 or 46.61.504 to fulfill the terms of the sentence provided in RCW 46.61.515 (1) or (2) in nonconsecutive or intermittent time periods. However, the first twenty-four hours of any sentence under RCW 46.61.515(1) and the first forty-eight hours of any sentence under RCW 46.61.515(2) shall be served consecutively unless suspended or deferred as otherwise provided by law. [1983 c 165 § 33.]

Legislative finding, intent—Effective dates—Severability—
1983 c 165: See notes following RCW 46.20.308.

46.61.516 Qualified probation department defined. A qualified probation department means a probation department for a district or municipal court that has a sufficient number of qualified alcohol assessment officers who meet the requirements of a qualified alcoholism counselor as provided by rule of the department of social and health services, except that the required hours of supervised work experience in an alcoholism agency may be satisfied by completing an equivalent number of hours of supervised work doing alcohol assessments within a probation department. [1983 c 150 § 2.]

46.61.517 Refusal of blood alcohol content test—Admissibility as evidence—Conditions. The refusal of a person to submit to a test of the alcoholic content of his blood under RCW 46.20.308 is admissible into evidence at a subsequent criminal trial without any comment and with a jury instruction, where applicable, that there shall be no speculation as to the reason for the refusal and that no inference is to be drawn from the refusal. [1983 c 165 § 27.]

Legislative finding, intent—Effective dates—Severability—
1983 c 165: See notes following RCW 46.20.308.

46.61.518 Penalty assessments—Disposition of gross proceeds. The gross proceeds of the penalty assessments provided for in RCW 46.61.515(2) shall be separately accounted for and transmitted to the city or county treasurer, as the case may be, by the court collecting the same, in the manner and at the times that fines and bail forfeitures are transmitted to such treasurers. The city and county treasurers shall also separately account for such moneys, place them in a separate fund, and shall transmit to the state treasurer monthly and without deduction the gross amount of such penalty assessments received, which shall be credited forthwith to the highway safety fund of the state treasury. [1974 ex.s. c 130 § 3.]

46.61.519 Alcoholic beverages—Drinking or open container in vehicle on highway—Exceptions. (1) It is a traffic infraction to drink any alcoholic beverage in a motor vehicle when the vehicle is upon a highway.

(2) It is a traffic infraction for a person to have in his possession while in a motor vehicle upon a highway, a

bottle, can, or other receptacle containing an alcoholic beverage if the container has been opened or a seal broken or the contents partially removed.

(3) It is a traffic infraction for the registered owner of a motor vehicle, or the driver if the registered owner is not then present in the vehicle, to keep in a motor vehicle when the vehicle is upon a highway, a bottle, can, or other receptacle containing an alcoholic beverage which has been opened or a seal broken or the contents partially removed, unless the container is kept in the trunk of the vehicle or in some other area of the vehicle not normally occupied by the driver or passengers if the vehicle does not have a trunk. A utility compartment or glove compartment is deemed to be within the area occupied by the driver and passengers.

(4) This section does not apply to a public conveyance that has been commercially chartered for group use or to the living quarters of a motor home or camper or, except as otherwise provided by RCW 66.44.250 or local law, to any passenger for compensation in a for-hire vehicle licensed under city, county, or state law. [1983 c 165 § 28.]

Legislative finding, intent—Effective dates—Severability—
1983 c 165: See notes following RCW 46.20.308.

46.61.520 Vehicular homicide—Penalty. (1) When the death of any person ensues within three years as a proximate result of injury proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug, as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner or with disregard for the safety of others, the person so operating such vehicle is guilty of vehicular homicide.

(2) Vehicular homicide is a class B felony punishable under chapter 9A.20 RCW. [1983 c 164 § 1; 1975 1st ex.s. c 287 § 3; 1973 2nd ex.s. c 38 § 2; 1970 ex.s. c 49 § 5; 1965 ex.s. c 155 § 63; 1961 c 12 § 46.56.040. Prior: 1937 c 189 § 120; RRS § 6360-120. Formerly RCW 46.56.040.]

Severability—1970 ex.s. c 49: See note following RCW 9.69.100.

Suspension or revocation of license upon conviction of vehicular homicide or assault resulting from operation of motor vehicle: RCW 46.20.285, 46.20.291.

46.61.522 Vehicular assault—Penalty. (1) A person is guilty of vehicular assault if he operates or drives any vehicle:

(a) In a reckless manner, and this conduct is the proximate cause of serious bodily injury to another; or

(b) While under the influence of intoxicating liquor or any drug, as defined by RCW 46.61.502, and this conduct is the proximate cause of serious bodily injury to another.

(2) "Serious bodily injury" means bodily injury which involves a substantial risk of death, serious permanent disfigurement, or protracted loss or impairment of the function of any part or organ of the body.

(3) Vehicular assault is a class C felony punishable under chapter 9A.20 RCW. [1983 c 164 § 2.]

cleaning or maintaining of such roadway by public authority having jurisdiction. Any person operating a vehicle from which any glass or objects have fallen or escaped, which would constitute an obstruction or injure a vehicle or otherwise endanger travel upon such public highway shall immediately cause the public highway to be cleaned of all such glass or objects and shall pay any costs therefor. [1971 ex.s. c 307 § 22; 1965 ex.s. c 52 § 1; 1961 c 12 § 46.56.135. Prior: 1947 c 200 § 3, part; 1937 c 189 § 44, part; Rem. Supp. 1947 § 6360-44, part. Formerly RCW 46.56.135.]

Rules of court: Monetary penalty schedule—JTIR 6.2.

Severability—1971 ex.s. c 307: See RCW 70.93.900.

