ORDINANCE NO. 3415

AN ORDINANCE OF THE CITY OF KIRKLAND ADOPTING THE WASHINGTON ADMINISTRATIVE CODE, CHAPTER 308-330 WAC, TO REGULATE TRAFFIC AND REPEALING ORDINANCE NUMBER 3002 AND 3202 CH. 12.60.

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WHEREAS, THE STATE LEGISLATURE HAS PROVIDED THAT CHAPTER 46.90 RCW, WHICH CONTAINED THE WASHINGTON MTO, WILL EXPIRE ON JULY 1, 1994; AND,

WHEREAS, THE PROVISIONS OF THE WASHINGTON MTO HAVE BEEN READOPTED IN THE WASHINGTON ADMINISTRATIVE CODE IN CHAPTER 308-330 WAC, WHICH WILL BECOME EFFECTIVE ON JULY 1, 1994.

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

Section 1. Ordinances numbered 3002 and 3202. Ch. 12.60 Model Traffic Ordinance of the Kirkland Municipal Code are hereby repealed. Chapter 12.61 Model Traffic Ordinance is hereby adopted and is to read as follows:

12.61.010 MODEL TRAFFIC ORDINANCE. SECTIONS NOT ADOPTED. Except as otherwise provided, Chapter 308-330 Washington Administrative Code (Washington Model Traffic Ordinance), hereinafter referred to as MTO, is adopted as part of the Kirkland Municipal Code, providing that the following sections of Chapter 308-330 Washington Administrative Code are not adopted:

308-330-127	308-330-530
308-330-142	308-330-535
308-330-145	308-330-540
308-330-148	308-330-560
308-330-200	308-330-600
308-330-250	308-330-610
308-330-500	308-330-620
308-330-505	308-330-630
308-330-510	308-330-640
308-330-515	308-330-650
308-330-520	308-330-660
308-330-525	308-330-710

12.61.020 STATUTES NOT ADOPTED. The following Revised Code of Washington statutes adopted by the MTO are not adopted as part of this code:

46.16.145	46.37.590
46.20.410	46.48.170
46.37.188	46.61.525
46.37.520	46.61.581

12.61.030 OTHER LAWS ADOPTED. The following New Sections/Laws of Washington are adopted by reference from the 53rd Legislature, 1994 Regular Session, Chapter 275 "1994 Omnibus Drunk Driving Act" :

Part I, Sections 1, 4, 5, 6, 7.
Part II, Section 8.
Part III, Section 9.
Part IV, Sections 10, 11, 12,
Part IX, 23,
Part XI, 43, 44, 45, 46.

Section 2. The repeal of Ordinance number 3202 does not affect any pending or existing litigation and does not operate as an abatement or bar to any action or proceeding pending under or by virtue of the repealed ordinance.

Section 3. 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 effected.

Section 4. This ordinance shall take effect from and after July 1, 1994.

Passed by majority vote of the Kirkland City Council in regular, open meeting this 21st day of June, 1994.

Signed in authentication thereof this 21st day of June, 1994.

Mayor Pro tem

Attest:

City Clerk

Approved as to form:

City Attorney

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Chapter 308-330 WAC
WASHINGTON MODEL TRAFFIC ORDINANCE

NEW SECTION

WAC 308-330-005 Purpose of this chapter. The purpose of this chapter is to encourage highway safety and uniform traffic laws by authorizing the department of licensing to adopt 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.

NEW SECTION

WAC 308-330-010 Amendments to this chapter automatically included. The addition of any new section to, or amendment or repeal of any section in, this chapter shall be deemed to amend any city, town, or county ordinance which has adopted by reference to 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).

NEW SECTION

WAC 308-330-030 Uniformity in application. The provisions of this chapter 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.

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NEW SECTION

WAC 308-330-100 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.

NEW SECTION

WAC 308-330-109 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.

NEW SECTION

WAC 308-330-112 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.

NEW SECTION

WAC 308-330-115 City. "City" means every incorporated city and town.

NEW SECTION

WAC 308-330-118 Demolish. "Demolish" means to destroy completely by use of a hydraulic baler and shears, or a shredder.

NEW SECTION

WAC 308-330-121 Department. "Department" means the department of licensing unless otherwise specified in this chapter.

NEW SECTION

WAC 308-330-123 Director. "Director" means the director of licensing unless the director of a different department of government is specified.

NEW SECTION

WAC 308-330-127 Holidays. "Holidays" include the first day of January, commonly called New Year's Day; the third Monday in January, commonly called Martin Luther King Jr. 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.

NEW SECTION

WAC 308-330-133 Loading zone. "Loading zone" means a space reserved for the exclusive use of vehicles during the loading or unloading of property or passengers.

NEW SECTION

WAC 308-330-136 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.

NEW SECTION

WAC 308-330-139 Ordinance. "Ordinance" means a city or town ordinance or a county ordinance or resolution.

NEW SECTION

WAC 308-330-142 Parking meter. "Parking meter" means a 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 a 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 prescribed period of time for which parking is lawfully permitted next to the parking meter space in which such meter is located.

NEW SECTION

WAC 308-330-145 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.

NEW SECTION

WAC 308-330-148 Parking meter zone. "Parking meter zone" means a highway or part thereof or any off-street parking lot on which parking meters are installed and in operation.

NEW SECTION

WAC 308-330-151 Passenger loading zone. "Passenger loading zone" means a place reserved for the exclusive use of vehicles while receiving or discharging passengers.

NEW SECTION

WAC 308-330-154 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.

NEW SECTION

WAC 308-330-157 Police or police officer. "Police or police officer" includes the police officers of a city, a town, marshal, or the sheriff and his/her deputies of a county whichever is applicable, but when the term sheriff is used in this chapter, it shall only mean the sheriff.

NEW SECTION

WAC 308-330-160 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.

NEW SECTION

WAC 308-330-163 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.

NEW SECTION

WAC 308-330-169 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.

NEW SECTION

WAC 308-330-172 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.

NEW SECTION

WAC 308-330-175 Street. "Street" means a "city street."

NEW SECTION

WAC 308-330-178 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.

NEW SECTION

WAC 308-330-181 Taxicab stand. "Taxicab stand" means a fixed portion of a highway set aside for taxicabs to stand or wait for passengers.

NEW SECTION

WAC 308-330-184 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.

NEW SECTION

WAC 308-330-187 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.

NEW SECTION

WAC 308-330-190 U-turn. "U-turn" means turning a vehicle so as to proceed in the opposite direction on the same roadway.

NEW SECTION

WAC 308-330-195 RCW sections adopted—Livestock. The following sections of the Revised Code of Washington (RCW) pertaining to livestock on highway right-of-way 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, and 16.24.070.

NEW SECTION

WAC 308-330-197 RCW sections adopted—Off road and nonhighway vehicles. The following sections of the Revised Code of Washington (RCW) pertaining to off road and nonhighway vehicles 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 46.09.020, 46.09.120, 46.09.130, 46.09.140, and 46.09.180.

NEW SECTION

WAC 308-330-200 RCW sections adopted—Snowmobiles. The following sections of the Revised Code of Washington (RCW) pertaining to snowmobiles 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 46.10.010, 46.10.090, 46.10.100, 46.10.110, 46.10.120, 46.10.130, 46.10.140, and 46.10.190.

NEW SECTION

WAC 308-330-205 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.

NEW SECTION

WAC 308-330-210 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.

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NEW SECTION

WAC 308-330-215 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.

NEW SECTION

WAC 308-330-220 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.

NEW SECTION

WAC 308-330-225 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.

NEW SECTION

WAC 308-330-230 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.

NEW SECTION

WAC 308-330-235 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.

NEW SECTION

WAC 308-330-240 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.

NEW SECTION

WAC 308-330-245 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.

NEW SECTION

WAC 308-330-250 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.

NEW SECTION

WAC 308-330-255 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.

NEW SECTION

WAC 308-330-260 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/her 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.

NEW SECTION

WAC 308-330-265 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/she 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/she 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/her opinion there is particular danger to pedestrians crossing the roadway, and in such other places as he/she may deem necessary;

(4) To establish safety zones of such kind and character and at such places as he/she 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 intersection 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/she 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;

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(23) To test new or proposed traffic control devices under actual conditions of traffic.

NEW SECTION

WAC 308-330-270 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.

NEW SECTION

WAC 308-330-275 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/her discretion as his/her 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 chair 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.

NEW SECTION

WAC 308-330-300 RCW sections adopted—Certificates of ownership and registrations. The following sections of the Revised Code of Washington (RCW) pertaining to vehicle certificates of ownership and registrations 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, 46.12.102, 46.12.260, 46.12.300, 46.12.310, 46.12.320, 46.12.330, 46.12.340, 46.12.350, and 46.12.380.

NEW SECTION

WAC 308-330-305 RCW sections adopted—Vehicle licenses. The following sections of the Revised Code of Washington (RCW) pertaining to vehicle licenses 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 46.16.010, 46.16.011, 46.16.022, 46.16.023, 46.16.025, 46.16.028, 46.16.030, 46.16.048, 46.16.088, 46.16.135, 46.16.140, 46.16.145, 46.16.170, 46.16.180, 46.16.240, 46.16.260, 46.16.290, 46.16.316, 46.16.381, 46.16.390, 46.16.500, 46.16.505, 46.16.595, and 46.16.710.

NEW SECTION

WAC 308-330-307 RCW sections adopted—Driver licenses identicards. The following sections of the Revised Code of Washington (RCW) pertaining to driver licenses identification cards 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 46.20.021, 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, 46.20.338, 46.20.342, 46.20.343, 46.20.344, 46.20.391, 46.20.394, 46.20.410, 46.20.420, 46.20.430, 46.20.435, 46.20.500, 46.20.510, 46.20.550, and 46.20.750.

NEW SECTION

WAC 308-330-309 RCW sections adopted—Uniform Commercial Driver's License Act. The following sections of the Revised Code of Washington (RCW) pertaining to the Uniform Commercial Driver's License Act 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 46.25.010, 46.25.020, 46.25.030, 46.25.040, 46.25.050, 46.25.110, 46.25.120, and 46.25.170.

NEW SECTION

WAC 308-330-310 RCW sections adopted—Financial responsibility. The following section of the Revised Code of Washington (RCW) pertaining to financial responsibility as now or hereafter amended is hereby adopted by reference as a part of this chapter in all respects as though such section were set forth herein in full: RCW 46.29.605.

NEW SECTION

WAC 308-330-312 RCW sections adopted—Mandatory liability insurance. The following sections of the Revised Code of Washington (RCW) pertaining to mandatory liability insurance 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 46.30.010, 46.30.020, 46.30.030, and 46.30.040.

NEW SECTION

WAC 308-330-314 RCW sections adopted—Vehicle inspection. The following sections of the Revised Code of Washington (RCW) pertaining to vehicle inspection 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 46.32.060 and 46.32.070.

NEW SECTION

WAC 308-330-316 RCW sections adopted—Vehicle lighting and other equipment. The following sections of the Revised Code of Washington (RCW) pertaining to vehicle lighting and other equipment 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 46.37.010, 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, 46.37.193, 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, 46.37.423, 46.37.424, 46.37.425, 46.37.430, 46.37.435, 46.37.440, 46.37.450, 46.37.460, 46.37.465, 46.37.467, 46,37.470, 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, 46.37.610, and 46.37.620.

NEW SECTION

WAC 308-330-320 RCW sections adopted—Size, weight, load. The following sections of the Revised Code of Washington (RCW) pertaining to vehicle size, weight, and load 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 46.44.010, 46.44.015, 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, 46.44.105, 46.44.120, 46.44.130, 46.44.140, 46.44.170, 46.44.173, 46.44.175, and 46.44.180.

NEW SECTION

WAC 308-330-322 RCW sections adopted—Transportation of hazardous materials. The following section of the Revised Code of Washington (RCW) pertaining to transportation of hazardous materials as now or hereafter amended is hereby adopted by reference as a part of this chapter in all respects as though such section were set forth herein in full: RCW 46.48.170.

NEW SECTION

WAC 308-330-325 RCW sections adopted—Accidents, reports. The following sections of the Revised Code of Washington (RCW) pertaining to accidents and accident reports 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 46.52.010, 46.52.020, 46.52.030, 46.52.040, 46.52.070, 46.52.080, 46.52.088, 46.52.090, and 46.52.100.

NEW SECTION

WAC 308-330-327 RCW sections adopted—Hulk haulers and scrap processors. The following sections of the Revised Code of Washington (RCW) pertaining to hulk haulers and scrap processors 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 46.79.010 and 46.79.120.

NEW SECTION

WAC 308-330-329 RCW sections adopted—Rental car businesses. The following section of the Revised Code of Washington (RCW) pertaining to rental car businesses as now or hereafter amended is hereby adopted by reference as a part of this chapter in all respects as though such section were set forth herein in full: RCW 46.87.023.

NEW SECTION

WAC 308-330-330 RCW sections adopted—Motor vehicle wreckers. The following section of the Revised Code of Washington (RCW) pertaining to motor vehicle wreckers as now or hereafter amended is hereby adopted by reference as a part of this chapter in all respects as though such section were set forth herein in full: RCW 46.80.010.

NEW SECTION

WAC 308-330-360 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/she transmits to the department a seller's report of sale on a form prescribed by the director.

NEW SECTION

WAC 308-330-365 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 automobile hulks, abandoned junk motor vehicles, and abandoned vehicles.

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(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.

NEW SECTION

WAC 308-330-370 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.

NEW SECTION

WAC 308-330-375 Disposition of abandoned junk motor vehicles. (1) Notwithstanding any other provision of law, the chief of police on his/her 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/she shall prepare in duplicate for each such abandoned junk motor vehicle as an authorization to dispose on a form provided by the director. He/she 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.

NEW SECTION

WAC 308-330-400 Provisions of chapter refer to vehicles upon highway—Exception. 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.

NEW SECTION

WAC 308-330-403 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.

NEW SECTION

WAC 308-330-406 RCW sections adopted—Abandoned, unauthorized, and junk vehicle tow truck operators. The following sections of the Revised Code of Washington (RCW) pertaining to abandoned, unauthorized, and junk vehicle tow truck operators 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 46.55.010, 46.55.020, 46.55.030, 46.55.035, 46.55.037, 46.55.040, 46.55.050, 46.55.060, 46.55.063, 46.55.070, 46.55.080, 46.55.085, 46.55.090, 46.55.100, 46.55.105, 46.55.110, 46.55.113, 46.55.120, 46.55.130, 46.55.140, 46.55.150, 46.55.160, 46.55.170, 46.55.230, 46.55.240, and 46.55.910.

NEW SECTION

WAC 308-330-408 RCW sections adopted—Traffic laws, signs, signals, markings. The following sections of the Revised Code of Washington (RCW) pertaining to obedience to and effect of traffic laws, traffic signs, signals and markings 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 46.61.005, 46.61.015, 46.61.020, 46.61.021, 46.61.022, 46.61.024, 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, 46.61.080, 46.61.085, and 46.61.220.

NEW SECTION

WAC 308-330-409 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.

NEW SECTION

WAC 308-330-412 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.

NEW SECTION

WAC 308-330-415 RCW sections adopted—Right of way. The following sections of the Revised Code of Washington (RCW) pertaining to vehicles and pedestrians use of roadways, right of way, rights and duties 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 46.61.100, 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, 46.61.245, 46.61.250, 46.61.255, 46.61.260, 46.61.261, 46.61.264, 46.61.266, and 46.61.269.

NEW SECTION

WAC 308-330-421 RCW sections adopted—Starting and stopping. The following sections of the Revised Code of Washington (RCW) pertaining to turning, starting, signals on stopping and turning, and special stops 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 46.61.290, 46.61.295, 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, 46.61.371, 46.61.372, 46.61.375, and 46.61.385.

NEW SECTION

WAC 308-330-423 RCW sections adopted—Speed restrictions. The following sections of the Revised Code of Washington (RCW) pertaining to speed restrictions 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 46.61.400, 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, and 46.61.475.

NEW SECTION

WAC 308-330-425 RCW sections adopted—Reckless driving, vehicular homicide and assault. The following sections of the Revised Code of Washington (RCW) pertaining to reckless driving, driving while under the influence of intoxicating liquor or any drug, vehicular homicide and assault 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 46.61.500, 46.61.502, 46.61.504, 46.61.506, 46.61.515, 46.61.517, 46.61.519, 46.61.5191, 46.61.5195, 46.61.525, 46.61.530, 46.61.535, and 46.61.540.

NEW SECTION

WAC 308-330-430 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.

NEW SECTION

WAC 308-330-433 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.

NEW SECTION

WAC 308-330-436 Parking for certain purposes unlawful. (1) No person shall park any vehicle upon any highway for the principle 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 principle purpose of washing, greasing, or repairing such vehicle except repairs necessitated by an emergency.

NEW SECTION

WAC 308-330-439 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.

NEW SECTION

WAC 308-330-442 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.

NEW SECTION

WAC 308-330-445 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.

NEW SECTION

WAC 308-330-448 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.

PERMANENT

NEW SECTION

WAC 308-330-451 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.

NEW SECTION

WAC 308-330-454 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.

NEW SECTION

WAC 308-330-457 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 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.

NEW SECTION

WAC 308-330-460 Right of way for parking. The driver of any vehicle who first begins driving or maneuvering his/her 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/her thereof by blocking his/her 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.

NEW SECTION

WAC 308-330-462 RCW sections adopted—Stopping, standing, and parking. The following sections of the Revised Code of Washington (RCW) pertaining to vehicle stopping, standing, and parking 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 46.61.560, 46.61.570, 46.61.575, 46.61.581, 46.61.582, 46.61.583, and 46.61.590.

NEW SECTION

WAC 308-330-464 RCW sections adopted—Operation and restrictions. The following sections of the Revised Code of Washington (RCW) pertaining to the operation of vehicles and the restriction of certain acts and practices of vehicle operators and passengers 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 46.61.600, 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, 46.61.685, 46.61.687, 46.61.688, 46.61.690, 46.61.700, 46.61.710, 46.61.720, and 46.61.730.

NEW SECTION

WAC 308-330-466 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.

NEW SECTION

WAC 308-330-469 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.

NEW SECTION

WAC 308-330-472 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.

NEW SECTION

WAC 308-330-475 Boarding or alighting from vehicles. No person shall board or alight from any vehicle while such vehicle is in motion.

NEW SECTION

WAC 308-330-478 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.

NEW SECTION

WAC 308-330-481 RCW sections adopted—Operation of nonmotorized vehicles. The following sections of the Revised Code of Washington (RCW) pertaining to the operation of nonmotorized vehicles 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 46.61.750, 46.61.755, 46.61.758, 46.61.760, 46.61.765, 46.61.770, 46.61.775, and 46.61.780.

NEW SECTION

WAC 308-330-500 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 WAC 308-330-500 through 308-330-540.

NEW SECTION

WAC 308-330-505 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.

NEW SECTION

WAC 308-330-510 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/she 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.

NEW SECTION

WAC 308-330-515 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.

NEW SECTION

WAC 308-330-520 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/she determines is in unsafe mechanical condition.

NEW SECTION

WAC 308-330-525 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.

NEW SECTION

WAC 308-330-530 Bicycle 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.

NEW SECTION

WAC 308-330-535 Bicycle 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.

NEW SECTION

WAC 308-330-540 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 the number of license plate or decal, if any, found thereon.

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PERMANENT

NEW SECTION

WAC 308-330-545 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.

NEW SECTION

WAC 308-330-550 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.

NEW SECTION

WAC 308-330-555 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.

NEW SECTION

WAC 308-330-560 Bicycles—Penalties. Violation of any provision of WAC 308-330-500 through 308-330-540 is a traffic infraction.

NEW SECTION

WAC 308-330-565 Unclaimed bicycles. All unclaimed bicycles in the custody of the police department shall be disposed of as provided in chapter 63.32 RCW.

NEW SECTION

WAC 308-330-600 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.

NEW SECTION

WAC 308-330-610 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/her 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 for 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.

NEW SECTION

WAC 308-330-620 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 which substitutes for United States coins.

NEW SECTION

WAC 308-330-630 Tampering with parking meter. No person shall deface, injure, tamper with, open, or wilfully break, destroy or impair the usefulness of any parking meter.

NEW SECTION

WAC 308-330-640 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.

NEW SECTION

WAC 308-330-650 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 for 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.

NEW SECTION

WAC 308-330-660 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, tow keys, and an identification card attached with a blank space thereon.

(4) Upon entering a 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 will 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 6:00 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 officer 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 deposit.

NEW SECTION

WAC 308-330-700 RCW sections adopted—Disposition of traffic infractions. The following sections of the Revised Code of Washington (RCW) pertaining to the disposition of traffic infractions as now or hereafter amended are hereby adopted by such 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.

NEW SECTION

WAC 308-330-705 RCW sections adopted—Enforcement. The following sections of the Revised Code of Washington (RCW) pertaining to traffic enforcement agencies 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, 46.64.025, 46.64.030, 46.64.035, 46.64.048, and 46.64.050.

NEW SECTION

WAC 308-330-710 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 these rules shall be punished by a penalty of not more than two hundred fifty dollars.

NEW SECTION

WAC 308-330-720 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.

NEW SECTION

WAC 308-330-730 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/her of the violation and warning him/her that in the

PERMANENT

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event such letter is disregarded for a period of five days, a warrant of arrest will be issued.

NEW SECTION

WAC 308-330-740 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 WAC 308-330-720 and 308-330-730 has been followed.

NEW SECTION

WAC 308-330-800 RCW sections adopted—Traffic control devices. The following sections of the Revised Code of Washington (RCW) pertaining to traffic control devices 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 47.36.060, 47.36.110, 47.36.180, 47.36.200, and 47.36.220.

NEW SECTION

WAC 308-330-810 RCW sections adopted—Limited access facilities. The following sections of the Revised Code of Washington (RCW) pertaining to limited access facilities 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 47.52.010, 47.52.011, 47.52.040, 47.52.110, and 47.52.120.

NEW SECTION

WAC 308-330-815 RCW sections adopted—Alcoholic beverage control. The following sections of the Revised Code of Washington (RCW) pertaining to drinking in public conveyance 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 66.44.240 and 66.44.250.

NEW SECTION

WAC 308-330-820 RCW sections adopted—Guide and service dogs. The following sections of the Revised Code of Washington (RCW) pertaining to guide and service dogs 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 70.84.020, 70.84.021, and 70.84.040.

NEW SECTION

WAC 308-330-825 RCW sections adopted—Littering. The following section of the Revised Code of Washington (RCW) pertaining to littering as now or hereafter amended is hereby adopted by reference as a part of this chapter in all respects as though such section were set forth herein in full: RCW 70.93.060.

NEW SECTION

WAC 308-330-910 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.

Attachment to Ordinance # 3415, WAC Ch. 308-330, and the Washington Model Traffic Ordinance as prepared by the Municipal Research Services Center in Bulletin No. 468.