46.61.660 Carrying persons or animals on outside part of vehicle. It shall be unlawful for any person to transport any living animal on the running board, fenders, hood, or other outside part of any vehicle unless suitable harness, cage or enclosure be provided and so attached as to protect such animal from falling or being thrown therefrom. It shall be unlawful for any person to transport any persons upon the running board, fenders, hood or other outside part of any vehicle, except that this provision shall not apply to authorized emergency vehicles. [1961 c 12 § 46.56.070. Prior: 1937 c 189 § 115; RRS § 6360-115. Formerly RCW 46.56.070.]

46.61.665 Embracing another while driving. It shall be unlawful for any person to operate a motor vehicle upon the highways of this state when such person has in his or her embrace another person which prevents the free and unhampered operation of such vehicle. Operation of a motor vehicle in violation of this section is prima facie evidence of reckless driving. [1979 ex.s. c 136 § 89; 1961 c 12 § 46.56.100. Prior: 1937 c 189 § 117; RRS § 6360-117; 1927 c 309 § 49; RRS § 6362-49. Formerly RCW 46.56.100.]

Effective date—Severability—1979 ex.s. c 136: See notes following RCW 46.63.010.

46.61.670 Driving with wheels off roadway. It shall be unlawful to operate or drive any vehicle or combination of vehicles over or along any pavement or gravel or crushed rock surface on a public highway with one wheel or all of the wheels off the roadway thereof, except as permitted by RCW 46.61.428 or for the purpose of stopping off such roadway, or having stopped thereat, for proceeding back onto the pavement, gravel or crushed rock surface thereof. [1977 ex.s. c 39 § 2; 1961 c 12 § 46.56.130. Prior: 1937 c 189 § 96; RRS § 6360-96. Formerly RCW 46.56.130.]

46.61.675 Causing or permitting vehicle to be unlawfully operated. It shall be unlawful for the owner, or any other person, in employing or otherwise directing the operator of any vehicle to require or knowingly to permit the operation of such vehicle upon any public highway in any manner contrary to the law. [1961 c 12 § 46.56.200. Prior: 1937 c 189 § 148; RRS § 6360-148. Formerly RCW 46.56.200.]

[Title 46 RCW—p 182]

46.61.680 Lowering passenger motor vehicle below legal clearance—Penalty. It is unlawful to operate any passenger motor vehicle which has been modified from the original design so that any portion of such passenger vehicle other than the wheels has less clearance from the surface of a level roadway than the clearance between the roadway and the lowermost portion of any rim of any wheel the tire on which is in contact with such roadway.

Violation of the provisions of this section is a traffic infraction. [1979 ex.s. c 136 § 90; 1961 c 151 § 1. Formerly RCW 46.56.220.]

Effective date—Severability—1979 ex.s. c 136: See notes following RCW 46.63.010.

46.61.685 Leaving children unattended in standing vehicle with motor running—Penalty. It shall be unlawful for any person, while operating or in charge of a vehicle, to park or wilfully allow such vehicle to stand upon a public highway or in a public place with its motor running, leaving a minor child or children under the age of sixteen years unattended therein.

Any person violating the provisions of this section shall be guilty of a misdemeanor. Upon a second or subsequent conviction for a violation of the provisions of this section, the court shall, in addition to such fine or imprisonment as provided by law, revoke the operator's license of such person. [1961 c 151 § 2. Formerly RCW 46.56.230.]

Rules of court: Bail in traffic offense cases—Mandatory appearance—JCRR 2.09.

Leaving children unattended in parked automobile while entering tavern, etc.: RCW 9.91.060.

46.61.687 Child passenger restraint required—Conditions—Penalty for violation—Dismissal—Noncompliance not negligence. (1) After December 31, 1983, the parent or legal guardian of a child less than five years old, when the parent or legal guardian is operating anywhere in the state his or her own motor vehicle registered under chapter 46.16 RCW, in which the child is a passenger, shall have the child properly secured in a manner approved by the state commission on equipment. Even though a separate child passenger restraint device is considered the ideal method of protection, a properly adjusted and fastened, federally approved seat belt is deemed sufficient to meet the requirements of this section for children one through four years of age.

(2) During the period from January 1, 1984, to July 1, 1984, a person violating subsection (1) of this section may be issued a written warning of the violation. After July 1, 1984, a person violating subsection (1) of this section may be issued a notice of traffic infraction under chapter 46.63 RCW. If the person to whom the notice was issued presents proof of acquisition of an approved child passenger restraint system within seven days to the jurisdiction issuing the notice, the jurisdiction shall dismiss the notice of traffic infraction. If the person fails to present proof of acquisition within the time required, he

or she is subject to a penalty assessment of not less than thirty dollars.

(3) Failure to comply with the requirements of this section shall not constitute negligence by a parent or legal guardian; nor shall failure to use a child restraint system be admissible as evidence of negligence in any civil action. [1983 c 215 § 2.]

Severability—1983 c 215: See note following RCW 46.37.505.
Standards for child passenger restraint systems: RCW 46.37.505.