Amendments and Additions to the MTO based on legislative enactments during all sessions in 1991, 1992, and 1993.

Amendment to RCW Provision	Laws of (if adopted after 1990)
46.04.302	1993/154/§1
46.09.020	Addition to MTO
46.09.120	Addition to MTO
46.09.140	Addition to MTO
46.09.180	Addition to MTO
46.10.140	Addition to MTO
46.16.010	1993/238/§1
46.16.022	Addition to MTO
46.16.023	Addition to MTO
46.16.030	1991/163/§2
46.16.048	Addition to MTO
46.16.316	Addition to MTO
46.16.390	1991/339/§22
46.16.595	Addition to MTO
46.20.021	1991/73/§1
	1991/293/§3
46.20.025	1993/148/§1
46.20.031	1993/501/§2
46.20.338	Addition to MTO
46.20.342	1993/501/§6
46.25.010	Addition to MTO
46.25.020	Addition to MTO
46.25.030	Addition to MTO
46.25.040	Addition to MTO
46.25.050	Addition to MTO
46.25.110	Addition to MTO
46.25.120	Addition to MTO
46.25.170	Addition to MTO
46.30.010	Addition to MTO
46.30.020	1991/339/§24
	1991ss/25/§1
46.30.030	Addition to MTO
46.30.040	1991/ss/25/§2
46.37.100	1992/46/§1
46.37.190	1993/401/§2
46.37.193	Addition to MTO
46.37.423	Addition to MTO
43.37.424	Addition to MTO
46.37.430	1993/384/§1
46.37.435	Addition to MTO
46.37.470	Addition to MTO
46.37.480	1991/95/§1
46.37.620	1991/166/§1
46.44.015	1991/276/§1
46.44.037	1991/143/§2
46.44.041	1993/246/§1
46.44.042	1993/103/§1

Attachment to Ordinance # 3415, WAC Ch. 308-330, and the Washington Model Traffic Ordinance as prepared by the Municipal Research Services Center in Bulletin No. 468.

Amendments and Additions to the MTO based on legislative enactments during all sessions in 1991, 1992, and 1993.

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Amendment to RCW Provision	Laws of (if adopted after 1990)
46.44.095	1993/102/§5
46.44.105	1993/403/§4
46.55.035	1992/18/§1
46.55.037	1991/18/§2
46.55.063	Addition to MTO
46.55.085	1993/121/§1
46.55.100	1991/20/§2
46.55.105	1993/314/§1
46.55.120	1993/121/§3
46.55.140	1992/200/§1
46.55.230	1991/292/§2
46.55.910	Addition to MTO
46.61.005	Addition to MTO
46.61.024	Addition to MTO
46.61.055	1993/153/§2
46.61.060	1993/153/§3
46.61.220	1993/401/§1
46.61.235	1993/153/§1
46.61.371	1992/39/§1
46.61.372	1992/39/§2
46.61.560	1991/319/§408
46.61.582	1991/339/§25
46.61.583	1991/339/§26
46.61.758	Addition to MTO
46.63.060	1993/501/§9
46.63.070	1993/501/§10
46.63.110	1993/501/§11
46.63.151	1991ss/25/§3
46.64.050	Addition to MTO
46.79.010	Addition to MTO
46.87.023	1992/194/§7
70.84.021	Addition to MTO
70.93.060	1993/292/§1

Attachment to Ordinance # 3415, WAC Ch. 308-330, and the Washington Model Traffic Ordinance as prepared by the Municipal Research Services Center in Bulletin No. 468.

1994 Additions and Amendments to Bulletin No. 468

Laws of 1994	Amendment to RCW Provision
Ch 59 §2	RCW 46.44.030
Ch 100 §1	RCW 46.61.687
Ch 141 §1	RCW 46.61 new section
§2	RCW 46.63.020
Ch 172 §1	RCW 46.44.047
Ch 176 §1	RCW 46.55.010
§2	RCW 46.55.240
§3	RCW 46.63.030
Ch 194 §1	RCW 46.04 new section
§3	RCW 46.16 new section
§6	RCW 46.16.381
Ch 262 §2	RCW 46.40.670
Ch 264 §35	RCW 46.09.130
§37	RCW 46.10.130
Ch 275 §1	RCW 46.04 new section
§2	RCW 46.61.502
§3	RCW 46.61.504
§4	RCW 46.61 new section
§5	RCW 46.61 new section
§6	RCW 46.61 new section
§7	RCW 46.61 new section
§8	RCW 46.61 new section
§9	RCW 46.61 new section
§10	RCW 46.61 new section
§11	RCW 46.61 new section
§12	RCW 46.61 new section
§13	RCW 46.20.308
§15	RCW 46.52.100
§23	RCW 46.20.730
§25	RCW 46.61.750
§26	RCW 46.61.506
§28	RCW 46.04.580
§29	RCW 46.20.391
§32	RCW 46.55.113
§33	RCW 46.63.020
§38	RCW 46.04.480
§39	RCW 46.61.5151
§40	RCW 46.61.5152
§45	RCW 46.61 new section
Ch 301 §15	RCW 46.44.715
Ch 305 §1	RCW 46.66 new section

(9) Sections 1 through 6 of this act apply to all franchises and contracts existing on October 1, 1994, between manufacturers and new motor vehicle dealers as well as to all future franchises and contracts between manufacturers and new motor vehicle dealers.

Sec. 8. RCW 46.96.130 and 1989 c 415 s 19 are each amended to read as follows:

The department shall determine and establish the amount of the filing fee required in RCW 46.96.040, 46.96.110, section 2 of this act, and 46.96.120 (as recodified by section 9 of this act). The fees shall be set in accordance with RCW 43.24.086.

The department may also require the petitioning or protesting party to give security, in such sum as the department deems proper but not in any event to exceed one thousand dollars, for the payment of such costs as may be incurred in conducting the hearing as required under this chapter. The security may be given in the form of a bond or stipulation or other undertaking with one or more sureties.

At the conclusion of the hearing, the department shall assess, in equal shares, each of the parties to the hearing for the cost of conducting the hearing. Upon receipt of payment of the costs, the department shall refund and return to the petitioning party such excess funds, if any, initially posted by the party as security for the hearing costs. If the petitioning party provided security in the form of a bond or other undertaking with one or more sureties, the bond or other undertaking shall then be exonerated and the surety or sureties under it discharged.

NEW SECTION. Sec. 9. Sections 1 through 6 of this act are each added to chapter 46.96 RCW. RCW 46.96.120 and 46.96.130, as amended by this act, are recodified to follow sections 1 through 6 of this act within that chapter.

Approved April 1, 1994.

Effective June 9, 1994, 90 days after date of adjournment.

CRIMES—DRIVING WHILE UNDER THE INFLUENCE, VEHICULAR HOMICIDE, AND ALCOHOL ASSESSMENT AND TREATMENT

CHAPTER 275

S.S.B. No. 6047

AN ACT Relating to crimes involving alcohol, drugs, or mental problems; amending RCW 46.61.502, 46.61.504, 46.20.308, 46.01.260, 46.52.100, 46.52.130, 10.05.060, 10.05.090, 10.05.120, 46.20.710, 46.20.720, 46.20.730, 46.20.740, 46.20.750, 46.61.506, 46.20.311, 46.04.580, 46.20.391, 5.40.060, 46.55.113, 46.63.020, 3.62.090, 10.05.120, 35.21.165, 36.32.127, 46.04.480, 46.61.5151, and 46.61.5152; reenacting and amending RCW 9.94A.320; adding a new section to chapter 46.04 RCW; adding new sections to chapter 46.61 RCW; adding a new section to chapter 46.20 RCW; creating new sections; repealing RCW 46.61.515; repealing 1993 c 239 s 3 (uncodified); prescribing penalties; making an appropriation; providing an effective date; and providing an expiration date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

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PART I—DUI PENALTIES

NEW SECTION. Sec. 1. A new section is added to chapter 46.04 RCW to read as follows:

"Alcohol concentration" means (1) grams of alcohol per two hundred ten liters of a person's breath, or (2) the percent by weight of alcohol in a person's blood.

Sec. 2. RCW 46.61.502 and 1993 c 328 s 1 are each amended to read as follows:

~~(1) A person is guilty of driving while under the influence of intoxicating liquor or any drug if the person drives a vehicle within this state:~~

~~(a) And the person has 0.10 grams or more of alcohol per two hundred ten liters of breath within two hours after driving, as shown by analysis of the person's breath made under RCW 46.61.506; or~~

~~(b) And the person has 0.10 percent or more by weight of alcohol in the person's blood within two hours after driving, as shown by analysis of the person's blood made under RCW 46.61.506; or~~

~~(c) While the person is under the influence of or affected by intoxicating liquor or any drug; or~~

~~(d) While the person is under the combined influence of or affected by intoxicating liquor and any drug.~~

~~(2) The fact that any person charged with a violation of this section is or has been entitled to use such drug under the laws of this state shall not constitute a defense against any charge of violating this section.~~

~~(3) It is an affirmative defense to a violation of subsection (1)(a) and (b) of this section which the defendant must prove by a preponderance of the evidence that the defendant consumed a sufficient quantity of alcohol after the time of driving and before the administration of an analysis of the person's breath or blood to cause the defendant's alcohol concentration to be 0.10 or more within two hours after driving. The court shall not admit evidence of this defense unless the defendant notifies the prosecution prior to the omnibus or pretrial hearing in the case of the defendant's intent to assert the affirmative defense.~~

~~(4) Analyses of blood or breath samples obtained more than two hours after the alleged driving may be used as evidence that within two hours of the alleged driving, a person had 0.10 grams or more of alcohol per two hundred ten liters of breath or 0.10 percent or more of alcohol in the person's blood, pursuant to subsection (1)(a) and (b) of this section, and may be used as evidence that a person was under the influence of or affected by intoxicating liquors or any drug pursuant to subsection (1)(c) and (d) of this section.~~ A person is guilty of driving while under the influence of intoxicating liquor or any drug if the person drives a vehicle within this state:

(a) And the person has, within two hours after driving, an alcohol concentration of 0.10 or higher as shown by analysis of the person's breath or blood made under RCW 46.61.506; or

(b) While the person is under the influence of or affected by intoxicating liquor or any drug; or

(c) While the person is under the combined influence of or affected by intoxicating liquor and any drug.

(2) The fact that a person charged with a violation of this section is or has been entitled to use a drug under the laws of this state shall not constitute a defense against a charge of violating this section.

(3) It is an affirmative defense to a violation of subsection (1)(a) of this section which the defendant must prove by a preponderance of the evidence that the defendant consumed a sufficient quantity of alcohol after the time of driving and before the administration of an analysis of the person's breath or blood to cause the defendant's alcohol concentration to be 0.10 or more within two hours after driving. The court shall not admit evidence of this

defense unless the defendant notifies the prosecution prior to the omnibus or pretrial hearing in the case of the defendant's intent to assert the affirmative defense.

(4) Analyses of blood or breath samples obtained more than two hours after the alleged driving may be used as evidence that within two hours of the alleged driving, a person had an alcohol concentration of 0.10 or more in violation of subsection (1)(a) of this section, and in any case in which the analysis shows an alcohol concentration above 0.00 may be used as evidence that a person was under the influence of or affected by intoxicating liquor or any drug in violation of subsection (1)(b) or (c) of this section.

(5) A violation of this section is a gross misdemeanor.

Sec. 3. RCW 46.61.504 and 1993 c 328 s 2 are each amended to read as follows:

(1) ~~A person is guilty of being in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug if the person has actual physical control of a vehicle within this state:~~

~~(a) And the person has 0.10 grams or more of alcohol per two hundred ten liters of breath within two hours after being in actual physical control of a motor vehicle, as shown by analysis of the person's breath made under RCW 46.61.506; or~~

~~(b) And the person has 0.10 percent or more by weight of alcohol in the person's blood within two hours after being in actual physical control of a motor vehicle, as shown by analysis of the person's blood made under RCW 46.61.506; or~~

~~(c) While the person is under the influence of or affected by intoxicating liquor or any drug; or~~

~~(d) While the person is under the combined influence of or affected by intoxicating liquor and any drug.~~

~~(2) The fact that any person charged with a violation of this section is or has been entitled to use such drug under the laws of this state shall not constitute a defense against any charge of violating this section. No person may be convicted under this section if, prior to being pursued by a law enforcement officer, the person has moved the vehicle safely off the roadway.~~

~~(3) It is an affirmative defense to a violation of subsection (1)(a) and (b) of this section which the defendant must prove by a preponderance of the evidence that the defendant consumed a sufficient quantity of alcohol after the time of being in actual physical control of a motor vehicle and before the administration of an analysis of the person's breath or blood to cause the defendant's alcohol concentration to be 0.10 or more within two hours after being in actual physical control of a motor vehicle. The court shall not admit evidence of this defense unless the defendant notifies the prosecution prior to the omnibus or pretrial hearing in the case of the defendant's intent to assert the affirmative defense.~~

~~(4) Analyses of blood or breath samples obtained more than two hours after the alleged actual physical control of a motor vehicle may be used as evidence that within two hours of the alleged actual physical control of a motor vehicle, a person had 0.10 grams or more of alcohol per two hundred ten liters of breath or 0.10 percent or more of alcohol in the person's blood, pursuant to subsection (1)(a) and (b) of this section, and may be used as evidence that a person was under the influence of or affected by intoxicating liquors or any drug pursuant to subsection (1)(c) and (d) of this section.~~ A person is guilty of being in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug if the person has actual physical control of a vehicle within this state:

(a) And the person has, within two hours after being in actual physical control of the vehicle, an alcohol concentration of 0.10 or higher as shown by analysis of the person's breath or blood made under RCW 46.61.506; or

(b) While the person is under the influence of or affected by intoxicating liquor or any drug; or

(c) While the person is under the combined influence of or affected by intoxicating liquor and any drug.

(2) The fact that a person charged with a violation of this section is or has been entitled to use a drug under the laws of this state does not constitute a defense against any charge of

violating this section. No person may be convicted under this section if, prior to being pursued by a law enforcement officer, the person has moved the vehicle safely off the roadway.

(3) It is an affirmative defense to a violation of subsection (1)(a) of this section which the defendant must prove by a preponderance of the evidence that the defendant consumed a sufficient quantity of alcohol after the time of being in actual physical control of the vehicle and before the administration of an analysis of the person's breath or blood to cause the defendant's alcohol concentration to be 0.10 or more within two hours after being in such control. The court shall not admit evidence of this defense unless the defendant notifies the prosecution prior to the omnibus or pretrial hearing in the case of the defendant's intent to assert the affirmative defense.

(4) Analyses of blood or breath samples obtained more than two hours after the alleged being in actual physical control of a vehicle may be used as evidence that within two hours of the alleged being in such control, a person had an alcohol concentration of 0.10 or more in violation of subsection (1)(a) of this section, and in any case in which the analysis shows an alcohol concentration above 0.00 may be used as evidence that a person was under the influence of or affected by intoxicating liquor or any drug in violation of subsection (1)(b) or (c) of this section.

(5) A violation of this section is a gross misdemeanor.

NEW SECTION. Sec. 4. A new section is added to chapter 46.61 RCW to read as follows:

(1) A person whose driver's license is not in a probationary, suspended, or revoked status, and who has not been convicted of a violation of RCW 46.61.502 or 46.61.504 that was committed within five years before the commission of the current violation, and who violates RCW 46.61.502(1)(a) or 46.61.504(1)(a) because of an alcohol concentration of at least 0.10 but less than 0.15, or a person who violates RCW 46.61.502(1)(b) or (c) or 46.61.504(1)(b) or (c) and for any reason other than the person's refusal to take a test offered pursuant to RCW 46.20.308 the person's alcohol concentration is not proved, is guilty of a gross misdemeanor and shall be punished as follows:

(a) By imprisonment for not less than one day nor more than one year. Twenty-four consecutive hours of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(b) By a fine of not less than three hundred fifty dollars nor more than five thousand dollars. Three hundred fifty dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(c) By suspension of the offender's license or permit to drive, or suspension of any nonresident privilege to drive, for a period of ninety days. The court may suspend all or part of the ninety-day period of suspension upon a plea agreement executed by the defendant and the prosecutor. The court shall notify the department of licensing of the conviction and of any period of suspension and shall notify the department of the person's completion of any period of suspension. Upon receiving notification of the conviction, or if applicable, upon receiving notification of the completion of any period of suspension, the department shall issue the offender a probationary license in accordance with section 8 of this act.

(2) A person whose driver's license is not in a probationary, suspended, or revoked status, and who has not been convicted of a violation of RCW 46.61.502 or 46.61.504 that was committed within five years before the commission of the current violation, and who either:

(a) Violates RCW 46.61.502(1)(a) or 46.61.504(1)(a) because of an alcohol concentration of 0.15 or more; or

(b) Violates RCW 46.61.502(1)(b) or (c) or 46.61.504(1)(b) or (c) and, because of the person's refusal to take a test offered pursuant to RCW 46.20.308, there is no test result indicating the person's alcohol concentration, is guilty of a gross misdemeanor and shall be punished as follows:

(i) By imprisonment for not less than two days nor more than one year. Forty-eight consecutive hours of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(iii) By suspension by the department of the offender's license or permit to drive, or suspension of any nonresident privilege to drive, for a period of one hundred twenty days. The court shall notify the department of the conviction, and upon receiving notification of the conviction the department shall suspend the offender's license and shall issue the offender a probationary license in accordance with section 8 of this act.

(3) In exercising its discretion in setting penalties within the limits allowed by this section, the court shall particularly consider whether the person's driving at the time of the offense was responsible for injury or damage to another or another's property.

(4) Upon conviction under this section, the offender's driver's license is deemed to be in a probationary status for five years from the date of the issuance of a probationary license under section 8 of this act. Being on probationary status does not authorize a person to drive during any period of license suspension imposed as a penalty for the infraction.

(5) An offender punishable under this section is subject to the alcohol assessment and treatment provisions of section 9 of this act.

(6)(a) In addition to any nonsuspendable and nondeferrable jail sentence required by this section, whenever the court imposes less than one year in jail, the court shall also suspend but shall not defer a period of confinement for a period not exceeding two years. The court shall impose conditions of probation that include: (i) Not driving a motor vehicle within this state without a valid license to drive and proof of financial responsibility for the future; (ii) not driving a motor vehicle within this state while having an alcohol concentration of 0.08 or more within two hours after driving; and (iii) not refusing to submit to a test of his or her breath or blood to determine alcohol concentration upon request of a law enforcement officer who has reasonable grounds to believe the person was driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor. The court may impose conditions of probation that include 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 probation during the suspension period.

(b) For each violation of mandatory conditions of probation under (a)(i) and (ii) or (a)(i) and (iii) of this subsection, the court shall order the convicted person to be confined for thirty days, which shall not be suspended or deferred.

(c) For each incident involving a violation of a mandatory condition of probation imposed under this subsection, the license, permit, or privilege to drive of the person shall be suspended by the court for thirty days or, if such license, permit, or privilege to drive already is suspended, revoked, or denied at the time the finding of probation violation is made, the suspension, revocation, or denial then in effect shall be extended by thirty days. The court shall notify the department of any suspension, revocation, or denial or any extension of a suspension, revocation, or denial imposed under this subsection.

NEW SECTION. Sec. 5. A new section is added to chapter 46.61 RCW to read as follows:

(1) A person whose driver's license is in a probationary status and who violates RCW 46.61.502(1)(a) or 46.61.504(1)(a) because of an alcohol concentration of at least 0.10 but less than 0.15 is guilty of a gross misdemeanor and shall be punished as follows:

(a) By imprisonment for not less than seven days nor more than one year. Seven consecutive days of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would pose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is

suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(b) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(c) By suspension of the offender's license or permit to drive, or suspension of any nonresident privilege to drive, for a period of one year. The court shall notify the department of the conviction, and upon receiving notification the department shall suspend the offender's license and shall issue the offender a probationary license in accordance with section 8 of this act.

(2) A person whose driver's license is in a probationary status and who either:

(a) Violates RCW 46.61.502(1)(a) or 46.61.504(1)(a) because of an alcohol concentration of 0.15 or more; or

(b) Violates RCW 46.61.502(1)(b) or (c) or 46.61.504(1)(b) or (c) and, because of the person's refusal to take a test offered pursuant to RCW 46.20.308, there is no test result indicating the person's alcohol concentration, is guilty of a gross misdemeanor and shall be punished as follows:

(i) By imprisonment for not less than ten days nor more than one year. Ten consecutive days of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would pose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than seven hundred fifty dollars nor more than five thousand dollars. Seven hundred fifty dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(iii) By revocation of the offender's license or permit to drive or of any nonresident privilege to drive, for a period of four hundred fifty days. The court shall notify the department of the conviction, and upon receiving notification of the conviction the department shall revoke the offender's license, and upon determining that the offender is otherwise qualified in accordance with RCW 46.20.311, the department shall issue the offender a probationary license in accordance with section 8 of this act.

(3) In exercising its discretion in setting penalties within the limits allowed by this section, the court shall particularly consider whether the person's driving at the time of the offense was responsible for injury or damage to another or another's property.

(4) An offender punishable under this section is subject to the alcohol assessment and treatment provisions of section 9 of this act. An offender punishable under subsection (1) or (2) of this section is subject to the vehicle seizure and forfeiture provisions of RCW 46.61.511. No offender punishable under this section is eligible for an occupational license under RCW 46.20.391.

(5)(a) In addition to any nonsuspendable and nondeferrable jail sentence required by this section, whenever the court imposes less than one year in jail, the court shall also suspend but shall not defer a period of confinement for a period not exceeding two years. The court shall impose conditions of probation that include: (i) Not driving a motor vehicle within this state without a valid license to drive and proof of financial responsibility for the future; (ii) not driving a motor vehicle within this state while having an alcohol concentration of 0.08 or more within two hours after driving; and (iii) not refusing to submit to a test of his or her breath or blood to determine alcohol concentration upon request of a law enforcement officer who has reasonable grounds to believe the person was driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor. The court may impose conditions of probation that include 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 probation during the suspension period.

(b) For each violation of mandatory conditions of probation under (a)(i) and (ii) or (a)(i) and (iii) of this subsection, the court shall order the convicted person to be confined for thirty days, which shall not be suspended or deferred.

(c) For each incident involving a violation of a mandatory condition of probation imposed under this subsection, the license, permit, or privilege to drive of the person shall be suspended by the court for thirty days or, if such license, permit, or privilege to drive already is suspended, revoked, or denied at the time the finding of probation violation is made, the suspension, revocation, or denial then in effect shall be extended by thirty days. The court shall notify the department of any suspension, revocation, or denial or any extension of a suspension, revocation, or denial imposed under this subsection.

NEW SECTION. Sec. 6. A new section is added to chapter 46.61 RCW to read as follows:

(1) A person who violates RCW 46.61.502 or 46.61.504 and who either has a driver's license in a suspended or revoked status or who has been convicted under section 5 of this act or RCW 46.61.502 or 46.61.504 of an offense that was committed within five years before the commission of the current violation, is guilty of a gross misdemeanor and shall be punished as follows:

(a) By imprisonment for not less than ninety days nor more than one year. Ninety consecutive days of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would pose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(b) By a fine of not less than seven hundred fifty dollars nor more than five thousand dollars. Seven hundred fifty dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(c) By revocation by the department of licensing of the offender's license or permit to drive or of any nonresident privilege to drive, for a period of two years. The court shall notify the department of the conviction, and upon receiving notification of the conviction the department shall revoke the offender's license. Following the revocation and upon determining that the offender is otherwise qualified in accordance with RCW 46.20.311, the department shall issue the offender a probationary license in accordance with section 8 of this act.

(2) In exercising its discretion in setting penalties within the limits allowed by this section, the court shall particularly consider whether the person's driving at the time of the offense was responsible for injury or damage to another or another's property.

(3) An offender punishable under this section is subject to the alcohol assessment and treatment provisions of section 9 of this act. An offender punishable under this section is subject to the vehicle seizure and forfeiture provisions of RCW 46.61.511. No offender punishable under this section is eligible for an occupational license under RCW 46.20.391.

(4)(a) In addition to any nonsuspendable and nondeferrable jail sentence required by this section, whenever the court imposes less than one year in jail, the court shall also suspend but shall not defer a period of confinement for a period not exceeding two years. The court shall impose conditions of probation that include: (i) Not driving a motor vehicle within this state without a valid license to drive and proof of financial responsibility for the future; (ii) not driving a motor vehicle within this state while having an alcohol concentration of 0.08 or more within two hours after driving; and (iii) not refusing to submit to a test of his or her breath or blood to determine alcohol concentration upon request of a law enforcement officer who has reasonable grounds to believe the person was driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor. The court may impose conditions of probation that include 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 probation during the suspension period.

(b) For each violation of mandatory conditions of probation under (a)(i) and (ii) or (a)(i) and (iii) of this subsection, the court shall order the convicted person to be confined for thirty days, which shall not be suspended or deferred.

(c) For each incident involving a violation of a mandatory condition of probation imposed under this subsection, the license, permit, or privilege to drive of the person shall be suspended by the court for thirty days or, if such license, permit, or privilege to drive already is suspended, revoked, or denied at the time the finding of probation violation is made, the suspension, revocation, or denial then in effect shall be extended by thirty days. The court shall notify the department of any suspension, revocation, or denial or any extension of a suspension, revocation, or denial imposed under this subsection.

NEW SECTION. Sec. 7. A new section is added to chapter 46.61 RCW to read as follows:

(1)(a) In addition to penalties set forth in sections 4 through 6 of this act, a one hundred twenty-five dollar fee shall be assessed to a person who is either convicted, sentenced to a lesser charge, or given deferred prosecution, as a result of an arrest for violating RCW 46.61.502, 46.61.504, 46.61.520, or 46.61.522. This fee is for the purpose of funding the Washington state toxicology laboratory and the Washington state patrol breath test program.

(b) Upon a verified petition by the person assessed the fee, the court may suspend payment of all or part of the fee if it finds that the person does not have the ability to pay.

(c) When a minor has been adjudicated a juvenile offender for an offense which, if committed by an adult, would constitute a violation of RCW 46.61.502, 46.61.504, 46.61.520, or 46.61.522, the court shall assess the one hundred twenty-five dollar fee under (a) of this subsection. Upon a verified petition by a minor assessed the fee, the court may suspend payment of all or part of the fee if it finds that the minor does not have the ability to pay the fee.

(2) The fee assessed under subsection (1) of this section shall be collected by the clerk of the court and distributed as follows:

(a) Forty percent shall be subject to distribution under RCW 3.46.120, 3.50.100, 35.20.220, 3.62.020, 3.62.040, or 10.82.070.

(b) If the case involves a blood test by the state toxicology laboratory, the remainder of the fee shall be forwarded to the state treasurer for deposit in the death investigations account to be used solely for funding the state toxicology laboratory blood testing program.

(c) Otherwise, the remainder of the fee shall be forwarded to the state treasurer for deposit in the state patrol highway account to be used solely for funding the Washington state patrol breath test program.

PART II—PROBATIONARY LICENSES

NEW SECTION. Sec. 8. A new section is added to chapter 46.61 RCW to read as follows:

(1) Upon notification of a conviction under RCW 46.61.502 or 46.61.504 for which the issuance of a probationary driver's license is required, or upon receipt of an abstract indicating a deferred prosecution has been granted under RCW 10.05.060, the department of licensing shall order the person to surrender his or her license. The department shall revoke the license of any person who fails to surrender it as required by this section.

(2) Upon receipt of the surrendered license, and following the expiration of any period of license suspension or revocation, or following receipt of a sworn statement under section 12 of this act that requires issuance of a probationary license, the department shall issue the person a probationary license if otherwise qualified. The probationary license shall be renewed on the same cycle as the person's regular license would have been renewed until five years after the date of its issuance.

(3) For each issue or reissue of a license under this section, the department may charge the fee authorized under RCW 46.20.311 for the reissuance of a license following a revocation for a violation of RCW 46.61.502 or 46.61.504.

(4) A probationary license shall enable the department and law enforcement personnel to determine that the person is on probationary status, including the period of that status, for a violation of RCW 46.61.502 or 46.61.504 or section 12 of this act. That fact that a person has

been issued a probationary license shall not be a part of the person's record that is available to insurance companies.

PART III—ASSESSMENT AND TREATMENT

NEW SECTION. Sec. 9. A new section is added to chapter 46.61 RCW to read as follows:

(1) A person subject to alcohol assessment and treatment under section 4, 5, or 6 of this act shall be required by the court to complete a course in an alcohol information school approved by the department of social and health services or to complete more intensive treatment in a program approved by the department of social and health services, as determined by the court. The court shall notify the department of licensing whenever it orders a person to complete a course or treatment program under this section.

(2) 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 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.

(3) Standards for approval for alcohol treatment programs shall be prescribed by the department of social and health services. The department of social and health services shall periodically review the costs of alcohol information schools and treatment programs.

(4) Any agency that provides treatment ordered under section 4, 5, or 6 of this act, shall immediately report to the appropriate probation department where applicable, otherwise to the court, and to the department of licensing any noncompliance by a person with the conditions of his or her ordered treatment. The court shall notify the department of licensing and the department of social and health services of any failure by an agency to so report noncompliance. Any agency with knowledge of noncompliance that fails to so report shall be fined two hundred fifty dollars by the department of social and health services. Upon three such failures by an agency within one year, the department of social and health services shall revoke the agency's approval under this section.

(5) The department of licensing and the department of social and health services may adopt such rules as are necessary to carry out this section.

PART IV—ADMINISTRATIVE REVOCATION

NEW SECTION. Sec. 10. A new section is added to chapter 46.20 RCW to read as follows:

(1) Notwithstanding any other provision of this title, a person under the age of twenty-one may not drive, operate, or be in physical control of a motor vehicle while having alcohol in his or her system in a concentration of 0.02 or above.

(2) A person under the age of twenty-one who drives or is in physical control of a motor vehicle within this state is deemed to have given consent, subject to the relevant portions of RCW 46.61.506, to be detained long enough, and be transported if necessary, to take a test or tests of that person's blood or breath for the purpose of determining the alcohol concentration in his or her system.

(3) A test or tests may be administered at the direction of a law enforcement officer, who after stopping or detaining the driver, has reasonable grounds to believe that the driver was driving or in actual physical control of a motor vehicle while having alcohol in his or her system.

(4) The law enforcement officer requesting the test or tests under subsection (2) of this section shall warn the person requested to submit to the test that a refusal to submit will result in that person's driver's license or driving privilege being revoked.

(5) If the person refuses testing, or submits to a test that discloses an alcohol concentration of 0.02 or more, the law enforcement officer shall:

(a) Serve the person notice in writing on behalf of the department of licensing of its intention to suspend, revoke, or deny the person's license, permit, or privilege to drive;

(b) Serve the person notice in writing on behalf of the department of licensing of the person's right to a hearing, specifying the steps required to obtain a hearing;

(c) Confiscate the person's Washington state license or permit to drive, if any, and issue a temporary license to replace any confiscated license or permit. The temporary license shall be valid for thirty days from the date of the traffic stop or until the suspension or revocation of the person's license or permit is sustained at a hearing as provided by subsection (7) of this section, whichever occurs first. No temporary license is valid to any greater degree than the license or permit it replaces;

(d) Notify the department of licensing of the traffic stop, and transmit to the department any confiscated license or permit and a sworn report stating:

(i) That the officer had reasonable grounds to believe the person was driving or in actual physical control of a motor vehicle within this state with alcohol in his or her system;

(ii) That pursuant to this section a test of the person's alcohol concentration was administered or that the person refused to be tested;

(iii) If administered, that the test indicated the person's alcohol concentration was 0.02 or higher; and

(iv) Any other information that the department may require by rule.

(6) Upon receipt of the sworn report of a law enforcement officer under subsection (5) of this section, the department shall suspend or revoke the driver's license or driving privilege beginning thirty days from the date of the traffic stop or beginning when the suspension, revocation, or denial is sustained at a hearing as provided by subsection (7) of this section. Within fifteen days after notice of a suspension or revocation has been given, the person may, in writing, request a formal hearing. If such a request is not made within the prescribed time the right to a hearing is waived. Upon receipt of such request, the department shall afford the person an opportunity for a hearing as provided in RCW 46.20.329 and 46.20.332. The hearing shall be conducted in the county of the arrest. For the purposes of this section, the hearing shall cover the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle within this state while having alcohol in his or her system, whether the person refused to submit to the test or tests upon request of the officer after having been informed that the refusal would result in the revocation of the person's driver's license or driving privilege, and, if the test or tests of the person's breath or blood was administered, whether the results indicated an alcohol concentration of 0.02 or more. The department shall order that the suspension or revocation of the person's driver's license or driving privilege either be rescinded or sustained. Any decision by the department suspending or revoking a person's driver's license or driving privilege is stayed and does not take effect while a formal hearing is pending under this section or during the pendency of a subsequent appeal to superior court so long as there is no conviction for a moving violation or no finding that the person has committed a traffic infraction that is a moving violation during the pendency of the hearing and appeal. If the suspension or revocation of the person's driver's license or driving privilege is sustained after the hearing, the person may file a petition in the superior court of the county of arrest to review the final order of suspension or revocation by the department in the manner provided in RCW 46.20.334.

(7) The department shall suspend or revoke the driver's license or driving privilege of a person as required by this section as follows:

(a) In the case of a person who has refused a test or tests:

(i) For a first refusal within five years, revocation for one year;

(ii) For a second or subsequent refusal within five years, revocation or denial for two years.

(b) In the case of an incident where a person has submitted to a test or tests indicating an alcohol concentration of 0.02 or more:

(i) For a first incident within five years, suspension for ninety days;

(ii) For a second or subsequent incident within five years, revocation for one year or until the person reaches age twenty-one whichever occurs later.

(8) For purposes of this section, "alcohol concentration" means (a) grams of alcohol per two hundred ten liters of a person's breath, or (b) the percent by weight of alcohol in a person's blood.

NEW SECTION. Sec. 11. A new section is added to chapter 46.61 RCW to read as follows:

(1) Any person requested or signaled to stop by a law enforcement officer pursuant to section 10 of this act has a duty to stop.

(2) Whenever any person is stopped pursuant to section 10 of this act, the officer may detain that person for a reasonable period of time necessary to: Identify the person; check the status of the person's license, insurance identification card, and the vehicle's registration; and transport the person, if necessary, to and administer a test or tests to determine the alcohol concentration in the person's system.

(3) Any person requested to identify himself or herself to a law enforcement officer pursuant to an investigation under section 10 of this act has a duty to identify himself or herself, give his or her current address, and sign an acknowledgement of receipt of the warning required by section 10(4) of this act and receipt of the notice and temporary license issued under section 10(5) of this act.

NEW SECTION. Sec. 12. A new section is added to chapter 46.61 RCW to read as follows:

(1) This section applies to any person arrested for a violation of RCW 46.61.502 or 46.61.504 who has an alcohol concentration of 0.10 or higher as shown by a test administered under RCW 46.20.308.

(2) The arresting officer or other law enforcement officer at whose direction the test was given shall:

(a) Serve the person notice in writing on behalf of the department of licensing of its intention to suspend, revoke, or deny the person's license, permit, or privilege to drive or to issue a probationary license;

(b) Serve the person notice in writing on behalf of the department of the person's right to a hearing, specifying the steps required to obtain a hearing;

(c) Confiscate the person's Washington state license or permit to drive, if any, and issue a temporary license to replace any confiscated license or permit. The temporary license shall be valid for thirty days from the date of arrest or until the suspension or revocation of the person's license or permit, or the issuance of a probationary license, is sustained at a hearing pursuant to subsection (5) of this section, whichever occurs first. If the person has not within the previous five years committed an offense for which he or she was granted a deferred prosecution under chapter 10.05 RCW, and within thirty days of the arrest the person petitions a court for a deferred prosecution on criminal charges arising out of the arrest, the court shall direct the department to extend the period of the temporary license by at least an additional thirty days but not more than an additional sixty days. If a deferred prosecution treatment plan is not recommended in the report made under RCW 10.05.050, or if treatment is rejected by the court, or if the person declines to accept an offered treatment plan, then the court shall immediately direct the department to cancel any period of extension of the temporary license. No temporary license is valid to any greater degree than the license or permit it replaces;

(d) Notify the department of the arrest, and transmit to the department any confiscated license or permit and a sworn report stating:

(i) That the officer had reasonable grounds to believe the arrested person was driving or in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or drug, or both;

(ii) That pursuant to RCW 46.20.308 a test of the person's alcohol concentration was administered;

(iii) That the test indicated that the person's alcohol concentration was 0.10 or higher; and

(iv) Any other information that the department may require by rule.

(3) Upon receipt of a sworn statement under subsection (2) of this section, the department shall suspend, revoke, or deny the person's license, permit, or driving privilege, or shall issue a probationary license, effective beginning thirty days from the date of the arrest or beginning when the suspension, revocation, denial, or issuance is sustained at a hearing pursuant to subsection (5) of this section, whichever occurs first. The suspension, revocation, or denial, or issuance of a probationary license, shall be as follows:

(a) Upon receipt of a first sworn statement, issuance of a probationary license under section 8 of this act;

(b) Upon receipt of a second or subsequent statement indicating an arrest date that is within five years of the arrest date indicated by a previous statement, revocation for two years.

(4) A person receiving notification under subsection (2) of this section may, within five days after his or her arrest, request a hearing before the department under subsection (5) of this section. The request shall be in writing. The person shall pay a fee of one hundred dollars as part of the request. If the request is mailed, it must be postmarked within five days after the arrest.

(5) Upon timely receipt of a request and a one hundred dollar fee under subsection (4) of this section, the department shall afford the person an opportunity for a hearing. Except as otherwise provided in this section, the hearing is subject to and shall be scheduled and conducted in accordance with RCW 46.20.329 and 46.20.332. The hearing shall be conducted in the county of arrest, except that all or part of the hearing may, at the discretion of the department, be conducted by telephone or other electronic means. The hearing shall be held within thirty days following the arrest, unless otherwise agreed to by the department and the person. The hearing shall cover the issues of:

(a) Whether the law enforcement officer had reasonable grounds to believe the person was driving or in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor;

(b) Whether the test of the person's alcohol concentration was administered in accordance with RCW 46.20.308; and

(c) Whether the test indicated that the person's alcohol concentration was 0.10 or higher.

(6) The period of any suspension, revocation, or denial imposed under this section shall run consecutively to the period of any suspension, revocation, or denial imposed pursuant to a criminal conviction arising out of the same incident. A suspension, revocation, or denial imposed under this section shall be stayed if the person is accepted for deferred prosecution as provided in chapter 10.05 RCW for the incident upon which the suspension, revocation, or denial is based. If the deferred prosecution is terminated, the stay shall be lifted and the suspension, revocation, or denial reinstated. If the deferred prosecution is completed, the stay shall be lifted and the suspension, revocation, or denial canceled.

(7) If the suspension, revocation, denial, or issuance is sustained after such a hearing, the person whose license, privilege, or permit is suspended, revoked, or denied, or who has been issued a probationary license, has the right to file a petition in the superior court of the county of arrest in the same manner as an appeal from a decision of a court of limited jurisdiction. The appellant must pay the costs associated with obtaining the record of the hearing before the hearing officer. A court may stay the suspension, revocation, or denial if it finds that the appellant is likely to prevail in the appeal and that without a stay the appellant will suffer irreparable injury. If the court stays the suspension, revocation, or denial, it may impose conditions on such stay.

(8) When it has been finally determined under the procedures of this section that a nonresident's privilege to operate a motor vehicle in this state has been suspended, revoked, or denied, 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 he or she has a license.

PART V—IMPLIED CONSENT

Sec. 13. RCW 46.20.308 and 1989 c 337 s 8 are each amended to read as follows:

(1) Any person who operates a motor vehicle within this state is deemed to have given consent, subject to the provisions of RCW 46.61.506, to a test or tests of his or her breath or blood for the purpose of determining the alcoholic content of his or her breath or blood if arrested for any offense where, at the time of the arrest, the arresting officer has reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor.

(2) The test or tests of breath shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving or in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor. However, in those instances where: (a) The person is incapable due to physical injury, physical incapacity, or other physical limitation, of providing a breath sample; or (b) as a result of a traffic accident the person is being treated for a medical condition in a hospital, clinic, doctor's office, or other similar facility in which a breath testing instrument is not present, a blood test shall be administered by a qualified person as provided in RCW 46.61.506(4). The officer shall inform the person of his or her right to refuse the breath or blood test, and of his or her right to have additional tests administered by any qualified person of his or her choosing as provided in RCW 46.61.506. The officer shall warn the driver that (a) his or her privilege to drive will be revoked or denied if he or she refuses to submit to the test, and (b) that his or her refusal to take the test may be used in a criminal trial.

(3) Except as provided in this section, the test administered shall be of the breath only. If an individual is unconscious or is under arrest for the crime of vehicular homicide as provided in RCW 46.61.520 or vehicular assault as provided in RCW 46.61.522, or if an individual is under arrest for the crime of driving while under the influence of intoxicating liquor or drugs as provided in RCW 46.61.502, which arrest results from an accident in which another person has been injured and there is a reasonable likelihood that such other person may die as a result of injuries sustained in the accident, a breath or blood test may be administered without the consent of the individual so arrested.

(4) Any person who is dead, unconscious, or who is otherwise in a condition rendering him or her incapable of refusal, shall be deemed not to have withdrawn the consent provided by subsection (1) of this section and the test or tests may be administered, subject to the provisions of RCW 46.61.506, and the person shall be deemed to have received the warnings required under subsection (2) of this section.

(5) If, following his or her arrest and receipt of warnings under subsection (2) of this section, the person arrested refuses upon the request of a law enforcement officer to submit to a test or tests of his or her breath or blood, no test shall be given except as authorized under subsection (3) or (4) of this section.

(6) The department of licensing, upon the receipt of a sworn report of the law enforcement officer that the officer had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor and that the person had refused to submit to the test or tests upon the request of the law enforcement officer after being informed that refusal would result in the revocation of the person's privilege to drive, shall revoke the person's license or permit to drive or any nonresident operating privilege.

(7) Upon revoking the license or permit to drive or the nonresident operating privilege of any person, the department shall immediately notify the person involved in writing by personal service or by certified mail of its decision and the grounds therefor, and of the person's right to a hearing, specifying the steps he or she must take to obtain a hearing. Within fifteen days after the notice has been given, the person may, in writing, request a formal hearing. The person shall pay a fee of one hundred dollars as part of the request. Upon receipt of such request and such fee, the department shall afford the person an opportunity for a hearing as provided in RCW 46.20.329 and 46.20.332. The hearing shall be conducted in the county of the arrest. For the purposes of this section, the scope of such hearing shall cover the issues of whether a law enforcement officer had reasonable grounds to

believe the person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor, whether the person was placed under arrest, and whether the person refused to submit to the test or tests upon request of the officer after having been informed that such refusal would result in the revocation of the person's privilege to drive. The department shall order that the revocation either be rescinded or sustained. Any decision by the department revoking a person's driving privilege shall be stayed and shall not take effect while a formal hearing is pending as provided in this section or during the pendency of a subsequent appeal to superior court so long as there is no conviction for a moving violation or no finding that the person has committed a traffic infraction that is a moving violation during pendency of the hearing and appeal.

(8) If the revocation is sustained after such a hearing, the person whose license, privilege, or permit is revoked has the right to file a petition in the superior court of the county of arrest to review the final order of revocation by the department in the manner provided in RCW 46.20.334.

(9) When it has been finally determined under the procedures of this section that a nonresident's privilege to operate a motor vehicle in this state has been 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 he or she has a license.

PART VI—DRIVING RECORDS

Sec. 14. RCW 46.01.260 and 1984 c 241 s 1 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the director, in his or her discretion, may destroy applications for vehicle licenses, copies of vehicle licenses issued, applications for drivers' licenses, copies of issued drivers' licenses, certificates of title and registration or other documents, records or supporting papers on file in his or her office which have been microfilmed or photographed or are more than five years old. If the applications for vehicle licenses are renewal applications, the director may destroy such applications when the computer record thereof has been updated.

(2)(a) The director shall not, within ten years from the date of conviction, adjudication, or entry of deferred prosecution, destroy records of the following:

(i) Convictions or adjudications of the following offenses: RCW 46.61.502, 46.61.504, 46.61.520(1)(a), or 46.61.522(1)(b);

(ii) If the offense was originally charged as one of the offenses designated in (a)(i) of this subsection, convictions or adjudications of the following offenses: RCW 46.61.500 or 46.61.525, or any other violation that was originally charged as one of the offenses designated in (a)(i) of this subsection; or

(iii) Deferred prosecutions granted under RCW 10.05.120.

(b) For purposes of RCW 46.52.100 and 46.52.130, offenses subject to this subsection shall be considered "alcohol-related" offenses.

Sec. 15. RCW 46.52.100 and 1991 c 363 s 123 are each amended to read as follows:

Every district court, municipal court, and clerk of superior court shall keep or cause to be kept a record of every traffic complaint, traffic citation, notice of infraction, or other legal form of traffic charge deposited with or presented to the court or a traffic violations bureau, and shall keep a record of every official action by ~~said~~ the court or its traffic violations bureau in reference thereto, including but not limited to a record of every conviction, forfeiture of bail, judgment of acquittal, finding that a traffic infraction has been committed, dismissal of a notice of infraction, and the amount of fine, forfeiture, or penalty resulting from every ~~said~~ traffic complaint, citation, or notice of infraction deposited with or presented to the district court, municipal court, superior court, or traffic violations bureau.