46.61.690 Violations relating to toll facilities. Any person who uses a toll bridge, toll tunnel, toll road, or toll ferry, and the approaches thereto, operated by the state of Washington, the department of transportation, or any political subdivision or municipal corporation empowered to operate toll facilities, at the entrance to which appropriate signs have been erected to notify both pedestrian and vehicular traffic that it is entering a toll facility or its approaches and is subject to the payment of tolls at the designated station for collecting tolls, commits a traffic infraction if:

(1) Such person refuses to pay, evades, or attempts to evade the payment of such tolls, or uses or attempts to use any spurious or counterfeit tickets, coupons, or tokens for payment of any such tolls, or

(2) Such person turns, or attempts to turn, the vehicle around in the bridge, tunnel, loading terminal, approach, or toll plaza where signs have been erected forbidding such turns, or

(3) Such person refuses to move a vehicle through the toll gates after having come within the area where signs have been erected notifying traffic that it is entering the area where toll is collectible or where vehicles may not turn around and where vehicles are required to pass through the toll gates for the purpose of collecting tolls. [1983 c 247 § 1; 1979 ex.s. c 136 § 91; 1961 c 259 § 1. Formerly RCW 46.56.240.]

Effective date—**Severability**—1979 ex.s. c 136: See notes following RCW 46.63.010.

Severability—1961 c 259: "If any provision of this 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." [1961 c 259 § 2.]

46.61.700 Parent or guardian shall not authorize or permit violation by a child or ward. The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this chapter. [1965 ex.s. c 155 § 78.]

Reviser's note: This section was enacted just before sections about the operation of bicycles and play vehicles and was accordingly so codified in 1965. Other sections enacted later have been codified under the numbers remaining between RCW 46.61.700 and 46.61.750. The section appears in the Uniform Vehicle Code (1962) as part of the first section of Article XII—Operation of Bicycles and Play Vehicles.

Captions used herein, not part of the law: RCW 46.61.990.

Unlawful to allow unauthorized child or ward to drive: RCW 46.20.343.

46.61.710 Mopeds—General requirements and operation. (1) No person shall operate a moped upon the

highways of this state unless the moped has been assigned a moped registration number and displays a moped permit in accordance with the provisions of RCW 46.16.630.

(2) Notwithstanding any other provision of law, a moped may not be operated on a bicycle path or trail, bikeway, equestrian trail, or hiking or recreational trail.

(3) Operation of a moped on a fully controlled limited access highway or on a sidewalk is unlawful.

(4) Removal of any muffling device or pollution control device from a moped is unlawful. [1979 ex.s. c 213 § 8.]

46.61.720 Mopeds—Safety standards. Mopeds shall comply with those federal motor vehicle safety standards established under the national traffic vehicle safety act of 1966 (15 U.S.C. Sec. 1381, et. seq.) which are applicable to a motor-driven cycle, as that term is defined in such federal standards. [1979 ex.s. c 213 § 9.]

Mopeds

drivers' licenses, motorcycle endorsement, moped exemption: RCW 46.20.500.

registration: RCW 46.16.630.

46.61.730 Wheelchair conveyances. (1) No person may operate a wheelchair conveyance on any public roadway with a posted speed limit in excess of thirty-five miles per hour.

(2) No person other than a wheelchair-bound person may operate a wheelchair conveyance on a public roadway.

(3) Every wheelchair-bound person operating a wheelchair conveyance upon a roadway is granted all the rights and is subject to all the duties applicable to the driver of a vehicle by this chapter, except those provisions that by their nature can have no application.

(4) A violation of this section is a traffic infraction. [1983 c 200 § 5.]

Severability—1983 c 200: See note following RCW 46.04.710.

Wheelchair conveyances

definitions: RCW 46.04.710.

licensing: RCW 46.16.640.

operator's license: RCW 46.20.550.

safety standards: RCW 46.37.610.

OPERATION OF BICYCLES AND PLAY VEHICLES

46.61.750 Effect of regulations—Penalty. (1) It is a traffic infraction for any person to do any act forbidden or fail to perform any act required in RCW 46.61.750 through 46.61.780.

(2) These regulations applicable to bicycles apply whenever a bicycle is operated upon any highway or upon any bicycle path, subject to those exceptions stated herein. [1982 c 55 § 6; 1979 ex.s. c 136 § 92; 1965 ex.s. c 155 § 79.]

Rules of court: Monetary penalty schedule—JTIR 6.2.

Effective date—**Severability**—1979 ex.s. c 136: See notes following RCW 46.63.010.

"Bicycle" defined: RCW 46.04.071.

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

Sec. 1. Section 1, chapter 35, Laws of 1975 1st ex. sess. and RCW 4.24.290 are each amended to read as follows:

In any civil action for damages based on professional negligence against a hospital which is licensed by the state of Washington or against the personnel of any such hospital, or against a member of the healing arts including, but not limited to, a physician licensed under chapter 18.71 RCW, an osteopathic physician licensed under chapter 18.57 RCW, a chiropractor licensed under chapter 18.25 RCW, a dentist licensed under chapter 18.32 RCW, a podiatrist licensed under chapter 18.22 RCW, or a nurse licensed under chapters 18.78 or 18.88 RCW, the plaintiff in order to prevail shall be required to prove by a preponderance of the evidence that the defendant or defendants failed to exercise that degree of skill, care, and learning possessed at that time by other persons in the same profession, and that as a proximate result of such failure the plaintiff suffered damages, but in no event shall the provisions of this section apply to an action based on the failure to obtain the informed consent of a patient.

Sec. 2. Section 9, chapter 56, Laws of 1975-'76 2nd ex. sess. and RCW 7.70.040 are each amended to read as follows:

The following shall be necessary elements of proof that injury resulted from the failure of the health care provider to follow the accepted standard of care:

(1) The health care provider failed to exercise that degree of care, skill, and learning expected of a reasonably prudent health care provider at that time in the profession or class to which he belongs, in the state of Washington, acting in the same or similar circumstances;

(2) Such failure was a proximate cause of the injury complained of.

Passed the House March 31, 1983.

Passed the Senate April 16, 1983.

Approved by the Governor April 23, 1983.

Filed in Office of Secretary of State April 23, 1983.

CHAPTER 150

[Substitute House Bill No. 498]

DRIVING WHILE INTOXICATED—ALCOHOL INFORMATION SCHOOL

AN ACT Relating to driving while intoxicated; amending section 62, chapter 155, Laws of 1965 ex. sess. as last amended by section 27, chapter 47, Laws of 1982 1st ex. sess. and RCW 46.61.515; creating a new section; and prescribing penalties.

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

Sec. 1. Section 62, chapter 155, Laws of 1965 ex. sess. as last amended by section 27, chapter 47, Laws of 1982 1st ex. sess. and RCW 46.61.515 are each amended to read as follows:

(1) Every person who is convicted of a violation of RCW 46.61.502 or 46.61.504 shall be punished by imprisonment for not less than twenty-four consecutive hours nor more than one year, and by a fine of not more than five hundred dollars. ((The person shall, in addition, be required to complete a course at an alcohol information school approved by the department of social and health services. If, after completing an alcohol evaluation at the alcohol information school, the convicted person is found to have a serious alcohol problem, the alcohol information school may recommend more intensive alcoholism treatment in a program approved by the department of social and health services. In the alternative, the court may bypass alcohol information school if the court determines that more intensive alcoholism treatment in a program approved by the department of social and health services is appropriate. Standards for approval shall be prescribed by rule under the administrative procedure act, chapter 34.04 RCW. The courts shall periodically review the costs of alcohol information schools and treatment programs within their jurisdictions.)) Twenty-four consecutive hours of the jail sentence shall not be suspended or deferred unless the judge finds that the imposition of the jail sentence will pose a risk to the defendant's physical or mental well-being. Whenever the mandatory jail sentence is suspended or deferred, the judge must state, in writing, the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. The court may impose conditions of probation that may include nonrepetition, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate. The convicted person shall, in addition, be required to complete a course in an alcohol information school approved by the department of social and health services or more intensive treatment in a program approved by the department of social and health services, as determined by the court. A diagnostic evaluation and treatment recommendation shall be prepared under the direction of the court by an alcoholism agency approved by the department of social and health services or a qualified probation department approved by the department of social and health services. A copy of the report shall be forwarded to the department of licensing. Based on the diagnostic evaluation, the court shall determine whether the convicted person shall be required to complete a course in an alcohol information school approved by the department of social and health services or more intensive treatment in a program approved by the department of social and health services. Standards for approval for alcohol treatment programs shall be prescribed by rule under the administrative procedure act, chapter 34.04 RCW. The courts shall periodically review the costs of alcohol information schools and treatment programs within their jurisdictions.

(2) On a second or subsequent conviction for driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs within a five-year period a person shall be punished

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imprisonment for not less than seven days nor more than one year and by a fine not more than one thousand dollars. The jail sentence shall not be suspended or deferred unless the judge finds that the imposition of the jail sentence will pose a risk to the defendant's physical or mental well-being. Whenever the mandatory jail sentence is suspended or deferred, the judge must state, in writing, the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. If ~~((such person))~~, at the time of a second or subsequent conviction, the driver is without a license or permit because of a previous suspension or revocation, the minimum mandatory sentence shall be ninety days in jail and a two hundred dollar fine. The penalty so imposed shall not be suspended or deferred. The person shall, in addition, be required to complete a diagnostic evaluation ~~((at))~~ by an alcoholism ~~((program))~~ agency approved by the department of social and health services or ~~((other diagnostic evaluation as the court designates))~~ a qualified probation department approved by the department of social and health services. The report shall be forwarded to the department of licensing. If the person is found to have an alcohol or drug problem requiring treatment, the person shall complete treatment at an approved alcoholism treatment facility or approved drug treatment center.

In addition to any nonsuspendable and nondeferable jail sentence required by this subsection, the court shall sentence a person to a term of imprisonment not exceeding one hundred eighty days and shall suspend but shall not defer the sentence for a period not exceeding two years. The suspension of the sentence may be conditioned upon nonrepetition, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate. The sentence may be imposed in whole or in part upon violation of a condition of suspension during the suspension period.

(3) There shall be levied and paid into the highway safety fund of the state treasury a penalty assessment in the minimum amount of twenty-five percent of, and which shall be in addition to, any fine, bail forfeiture, or costs on all offenses involving a violation of any state statute or city or county ordinance relating to driving a motor vehicle while under the influence of intoxicating liquor or being in actual physical control of a motor vehicle while under the influence of intoxicating liquor ~~((PROVIDED: That))~~. All funds derived from ~~((such))~~ the penalty assessment ~~((shall be))~~ are in addition to and exclusive of assessments made under RCW 46.81.030 and ~~((shall be))~~ are for the exclusive use of the department for driver services programs and for a state-wide alcohol safety action program, or other similar programs designed primarily for the rehabilitation or control of traffic offenders. ~~((Such))~~ The penalty assessment shall be included in any bail schedule and shall be included by the court in any pronouncement of sentence.

(4) Notwithstanding the provisions contained in chapters 3.16, 3.46, 150, 3.62, or 35.20 RCW, or any other section of law, the penalty assessment provided for in subsection (3) of this section shall not be suspended, waived, modified, or deferred in any respect, and all moneys derived from ~~((such))~~ the penalty assessments shall be forwarded to the highway safety fund to be used exclusively for the purposes set forth in subsection (3) of this section.