The Monday following the conviction, forfeiture of bail, or finding that a traffic infraction was committed for violation of any provisions of this chapter or other law regulating the operating of vehicles on highways, every ~~said~~ magistrate of the court or clerk of the court of record in which such conviction was had, bail was forfeited, or the finding made shall prepare

and immediately forward to the director of licensing at Olympia an abstract of the record of ~~said~~ the court covering the case, which abstract must be certified by the person so required to prepare the same to be true and correct. Report need not be made of any finding involving the illegal parking or standing of a vehicle.

~~Said~~ The abstract must be made upon a form furnished by the director and shall include the name and address of the party charged, the number, if any, of the party's driver's or chauffeur's license, the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the judgment, whether the offense was an alcohol-related offense as defined in RCW 46.01.260(2), whether bail forfeited, whether the determination that a traffic infraction was committed was contested, and the amount of the fine, forfeiture, or penalty as the case may be.

Every court of record shall also forward a like report to the director upon the conviction of any person of manslaughter or other felony in the commission of which a vehicle was used.

The failure of any such judicial officer to comply with any of the requirements of this section shall constitute misconduct in office and shall be grounds for removal therefrom.

The director shall keep all abstracts received hereunder at the director's office in Olympia and the same shall be open to public inspection during reasonable business hours.

Venue in all district courts shall be before one of the two nearest district judges in incorporated cities and towns nearest to the point the violation allegedly occurred: PROVIDED, That in counties with populations of one hundred twenty-five thousand or more such cases may be tried in the county seat at the request of the defendant.

It shall be the duty of the officer, prosecuting attorney, or city attorney signing the charge or information in any case involving a charge of driving under the influence of intoxicating liquor or any drug immediately to make request to the director for an abstract of convictions and forfeitures which the director shall furnish.

Sec. 16. RCW 46.52.130 and 1991 c 243 s 1 are each amended to read as follows:

A certified abstract of the driving record shall be furnished only to the individual named in the abstract, an employer, the insurance carrier that has insurance in effect covering the employer or a prospective employer, the insurance carrier that has insurance in effect covering the named individual, the insurance carrier to which the named individual has applied, ~~or~~ an alcohol/drug assessment or treatment agency approved by the department of social and health services, to which the named individual has applied or been assigned for evaluation or treatment, or city and county prosecuting attorneys. City attorneys and county prosecuting attorneys may provide the driving record to alcohol/drug assessment or treatment agencies approved by the department of social and health services to which the named individual has applied or been assigned for evaluation or treatment. The director, upon proper request, shall furnish a certified abstract covering the period of not more than the last three years to insurance companies, ~~and~~. Upon proper request, the director shall furnish a certified abstract covering a period of not more than the last five years to state approved alcohol/drug assessment or treatment agencies, except that the certified abstract shall also include records of alcohol-related offenses as defined in RCW 46.01.260(2) covering a period of not more than the last ten years. Upon proper request, a certified abstract of the full driving record maintained by the department shall be furnished to a city or county prosecuting attorney, to the individuals ~~and~~ named in the abstract or to an employers or prospective employers of the named individual. The abstract, whenever possible, shall include an enumeration of motor vehicle accidents in which the person was driving; the total number of vehicles involved; whether the vehicles were legally parked or moving; whether the vehicles were occupied at the time of the accident; any reported convictions, forfeitures of bail, or findings that an infraction was committed based upon a violation of any motor vehicle law; and the status of the person's driving privilege in this state. The enumeration shall include any reports of failure to appear in response to a traffic citation or failure to respond to a notice of infraction served upon the named individual by an arresting officer. Certified abstracts furnished to prosecutors and alcohol/drug assessment or treatment agencies shall also indicate whether a recorded violation is an alcohol-related offense as defined in RCW 46.01.260(2) that was originally charged as one of the alcohol-related offenses designated in RCW 46.01.260(2)(a)(i).

The abstract provided to the insurance company shall exclude any information, except that related to the commission of misdemeanors or felonies by the individual, pertaining to law enforcement officers or fire fighters as defined in RCW 41.26.030, or any officer of the Washington state patrol, while driving official vehicles in the performance of occupational duty. The abstract provided to the insurance company shall exclude any deferred prosecution under RCW 10.05.060, except that if a person is removed from a deferred prosecution under RCW 10.05.090, the abstract shall show the deferred prosecution as well as the removal.

The director shall collect for each abstract the sum of four dollars and fifty cents which shall be deposited in the highway safety fund.

Any insurance company or its agent receiving the certified abstract shall use it exclusively for its own underwriting purposes and shall not divulge any of the information contained in it to a third party. No policy of insurance may be canceled, nonrenewed, denied, or have the rate increased on the basis of such information unless the policyholder was determined to be at fault. No insurance company or its agent for underwriting purposes relating to the operation of commercial motor vehicles may use any information contained in the abstract relative to any person's operation of motor vehicles while not engaged in such employment, nor may any insurance company or its agent for underwriting purposes relating to the operation of noncommercial motor vehicles use any information contained in the abstract relative to any person's operation of commercial motor vehicles.

Any employer or prospective employer receiving the certified abstract shall use it exclusively for his or her own purpose to determine whether the licensee should be permitted to operate a commercial vehicle or school bus upon the public highways of this state and shall not divulge any information contained in it to a third party.

Any alcohol/drug assessment or treatment agency approved by the department of social and health services receiving the certified abstract shall use it exclusively for the purpose of assisting its employees in making a determination as to what level of treatment, if any, is appropriate. The agency, or any of its employees, shall not divulge any information contained in the abstract to a third party.

Any violation of this section is a gross misdemeanor.

PART VII—DEFERRED PROSECUTION

Sec. 17. RCW 10.05.060 and 1990 c 250 s 13 are each amended to read as follows:

If the report recommends treatment, the court shall examine the treatment plan. If it approves the plan and the petitioner agrees to comply with its terms and conditions and agrees to pay the cost thereof, if able to do so, or arrange for the treatment, an entry shall be made upon the person's court docket showing that the person has been accepted for deferred prosecution. A copy of the treatment plan shall be attached to the docket, which shall then be removed from the regular court dockets and filed in a special court deferred prosecution file. If the charge be one that an abstract of the docket showing the charge, the date of the violation for which the charge was made, and the date of petitioner's acceptance is required to be sent to the department of licensing, an abstract shall be sent, and the department of licensing shall make an entry of the charge and of the petitioner's acceptance for deferred prosecution on the department's driving record of the petitioner. The entry is not a conviction for purposes of Title 46 RCW. Upon receipt of the abstract of the docket, the department shall issue the petitioner a probationary license in accordance with section 8 of this act, and the petitioner's driver's license shall be on probationary status for five years from the date of the violation that gave rise to the charge. The department shall maintain the record for ~~five~~ ten years from date of entry of the order granting deferred prosecution.

Sec. 18. RCW 10.05.090 and 1985 c 352 s 12 are each amended to read as follows:

If a petitioner, who has been accepted for a deferred prosecution, fails or neglects to carry out and fulfill any term or condition of the petitioner's treatment plan, the facility, center, institution, or agency administering the treatment shall immediately report such breach to the court, the prosecutor, and the petitioner or petitioner's attorney of record, together with its recommendation. The court upon receiving such a report shall hold a hearing to

determine whether the petitioner should be removed from the deferred prosecution program. At the hearing, evidence shall be taken of the petitioner's alleged failure to comply with the treatment plan and the petitioner shall have the right to present evidence on his or her own behalf. The court shall either order that the petitioner continue on the treatment plan or be removed from deferred prosecution. If removed from deferred prosecution, the court shall enter judgment pursuant to RCW 10.05.020 and, if the charge for which the deferred prosecution was granted was a misdemeanor or gross misdemeanor under Title 46 RCW, shall notify the department of licensing of the removal and entry of judgment.

Sec. 19. RCW 10.05.120 and 1985 c 352 s 15 are each amended to read as follows:

Upon proof of successful completion of the two-year treatment program, the court shall dismiss the charges pending against the petitioner.

~~Five years from the date of the court's approval of a deferred prosecution program for an individual petitioner, those entries that remain in the department of licensing records relating to such petitioner shall be removed. A deferred prosecution may be considered for enhancement purposes when imposing mandatory penalties and suspensions under RCW 46.61.515 for subsequent offenses within a five-year period.~~

PART VIII—VEHICULAR HOMICIDE

Sec. 20. RCW 9.94A.320 and 1992 c 145 s 4 and 1992 c 75 s 3 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XV	Aggravated Murder 1 (RCW 10.95.020)
XIV	Murder 1 (RCW 9A.32.030)
	Homicide by abuse (RCW 9A.32.055)
XIII	Murder 2 (RCW 9A.32.050)
XII	Assault 1 (RCW 9A.36.011)
	Assault of a Child 1 (RCW 9A.36.120)
XI	Rape 1 (RCW 9A.44.040)
	Rape of a Child 1 (RCW 9A.44.073)
X	Kidnapping 1 (RCW 9A.40.020)
	Rape 2 (RCW 9A.44.050)
	Rape of a Child 2 (RCW 9A.44.076)
	Child Molestation 1 (RCW 9A.44.083)
	Damaging building, etc., by explosion with threat to human being (RCW 70.74.280(1))
	Over 18 and deliver heroin or narcotic from Schedule I or II to someone under 18 (RCW 69.50.406)
	Leading Organized Crime (RCW 9A.82.060(1)(a))
IX	Assault of a Child 2 (RCW 9A.36.130)
	Robbery 1 (RCW 9A.56.200)
	Manslaughter 1 (RCW 9A.32.060)
	Explosive devices prohibited (RCW 70.74.180)
	Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
	Endangering life and property by explosives with threat to human being (RCW 70.74.270)
	Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic from Schedule I–V to someone under 18 and 3 years junior (RCW 69.50.406)
	Controlled Substance Homicide (RCW 69.50.415)
	Sexual Exploitation (RCW 9.68A.040)
	Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
	Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)
VIII	Arson 1 (RCW 9A.48.020)

	Promoting Prostitution 1 (RCW 9A.88.070)
	Selling for profit (controlled or counterfeit) any controlled substance (RCW 69.50.410)
	Manufacture, deliver, or possess with intent to deliver heroin or cocaine (RCW 69.50.401(a)(1)(i))
	Manufacture, deliver, or possess with intent to deliver methamphetamine (RCW 69.50.401(a)(1)(ii))
	Vehicular Homicide, ~~by being under the influence of intoxicating liquor or any drug or~~ by the operation of any vehicle in a reckless manner (RCW 46.61.520)
VII	Burglary 1 (RCW 9A.52.020)
	Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)
	Introducing Contraband 1 (RCW 9A.76.140)
	Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1)(b) and (c))
	Child Molestation 2 (RCW 9A.44.086)
	Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)
	Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)
	Involving a minor in drug dealing (RCW 69.50.401(f))
VI	Bribery (RCW 9A.68.010)
	Manslaughter 2 (RCW 9A.32.070)
	Rape of a Child 3 (RCW 9A.44.079)
	Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
	Damaging building, etc., by explosion with no threat to human being (RCW 70.74.280(2))
	Endangering life and property by explosives with no threat to human being (RCW 70.74.270)
	Incest 1 (RCW 9A.64.020(1))
	Manufacture, deliver, or possess with intent to deliver narcotics from Schedule I or II (except heroin or cocaine) (RCW 69.50.401(a)(1)(i))
	Intimidating a Judge (RCW 9A.72.160)
	Bail Jumping with Murder 1 (RCW 9A.76.170(2)(a))
V	Criminal Mistreatment 1 (RCW 9A.42.020)
	Rape 3 (RCW 9A.44.060)
	Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
	Child Molestation 3 (RCW 9A.44.089)
	Kidnapping 2 (RCW 9A.40.030)
	Extortion 1 (RCW 9A.56.120)
	Incest 2 (RCW 9A.64.020(2))
	Perjury 1 (RCW 9A.72.020)
	Extortionate Extension of Credit (RCW 9A.82.020)
	Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
	Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
	Rendering Criminal Assistance 1 (RCW 9A.76.070)
	Bail Jumping with class A Felony (RCW 9A.76.170(2)(b))
	Delivery of imitation controlled substance by person eighteen or over to person under eighteen (RCW 69.52.030(2))
IV	Residential Burglary (RCW 9A.52.025)
	Theft of Livestock 1 (RCW 9A.56.080)
	Robbery 2 (RCW 9A.56.210)
	Assault 2 (RCW 9A.36.021)
	Escape 1 (RCW 9A.76.110)
	Arson 2 (RCW 9A.48.030)

	Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
	Malicious Harassment (RCW 9A.36.080)
	Threats to Bomb (RCW 9.61.160)
	Willful Failure to Return from Furlough (RCW 72.66.060)
	Hit and Run—Injury Accident (RCW 46.52.020(4))
	Vehicular Assault (RCW 46.61.522)
	Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I–V (except marijuana or methamphetamines) (RCW 69.50.401(a)(1)(ii) through (iv))
	Influencing Outcome of Sporting Event (RCW 9A.82.070)
	Use of Proceeds of Criminal Profiteering (RCW 9A.82.080(1) and (2))
	Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))
III	Criminal mistreatment 2 (RCW 9A.42.030)
	Extortion 2 (RCW 9A.56.130)
	Unlawful Imprisonment (RCW 9A.40.040)
	Assault 3 (RCW 9A.36.031)
	Assault of a Child 3 (RCW 9A.36.140)
	Custodial Assault (RCW 9A.36.100)
	Unlawful possession of firearm or pistol by felon (RCW 9.41.040)
	Harassment (RCW 9A.46.020)
	Promoting Prostitution 2 (RCW 9A.88.080)
	Willful Failure to Return from Work Release (RCW 72.65.070)
	Burglary 2 (RCW 9A.52.030)
	Introducing Contraband 2 (RCW 9A.76.150)
	Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
	Patronizing a Juvenile Prostitute (RCW 9.68A.100)
	Escape 2 (RCW 9A.76.120)
	Perjury 2 (RCW 9A.72.030)
	Bail Jumping with class B or C Felony (RCW 9A.76.170(2)(c))
	Intimidating a Public Servant (RCW 9A.76.180)
	Tampering with a Witness (RCW 9A.72.120)
	Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(ii))
	Delivery of a material in lieu of a controlled substance (RCW 69.50.401(c))
	Manufacture, distribute, or possess with intent to distribute an imitation controlled substance (RCW 69.52.030(1))
	Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))
	Theft of livestock 2 (RCW 9A.56.080)
	Securities Act violation (RCW 21.20.400)
II	Malicious Mischief 1 (RCW 9A.48.070)
	Possession of Stolen Property 1 (RCW 9A.56.150)
	Theft 1 (RCW 9A.56.030)
	Possession of controlled substance that is either heroin or narcotics from Schedule I or II (RCW 69.50.401(d))
	Possession of phencyclidine (PCP) (RCW 69.50.401(d))
	Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))
	Computer Trespass 1 (RCW 9A.52.110)
	Reckless Endangerment 1 (RCW 9A.36.045)
	Escape from Community Custody (RCW 72.09.310)
I	Theft 2 (RCW 9A.56.040)
	Possession of Stolen Property 2 (RCW 9A.56.160)
	Forgery (RCW 9A.60.020)
	Taking Motor Vehicle Without Permission (RCW 9A.56.070)

Vehicle Prowl 1 (RCW 9A.52.095)
Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
Malicious Mischief 2 (RCW 9A.48.080)
Reckless Burning 1 (RCW 9A.48.040)
Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
Unlawful Use of Food Stamps (RCW 9.91.140(2) and (3))
False Verification for Welfare (RCW 74.08.055)
Forged Prescription (RCW 69.41.020)
Forged Prescription for a Controlled Substance (RCW 69.50.403)
Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Non-narcotic from Schedule I-V (except phencyclidine) (RCW 69.50.401(d))

PART IX—INTERLOCK

Sec. 21. RCW 46.20.710 and 1987 c 247 s 1 are each amended to read as follows:

The legislature finds and declares:

(1) There is a need to reduce the incidence of drivers on the highways and roads of this state who, because of their use, consumption, or possession of alcohol, pose a danger to the health and safety of other drivers;

(2) One method of dealing with the problem of drinking drivers is to discourage the use of motor vehicles by persons who possess or have consumed alcoholic beverages;

(3) The installation of an ignition interlock breath alcohol device or other biological or technical device will provide a means of deterring the use of motor vehicles by persons who have consumed alcoholic beverages;

(4) Ignition interlock and other biological and technical devices are designed to supplement other methods of punishment that prevent drivers from using a motor vehicle after using, possessing, or consuming alcohol;

(5) It is economically and technically feasible to have an ignition interlock or other biological or technical device installed in a motor vehicle in such a manner that the vehicle will not start if the operator has recently consumed alcohol.

Sec. 22. RCW 46.20.720 and 1987 c 247 s 2 are each amended to read as follows:

The court may order any person convicted of any offense involving the use, consumption, or possession of alcohol while operating a motor vehicle to drive only a motor vehicle equipped with a functioning ignition interlock or other biological or technical device, and the restriction shall be for a period of not less than six months.

The court shall establish a specific calibration setting at which the ignition interlock or other biological or technical device will prevent the motor vehicle from being started and the period of time that the person shall be subject to the restriction.

For purposes of this section, "convicted" means being found guilty of an offense or being placed on a deferred prosecution program under chapter 10.05 RCW.

Sec. 23. RCW 46.20.730 and 1987 c 247 s 3 are each amended to read as follows:

For the purposes of RCW 46.20.720, 46.20.740, and 46.20.750, "ignition interlock device" means breath alcohol analyzed ignition equipment, certified by the state commission on equipment, designed to prevent a motor vehicle from being operated by a person who has consumed an alcoholic beverage, and "other biological or technical device" means any device meeting the standards of the national highway traffic safety administration or the state commission on equipment, designed to prevent the operation of a motor vehicle by a person who is impaired by alcohol or drugs. The commission shall by rule provide standards for the certification, installation, repair, and removal of the devices.

Sec. 24. RCW 46.20.740 and 1987 c 247 s 4 are each amended to read as follows:

The department shall attach or imprint a notation on the driver's license of any person restricted under RCW 46.20.720 stating that the person may operate only a motor vehicle equipped with an ignition interlock or other biological or technical device.

Sec. 25. RCW 46.20.750 and 1987 c 247 s 5 are each amended to read as follows:

A person who knowingly assists another person who is restricted to the use of an ignition interlock or other biological or technical device to start and operate that vehicle in violation of a court order is guilty of a gross misdemeanor.

The provisions of this section do not apply if the starting of a motor vehicle, or the request to start a motor vehicle, equipped with an ignition interlock or other biological or technical device is done for the purpose of safety or mechanical repair of the device or the vehicle and the person subject to the court order does not operate the vehicle.

PART X—MISCELLANEOUS

Sec. 26. RCW 46.61.506 and 1987 c 373 s 4 are each amended to read as follows:

(1) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person while driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or any drug, if the ~~amount of alcohol in the person's blood or breath at the time alleged as shown by analysis of his blood or breath is less than 0.10 percent by weight of alcohol in his blood or 0.10 grams of alcohol per two hundred ten liters of the person's breath~~ person's alcohol concentration is less than 0.10, it is evidence that may be considered with other competent evidence in determining whether the person was under the influence of intoxicating liquor or any drug.

(2) The breath analysis shall be based upon grams of alcohol per two hundred ten liters of breath. The foregoing provisions of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether the person was under the influence of intoxicating liquor or any drug.

(3) Analysis of the person's blood or breath to be considered valid under the provisions of this section or RCW 46.61.502 or 46.61.504 shall have been performed according to methods approved by the state toxicologist and by an individual possessing a valid permit issued by the state toxicologist for this purpose. The state toxicologist is directed to approve satisfactory techniques or methods, to supervise the examination of individuals to ascertain their qualifications and competence to conduct such analyses, and to issue permits which shall be subject to termination or revocation at the discretion of the state toxicologist.

(4) When a blood test is administered under the provisions of RCW 46.20.308, the withdrawal of blood for the purpose of determining its alcoholic content may be performed only by a physician, a registered nurse, or a qualified technician. This limitation shall not apply to the taking of breath specimens.

(5) The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person of his or her own choosing administer one or more tests in addition to any administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test or tests taken at the direction of a law enforcement officer.

(6) Upon the request of the person who shall submit to a test or tests at the request of a law enforcement officer, full information concerning the test or tests shall be made available to him or her or his or her attorney.

Sec. 27. RCW 46.20.311 and 1993 c 501 s 5 are each amended to read as follows:

(1) The department shall not suspend a driver's license or privilege to drive a motor vehicle on the public highways for a fixed period of more than one year, except as specifically permitted under RCW 46.20.342 or ~~46.61.515~~ other provision of law. Except for a suspension under RCW 46.20.289 and 46.20.291(5), whenever the license or driving privilege of any person is suspended by reason of a conviction, a finding that a traffic infraction has been committed, pursuant to chapter 46.29 RCW, or pursuant to RCW 46.20.291, the suspension shall remain in effect until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. The department shall not issue to the person a new, duplicate, or renewal license until the person pays a reissue fee of twenty dollars. If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, the reissue fee shall be fifty dollars.

(2) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked, unless the revocation was for a cause which has been removed, is not entitled to have the license or privilege renewed or restored until: (a) After the expiration of one year from the date the license or privilege to drive was revoked; (b) after the expiration of the applicable revocation period provided by RCW ~~46.61.515(3)(b) or (c)~~ 46.20.308 or section 5, 6, or 12 of this act; (c) after the expiration of two years for persons convicted of vehicular homicide; or (d) ~~after the expiration of one year in cases of revocation for the first refusal within five years to submit to a chemical test under RCW 46.20.308; (e) after the expiration of two years in cases of revocation for the second or subsequent refusal within five years to submit to a chemical test under RCW 46.20.308; or (f)~~ after the expiration of the applicable revocation period provided by RCW 46.20.265. After the expiration of the appropriate period, the person may make application for a new license as provided by law together with a reissue fee in the amount of twenty dollars, but if the revocation is the result of a violation of RCW 46.20.308, 46.61.502, or 46.61.504 or is the result of administrative action under section 12 of this act, the reissue fee shall be fifty dollars. Except for a revocation under RCW 46.20.265, the department shall not then issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant the privilege of driving a motor vehicle on the public highways, and until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. For a revocation under RCW 46.20.265, the department shall not issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant that person the privilege of driving a motor vehicle on the public highways.

(3) Whenever the driver's license of any person is suspended pursuant to Article IV of the nonresident violators compact or RCW 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue to the person any new or renewal license until the person pays a reissue fee of twenty dollars. If the suspension is the result of a violation of the laws of this or any other state, province, or other jurisdiction involving (a) the operation or physical control of a motor vehicle upon the public highways while under the influence of intoxicating liquor or drugs, or (b) the refusal to submit to a chemical test of the driver's blood alcohol content, the reissue fee shall be fifty dollars.

Sec. 28. RCW 46.04.580 and 1990 c 250 s 22 are each amended to read as follows:

"Suspend," in all its forms and unless a different period is specified, means invalidation for any period less than one calendar year and thereafter until reinstatement. ~~However, under RCW 46.61.515 the invalidation may last for more than one calendar year.~~

Sec. 29. RCW 46.20.391 and 1985 c 407 s 5 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 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~~ for a violation of RCW 46.61.502 or 46.61.504. No person may petition for, and the department shall not issue, an occupational driver's license if the person is ineligible for such a license under section 5 or 6 of this act. 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 date of the offense that gave rise to the present conviction, the applicant has not ~~been convicted~~ committed 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 date of the offense that gave rise to the present conviction, the applicant has not ~~been convicted of~~ committed any of the following

offenses: (i) 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~~; (ii) vehicular homicide under RCW 46.61.520~~, or of~~; or (iii) 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 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.

Sec. 30. RCW 5.40.060 and 1987 c 212 s 1001 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, it is a complete defense to an action for damages for personal injury or wrongful death that the person injured or killed was under the influence of intoxicating liquor or any drug at the time of the occurrence causing the injury or death and that such condition was a proximate cause of the injury or death and the trier of fact finds such person to have been more than fifty percent at fault. The standard for determining whether a person was under the influence of intoxicating liquor or drugs shall be the same standard established for criminal convictions under RCW 46.61.502, and evidence that a person was under the influence of intoxicating liquor or drugs under the standard established by RCW 46.61.502 shall be conclusive proof that such person was under the influence of intoxicating liquor or drugs.

(2) In an action for damages for personal injury or wrongful death that is brought against the driver of a motor vehicle who was under the influence of intoxicating liquor or any drug at the time of the occurrence causing the injury or death and whose condition was a proximate cause of the injury or death, subsection (1) of this section does not create a defense against the action notwithstanding that the person injured or killed was also under the influence so long as such person's condition was not a proximate cause of the occurrence causing the injury or death.

NEW SECTION. Sec. 31. Section 30 of this act is remedial in nature and shall apply retroactively.

Sec. 32. RCW 46.55.113 and 1987 c 311 s 10 are each amended to read as follows:

Whenever the driver of a vehicle is arrested for a violation of RCW 46.61.502 or 46.61.504, the arresting officer may take custody of the vehicle and provide for its prompt removal to a place of safety. In addition, a police officer may take custody of a vehicle and provide for its prompt removal to a place of safety under any of the following circumstances:

(1) Whenever a police officer finds a vehicle standing upon the roadway in violation of any of the provisions of RCW 46.61.560, the officer may provide for the removal of the vehicle or require the driver or other person in charge of the vehicle to move the vehicle to a position off the roadway;

(2) Whenever a police officer finds a vehicle unattended upon a highway where the vehicle constitutes an obstruction to traffic or jeopardizes public safety;

(3) Whenever a police officer finds an unattended vehicle at the scene of an accident or when the driver of a vehicle involved in an accident is physically or mentally incapable~~, or too intoxicated, to decide~~ of deciding upon steps to be taken to protect his or her property;

(4) Whenever the driver of a vehicle is arrested and taken into custody by a police officer, ~~and the driver, because of intoxication or otherwise, is mentally incapable of deciding upon steps to be taken to safeguard his or her property~~;

(5) Whenever a police officer discovers a vehicle that the officer determines to be a stolen vehicle;

(6) Whenever a vehicle without a special license plate, card, or decal indicating that the vehicle is being used to transport a disabled person under RCW 46.16.381 is parked in a stall

or space clearly and conspicuously marked under RCW 46.61.581 which space is provided on private property without charge or on public property.

Nothing in this section may derogate from the powers of police officers under the common law. For the purposes of this section, a place of safety may include the business location of a registered tow truck operator.

PART XI—TECHNICAL

Sec. 33. RCW 46.63.020 and 1993 c 501 s 8 are each amended to read as follows:

Failure to perform any act required or the performance of any act prohibited by this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution relating to traffic including parking, standing, stopping, and pedestrian offenses, is designated as a traffic infraction and may not be classified as a criminal offense, except for an offense contained in the following provisions of this title or a violation of an equivalent administrative regulation or local law, ordinance, regulation, or resolution:

(1) RCW 46.09.120(2) relating to the operation of a nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance;

(2) RCW 46.09.130 relating to operation of nonhighway vehicles;

(3) RCW 46.10.090(2) relating to the operation of a snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs or in a manner endangering the person of another;

(4) RCW 46.10.130 relating to the operation of snowmobiles;

(5) Chapter 46.12 RCW relating to certificates of ownership and registration;

(6) RCW 46.16.010 relating to initial registration of motor vehicles;

(7) RCW 46.16.011 relating to permitting unauthorized persons to drive;

(8) RCW 46.16.160 relating to vehicle trip permits;

(9) RCW 46.16.381(6) or ~~(8)~~ (9) relating to unauthorized use or acquisition of a special placard or license plate for disabled persons' parking;

(10) RCW 46.20.021 relating to driving without a valid driver's license;

(11) RCW 46.20.336 relating to the unlawful possession and use of a driver's license;

(12) RCW 46.20.342 relating to driving with a suspended or revoked license or status;

(13) RCW 46.20.410 relating to the violation of restrictions of an occupational driver's license;

(14) RCW 46.20.420 relating to the operation of a motor vehicle with a suspended or revoked license;

(15) RCW 46.20.750 relating to assisting another person to start a vehicle equipped with an ignition interlock device;

(16) RCW 46.25.170 relating to commercial driver's licenses;

(17) Chapter 46.29 RCW relating to financial responsibility;

(18) RCW 46.30.040 relating to providing false evidence of financial responsibility;

(19) RCW 46.37.435 relating to wrongful installation of sunscreening material;

(20) RCW 46.44.180 relating to operation of mobile home pilot vehicles;

(21) RCW 46.48.175 relating to the transportation of dangerous articles;

(22) RCW 46.52.010 relating to duty on striking an unattended car or other property;

(23) RCW 46.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(24) RCW 46.52.090 relating to reports by repairmen, storagemen, and appraisers;

(25) RCW 46.52.100 relating to driving under the influence of liquor or drugs;

(26) RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company, an employer, and an alcohol/drug assessment or treatment agency;

(27) RCW 46.55.020 relating to engaging in the activities of a registered tow truck operator without a registration certificate;

(28) RCW 46.55.035 relating to prohibited practices by tow truck operators;

(29) RCW 46.61.015 relating to obedience to police officers, flagmen, or fire fighters;

(30) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;

(31) RCW 46.61.022 relating to failure to stop and give identification to an officer;

(32) RCW 46.61.024 relating to attempting to elude pursuing police vehicles;

(33) RCW 46.61.500 relating to reckless driving;

(34) RCW 46.61.502 and 46.61.504 and sections 4, 5, and 6 of this act relating to persons under the influence of intoxicating liquor or drugs;

(35) RCW 46.61.520 relating to vehicular homicide by motor vehicle;

(36) RCW 46.61.522 relating to vehicular assault;

(37) RCW 46.61.525 relating to negligent driving;

(38) RCW 46.61.530 relating to racing of vehicles on highways;

(39) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;

(40) RCW 46.64.010 relating to unlawful cancellation of or attempt to cancel a traffic citation;

(41) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;

(42) Chapter 46.65 RCW relating to habitual traffic offenders;

(43) Chapter 46.70 RCW relating to unfair motor vehicle business practices, except where that chapter provides for the assessment of monetary penalties of a civil nature;

(44) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;

(45) Chapter 46.80 RCW relating to motor vehicle wreckers;

(46) Chapter 46.82 RCW relating to driver's training schools;

(47) RCW 46.87.260 relating to alteration or forgery of a cab card, letter of authority, or other temporary authority issued under chapter 46.87 RCW;

(48) RCW 46.87.290 relating to operation of an unregistered or unlicensed vehicle under chapter 46.87 RCW.

Sec. 34. RCW 3.62.090 and 1986 c 98 s 4 are each amended to read as follows:

(1) There shall be assessed and collected in addition to any fines, forfeitures, or penalties assessed, other than for parking infractions, by all courts organized under Title 3 or 35 RCW a public safety and education assessment equal to sixty percent of such fines, forfeitures, or penalties, which shall be remitted as provided in chapters 3.46, 3.50, 3.62, and 35.20 RCW. The assessment required by this section shall not be suspended or waived by the court.

(2) There shall be assessed and collected in addition to any fines, forfeitures, or penalties assessed, other than for parking infractions and for fines levied under ~~RCW 46.61.515~~ sections 4, 5, and 6 of this act, and in addition to the public safety and education assessment required under subsection (1) of this section, by all courts organized under Title 3 or 35 RCW, an additional public safety and education assessment equal to fifty percent of the public safety and education assessment required under subsection (1) of this section, which shall be remitted to the state treasurer and deposited as provided in RCW 43.08.250. The additional assessment required by this subsection shall not be suspended or waived by the court.

Section 35 was vetoed by the Governor

~~Sec. 36. RCW 10.05.120 and 1988 c 243 s 18 are each amended to read as follows:~~

~~Upon proof of successful completion of the two-year treatment program, the court shall dismiss the charges pending against the petitioner.~~

~~Five years from the date of the court's approval of a deferred prosecution program for an individual petitioner, those entries that remain in the department of licensing records relating~~

~~to such petitioner shall be removed. A deferred prosecution may be considered for enhancement purposes when imposing mandatory penalties and suspensions under RCW 46.61.515 sections 4, 5, and 6 of this act for subsequent offenses within a five year period.~~

Sec. 36. RCW 35.21.165 and 1983 c 165 s 40 are each amended to read as follows:

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~~ sections 4, 5, and 6 of this act.

Sec. 37. RCW 36.32.127 and 1983 c 165 s 41 are each amended to read as follows:

No county 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 for 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~~ sections 4, 5, and 6 of this act.

Sec. 38. RCW 46.04.480 and 1988 c 148 s 8 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, 46.20.265, ~~or 46.61.515~~ section 4, 5, or 6 of this act, and chapter 46.65 RCW the invalidation may last for a period other than one calendar year.

Sec. 39. RCW 46.61.5151 and 1983 c 165 s 33 are each amended to read as follows:

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)~~ section 4, 5, or 6 of this act 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)~~ any mandatory minimum sentence under section 4, 5, or 6 of this act shall be served consecutively unless suspended or deferred as otherwise provided by law.

Sec. 40. RCW 46.61.5152 and 1992 c 64 s 1 are each amended to read as follows:

In addition to penalties that may be imposed under ~~RCW 46.61.515~~ section 4, 5, or 6 of this act, the court may require a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 or who enters a deferred prosecution program under RCW 10.05.020 based on a violation of RCW 46.61.502 or 46.61.504, to attend an educational program focusing on the emotional, physical, and financial suffering of victims who were injured by persons convicted of driving while under the influence of intoxicants.

NEW SECTION. Sec. 41. The sum of one million five hundred sixty-three thousand five hundred eighty-nine dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1995, from the highway safety fund to the department of licensing for the purposes of implementing this act.

NEW SECTION. Sec. 42. The following acts or parts of acts are each repealed:

(1) RCW 46.61.515 and 1993 c 501 s 7, 1993 c 239 s 1, 1985 c 352 s 1, 1984 c 258 s 328, 1983 c 165 s 21, 1983 c 150 s 1, 1982 1st ex. s. c 47 s 27, 1979 ex. s c 176 s 6, 1977 ex. s. c 3 s 3, 1975 1st ex. s. c 287 s 2, 1974 ex. s. c 130 s 1, 1971 ex. s. c 284 s 1, 1967 c 32 s 68, & 1965 ex. s. c 155 s 62; and

(2) 1993 c 239 s 3 (uncodified).

NEW SECTION. Sec. 43. This act shall be known as the "1994 Omnibus Drunk Driving Act."

NEW SECTION. Sec. 44. Section 7 of this act shall expire June 30, 1995.

NEW SECTION. Sec. 45. Part headings and the table of contents as used in this act do not constitute any part of the law.

NEW SECTION. Sec. 46. This act shall take effect July 1, 1994.

Approved April 1, 1994, with the exception of section 35, which is vetoed.

Effective July 1, 1994.

Section 35 was vetoed by the Governor.

COUNTIES—ASSESSOR

CHAPTER 276

S.S.S.B. No. 6053

AN ACT Relating to county assessors; amending RCW 36.21.011; adding a new section to chapter 36.21 RCW; creating new sections; and providing an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Sec. 1. RCW 36.21.011 and 1973 1st ex. s. c 11 s 1 are each amended to read as follows:

(1) Any assessor who deems it necessary to enable ~~him~~ the assessor to complete the listing and the valuation of the property of ~~his~~ the county within the time prescribed by law, ~~(1)~~ (a) may appoint one or more well qualified persons to act as ~~his~~ assistants or deputies who shall not engage in the private practice of appraising within the county in which he or she is employed without the written permission of the county assessor filed with the county auditor; and each such assistant or deputy so appointed shall, under the direction of the assessor, after taking the required oath, be authorized to perform all the duties enjoined upon, vested in or imposed upon assessors, and ~~(2)~~ (b) may contract with any persons, firms or corporations, who are expert appraisers, to assist in the valuation of property.

(2) To assist each assessor in obtaining adequate and well qualified assistants or deputies, the state department of personnel, after consultation with the Washington state association of county assessors, the Washington state association of counties, and the department of revenue, shall establish ~~by July 1, 1967,~~ and ~~shall thereafter~~ maintain, a classification and salary plan for those employees of an assessor who act as appraisers. The plan shall recommend the salary range and employment qualifications for each position encompassed by it, and shall, to the fullest extent practicable, conform to the classification plan, salary schedules and employment qualifications for state employees performing similar appraisal functions.

~~If an assessor intends to put such plan into effect in his county, he~~ (3) An assessor may request a committee be formed to determine the level and duration of funding necessary to complete the listing and the valuation of the property of the county within the time prescribed by law and shall inform the department of revenue and the ~~board of~~ county ~~commissioners~~ legislative authority and county executive, if any, of this ~~intent~~ request in writing. ~~The department of revenue and the board may thereupon each designate a representative, and such representative or representatives as may be designated by the department of revenue or the board, or both, shall form with the assessor a committee. The committee so formed may, by unanimous vote only, determine the required number of certified appraiser positions and their salaries necessary to enable the county assessor to carry out the requirements relating to revaluation of property in chapter 84.41 RCW. The determination of the committee shall be certified to the board of county commissioners. The committee provided for herein may be formed only once in a period of four calendar years.~~

~~After such determination, the assessor may provide, in each of his four next succeeding annual budget estimates, for as many positions as are established in such determination. Each board of county commissioners to which such a budget estimate is submitted shall allow sufficient funds for such positions. An employee may be appointed to a position covered by the plan only if the employee meets the employment qualifications established by the plan.~~ The department shall reply to the assessor in writing, with a copy provided to the county legislative authority and county executive, if any, indicating whether the department will participate in forming a committee to study the assessor's request. Thereafter, in its

0-3415

WASHINGTON MODEL TRAFFIC ORDINANCE

MUNICIPAL RESEARCH & SERVICES CENTER
OF WASHINGTON

AND
MUNICIPAL RESEARCH COUNCIL

10517 N.E. 38th Place
Kirkland, Washington 98033

INFORMATION BULLETIN NO. 468
MARCH, 1991
$10.00

MISCELLANEOUS STATUTES ADOPTED BY REFERENCE IN THE WASHINGTON MODEL TRAFFIC ORDINANCE

w/ amendments and additions as noted in the text and as set forth in the attachments hereto.

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*next to a statute indicates that a later enactment has been adopted and is included in the attachment hereto.

RCW 16.24.065 Stock at large in restricted areas——Running at large on state or federal land. (1) No person owning or in control of any livestock shall willfully or negligently allow such livestock to run at large in any stock restricted area or 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.

(2) Livestock may run at large upon lands belonging to the state of Washington or the United States only when the owner of the livestock has been granted grazing privileges in writing. [1989 c 286 § 9; 1985 c 415 § 20; 1937 c 40 § 6; RRS § 3070-3. Formerly RCW 16-.24.070, part.]

Severability——1989 c 286: See note following RCW 16.04.010.

RCW 16.24.070 Stock on highway right-of-way——Limitations. 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. [1989 c 286 § 10; 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.]

Severability——1989 c 286: See note following RCW 16.04.010.

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RCW 46.04.010 Scope and construction of terms. Terms used in this title shall have the meaning given to them in this chapter except where otherwise defined, and unless where used the context thereof shall clearly indicate to the contrary.

Words and phrases used herein in the past, present or future tense shall include the past, present and future tenses; words and phrases used herein in the masculine, feminine or neuter gender shall include the masculine, feminine and neuter genders; and words and phrases used herein in the singular or plural shall include the singular and plural; unless the context thereof shall indicate to the contrary. [1961 c 12 § 46.04.010. Prior: 1959 c 49 § 2; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part; 1923 c 181 § 1, part; 1921 c 96 § 2, part; 1919 c 59 § 1, part; 1917 c 155 § 1, part; 1915 c 142 § 2, part; RRS § 6313, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

RCW 46.04.020 Alley. "Alley" means a public highway not designed for general travel and used primarily as a means of access to the rear of residences and business establishments. [1961 c 12 § 46.04.020. Prior: 1959 c 49 § 3; prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]

RCW 46.04.030 Arterial highway. "Arterial highway" means every public highway, or portion thereof, designated as such by proper authority. [1961 c 12 § 46.04.030. Prior: 1959 c 49 § 4; prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]

RCW 46.04.040 Authorized emergency vehicle. "Authorized emergency vehicle" means any vehicle of any fire department, police department, sheriff's office, coroner, prosecuting attorney, Washington state patrol, ambulance service, public or private, which need not be classified, registered or authorized by the state patrol, or any other vehicle authorized in writing by the state patrol. [1987 c 330 § 701; 1961 c 12 § 46.04.040. Prior: 1959 c 49 § 5; 1953 c 40 § 1; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

Construction——Application of rules——Severability——1987 c 330: See notes following RCW 28B.12.050.

RCW 46.04.050 Auto stage. "Auto stage" means any motor vehicle used for the purpose of carrying passengers together with incidental baggage and freight or either, on a regular schedule of time and rates: *Provided*, That no motor vehicle shall be considered to be an auto stage where substantially the entire route traveled by such vehicle is within the corporate limits of any city or town or the corporate limits of any adjoining cities or towns. [1961 c 12 § 46.04.050. Prior: 1959 c 49 § 6; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part; 1923 c 181 § 1, part; 1921 c 96 § 2, part; 1919 c 59 § 1, part; 1917 c 155 § 1, part; 1915 c 142 § 1, part; RRS § 6313, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

RCW 46.04.060 Axle. "Axle" means structure or structures in the same or approximately the same transverse plane with a vehicle supported by wheels and on which or with which such wheels revolve. [1961 c 12 § 46.04.060. Prior: 1959 c 49 § 7; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part; 1923 c 181 § 1, part; RRS § 6313, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

RCW 46.04.071 Bicycle. "Bicycle" means every device propelled solely by human power upon which a person or persons may ride, having two tandem wheels either of which is sixteen inches or more in diameter, or three wheels, any one of which is more than twenty inches in diameter. [1982 c 55 § 4; 1965 ex.s. c 155 § 86.]

RCW 46.04.080 Business district. "Business district" means the territory contiguous to and including a highway when within any six hundred feet along such highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, or office buildings, railroad stations, and public buildings which occupy at least three hundred feet of frontage

includes new 46.04 sections adopted in Laws of 1994 Chapter 194 §1 and Chapter 275, §1, attached hereto.

on one side or three hundred feet collectively on both sides of the highway. [1975 c 62 § 2; 1961 c 12 § 46-.04.080. Prior: 1959 c 49 § 9; prior: 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

Severability——1975 c 62: See note following RCW 36.75.010.

RCW 46.04.085 Camper. "Camper" means a structure designed to be mounted upon a motor vehicle which provides facilities for human habitation or for temporary outdoor or recreational lodging and which is five feet or more in overall length and five feet or more in height from its floor to its ceiling when fully extended, but shall not include motor homes as defined in RCW 46.04.305. [1971 ex.s. c 231 § 2.]

Effective date——1971 ex.s. c 231: See note following RCW 46.01.130.

RCW 46.04.090 Cancel. "Cancel," in all its forms, means invalidation indefinitely. [1979 c 61 § 1; 1961 c 12 § 46.04.090. Prior: 1959 c 49 § 10; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

RCW 46.04.100 Center line. "Center line" means the line, marked or unmarked, parallel to and equidistant from the sides of a two-way traffic roadway of a highway except where otherwise indicated by painted lines or markers. [1975 c 62 § 3; 1961 c 12 § 46.04.100. Prior: 1959 c 49 § 11; prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]

Severability——1975 c 62: See note following RCW 36.75.010.

RCW 46.04.110 Center of intersection. "Center of intersection" means the point of intersection of the center lines of the roadway of intersecting public highways. [1961 c 12 § 46.04.110. Prior: 1959 c 49 § 12; prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]

RCW 46.04.120 City street. "City street" means every public highway, or part thereof located within the limits of cities and towns, except alleys. [1961 c 12 § 46.04.120. Prior: 1959 c 49 § 13; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

RCW 46.04.130 Combination of vehicles. "Combination of vehicles" means every combination of motor vehicle and motor vehicle, motor vehicle and trailer or motor vehicle and semitrailer. [1963 c 154 § 26; 1961 c 12 § 46.04.130. Prior: 1959 c 49 § 14; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

Effective date——1963 c 154: See note following RCW 46.37.010.

RCW 46.04.140 Commercial vehicle. "Commercial vehicle" means any vehicle the principal use of which is the transportation of commodities, merchandise, produce, freight, animals, or passengers for hire. [1961 c 12 § 46.04.140. Prior: 1959 c 49 § 15; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

RCW 46.04.150 County road. "County road" means every public highway or part thereof, outside the limits of cities and towns and which has not been designated as a state highway. [1961 c 12 § 46.04.150. Prior: 1959 c 49 § 16; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

RCW 46.04.160 Crosswalk. "Crosswalk" means the portion of the roadway between the intersection area and a prolongation or connection of the farthest sidewalk line or in the event there are no sidewalks then between the intersection area and a line ten feet therefrom, except as modified by a marked crosswalk. [1961 c 12 § 46.04-.160. Prior: 1959 c 49 § 17; prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]

RCW 46.04.165 Driveaway-towaway operation. "Driveaway-towaway operation" means any operation in which any motor vehicle, trailer or semitrailer, singly or in combination, new or used, constitutes the commodity being transported when one set or more wheels of any such vehicle are on the roadway during the course of transportation, whether or not any such vehicle furnishes the motive power. [1963 c 154 § 27.]