(5) The license or permit to drive or any nonresident privilege of any person convicted of driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs shall:

(a) On the first conviction under either ~~((such))~~ offense, be suspended by the department for not less than thirty days: PROVIDED, That the court may recommend that no suspension action be taken. ~~((The treatment agency shall forward a copy of the completed diagnostic evaluation and treatment report to the department of licensing before the department may reinstate the person's driver's license.))~~ The department of licensing shall determine the person's eligibility for licensing based upon ~~((these))~~ the reports provided by the designated alcoholism agency or probation department and shall deny reinstatement until enrollment and participation in an approved program has been established and the person is otherwise qualified;

(b) On a second conviction under either ~~((such))~~ offense within a five-year period, be suspended by the department for not less than sixty days. ~~((The treatment agency shall forward a copy of the completed diagnostic evaluation and treatment report to the department of licensing before the department may reinstate the person's driver's license.))~~ The department of licensing shall determine the person's eligibility for licensing based upon ~~((these))~~ the reports ~~((as))~~ provided ~~((in RCW 46.20.031))~~ by the designated alcoholism agency or probation department and shall deny reinstatement until satisfactory progress in an approved program has been established and the person is otherwise qualified;

(c) On a third or subsequent conviction under either such offense within a five-year period, be revoked by the department.

(6) In any case provided for in this section, where a driver's license is to be revoked or suspended, ~~((such))~~ the revocation or suspension shall be stayed and shall not take effect until after the determination of any appeal from the conviction which may lawfully be taken, but in case ~~((such))~~ the conviction is sustained on appeal ~~((such))~~ the revocation or suspension ~~((shall))~~ takes effect as of the date that the conviction becomes effective for other purposes.

NEW SECTION. Sec. 2. A qualified probation department means a probation department for a district or municipal court that has a sufficient number of qualified alcohol assessment officers who meet the requirements of a qualified alcoholism counselor as provided by rule of the department.

social and health services, except that the required hours of supervised work experience in an alcoholism agency may be satisfied by completing an equivalent number of hours of supervised work doing alcohol assessments within a probation department.

Passed the House March 30, 1983.

Passed the Senate April 17, 1983.

Approved by the Governor April 23, 1983.

Filed in Office of Secretary of State April 23, 1983.

CHAPTER 151

[Substitute House Bill No. 540]

PUBLIC TRANSPORTATION BENEFIT AREA—TREASURER

AN ACT Relating to public transportation benefit areas; and amending section 23, chapter 270, Laws of 1975 1st ex. sess. and RCW 36.57A.130.

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

Sec. 1. Section 23, chapter 270, Laws of 1975 1st ex. sess. and RCW 36.57A.130 are each amended to read as follows:

((Each public transportation benefit area authority shall establish a fund to be designated as the "transportation fund", in which shall be placed all sums received by the authority from any source except the proceeds of bonds issued by the authority, and out of which shall be expended all sums disbursed by the authority unless otherwise provided in bond covenants. The county treasurer, or in the case of a multi-county public transportation benefit area, the county treasurer of the largest component county, shall be the custodian of the fund. The county auditor of such county shall keep the record of the receipts and disbursements, and shall draw and such county treasurer shall honor and pay all warrants, which shall be approved before issuance and payment as directed by the authority.)) The treasurer of the county in which a public transportation benefit area authority is located shall be ex officio treasurer of the authority. In the case of a multicounty public transportation benefit area the county treasurer of the largest component county, by population, shall be the treasurer of the authority. However, the authority, by resolution, and upon the approval of the county treasurer, may designate some other person having experience in financial or fiscal matters as treasurer of the authority. Such a treasurer shall possess all of the powers, responsibilities, and duties the county treasurer possesses for a public transportation benefit area authority related to investing surplus authority funds. The authority may (and if the treasurer is not a county treasurer, it shall) require a bond with a surety company authorized to do business in the state of Washington in an amount and under the terms and conditions the authority, by resolution, from time to time finds will protect

the authority against loss. The premium on any such bond shall be paid by the authority.

All authority funds shall be paid to the treasurer and shall be disbursed by the treasurer only on warrants issued by the county auditor, upon orders or vouchers approved by the authority. However, the authority may, by resolution, designate some person having experience in financial or fiscal matters, other than the county auditor, as the auditor of the authority. Such an auditor shall possess all of the powers, responsibilities, and duties that the county auditor possesses for a public transportation benefit area authority related to creating and maintaining funds, issuing warrants, and maintaining a record of receipts and disbursements.

The treasurer shall establish a "transportation fund," into which shall be paid all authority funds, and the treasurer shall maintain such special accounts as may be created by the authority into which shall be placed all money as the authority may, by resolution, direct.

If the treasurer of the authority is a treasurer of the county, all authority funds shall be deposited with the county depository under the same restrictions, contracts, and security as provided for county depositories. If the treasurer of the authority is some other person, all funds shall be deposited in such bank or banks authorized to do business in this state that have qualified for insured deposits under any federal deposit insurance act as the authority, by resolution, shall designate.

An authority may provide and require a reasonable bond of any other person handling moneys or securities of the authority, but the authority shall pay the premium on the bond.

The county or counties and each city or town which is included in the authority shall contribute such sums towards the expense for maintaining and operating the public transportation system as shall be agreed upon between them.

Passed the House March 27, 1983.

Passed the Senate April 16, 1983.

Approved by the Governor April 23, 1983.

Filed in Office of Secretary of State April 23, 1983.

CHAPTER 152

[House Bill No. 925]

UNIFORM CONFLICT OF LAWS—LIMITATION ACT

AN ACT Relating to the Uniform Conflict of Laws—Limitations act; and adding a new chapter to Title 4 RCW.

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

NEW SECTION. Sec. 1. DEFINITIONS. As used in this chapter:

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 (4) The actual costs of preparing and transmitting the record to superior court shall be borne by the petitioner and awarded by the court to the department if the department's decision is affirmed. The costs shall be borne by the department if the department's decision is remanded or reversed.

NEW SECTION. Sec. 10. When it has been finally determined under the procedures of sections 4 through 8 of this act that a nonresident's privilege to operate a motor vehicle in this state has been suspended or revoked, the department shall give information in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which the person has a driver's license.

NEW SECTION. Sec. 11. When the department is required to suspend, revoke, or deny a person's license, permit, or nonresident privilege to drive under either section 4 of this act or under RCW 46.61.515(5), and (1) the department has earlier imposed a suspension, revocation, or denial under the other of those two provisions or is preparing to do so, and (2) each of those two sanctions has been required as the result of civil or criminal proceedings arising from the same arrest, the department shall proceed as follows:

(a) If the civil and criminal sanctions imposed or to be imposed are for the same minimum length of time, the suspension, revocation, or denial imposed by the department is limited to that first imposed and fully effective under one of those provisions;

(b) If the civil and criminal sanctions are of different minimum lengths of time, the department shall impose the sanction of longer duration. If the sanction with the shorter minimum duration has earlier been imposed by the department, the department shall reduce the minimum duration of the longer revocation by the number of days the license, permit, or privilege to drive was actually under suspension, revocation, or denial pursuant to the earlier action by the department.

If a suspension, revocation, or denial of a person's license, permit, or nonresident privilege to drive would have been imposed by the department under section 4 of this act but for the operation of this section, the suspension, revocation, or denial shall be treated as if it had been imposed for the purposes of determining the minimum duration of subsequent suspensions or revocations required under that section.

NEW SECTION. Sec. 12. (1) The director, or his or her designee, shall administer and enforce the provisions of sections 3 through 11 of this act. The director may adopt such rules as he or she deems necessary to carry out the purposes of sections 3 through 11 of this act.

(2) The department shall prescribe and provide such forms as it deems necessary or desirable to carry out the purposes of sections 3 through 11 of this act.

Sec. 13. Section 46.04.480, chapter 12, Laws of 1961 as amended by section 7, chapter 62, Laws of 1979 and RCW 46.04.480 are each amended to read as follows:

"Revoke," in all its forms, means the invalidation for a period of one calendar year and thereafter until reissue: PROVIDED, That under the provisions of RCW 46.20.285, 46.20.311, or 46.61.515 and chapter 46.65 RCW the invalidation may last for a period ((to exceed)) other than one calendar year.

Sec. 14. Section 46.04.480, chapter 12, Laws of 1961 as last amended by section 13 of this act and RCW 46.04.480 are each amended to read as follows:

"Revoke," in all its forms, means the invalidation for a period of one calendar year and thereafter until reissue: PROVIDED, That under the provisions of RCW 46.20.285, 46.20.311, ((or)) 46.61.515, or section 4 of this act and chapter 46.65 RCW the invalidation may last for a period other than one calendar year.

Sec. 15. Section 24, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.285 are each amended to read as follows:

The department shall forthwith revoke the license of any driver for the period of one calendar year unless otherwise provided in this section, upon receiving a record of ((such)) the driver's conviction of any of the following offenses, when ((such)) the conviction has become final:

(1) ((Manslaughter (or negligent)) For vehicular homicide((resulting from the operation of a motor vehicle)) the period of revocation shall be two years;

(2) Vehicular assault;

(3) Driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug, or under the influence of any other drug to a degree which renders him incapable of safely driving a motor vehicle, upon a showing by the department's records that the conviction is the ((third)) second such conviction ((of such)) for the driver within a period of five years. Upon a showing that the conviction is the third such conviction for the driver within a period of five years, the period of revocation shall be two years;

((3)) (4) Any felony in the commission of which a motor vehicle is used;

((4)) (5) Failure to stop and give information or render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another;

((5)) (6) Perjury or the making of a false affidavit or statement under oath to the department under Title 46 RCW or under any other law relating to the ownership or operation of motor vehicles;

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fund for the exclusive use of the department in implementing sections 3 through 12 of this act.

Sec. 21. Section 62, chapter 155, Laws of 1965 ex. sess. as last amended by section 1, chapter ... (SHB 498), Laws of 1983 and RCW 46.61.515 are each amended to read as follows:

(1) Every person who is convicted of a violation of RCW 46.61.502 or 46.61.504 shall be punished by imprisonment for not less than twenty-four consecutive hours nor more than one year, and by a fine of not more than ~~((five))~~ seven hundred fifty dollars. Twenty-four consecutive hours of the jail sentence shall not be suspended or deferred unless the judge finds that the imposition of the jail sentence will pose a risk to the defendant's physical or mental well-being. Whenever the mandatory jail sentence is suspended or deferred, the judge must state, in writing, the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. The court may impose conditions of probation that may include nonrepetition, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate. The convicted person shall, in addition, be required to complete a course in an alcohol information school approved by the department of social and health services or more intensive treatment in a program approved by the department of social and health services, as determined by the court. A diagnostic evaluation and treatment recommendation shall be prepared under the direction of the court by an alcoholism agency approved by the department of social and health services or a qualified probation department approved by the department of social and health services. A copy of the report shall be forwarded to the department of licensing. Based on the diagnostic evaluation, the court shall determine whether the convicted person shall be required to complete a course in an alcohol information school approved by the department of social and health services or more intensive treatment in a program approved by the department of social and health services. Standards for approval for alcohol treatment programs shall be prescribed by rule under the administrative procedure act, chapter 34.04 RCW. The courts shall periodically review the costs of alcohol information schools and treatment programs within their jurisdictions.