Effective date——1963 c 154: See note following RCW 46.37.010.

RCW 46.04.170 Explosives. "Explosives" means any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion, and which contains any oxidizing or combustible units or other ingredients in such proportions, quantities or packing that an ignition by fire, by friction, by concussion, by percussion or by detonation of any part of the compound mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructible effects on contiguous objects or of destroying life or limb. [1961 c 12 § 46.04.170. Prior: 1959 c 49 § 18; prior: 1937 c 189 § 1, part; RRS § 6360-1, part. Cf. 1951 c 102 § 3.]

RCW 46.04.180 Farm tractor. "Farm tractor" means every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry. [1961 c 12 § 46.04.180. Prior: 1959 c 49 § 19; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

RCW 46.04.181 Farm vehicle. "Farm vehicle" means any vehicle other than a farm tractor or farm implement which is designed and/or used primarily in

agricultural pursuits on farms for the purpose of transporting machinery, equipment, implements, farm products, supplies and/or farm labor thereon and is only incidentally operated on or moved along public highways for the purpose of going from one farm to another. [1967 c 202 § 1.]

RCW 46.04.182 Farmer. "Farmer" means any person, firm, partnership or corporation engaged in farming. If a person, firm, partnership or corporation is engaged in activities in addition to that of farming, the definition shall only apply to that portion of the activity that is defined as farming in RCW 46.04.183. [1969 ex.s. c 281 § 58.]

RCW 46.04.183 Farming. "Farming" means the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities (except forestry or forestry operations), the raising of livestock, bees, fur-bearing animals, or poultry, and any practices performed on a farm as an incident to or in conjunction with such farming operations. [1969 ex.s. c 281 § 59.]

RCW 46.04.190 For hire vehicle. "For hire vehicle" means any motor vehicle used for the transportation of persons for compensation, except auto stages and ride-sharing vehicles. [1979 c 111 § 13; 1961 c 12 § 46.04-.190. Prior: 1959 c 49 § 20; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part; 1923 c 181 § 1, part; 1921 c 96 § 2, part; 1919 c 59 § 1, part; 1917 c 155 § 1, part; 1915 c 142 § 2, part; RRS § 6313, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

Severability——1979 c 111: See note following RCW 46.74.010.
Ride-sharing vehicles defined: RCW 46.74.010.

RCW 46.04.194 Garbage truck. "Garbage truck" means a truck specially designed and used exclusively for garbage or refuse operations. [1983 c 68 § 1.]

RCW 46.04.200 Hours of darkness. "Hours of darkness" means the hours from one-half hour after sunset to one-half hour before sunrise, and any other time when persons or objects may not be clearly discernible at a distance of five hundred feet. [1961 c 12 § 46.04.200. Prior: 1959 c 49 § 21; prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]

RCW 46.04.210 Flammable liquid. "Flammable liquid" means any liquid which has a flash point of 70° Fahrenheit, or less, as determined by a Tagliabue or equivalent closed cup test device. [1961 c 12 § 46.04-.210. Prior: 1959 c 49 § 22; prior: 1937 c 189 § 1, part; RRS § 6360-1, part. Cf. 1951 c 102 § 3.]

RCW 46.04.220 Intersection area. (1) "Intersection area" means the area embraced within the prolongation or connection of the lateral curb lines, or, if none then the lateral boundary lines of the roadways of two or more highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

(2) Where a highway includes two roadways thirty feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways thirty feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.

(3) The junction of an alley with a street or highway shall not constitute an intersection. [1975 c 62 § 4; 1961 c 12 § 46.04.220. Prior: 1959 c 49 § 23; prior: 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

Severability——1975 c 62: See note following RCW 36.75.010.

RCW 46.04.240 Intersection control area. "Intersection control area" means intersection area, together with such modification of the adjacent roadway area as results from the arc of curb corners and together with any marked or unmarked crosswalks adjacent to the intersection. [1961 c 12 § 46.04.240. Prior: 1959 c 49 § 25; prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]

RCW 46.04.260 Laned highway. "Laned highway" means a highway the roadway of which is divided into clearly marked lanes for vehicular traffic. [1961 c 12 § 46.04.260. Prior: 1959 c 49 § 27; prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]

RCW 46.04.270 Legal owner. "Legal owner" means a person having a security interest in a vehicle perfected in accordance with chapter 46.12 RCW or the registered owner of a vehicle unencumbered by a security interest or the lessor of a vehicle unencumbered by a security interest. [1975 c 25 § 1; 1961 c 12 § 46.04.270. Prior: 1959 c 49 § 28; prior: 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part.]

RCW 46.04.280 Local authorities. "Local authorities" includes every county, municipal, or other local public board or body having authority to adopt local police regulations under the Constitution and laws of this state. [1961 c 12 § 46.04.280. Prior: 1959 c 49 § 29; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part; 1923 c 181 § 1, part; 1921 c 96 § 2, part; 1919 c 59 § 1, part; 1917 c 155 § 1, part; 1915 c 142 § 2, part; RRS § 6313, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

RCW 46.04.290 Marked crosswalk. "Marked crosswalk" means any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface thereof. [1961 c 12 § 46.04.290. Prior: 1959 c 49 § 30; prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]

RCW 46.04.300 Metal tire. "Metal tire" includes every tire, the bearing surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material. [1961 c 12 § 46.04.300. Prior: 1959 c 49 § 31; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

* **RCW 46.04.302 Mobile home, manufactured home (as amended by 1989 c 337).** "Mobile home" or "manufactured home" means a structure, originally constructed to be transportable in one or more sections, ((which)) that is ((~~thirty-two body feet or more in length and is eight body feet or more in width, and which is~~)) built on a permanent chassis, and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities((~~, and includes the~~)) that include plumbing, heating, ((~~air-conditioning,~~)) and electrical systems contained therein((~~, except as hereinafter specifically excluded, and excluding modular homes~~)). The structure must comply with the national Mobile Home Construction and Safety Standards Act of 1974 as adopted in chapter 43.22 RCW, if applicable. For purposes of titling and registration, a structure that met this definition when constructed continues to be a manufactured home notwithstanding that it is no longer transportable when affixed to land. [1989 c 337 § 1; 1977 ex.s. c 22 § 1; 1971 ex.s. c 231 § 4.]

* **RCW 46.04.302 Mobile home, manufactured home (as amended by 1989 c 343).** "Mobile home" or "manufactured home" means a structure, designed and constructed to be transportable in one or more sections, ((~~which is thirty-two body feet or more in length and is eight body feet or more in width, and which~~)) and is built on a permanent chassis, and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities((~~, and includes the~~)) that include plumbing, heating, ((~~air-conditioning,~~)) and electrical systems contained therein((~~, except as hereinafter specifically excluded, and excluding modular homes~~)). The structure must comply with the national mobile home construction and safety standards act of 1974 as adopted by chapter 43.22 RCW if applicable. Manufactured home does not include a modular home. A structure which met the definition of a "manufactured home" at the time of manufacture is still considered to meet this definition notwithstanding that it is no longer transportable. [1989 c 343 § 24; 1977 ex.s. c 22 § 1; 1971 ex.s. c 231 § 4.]

*as amd. by Laws 1993, Ch 154, §1

Reviser's note: RCW 46.04.302 was amended twice during the 1989 legislative session, each without reference to the other. The amendment by 1989 c 343 took effect March 1, 1990. Until that date, the amendment by 1989 c 337 was the effective version of the section. After that date, see RCW 1.12.025 for rule of construction concerning sections amended more than once during the same legislative session.

Severability——Effective date——1989 c 343: See RCW 65.20.940 and 65.20.950.

Severability——1977 ex.s. c 22: "If any section or provision of this 1977 amendatory act, or its application to any person or circumstances is held invalid, the remainder of the act, or the application of the section or provision to other persons or circumstances is not affected." [1977 ex.s. c 22 § 10.]

Effective date——1971 ex.s. c 231: See note following RCW 46.01.130.

RCW 46.04.303 Modular home. "Modular home" means a factory-assembled structure designed primarily for use as a dwelling when connected to the required utilities that include plumbing, heating, and electrical systems contained therein, does not contain its own running gear, and must be mounted on a permanent foundation. A modular home does not include a mobile home or manufactured home. [1990 c 250 § 17; 1971 ex.s. c 231 § 5.]

Severability——1990 c 250: See note following RCW 46.16.301.

Effective date——1971 ex.s. c 231: See note following RCW 46.01.130.

RCW 46.04.304 Moped. "Moped" means a motorized device designed to travel with not more than three sixteen-inch or larger diameter wheels in contact with the ground, having fully operative pedals for propulsion by human power, and an electric or a liquid fuel motor with a cylinder displacement not exceeding fifty cubic centimeters which produces no more than two gross brake horsepower (developed by a prime mover, as measured by a brake applied to the driving shaft) that is capable of propelling the device at not more than thirty miles per hour on level ground.

The Washington state patrol may approve of and define as a "moped" a vehicle which fails to meet these specific criteria, but which is essentially similar in performance and application to motorized devices which do meet these specific criteria. [1990 c 250 § 18; 1987 c 330 § 702; 1979 ex.s. c 213 § 1.]

Severability——1990 c 250: See note following RCW 46.16.301.

Construction——Application of rules——Severability——1987 c 330: See notes following RCW 28B.12.050.

RCW 46.04.305 Motor homes. "Motor homes" means motor vehicles originally designed, reconstructed, or permanently altered to provide facilities for human habitation, which include lodging and cooking or sewage disposal, and is enclosed within a solid body shell with the vehicle, but excludes a camper or like unit constructed separately and affixed to a motor vehicle. [1990 c 250 § 19; 1971 ex.s. c 231 § 3.]

Severability——1990 c 250: See note following RCW 46.16.301.

Effective date——1971 ex.s. c 231: See note following RCW 46.01.130.

RCW 46.04.310 Motor truck. "Motor truck" means any motor vehicle designed or used for the transportation of commodities, merchandise, produce, freight, or animals. [1961 c 12 § 46.04.310. Prior: 1959 c 49 § 32; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part; 1923 c 181 § 1, part; 1921 c 96 § 2, part; 1919 c 59 § 1, part; 1917 c 155 § 1, part; 1915 c 142 § 2, part; RRS § 6313, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

RCW 46.04.320 Motor vehicle. "Motor vehicle" shall mean every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails. [1961 c 12 § 46.04.320. Prior: 1959 c 49 § 33; 1955 c 384 § 10; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part; 1923 c 181 § 1, part; 1921 c 96 § 2, part; 1919 c 59 § 1, part; 1917 c 155 § 1, part; 1915 c 142 § 2, part; RRS § 6313, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

RCW 46.04.330 Motorcycle. "Motorcycle" means a motor vehicle designed to travel on not more than three

wheels in contact with the ground, on which the driver rides astride the motor unit or power train and is designed to be steered with a handle bar, but excluding a farm tractor and a moped.

The Washington state patrol may approve of and define as a "motorcycle" a motor vehicle that fails to meet these specific criteria, but that is essentially similar in performance and application to motor vehicles that do meet these specific criteria. [1990 c 250 § 20; 1979 ex.s. c 213 § 2; 1961 c 12 § 46.04.330. Prior: 1959 c 49 § 34; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part; 1923 c 181 § 1, part; 1921 c 96 § 2, part; 1919 c 59 § 1, part; 1917 c 155 § 1, part; 1915 c 142 § 2, part; RRS § 6313, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

Severability——1990 c 250: See note following RCW 46.16.301.

RCW 46.04.332 Motor-driven cycle. "Motor-driven cycle" means every motorcycle, including every motor scooter, with a motor which produces not to exceed five brake horsepower (developed by a prime mover, as measured by a brake applied to the driving shaft). A motor-driven cycle does not include a moped. [1979 ex.s. c 213 § 3; 1963 c 154 § 28.]

Effective date——1963 c 154: See note following RCW 46.37.010.

RCW 46.04.340 Muffler. "Muffler" means a device consisting of a series of chambers, or other mechanical designs for the purpose of receiving exhaust gas from an internal combustion engine and effective in reducing noise resulting therefrom. [1961 c 12 § 46.04.340. Prior: 1959 c 49 § 35; prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]

RCW 46.04.350 Multiple lane highway. "Multiple lane highway" means any highway the roadway of which is of sufficient width to reasonably accommodate two or more separate lanes of vehicular traffic in the same direction, each lane of which shall be not less than the maximum legal vehicle width and whether or not such lanes are marked. [1975 c 62 § 5; 1961 c 12 § 46.04.350. Prior: 1959 c 49 § 36; prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]

Severability——1975 c 62: See note following RCW 36.75.010.

RCW 46.04.355 Municipal transit vehicle. Municipal transit vehicle includes every motor vehicle, street car, train, trolley vehicle, and any other device, which (1) is capable of being moved within, upon, above, or below a public highway, (2) is owned or operated by a city, county, county transportation authority, public transportation benefit area, or metropolitan municipal corporation within the state, and (3) is used for the purpose of carrying passengers together with incidental baggage and freight on a regular schedule. [1984 c 167 § 2; 1974 ex.s. c 76 § 4.]

Unlawful bus conduct: RCW 9.91.025.

RCW 46.04.360 Nonresident. "Nonresident" means any person whose residence is outside this state and who is temporarily sojourning within this state. [1961 c 12 § 46.04.360. Prior: 1959 c 49 § 37; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

RCW 46.04.370 Operator or driver. "Operator or driver" means every person who drives or is in actual physical control of a vehicle. [1975 c 62 § 6; 1967 c 32 § 1; 1961 c 12 § 46.04.370. Prior: 1959 c 49 § 38; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part; 1923 c 181 § 1, part; 1921 c 96 § 2, part; RRS § 6313, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

Severability——1975 c 62: See note following RCW 36.75.010.

RCW 46.04.380 Owner. "Owner" means a person who has a lawful right of possession of a vehicle by reason of obtaining it by purchase, exchange, gift, lease, inheritance or legal action whether or not the vehicle is subject to a security interest and means registered owner where the reference to owner may be construed as either to registered or legal owner. [1975 c 25 § 2; 1961 c 12 § 46.04.380. Prior: 1959 c 49 § 39; prior: 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

RCW 46.04.381 Park or parking. "Park or parking" means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading property or passengers. [1975 c 62 § 9.]

Severability——1975 c 62: See note following RCW 36.75.010.

RCW 46.04.382 Passenger car. "Passenger car" means every motor vehicle except motorcycles and motor-driven cycles, designed for carrying ten passengers or less and used for the transportation of persons. [1963 c 154 § 29.]

Effective date——1963 c 154: See note following RCW 46.37.010.

RCW 46.04.391 Police officer. Police officer means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations. [1965 ex.s. c 155 § 89.]

RCW 46.04.400 Pedestrian. "Pedestrian" means any person who is afoot or who is using a wheelchair or a means of conveyance propelled by human power other than a bicycle. [1990 c 241 § 1; 1961 c 12 § 46.04.400. Prior: 1959 c 49 § 41; prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]

RCW 46.04.405 Person. "Person" includes every natural person, firm, copartnership, corporation, association, or organization. [1961 c 12 § 46.04.405. Prior: 1959 c 49 § 42; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937

c 189 § 1, part; RRS § 6360–1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362–2, part.]

RCW 46.04.408 Photograph, picture, negative. "Photograph," along with the terms "picture" and "negative," means a pictorial representation, whether produced through photographic or other means, including, but not limited to, digital data imaging. [1990 c 250 § 21.]

Severability——1990 c 250: See note following RCW 46.16.301.

RCW 46.04.410 Pneumatic tires. "Pneumatic tires" includes every tire of rubber or other resilient material designed to be inflated with compressed air to support the load thereon. [1961 c 12 § 46.04.410. Prior: 1959 c 49 § 43; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312–1, part. (ii) 1937 c 189 § 1, part; RRS § 6360–1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362–2, part.]

RCW 46.04.414 Pole trailer. "Pole trailer" means every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregular shaped loads such as poles, pipes, logs or structural members capable, generally, of sustaining themselves as beams between the supporting connections. [1961 c 12 § 46.04.414. Prior: 1959 c 49 § 44; prior: 1951 c 56 § 1.]

RCW 46.04.416 Private carrier bus. "Private carrier bus" means every motor vehicle designed for the purpose of carrying passengers (having a seating capacity for eleven or more persons) used regularly to transport persons in furtherance of any organized agricultural, religious or charitable purpose. Such term does not include buses operated by common carriers under a franchise granted by any city or town or the Washington public utilities commission. [1970 ex.s. c 100 § 3.]

RCW 46.04.420 Private road or driveway. "Private road or driveway" includes every way or place in private ownership and used for travel of vehicles by the owner or those having express or implied permission from the owner, but not by other persons. [1961 c 12 § 46.04.420. Prior: 1959 c 49 § 45; prior: 1937 c 189 § 1, part; RRS § 6360–1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362–2, part.]

RCW 46.04.431 Highway. Highway means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel. [1965 ex.s. c 155 § 87.]

RCW 46.04.435 Public scale. "Public scale" means every scale under public or private ownership which is certified as to its accuracy and which is available for public weighing. [1961 c 12 § 46.04.435. Prior: 1959 c 49 § 47.]

RCW 46.04.440 Railroad. "Railroad" means a carrier of persons or property upon vehicles, other than street cars, operated upon stationary rails, the route of which is principally outside cities and towns. [1961 c 12 § 46.04.440. Prior: 1959 c 49 § 48; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312–1, part. (ii) 1937 c 189 § 1, part; RRS § 6360–1, part.]

RCW 46.04.450 Railroad sign or signal. "Railroad sign or signal" means any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train. [1961 c 12 § 46.04.450. Prior: 1959 c 49 § 49; prior: 1937 c 189 § 1, part; RRS § 6360–1, part.]

RCW 46.04.460 Registered owner. "Registered owner" means the person whose lawful right of possession of a vehicle has most recently been recorded with the department. [1975 c 25 § 3; 1961 c 12 § 46.04.460. Prior: 1959 c 49 § 50; prior: 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312–1, part.]

RCW 46.04.470 Residence district. "Residence district" means the territory contiguous to and including a public highway not comprising a business district, when the property on such public highway for a continuous distance of three hundred feet or more on either side thereof is in the main improved with residences or residences and buildings in use for business. [1961 c 12 § 46.04.470. Prior: 1959 c 49 § 51; prior: 1937 c 189 § 1, part; RRS § 6360–1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362–2, part.]

* as amended by Laws 1994, Ch 275 §38.

* **RCW 46.04.480 Revoke.** "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, 46.20.265, or 46.61.515 and chapter 46.65 RCW the invalidation may last for a period other than one calendar year. [1988 c 148 § 8; 1985 c 407 § 1; 1983 c 165 § 14; 1983 c 165 § 13; 1979 c 62 § 7; 1961 c 12 § 46.04.480. Prior: 1959 c 49 § 52; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312–1, part. (ii) 1937 c 189 § 1, part; RRS § 6360–1, part.]

Legislative finding——Severability——1988 c 148: See notes following RCW 13.40.265.

Effective dates——1985 c 407: "Sections 2 and 4 of this act are 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 July 1, 1985. The remainder of the act shall take effect January 1, 1986." [1985 c 407 § 8.]

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

Severability——1979 c 62: See note following RCW 46.65.020.

RCW 46.04.490 Road tractor. "Road tractor" includes every motor vehicle designed and used primarily as a road building vehicle in drawing road building machinery and devices. [1961 c 12 § 46.04.490. Prior: 1959 c 49 § 53; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1,

part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

RCW 46.04.500 Roadway. "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the sidewalk or shoulder even though such sidewalk or shoulder is used by persons riding bicycles. In the event a highway includes two or more separated roadways, the term "roadway" shall refer to any such roadway separately but shall not refer to all such roadways collectively. [1977 c 24 § 1; 1961 c 12 § 46.04.500. Prior: 1959 c 49 § 54; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

RCW 46.04.510 Safety zone. "Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is marked or indicated by painted marks, signs, buttons, standards, or otherwise, so as to be plainly discernible. [1961 c 12 § 46.04.510. Prior: 1959 c 49 § 55; prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]

RCW 46.04.521 School bus. School bus means every motor vehicle used regularly to transport children to and from school or in connection with school activities, which is subject to the requirements set forth in the most recent edition of "Specifications for School Buses" published by the state superintendent of public instruction, but does not include buses operated by common carriers in urban transportation of school children. [1965 ex.s. c 155 § 90.]

RCW 46.04.530 Semitrailer. "Semitrailer" includes every vehicle without motive power designed to be drawn by a vehicle, motor vehicle, or truck tractor and so constructed that an appreciable part of its weight and that of its load rests upon and is carried by such other vehicle, motor vehicle, or truck tractor. [1979 ex.s. c 149 § 1; 1961 c 12 § 46.04.530. Prior: 1959 c 49 § 57; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

RCW 46.04.540 Sidewalk. "Sidewalk" means that property between the curb lines or the lateral lines of a roadway and the adjacent property, set aside and intended for the use of pedestrians or such portion of private property parallel and in proximity to a public highway and dedicated to use by pedestrians. [1961 c 12 § 46.04.540. Prior: 1959 c 49 § 58; prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]

RCW 46.04.550 Solid tire. "Solid tire" includes every tire of rubber or other resilient material which does not depend upon inflation with compressed air for the support of the load thereon. [1961 c 12 § 46.04.550. Prior: 1959 c 49 § 59; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

RCW 46.04.552 Special mobile equipment. "Special mobile equipment" means every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including but not limited to: Ditch digging apparatus, well boring apparatus and road construction and maintenance machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck-tractors, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earth moving carry-alls and scrapers, power shovels and draglines, and self-propelled cranes and earth moving equipment. The term does not include house trailers, dump trucks, truck mounted transit mixers, cranes or shovels or other vehicles designed for the transportation of persons or property to which machinery has been attached. [1973 1st ex.s. c 17 § 1; 1972 ex.s. c 5 § 1; 1963 c 154 § 30.]

Effective date——1963 c 154: See note following RCW 46.37.010.

RCW 46.04.555 Stand or standing. "Stand or standing" means the halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers. [1975 c 62 § 10.]

Severability——1975 c 62: See note following RCW 36.75.010.

RCW 46.04.560 State highway. "State highway" includes every highway or part thereof, which has been designated as a state highway or branch thereof, by legislative enactment. [1975 c 62 § 7; 1961 c 12 § 46.04-.560. Prior: 1959 c 49 § 60; prior: 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

Severability——1975 c 62: See note following RCW 36.75.010.

RCW 46.04.565 Stop. "Stop" when required means complete cessation from movement. [1975 c 62 § 11.]

Severability——1975 c 62: See note following RCW 36.75.010.

RCW 46.04.566 Stop or stopping. "Stop or stopping" when prohibited means any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign or signal. [1975 c 62 § 12.]

Severability——1975 c 62: See note following RCW 36.75.010.