(2) On a second or subsequent conviction for driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs within a five-year period a person shall be punished by imprisonment for not less than seven days nor more than one year and by a fine of not more than one thousand five hundred dollars. District courts and courts organized under chapter 35.20 RCW are authorized to impose such fine. The jail sentence shall not be suspended or deferred unless the judge finds that the imposition of the jail sentence will pose a risk to the defendant's physical or mental well-being. Whenever the mandatory jail sentence is suspended or deferred, the judge must state, in writing, the reason for

granting the suspension or deferral and the facts upon which the suspension or deferral is based. If, at the time of a second or subsequent conviction, the driver is without a license or permit because of a previous suspension or revocation, the minimum mandatory sentence shall be ninety days in jail and a two hundred dollar fine. The penalty so imposed shall not be suspended or deferred. The person shall, in addition, be required to complete a diagnostic evaluation by an alcoholism agency approved by the department of social and health services or a qualified probation department approved by the department of social and health services. The report shall be forwarded to the department of licensing. If the person is found to have an alcohol or drug problem requiring treatment, the person shall complete treatment at an approved alcoholism treatment facility or approved drug treatment center.

In addition to any nonsuspendable and nondeferrable jail sentence required by this subsection, the court shall sentence a person to a term of imprisonment not exceeding one hundred eighty days and shall suspend but shall not defer the sentence for a period not exceeding two years. The suspension of the sentence may be conditioned upon nonrepetition, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate. The sentence may be imposed in whole or in part upon violation of a condition of suspension during the suspension period.

(3) There shall be levied and paid into the highway safety fund of the state treasury a penalty assessment in the minimum amount of twenty-five percent of, and which shall be in addition to, any fine, bail forfeiture, or costs on all offenses involving a violation of any state statute or city or county ordinance relating to driving a motor vehicle while under the influence of intoxicating liquor or being in actual physical control of a motor vehicle while under the influence of intoxicating liquor. All funds derived from the penalty assessment are in addition to and exclusive of assessments made under RCW 46.81.030 and are for the exclusive use of the department for driver services programs and for a state-wide alcohol safety action program, or other similar programs designed primarily for the rehabilitation or control of traffic offenders. The penalty assessment shall be included in any bail schedule and shall be included by the court in any pronouncement of sentence.

(4) Notwithstanding the provisions contained in chapters 3.16, 3.46, 3.50, 3.62, or 35.20 RCW, or any other section of law, the penalty assessment provided for in subsection (3) of this section shall not be suspended, waived, modified, or deferred in any respect, and all moneys derived from the penalty assessments shall be forwarded to the highway safety fund to be used exclusively for the purposes set forth in subsection (3) of this section.

(5) The license or permit to drive or any nonresident privilege of any person convicted of driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs shall:

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(a) On the first conviction under either offense, be suspended by the department until the person reaches age nineteen or for ((not less than thirty) ninety days((~~PROVIDED, That the court may recommend that no suspension action be taken~~)), whichever is longer. The department of licensing shall determine the person's eligibility for licensing based upon the reports provided by the designated alcoholism agency or probation department and shall deny reinstatement until enrollment and participation in an approved program has been established and the person is otherwise qualified;

(b) On a second conviction under either offense within a five-year period, be ~~((suspended))~~ revoked by the department for ~~((not less than sixty days))~~ one year. The department of licensing shall determine the person's eligibility for licensing based upon the reports provided by the designated alcoholism agency or probation department and shall deny reinstatement until satisfactory progress in an approved program has been established and the person is otherwise qualified;

(c) On a third or subsequent conviction ~~((under either such offense))~~ of driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs, vehicular homicide, or vehicular assault, or any combination thereof within a five-year period, be revoked by the department for two years.

(6) In any case provided for in this section, where a driver's license is to be revoked or suspended, the revocation or suspension shall be stayed and shall not take effect until after the determination of any appeal from the conviction which may lawfully be taken, but in case the conviction is sustained on appeal the revocation or suspension takes effect as of the date that the conviction becomes effective for other purposes.

NEW SECTION. Sec. 22. There is added to chapter 46.20 RCW a new section to read as follows:

A suspension or revocation of the license, permit, or nonresident privilege to drive that is required to be imposed by the department of licensing under RCW 46.61.515 shall be coordinated by the department with any suspension or revocation which has been imposed by the department following any civil action it may have taken pursuant to sections 3 through 12 of this act arising out of the same arrest, as required by section 11 of this act.

Sec. 23. Section 1, chapter 5, Laws of 1973 as last amended by section 4, chapter ... (ESB 3106), Laws of 1983 and RCW 46.20.391 are each amended to read as follows:

(1) Any person licensed under this chapter who is convicted of an offense relating to motor vehicles for which suspension or revocation of the driver's license is mandatory, other than vehicular homicide or vehicular assault, may petition the court for a stay of the effect of the mandatory suspension or revocation for the purpose of submitting to the department an application for an occupational driver's license. The court upon determining that the petitioner is engaged in an occupation or trade ~~((which))~~ that

makes it essential that the petitioner operate a motor vehicle may stay the effect of the mandatory suspension or revocation, notwithstanding RCW 46.20.270, for a period of not more than thirty days and may set definite restrictions as ~~((to hours of the day which may not exceed twelve hours in any one day, days of the week, type of occupation, and areas or routes of travel permitted under the occupational driver's license))~~ provided in section 25 of this act. No person may petition for, and the court may not order, a stay affecting the first thirty days of any suspension or revocation imposed under RCW 46.61.515.