RCW 46.04.570 Street car. "Street car" means a vehicle other than a train for transporting persons or property and operated upon stationary rails principally within cities and towns. [1961 c 12 § 46.04.570. Prior: 1959 c 49 § 61; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

as amended by Laws 1994, Ch 275, §28

***RCW 46.04.580 Suspend.** "Suspend," in all its forms, means invalidation for any period less than one

calendar year and thereafter until reinstatement. However, under RCW 46.61.515 the invalidation may last for more than one calendar year. [1990 c 250 § 22; 1961 c 12 § 46.04.580. Prior: 1959 c 49 § 62; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312–1, part. (ii) 1937 c 189 § 1, part; RRS § 6360–1, part.]

Severability——1990 c 250: See note following RCW 46.16.301.

RCW 46.04.582 Tandem axle. "Tandem axle" means any two or more consecutive axles whose centers are less than seven feet apart. [1988 c 6 § 1; 1979 ex.s. c 149 § 2.]

RCW 46.04.585 Temporarily sojourning. "Temporarily sojourning," as the term is used in chapter 46.04 RCW, shall be construed to include any nonresident who is within this state for a period of not to exceed six months in any one year. [1961 c 12 § 46.04.585. Prior: 1959 c 49 § 63; prior: 1955 c 89 § 6.]

RCW 46.04.590 Traffic. "Traffic" includes pedestrians, ridden or herded animals, vehicles, street cars, and other conveyances either singly or together, while using any public highways for purposes of travel. [1961 c 12 § 46.04.590. Prior: 1959 c 49 § 64; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312–1, part. (ii) 1937 c 189 § 1, part; RRS § 6360–1, part.]

RCW 46.04.600 Traffic control signal. "Traffic control signal" means any traffic device, whether manually, electrically, or mechanically operated, by which traffic alternately is directed to stop or proceed or otherwise controlled. [1961 c 12 § 46.04.600. Prior: 1959 c 49 § 65; prior: 1937 c 189 § 1, part; RRS § 6360–1, part.]

RCW 46.04.611 Traffic-control devices. *Official* traffic-control devices means all signs, signals, markings and devices not inconsistent with Title 46 RCW placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic. [1965 ex.s. c 155 § 88.]

RCW 46.04.620 Trailer. "Trailer" includes every vehicle without motive power designed for being drawn by or used in conjunction with a motor vehicle constructed so that no appreciable part of its weight rests upon or is carried by such motor vehicle, but does not include a municipal transit vehicle, or any portion thereof. [1974 ex.s. c 76 § 3; 1961 c 12 § 46.04.620. Prior: 1959 c 49 § 67; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312–1, part; 1923 c 181 § 1, part; 1921 c 96 § 2, part; 1919 c 59 § 1, part; 1917 c 155 § 1, part; RRS § 6313, part. (ii) 1937 c 189 § 1, part; RRS § 6360–1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362–2, part.]

RCW 46.04.622 Park trailer. "Park trailer" or "park model trailer" means a travel trailer designed to be used with temporary connections to utilities necessary for operation of installed fixtures and appliances. The trailer's gross area shall not exceed four hundred square feet when in the setup mode. "Park trailer" excludes a mobile home. [1989 c 337 § 2.]

RCW 46.04.623 Travel trailer. "Travel trailer" means a trailer built on a single chassis transportable upon the public streets and highways that is designed to be used as a temporary dwelling without a permanent foundation and may be used without being connected to utilities. [1989 c 337 § 3.]

RCW 46.04.630 Train. "Train" means a vehicle propelled by steam, electricity, or other motive power with or without cars coupled thereto, operated upon stationary rails, except street cars. [1961 c 12 § 46.04.630. Prior: 1959 c 49 § 68; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312–1, part. (ii) 1937 c 189 § 1, part; RRS § 6360–1, part.]

RCW 46.04.640 Trolley vehicle. "Trolley vehicle" means a vehicle the motive power for which is supplied by means of a trolley line and which may or may not be confined in its operation to a certain portion of the roadway in order to maintain trolley line contact. [1961 c 12 § 46.04.640. Prior: 1959 c 49 § 69; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312–1, part. (ii) 1937 c 189 § 1, part; RRS § 6360–1, part.]

RCW 46.04.650 Tractor. "Tractor" means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn. [1986 c 18 § 1; 1975 c 62 § 8; 1961 c 12 § 46-.04.650. Prior: 1959 c 49 § 70; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312, part. (ii) 1937 c 189 § 1, part; RRS § 6360–1, part.]

Effective date——1986 c 18: See RCW 46.87.901.
Severability——1975 c 62: See note following RCW 36.75.010.

RCW 46.04.653 Truck. "Truck" means every motor vehicle designed, used, or maintained primarily for the transportation of property. [1986 c 18 § 2.]

Effective date——1986 c 18: See RCW 46.87.901.

RCW 46.04.655 Truck tractor. "Truck tractor" means every motor vehicle designed and used primarily for drawing other vehicles but so constructed as to permit carrying a load in addition to part of the weight of the vehicle and load so drawn. [1986 c 18 § 3.]

Effective date——1986 c 18: See RCW 46.87.901.

RCW 46.04.660 Used vehicle. "Used vehicle" means a vehicle which has been sold, bargained, exchanged, given away, or title transferred from the person who first took title to it from the manufacturer or first importer, dealer, or agent of the manufacturer or importer, and so used as to have become what is commonly known as "second-hand" within the ordinary meaning thereof.

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[1961 c 12 § 46.04.660. Prior: 1959 c 49 § 71; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

* as amended by Laws 1994, Ch 262, §2

RCW 46.04.670 Vehicle. "Vehicle" includes every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks, except that mopeds shall be considered vehicles or motor vehicles for the purposes of chapter 46.12 RCW, but not for the purposes of chapter 46.70 RCW. [1979 ex.s. c 213 § 4; 1961 c 12 § 46.04.670. Prior: 1959 c 49 § 72; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

RCW 46.04.672 Vehicle or pedestrian right of way. "Vehicle or pedestrian right of way" means the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed, and proximity as to give rise to danger of collision unless one grants precedence to the other. [1975 c 62 § 13.]

Severability——1975 c 62: See note following RCW 36.75.010.

RCW 46.04.690 Department. The term "department" shall mean the department of licensing unless a different department is specified. [1979 c 158 § 126; 1975 c 25 § 4.]

RCW 46.04.695 Director. The term "director" shall mean the director of licensing unless the director of a different department of government is specified. [1979 c 158 § 127; 1975 c 25 § 5.]

RCW 46.04.700 Driver education. Whenever the term "driver education" is used in the code, it shall be defined to mean "traffic safety education". [1969 ex.s. c 218 § 12.]

RCW 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 state patrol. The state patrol 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. [1987 c 330 § 703; 1983 c 200 § 1.]

Construction——Application of rules——Severability——1987 c 330: See notes following RCW 28B.12.050.

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.

RCW 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.]

[illegible]

RCW 46.10.010 Definitions. As used in this chapter the words and phrases in this section shall have the designated meanings unless a different meaning is expressly provided or the context otherwise clearly indicated.

(1) "Person" shall mean any individual, firm, partnership, association, or corporation.

(2) "Snowmobile" shall mean any self-propelled vehicle capable of traveling over snow or ice, which utilizes as its means of propulsion an endless belt tread, or cleats, or any combination of these or other similar means of contact with the surface upon which it is operated, and which is steered wholly or in part by skis or sled type runners, and which is not otherwise registered as, or subject to the motor vehicle excise tax in the state of Washington.

(3) "All terrain vehicle" shall mean any self-propelled vehicle other than a snowmobile, capable of cross-country travel on or immediately over land, water, snow, ice, marsh, swampland, and other natural terrain, including, but not limited to, four-wheel vehicles, amphibious vehicles, ground effect or air cushion vehicles, and any other means of land transportation deriving motive power from any source other than muscle or wind; except any vehicle designed primarily for travel on, over, or in the water, farm vehicles, or any military or law enforcement vehicles.

(4) "Owner" shall mean the person, other than a lienholder, having the property in or title to a snowmobile or all terrain vehicle, and entitled to the use or possession thereof.

(5) "Operator" means each person who operates, or is in physical control of, any snowmobile or all terrain vehicle.

(6) "Public roadway" shall mean the entire width of the right of way of any road or street designed and ordinarily used for travel or parking of motor vehicles, which is controlled by a public authority other than the Washington state department of transportation, and which is open as a matter of right to the general public for ordinary vehicular traffic.

(7) "Highways" shall mean the entire width of the right of way of all primary and secondary state highways, including all portions of the interstate highway system.

#also includes RCW 46.09.020, .120, .130* .140. & .180 as attached amended laws of 1994, ch 264, §35.

(8) "Dealer" means a person, partnership, association, or corporation engaged in the business of selling snowmobiles or all terrain vehicles at wholesale or retail in this state.

(9) "Department" shall mean the department of licensing.

(10) "Director" shall mean the director of the department of licensing.

(11) "Commission" shall mean the Washington state parks and recreation commission.

(12) "Hunt" shall mean any effort to kill, injure, capture, or disturb a wild animal or wild bird.

(13) "Committee" means the Washington state parks and recreation commission snowmobile advisory committee. [1979 ex.s. c 182 § 1; 1979 c 158 § 131; 1971 ex.s. c 29 § 1.]

RCW 46.10.090 Operating violations. (1) It is a traffic infraction for any person to operate any snowmobile:

(a) At a rate of speed greater than reasonable and prudent under the existing conditions.

(b) In a manner so as to endanger the property of another.

(c) Without a lighted headlight and taillight between the hours of dusk and dawn, or when otherwise required for the safety of others.

(d) Without an adequate braking device which may be operated either by hand or foot.

(e) Without an adequate and operating muffling device which shall effectively blend the exhaust and motor noise in such a manner so as to preclude excessive or unusual noise, and, (i) on snowmobiles manufactured on or before January 4, 1973, which shall effectively limit such noise at a level of eighty-six decibels, or below, on the "A" scale at fifty feet, and (ii) on snowmobiles manufactured after January 4, 1973, which shall effectively limit such noise at a level of eighty-two decibels, or below, on the "A" scale at fifty feet, and (iii) on snowmobiles manufactured after January 1, 1975, which shall effectively limit such noise at a level of seventy-eight decibels, or below, as measured on the "A" scale at a distance of fifty feet, under testing procedures as established by the department of ecology; except snowmobiles used in organized racing events in an area designated for that purpose may use a bypass or cutout device. This section shall not affect the power of the department of ecology to adopt noise performance standards for snowmobiles. Noise performance standards adopted or to be adopted by the department of ecology shall be in addition to the standards contained in this section, but the department's standards shall supersede this section to the extent of any inconsistency.

(f) Upon the paved portion or upon the shoulder or inside bank or slope of any public roadway or highway, or upon the median of any divided highway, except as provided in RCW 46.10.100 and 46.10.110.

(g) In any area or in such a manner so as to expose the underlying soil or vegetation, or to injure, damage, or destroy trees or growing crops.

(h) Without a current registration decal affixed thereon, if not exempted under RCW 46.10.030 as now or hereafter amended.

(2) It is a misdemeanor for any person to operate any snowmobile so as to endanger the person of another or while under the influence of intoxicating liquor or narcotics or habit-forming drugs. [1980 c 148 § 1. Prior: 1979 ex.s. c 182 § 10; 1979 ex.s. c 136 § 43; 1975 1st ex.s. c 181 § 5; 1971 ex.s. c 29 § 9.]

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

Effective date——1980 c 148: "Sections 1 through 7 of this 1980 act shall take effect January 1, 1981. Section 8 of this 1980 act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing institutions, and shall take effect immediately." [1980 c 148 § 9.]

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

RCW 46.10.100 Crossing public roadways and highways lawful, when. It shall be lawful to drive or operate a snowmobile across public roadways and highways other than limited access highways when:

The crossing is made at an angle of approximately ninety degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing; and

The snowmobile is brought to a complete stop before entering the public roadway or highway; and

The operator of the snowmobile yields the right of way to motor vehicles using the public roadway or highway; and

The crossing is made at a place which is greater than one hundred feet from any public roadway or highway intersection. [1971 ex.s. c 29 § 10.]

RCW 46.10.110 Operating upon public road or highway lawful, when. Notwithstanding the provisions of RCW 46.10.100, it shall be lawful to operate a snowmobile upon a public roadway or highway:

Where such roadway or highway is completely covered with snow or ice and has been closed by the responsible governing body to motor vehicle traffic during the winter months; or

When the responsible governing body gives notice that such roadway or highway is open to snowmobiles or all-terrain vehicle use; or

In an emergency during the period of time when and at locations where snow upon the roadway or highway renders such impassible to travel by automobile; or

When traveling along a designated snowmobile trail. [1972 ex.s. c 153 § 23; 1971 ex.s. c 29 § 11.]

Purpose——1972 ex.s. c 153: See RCW 67.32.080.

RCW 46.10.120 Restrictions on age of operators——Qualifications. No person under twelve years of age shall operate a snowmobile on or across a public roadway or highway in this state, and no person between the ages of twelve and sixteen years of age shall operate a snowmobile on or across a public road or highway in this state unless he has taken a snowmobile safety education course and been certified as qualified to operate a

snowmobile by an instructor designated by the commission as qualified to conduct such a course and issue such a certificate, and he has on his person at the time he is operating a snowmobile evidence of such certification: *Provided*, That persons under sixteen years of age who have not been certified as qualified snowmobile operators may operate a snowmobile under the direct supervision of a qualified snowmobile operator. [1972 ex.s. c 153 § 24; 1971 ex.s. c 29 § 12.]

Purpose——1972 ex.s. c 153: See RCW 67.32.080.

as amended by Laws 1994, Ch 264, §37

*** RCW 46.10.130 Additional violations——Penalty.** No person shall operate a snowmobile in such a way as to endanger human life. No person shall operate a snowmobile in such a way as to run down or harass deer, elk, or any wildlife, or any domestic animal, nor shall he carry any loaded weapon upon, nor hunt from, any snowmobile except by permit issued by the director of wildlife under RCW 77.32.237. Any person violating the provisions of this section shall be guilty of a gross misdemeanor. [1989 c 297 § 4; 1979 ex.s. c 182 § 11; 1971 ex.s. c 29 § 13.]

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

#includes RCW 46.10.140

RCW 46.10.190 Violations as traffic infractions——Exceptions——Civil liability. (1) Except as provided in RCW 46.10.090(2), 46.10.055, and 46.10-.130, any violation of the provisions of this chapter is a traffic infraction: *Provided*, That the penalty for failing to display a valid registration decal under RCW 46.10-.090 as now or hereafter amended shall be a fine of forty dollars and such fine shall be remitted to the general fund of the governmental unit, which personnel issued the citation, for expenditure solely for snowmobile law enforcement.

(2) In addition to the penalties provided in RCW 46-.10.090 and subsection (1) of this section, the operator and/or the owner of any snowmobile used with the permission of the owner shall be liable for three times the amount of any damage to trees, shrubs, growing crops, or other property injured as the result of travel by such snowmobile over the property involved. [1982 c 17 § 8; 1980 c 148 § 2. Prior: 1979 ex.s. c 182 § 14; 1979 ex.s. c 136 § 44; 1975 1st ex.s. c 181 § 6; 1971 ex.s. c 29 § 19.]

Rules of court: Monetary penalty schedule——JTIR 6.2.

Effective date——1980 c 148: See note following RCW 46.10.090.

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

RCW 46.12.070 Destruction of vehicle——Surrender of certificates, penalty——Notice of settlement by insurance company. Upon the destruction of any vehicle issued a certificate of ownership under this chapter or a license registration under chapter 46.16 RCW, the registered owner and the legal owner shall forthwith and within fifteen days thereafter forward and surrender the certificate to the department, together with a statement of the reason for the surrender and the date and place of destruction. Failure to notify the department or the possession by any person of any such certificate for a vehicle so destroyed, after fifteen days following its destruction, is prima facie evidence of violation of the provisions of this chapter and constitutes a gross misdemeanor.

Any insurance company settling an insurance claim on a vehicle that has been issued a certificate of ownership under this chapter or a certificate of license registration under chapter 46.16 RCW as a total loss, less salvage value, shall notify the department thereof within fifteen days after the settlement of the claim. Notification shall be provided regardless of where or in what jurisdiction the total loss occurred. [1990 c 250 § 28; 1961 c 12 § 46.12.070. Prior: 1959 c 166 § 4; prior: 1947 c 164 § 3(b); 1939 c 182 § 1(b); 1937 c 188 § 5(b); Rem. Supp. 1947 § 6312-5(b).]

Severability——1990 c 250: See note following RCW 46.16.301.

RCW 46.12.080 Procedure on installation of different motor——Penalty. Any person holding the certificate of license registration for a motorcycle or any vehicle registered by its motor number in which there has been installed a new or different motor than that with which it was issued certificates of ownership and license registration shall forthwith and within five days after such installation forward and surrender such certificates to the department, together with an application for issue of corrected certificates of ownership and license registration and a fee of one dollar, and a statement of the disposition of the former motor. The possession by any person of any such certificates for such vehicle in which a new or different motor has been installed, after five days following such installation, shall be prima facie evidence of a violation of the provisions of this chapter and shall constitute a misdemeanor. [1979 ex.s. c 113 § 1; 1961 c 12 § 46.12.080. Prior: 1959 c 166 § 5; prior: 1951 c 269 § 3; 1947 c 164 § 3(c); 1939 c 182 § 1(c); 1937 c 188 § 5(c); Rem. Supp. 1947 § 6312-5(c).]

RCW 46.12.101 Transfer of ownership, how perfected——Penalty, exceptions. A transfer of ownership in a motor vehicle is perfected by compliance with the requirements of this section.

(1) If an owner transfers his or her interest in a vehicle, other than by the creation, deletion, or change of a security interest, the owner shall, at the time of the delivery of the vehicle, execute an assignment to the transferee and provide an odometer disclosure statement under RCW 46.12.124 on the certificate of ownership or as the department otherwise prescribes, and cause the certificate and assignment, to be transmitted to the transferee. Within five days the owner shall notify the department of the sale or transfer giving the date thereof, the name and address of the owner and of the transferee, and such description of the vehicle as may be required in the appropriate form provided for that purpose by the department.

(2) The requirements of subsection (1) of this section to provide an odometer disclosure statement apply to the

transfer of vehicles held for lease when transferred to a lessee and then to the lessor at the end of the leasehold and to vehicles held in a fleet when transferred to a purchaser.

(3) Except as provided in RCW 46.12.120 the transferee shall within fifteen days after delivery to the transferee of the vehicle, execute the application for a new certificate of ownership in the same space provided therefor on the certificate or as the department prescribes, and cause the certificates and application to be transmitted to the department.

(4) Upon request of the owner or transferee, a secured party in possession of the certificate of ownership shall, unless the transfer was a breach of its security agreement, either deliver the certificate to the transferee for transmission to the department or, when the secured party receives the owner's assignment from the transferee, it shall transmit the transferee's application for a new certificate, the existing certificate, and the required fee to the department. Compliance with this section does not affect the rights of the secured party.

(5) If a security interest is reserved or created at the time of the transfer, the certificate of ownership shall be retained by or delivered to the person who becomes the secured party, and the parties shall comply with the provisions of RCW 46.12.170.

(6) If the purchaser or transferee fails or neglects to make application to transfer the certificate of ownership and license registration within fifteen days after the date of delivery of the vehicle, he or she shall on making application for transfer be assessed a twenty-five dollar penalty on the sixteenth day and two dollars additional for each day thereafter, but not to exceed one hundred dollars. The director may by rule establish conditions under which the penalty will not be assessed when an application for transfer is delayed for reasons beyond the control of the purchaser. Conditions for not assessing the penalty may be established for but not limited to delays caused by:

(a) The department requesting additional supporting documents;

(b) Extended hospitalization or illness of the purchaser;

(c) Failure of a legal owner to release his or her interest;

(d) Failure, negligence, or nonperformance of the department, auditor, or subagent.

Failure or neglect to make application to transfer the certificate of ownership and license registration within forty-five days after the date of delivery of the vehicle is a misdemeanor.

(7) Upon receipt of an application for reissue or replacement of a certificate of ownership and transfer of license registration, accompanied by the endorsed certificate of ownership or other documentary evidence as is deemed necessary, the department shall, if the application is in order and if all provisions relating to the certificate of ownership and license registration have been complied with, issue new certificates of title and license registration as in the case of an original issue and shall transmit the fees together with an itemized detailed report to the state treasurer, to be deposited in the motor vehicle fund.

(8) Once each quarter the department shall report to the department of revenue a list of those vehicles for which a seller's report has been received but no transfer of title has taken place. [1990 c 238 § 4; 1987 c 127 § 1; 1984 c 39 § 1; 1972 ex.s. c 99 § 1; 1969 ex.s. c 281 § 38; 1969 ex.s. c 42 § 1; 1967 c 140 § 7.]

Effective date, implementation——1990 c 238: See note following RCW 46.12.030.

Effective date——1967 c 140: See note following RCW 46.12.010.
Definitions: RCW 46.12.005.

RCW 46.12.102 Release of owner from liability, requirements for. An owner who has made a bona fide sale or transfer of a vehicle and has delivered possession of it to a purchaser shall not by reason of any of the provisions of this title be deemed the owner of the vehicle so as to be subject to civil liability or criminal liability for the operation of the vehicle thereafter by another person when the owner has also fulfilled both of the following requirements:

(1) When he has made proper endorsement and delivery of the certificate of ownership and has delivered the certificate of registration as provided in this chapter;

(2) When he has delivered to the department either the notice as provided in RCW 46.12.101(1) or appropriate documents for registration of the vehicle pursuant to the sale or transfer. [1984 c 39 § 2.]

RCW 46.12.260 Sale or transfer of motor vehicle ownership to person under eighteen prohibited. It shall be unlawful for any person to convey, sell or transfer the ownership of any motor vehicle to any person under the age of eighteen: *Provided*, That this section shall not apply to a vendor if the minor provides the vendor with a certified copy of an original birth registration showing the minor to be over eighteen years of age. Such certified copy shall be transmitted to the department of licensing by the vendor with the application for title to said motor vehicle. [1979 c 158 § 135; 1969 ex.s. c 125 § 2.]

RCW 46.12.300 Serial numbers on vehicles, watercraft, campers, or parts——Buying, selling, etc., with numbers removed, altered, etc.——Penalty. Whoever knowingly buys, sells, receives, disposes of, conceals, or has knowingly in his possession any vehicle, watercraft, camper, or component part thereof, from which the manufacturer's serial number or any other distinguishing number or identification mark has been removed, defaced, covered, altered, or destroyed for the purpose of concealment or misrepresenting the identity of the said vehicle, watercraft, camper, or component part thereof shall be guilty of a gross misdemeanor. [1975-'76 2nd ex.s. c 91 § 1.]