(2) An applicant for an occupational driver's license is eligible to receive such license only if:

(a) Within one year immediately preceding the present conviction the applicant has not been convicted of any offense relating to motor vehicles for which suspension or revocation of a driver's license is mandatory; and

(b) Within five years immediately preceding the present conviction the applicant has not been convicted more than once of driving or being in actual physical control of a motor vehicle while under the influence of intoxicating liquor under RCW 46.61.502 or 46.61.504, of vehicular homicide under RCW 46.61.520, or of vehicular assault under section 2 ~~((of this act)),~~ chapter ... (ESB 3106), Laws of 1983; and

(c) The applicant is engaged in an occupation or trade ~~((which))~~ that makes it essential that he or she operate a motor vehicle; and

(d) The applicant files satisfactory proof of financial responsibility pursuant to chapter 46.29 RCW.

(3) The department, upon receipt of an application and the prescribed fee, may issue an occupational driver's license to any person eligible under this section ~~((for a period of not more than one year which))~~ that permits the operation of a motor vehicle only within the limits established by the court and only when the operation is essential to the licensee's occupation or trade. No person may apply for, and the department may not issue, an occupational license for the first thirty days of any suspension or revocation imposed under RCW 46.61.515.

(4) The director shall cancel an occupational driver's license upon receipt of notice that the holder thereof has been convicted of operating a motor vehicle in violation of its restrictions, or of an offense ~~((which))~~ that pursuant to chapter 46.20 RCW would warrant suspension or revocation of a regular driver's license. The cancellation is effective as of the date of the conviction, and continues with the same force and effect as any suspension or revocation under this title.

Sec. 24. Section 1, chapter 5, Laws of 1973 as last amended by section 23 of this act and RCW 46.20.391 are each amended to read as follows:

(1) Any person licensed under this chapter whose driving privilege has been suspended or revoked under section 4(1)(b)(i) of this act or who is convicted of an offense relating to motor vehicles for which suspension or

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NEW SECTION. Sec. 43. The standing committees on transportation and judiciary of the state senate and house of representatives, with the assistance of the department of licensing, shall conduct a joint study to analyze and evaluate the issues involved in authorizing administrative revocation of the driver's license of a person who operates a motor vehicle while under the influence of alcohol. The study shall include an analysis and evaluation of other states that have enacted statutes that provide for administrative revocation of driver's licenses, the effects on reducing drunken driving, the cost of implementing and administering such a program, and any impacts on the criminal justice system.

The committees shall submit a report that includes their findings and recommendations, together with proposed legislation, to the legislature before January 1, 1984.

NEW SECTION. Sec. 44. The legislature finds that previous attempts to curtail the incidence of driving while intoxicated have been inadequate. The legislature further finds that property loss, injury, and death caused by drinking drivers have reached unacceptable levels. This act is intended to convey the seriousness with which the legislature views this problem. To that end the legislature seeks to insure swift and certain punishment for those who drink and drive. The legislature does not intend to discourage or deter courts and other agencies from directing or providing treatment for problem drinkers. However, it is the intent that such treatment, where appropriate, be in addition to and not in lieu of the sanctions to be applied to all those convicted of driving while intoxicated.

Sec. 45. Section 12, chapter 244, Laws of 1975 1st ex. sess. and RCW 10.05.120 are each amended to read as follows:

((Two)) Five years from the date of the court's approval of deferred prosecution for an individual defendant, those dockets that remain in the special court deferred prosecution file relating to such defendant shall be dismissed and the records removed.

NEW SECTION. Sec. 46. Sections 3 through 12 of this act are added to chapter 46.20 RCW.

NEW SECTION. Sec. 47. Sections 2, 3 through 12, 14, 16, 18, 22, 24, and 26 of this act shall take effect on January 1, 1985. The remainder of this act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect on July 1, 1983. The director of licensing may immediately take such steps as are necessary to insure that all sections of this act are implemented on their respective effective dates.

NEW SECTION. Sec. 48. If any provision of this 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 House April 24, 1983.

Passed the Senate April 23, 1983.

Approved by the Governor May 11, 1983.

Filed in Office of Secretary of State May 11, 1983.

CHAPTER 166

[Senate Bill No. 3492]

NONRESIDENT TUITION AND FEES—HIGHER EDUCATION RECIPROCITY

AN ACT Relating to higher education; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW; and providing an expiration date.

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

NEW SECTION. Sec. 1. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW a new section to read as follows:

The state board for community college education and the boards of trustees of the state's community colleges, The Evergreen State College, and the regional universities and boards of regents of the University of Washington and Washington State University shall waive the payment of nonresident tuition and fees by residents of Idaho, upon completion of and to the extent permitted by an agreement between the council for postsecondary education and appropriate officials and agencies in Idaho granting similar waivers for residents of the state of Washington.

NEW SECTION. Sec. 2. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW a new section to read as follows:

Prior to January 1 of each odd-numbered year, the council for postsecondary education, in cooperation with the state board for community college education and in consultation with appropriate agencies and officials in the state of Idaho, shall determine for the purposes of section 1 of this act the number of students for whom nonresident tuition and fees have been waived for the first academic year of the biennium and the fall term of the second academic year, and make an estimate of the number of such students for the remainder of the second academic year, and the difference between the aggregate amount of tuition and fees that would have been paid to the respective states by residents of the other state had such waivers not been made, and the aggregate amount of tuition and fees paid by residents of the other state. Should the council determine that the state of Idaho has experienced a greater net tuition and fee revenue loss than institutions in Washington, it shall pay from funds appropriated for this purpose to the appropriate agency or institution in Idaho an amount determined by subtracting the net tuition and fee revenue loss of Washington from the net tuition and fee revenue loss of Idaho, minus twenty-five thousand dollars for