Severability——1975-'76 2nd ex.s. c 91: "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." [1975-'76 2nd ex.s. c 91 § 10.]

Effective date——1975-'76 2nd ex.s. c 91: "This act shall take effect on July 1, 1976." [1975-'76 2nd ex.s. c 91 § 11.]

RCW 46.12.310 Serial numbers——Seizure and impoundment of vehicles, etc.——Notice to interested persons——Release to owner, etc. (1) Any vehicle, watercraft, camper, or any component part thereof, from which the manufacturer's serial number or any other distinguishing number or identification mark has been removed, defaced, covered, altered, obliterated, or destroyed, there being reasonable grounds to believe that such was done for the purpose of concealing or misrepresenting identity, shall be impounded and held by the seizing law enforcement agency for the purpose of conducting an investigation to determine the identity of the article or articles, and to determine whether it had been reported stolen.

(2) Within five days of the impounding of any vehicle, watercraft, camper, or component part thereof, the law enforcement agency seizing the article or articles shall send written notice of such impoundment by certified mail to all persons known to the agency as claiming an interest in the article or articles. The seizing agency shall exercise reasonable diligence in ascertaining the names and addresses of those persons claiming an interest in the article or articles. Such notice shall advise the person of the fact of seizure, the possible disposition of the article or articles, the requirement of filing a written claim requesting notification of potential disposition, and the right of the person to request a hearing to establish a claim of ownership. Within five days of receiving notice of other persons claiming an interest in the article or articles, the seizing agency shall send a like notice to each such person.

(3) If reported as stolen, the seizing law enforcement agency shall promptly release such vehicle, watercraft, camper, or parts thereof as have been stolen, to the person who is the lawful owner or the lawful successor in interest, upon receiving proof that such person presently owns or has a lawful right to the possession of the article or articles. [1975-'76 2nd ex.s. c 91 § 2.]

Severability——Effective date——1975-'76 2nd ex.s. c 91: See notes following RCW 46.12.300.

RCW 46.12.320 Serial numbers——Disposition of vehicles, etc., authorized, when. Unless a claim of ownership to the article or articles is established pursuant to RCW 46.12.330, the law enforcement agency seizing the vehicle, watercraft, camper, or component part thereof may dispose of them by destruction, by selling at public auction to the highest bidder, or by holding the article or articles for the official use of the agency, when:

(1) The true identity of the article or articles cannot be established by restoring the original manufacturer's serial number or other distinguishing numbers or identification marks or by any other means;

(2) After the true identity of the article or articles has been established, the seizing law enforcement agency cannot locate the person who is the lawful owner or if such lawful owner or his successor in interest fails to claim the article or articles within forty-five days after receiving notice from the seizing law enforcement agency that the article or articles is in its possession.

No disposition of the article or articles pursuant to this section shall be undertaken until at least sixty days have elapsed from the date of seizure and written notice of the right to a hearing to establish a claim of ownership pursuant to RCW 46.12.330 and of the potential disposition of the article or articles shall have first been served upon the person who held possession or custody of the article when it was impounded and upon any other person who, prior to the final disposition of the article, has notified the seizing law enforcement agency in writing of a claim to ownership or lawful right to possession thereof. [1975-'76 2nd ex.s. c 91 § 3.]

Severability——Effective date——1975-'76 2nd ex.s. c 91: See notes following RCW 46.12.300.

RCW 46.12.330 Serial numbers——Hearing——Appeal——Removal to court——Release. (1) Any person may submit a written request for a hearing to establish a claim of ownership or right to lawful possession of the vehicle, watercraft, camper, or component part thereof seized pursuant to this section.

(2) Upon receipt of a request for hearing, one shall be held before the chief law enforcement officer of the seizing agency or an administrative law judge appointed under chapter 34.12 RCW.

(3) Such hearing shall be held within a reasonable time after receipt of a request therefor. Reasonable investigative activities, including efforts to establish the identity of the article or articles and the identity of the person entitled to the lawful possession or custody of the article or articles shall be considered in determining the reasonableness of the time within which a hearing must be held.

(4) The hearing and any appeal therefrom shall be conducted in accordance with Title 34 RCW.

(5) The burden of producing evidence shall be upon the person claiming to be the lawful owner or to have the lawful right of possession to the article or articles.

(6) Any person claiming ownership or right to possession of an article or articles subject to disposition under RCW 46.12.310 through 46.12.340 may remove the matter to a court of competent jurisdiction if the aggregate value of the article or articles involved is two hundred dollars or more. In a court hearing between two or more claimants to the article or articles involved, the prevailing party shall be entitled to judgment for costs and reasonable attorney's fees. For purposes of this section the seizing law enforcement agency shall not be considered a claimant.

(7) The seizing law enforcement agency shall promptly release the article or articles to the claimant upon a determination by the administrative law judge or court that the claimant is the present lawful owner or is lawfully entitled to possession thereof. [1981 c 67 § 27; 1975-'76 2nd ex.s. c 91 § 4.]

Effective dates——Severability——1981 c 67: See notes following RCW 34.12.010.

Severability——Effective date——1975-'76 2nd ex.s. c 91: See notes following RCW 46.12.300.

RCW 46.12.340 Serial numbers——Release of vehicle, etc. The seizing law enforcement agency may release the article or articles impounded pursuant to this section to the person claiming ownership without a hearing pursuant to RCW 46.12.330 when such law enforcement agency is satisfied after an appropriate investigation as to the claimant's right to lawful possession. If no hearing is contemplated as provided for in RCW 46.12.330 such release shall be within a reasonable time following seizure. Reasonable investigative activity, including efforts to establish the identity of the article or articles and the identity of the person entitled to lawful possession or custody of the article or articles shall be considered in determining the reasonableness of the time in which release must be made. [1975-'76 2nd ex.s. c 91 § 5.]

Severability——Effective date——1975-'76 2nd ex.s. c 91: See notes following RCW 46.12.300.

RCW 46.12.350 Assignment of new serial number. An identification number shall be assigned to any article impounded pursuant to RCW 46.12.310 in accordance with the rules promulgated by the department of licensing prior to:

(1) The release of the article from the custody of the seizing agency; or

(2) The use of the article by the seizing agency. [1979 c 158 § 138; 1975-'76 2nd ex.s. c 91 § 6.]

Severability——Effective date——1975-'76 2nd ex.s. c 91: See notes following RCW 46.12.300.

RCW 46.12.380 Disclosure of names and addresses of individual vehicle owners. (1) Notwithstanding the provisions of chapter 42.17 RCW, the name or address of an individual vehicle owner shall not be released by the department, county auditor, or agency or firm authorized by the department except under the following circumstances:

(a) The requesting party is a business entity that requests the information for use in the course of business;

(b) The request is a written request that is signed by the person requesting disclosure that contains the full legal name and address of the requesting party, that specifies the purpose for which the information will be used; and

(c) The requesting party enters into a disclosure agreement with the department in which the party promises that the party will use the information only for the purpose stated in the request for the information; and that the party does not intend to use, or facilitate the use of, the information for the purpose of making any unsolicited business contact with a person named in the disclosed information. The term "unsolicited business contact" means a contact that is intended to result in, or promote, the sale of any goods or services to a person named in the disclosed information. The term does not apply to situations where the requesting party and such person have been involved in a business transaction prior to the date of the disclosure request and where the request is made in connection with the transaction.

(2) The disclosing entity shall retain the request for disclosure for three years.

(3) Whenever the disclosing entity grants a request for information under this section by an attorney or private investigator, the disclosing entity shall provide notice to the vehicle owner, to whom the information applies, that the request has been granted. The notice also shall contain the name and address of the requesting party.

(4) Any person who is furnished vehicle owner information under this section shall be responsible for assuring that the information furnished is not used for a purpose contrary to the agreement between the person and the department.

(5) This section shall not apply to requests for information by governmental entities or requests that may be granted under any other provision of this title expressly authorizing the disclosure of the names or addresses of vehicle owners. [1990 c 232 § 2; 1987 c 299 § 1; 1984 c 241 § 2.]

Legislative finding and purpose——1990 c 232: "The legislature recognizes the extraordinary value of the vehicle title and registration records for law enforcement and commerce within the state. The legislature also recognizes that indiscriminate release of the vehicle owner information to be an infringement upon the rights of the owner and can subject owners to intrusions on their privacy. The purpose of this act is to limit the release of vehicle owners' names and addresses while maintaining the availability of the vehicle records for the purposes of law enforcement and commerce." [1990 c 232 § 1.]

Laws of 1993, ch 238, §1

*** RCW 46.16.010 Licenses and plates required——Penalties——Exceptions.** (1) It is unlawful for a person to operate any vehicle over and along a public highway of this state without first having obtained and having in full force and effect a current and proper vehicle license and display vehicle license number plates therefor as by this chapter provided. Failure to make initial registration before operation on the highways of this state is a misdemeanor, and any person convicted thereof shall be punished by a fine of no less than three hundred thirty dollars, no part of which may be suspended or deferred. Failure to renew an expired registration before operation on the highways of this state is a traffic infraction.

(2) The licensing of a motor vehicle in another state by a resident of this state, as defined in RCW 46.16.028, with willful intent to evade the payment of any tax or license fee imposed in connection with registration, is a gross misdemeanor punishable as follows:

(a) For a first offense, up to one year in the county jail and a fine equal to twice the amount of delinquent taxes and fees, no part of which may be suspended or deferred;

(b) For a second or subsequent offense, up to one year in the county jail and a fine equal to three times the amount of delinquent taxes and fees, no part of which may be suspended or deferred.

(3) These provisions shall not apply to farm vehicle as defined in RCW 46.04.181 if operated within a radius of fifteen miles of the farm where principally used or garaged, farm tractors and farm implements including trailers designed as cook or bunk houses used exclusively for animal herding temporarily operating or drawn upon

#includes addition to 46.16 in Laws of 1994, Ch 194, §3.

the public highways, and trailers used exclusively to transport farm implements from one farm to another during the daylight hours or at night when such equipment has lights that comply with the law: *Provided further*, That these provisions shall not apply to spray or fertilizer applicator rigs designed and used exclusively for spraying or fertilization in the conduct of agricultural operations and not primarily for the purpose of transportation, and nurse rigs or equipment auxiliary to the use of and designed or modified for the fueling, repairing or loading of spray and fertilizer applicator rigs and not used, designed or modified primarily for the purpose of transportation: *Provided further*, That these provisions shall not apply to fork lifts operated during daylight hours on public highways adjacent to and within five hundred feet of the warehouses which they serve: *Provided further*, That these provisions shall not apply to equipment defined as follows:

"Special highway construction equipment" is any vehicle which is designed and used primarily for grading of highways, paving of highways, earth moving, and other construction work on highways and which is not designed or used primarily for the transportation of persons or property on a public highway and which is only incidentally operated or moved over the highway. It includes, but is not limited to, road construction and maintenance machinery so designed and used such as portable air compressors, air drills, asphalt spreaders, bituminous mixers, bucket loaders, track laying tractors, ditchers, leveling graders, finishing machines, motor graders, paving mixers, road rollers, scarifiers, earth moving scrapers and carryalls, lighting plants, welders, pumps, power shovels and draglines, self-propelled and tractor-drawn earth moving equipment and machinery, including dump trucks and tractor-dump trailer combinations which either (1) are in excess of the legal width or (2) which, because of their length, height or unladen weight, may not be moved on a public highway without the permit specified in RCW 46.44.090 and which are not operated laden except within the boundaries of the project limits as defined by the contract, and other similar types of construction equipment, or (3) which are driven or moved upon a public highway only for the purpose of crossing such highway from one property to another, provided such movement does not exceed five hundred feet and the vehicle is equipped with wheels or pads which will not damage the roadway surface.

Exclusions:

"Special highway construction equipment" does not include any of the following:

Dump trucks originally designed to comply with the legal size and weight provisions of this code notwithstanding any subsequent modification which would require a permit, as specified in RCW 46.44.090, to operate such vehicles on a public highway, including trailers, truck-mounted transit mixers, cranes and shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached. [1989 c 192 § 2; 1986 c 186 § 1; 1977 ex.s. c 148 § 1; 1973 1st ex.s. c 17 § 2; 1972 ex.s. c 5 § 2; 1969 c 27 § 3; 1967 c 202 § 2; 1963 ex.s. c 3 § 51; 1961 ex.s. c 21 § 32; 1961 c 12 § 46.16.010. Prior: 1955 c 265 § 1; 1947 c 33 § 1; 1937 c 188 § 15; Rem. Supp. 1947 § 6312-15; 1929 c 99 § 5; RRS § 6324.]

Rules of court: Monetary penalty schedule——JTIR 6.2.

Legislative intent——1989 c 192: "The legislature recognizes that there are residents of this state who intentionally register motor vehicles in other states to evade payment of taxes and fees required by the laws of this state. This results in a substantial loss of revenue to the state. It is the intent of the legislature to impose a stronger criminal penalty upon those residents who defraud the state, thereby enhancing compliance with the registration laws of this state and further enhancing enforcement and collection efforts.

In order to encourage voluntary compliance with the registration laws of this state, administrative penalties associated with failing to register a motor vehicle are waived until September 1, 1989. It is not the intent of the legislature to waive traffic infraction or criminal traffic violations imposed prior to July 23, 1989." [1989 c 192 § 1.]

Effective date——1989 c 192: "Section 2 of this act shall take effect September 1, 1989." [1989 c 192 § 3.]

RCW 46.16.011 Allowing unauthorized person to drive——Penalty. It is unlawful for any person in whose name a vehicle is registered knowingly to permit another person to drive the vehicle when the other person is not authorized to do so under the laws of this state. A violation of this section is a misdemeanor. [1987 c 388 § 10.]

Severability——1987 c 388: See note following RCW 46.16.710.

Unlawful to allow unauthorized person to drive: RCW 46.20.344.

#includes 46.16.022/.023

RCW 46.16.025 Identification device for exempt farm vehicles——Application for——Contents——Fee. Before any "farm vehicle", as defined in RCW 46.04-.181, shall operate on or move along a public highway, there shall be displayed upon it in a conspicuous manner a decal or other device, as may be prescribed by the director of licensing and issued by the department of licensing, which shall describe in some manner the vehicle and identify it as a vehicle exempt from the licensing requirements of this chapter. Application for such identifying devices shall be made to the department on a form furnished for that purpose by the director. Such application shall be made by the owner or lessee of the vehicle, or his duly authorized agent over the signature of such owner or agent, and he shall certify that the statements therein are true to the best of his knowledge. The application must show:

(1) The name and address of the owner of the vehicle;

(2) The trade name of the vehicle, model, year, type of body, the motor number or the identification number thereof if such vehicle be a motor vehicle, or the serial number thereof if such vehicle be a trailer;

(3) The purpose for which said vehicle is to be principally used;

(4) Such other information as shall be required upon such application by the director; and

(5) Place where farm vehicle is principally used or garaged.

A fee of five dollars shall be charged for and submitted with such application for an identification decal as in this section provided as to each farm vehicle which fee shall be deposited in the motor vehicle fund and distributed proportionately as otherwise provided for vehicle license fees under RCW 46.68.030. Only one application

need be made as to each such vehicle, and the status as an exempt vehicle shall continue until suspended or revoked for misuse, or when such vehicle no longer is used as a farm vehicle. [1979 c 158 § 139; 1967 c 202 § 3.]

RCW 46.16.028 "Resident" defined——Vehicle registration required. (1) For the purposes of vehicle license registration, a resident is a person who manifests an intent to live or be located in this state on more than a temporary or transient basis. Evidence of residency includes but is not limited to:

(a) Becoming a registered voter in this state; or

(b) Receiving benefits under one of the Washington public assistance programs; or

(c) Declaring that he or she is a resident for the purpose of obtaining a state license or tuition fees at resident rates.

(2) The term "Washington public assistance programs" referred to in subsection (1)(b) of this section includes only public assistance programs for which more than fifty percent of the combined costs of benefits and administration are paid from state funds. Programs which are not included within the term "Washington public assistance programs" pursuant to the above criteria include, but are not limited to the food stamp program under the federal food stamp act of 1964; programs under the child nutrition act of 1966, 42 U.S.C. Secs. 1771 through 1788; and aid to families with dependent children, 42 U.S.C. Secs. 601 through 606.

(3) A resident of the state shall register under chapters 46.12 and 46.16 RCW a vehicle to be operated on the highways of the state. New Washington residents shall be allowed thirty days from the date they become residents as defined in this section to procure Washington registration for their vehicles. This thirty-day period shall not be combined with any other period of reciprocity provided for in this chapter or chapter 46-.85 RCW. [1987 c 142 § 1; 1986 c 186 § 2; 1985 c 353 § 1.]

Effective date——1985 c 353: "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 immediately, except for section 1 of this act, which shall take effect September 1, 1985." [1985 c 353 § 6.]

amended Laws 1991, ch 163, §2.

*** RCW 46.16.030 Nonresident exemption——Reciprocity.** Except as is herein provided for foreign businesses, the provisions relative to the licensing of vehicles and display of vehicle license number plates and license registration certificates shall not apply to any vehicles owned by nonresidents of this state if the owner thereof has complied with the law requiring the licensing of vehicles in the names of the owners thereof in force in the state, foreign country, territory or federal district of his or her residence; and the vehicle license number plate showing the initial or abbreviation of the name of such state, foreign country, territory or federal district, is displayed on such vehicle substantially as is provided therefor in this state. The provisions of this section shall be operative as to a vehicle owned by a nonresident of this state only to the extent that under the laws of the state, foreign country, territory or federal district of his or her residence, like exemptions and privileges are granted to vehicles duly licensed under the laws of and owned by residents of this state. If under the laws of such state, foreign country, territory or federal district, vehicles owned by residents of this state, operating upon the highways of such state, foreign country, territory or federal district, are required to pay the license fee and carry the vehicle license number plates of such state, foreign country, territory or federal district, the vehicles owned by residents of such state, foreign country, territory or federal district, and operating upon the highways of this state, shall comply with the provisions of this state relating to the licensing of vehicles. Foreign businesses owning, maintaining, or operating places of business in this state and using vehicles in connection with such places of business, shall comply with the provisions relating to the licensing of vehicles insofar as vehicles used in connection with such places of business are concerned. Under provisions of the international registration plan, the nonmotor vehicles of member and nonmember jurisdictions which are properly based and licensed in such jurisdictions are granted reciprocity in this state as provided in RCW 46.87.070(2). Converter gears (auxiliary axles) that are properly based in jurisdictions that do not register or provide license plates for such vehicles may be operated in this state without the need for registration or the display of license plates as applicable. The director is empowered to make and enforce rules and regulations for the licensing of nonresident vehicles upon a reciprocal basis and with respect to any character or class of operation. [1990 c 42 § 110; 1967 c 32 § 15; 1961 c 12 § 46.16.030. Prior: 1937 c 188 § 23; RRS § 6312-23; 1931 c 120 § 1; 1929 c 99 § 4; 1921 c 96 § 11; 1919 c 59 § 6; 1917 c 155 § 7; 1915 c 142 § 11; RRS § 6322.]

Purpose——Headings——Severability——Effective dates——Application——Implementation——1990 c 42: See notes following RCW 82.36.025.

#includes 46.16.048

RCW 46.16.088 Transfer of license plates——Penalty. Except as provided in RCW 46.16.290, the transfer of license plates issued pursuant to this chapter between two or more vehicles is a traffic infraction subject to a fine not to exceed five hundred dollars. Any law enforcement agency that determines that a license plate has been transferred between two or more vehicles shall confiscate the license plates and return them to the department for nullification along with full details of the reasons for confiscation. Each vehicle identified in the transfer will be issued a new license plate upon application by the owner or owners thereof and payment of the full fees and taxes. [1986 c 18 § 9; 1985 c 380 § 17.]

Effective date——1986 c 18; 1985 c 380: See RCW 46.87.901.

Severability——1985 c 380: See RCW 46.87.900.

RCW 46.16.135 Monthly license fee——Penalty. The annual vehicle licensing fees as provided in RCW 46.16.070 for any motor vehicle or combination of vehicles having a declared gross weight in excess of twelve thousand pounds may be paid for any full registration

month or months at one-twelfth of the usual annual fee plus two dollars, this sum to be multiplied by the number of full months for which the fees are paid if for less than a full year. An additional fee of two dollars shall be collected each time a license fee is paid.

Operation of a vehicle licensed under the provisions of this section by any person upon the public highways after the expiration of the monthly license is a traffic infraction, and in addition the person shall be required to pay a license fee for the vehicle involved covering an entire registration year's operation, less the fees for any registration month or months of the registration year already paid. If, within five days, no license fee for a full registration year has been paid as required aforesaid, the Washington state patrol, county sheriff, or city police shall impound such vehicle in such manner as may be directed for such cases by the chief of the Washington state patrol, until such requirement is met. [1986 c 18 § 12; 1985 c 380 § 19; 1979 ex.s. c 136 § 46; 1979 c 134 § 1; 1975-'76 2nd ex.s. c 64 § 3; 1975 1st ex.s. c 118 § 6; 1969 ex.s. c 170 § 7; 1961 c 12 § 46.16.135. Prior: 1951 c 269 § 16.]

Effective date——1986 c 18; 1985 c 380: See RCW 46.87.901.

Severability——1985 c 380: See RCW 46.87.900.

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

Effective dates——Severability——1975-'76 2nd ex.s. c 64: See notes following RCW 46.16.070.

Effective date——Severability——1975 1st ex.s. c 118: See notes following RCW 46.16.006.

RCW 46.16.140 Overloading licensed capacity——Additional license——Penalties——Exceptions. It is a traffic infraction for any person to operate, or cause, permit, or suffer to be operated upon a public highway of this state any bus, auto stage, motor truck, truck tractor, or tractor, with passengers, or with a maximum gross weight, in excess of that for which the motor vehicle or combination is licensed.

Any person who operates or causes to be operated upon a public highway of this state any motor truck, truck tractor, or tractor with a maximum gross weight in excess of the maximum gross weight for which the vehicle is licensed shall be deemed to have set a new maximum gross weight and shall, in addition to any penalties otherwise provided, be required to purchase a new license covering the new maximum gross weight, and any failure to secure such new license is a traffic infraction. No such person may be permitted or required to purchase the new license for a gross weight or combined gross weight which would exceed the maximum gross weight or combined gross weight allowed by law. This section does not apply to for hire vehicles, buses, or auto stages operating principally within cities and towns. [1986 c 18 § 13; 1979 ex.s. c 136 § 47; 1961 c 12 § 46.16.140. Prior: 1955 c 384 § 16; 1951 c 269 § 18; 1937 c 188 § 25, part; RRS § 6312-25, part.]

Effective date——1986 c 18: See RCW 46.87.901.

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

RCW 46.16.145 Overloading licensed capacity——Penalties. Any person violating any of the provisions of RCW 46.16.140 shall, upon a first offense, pay a penalty of not less than twenty-five dollars nor more than fifty dollars; upon a second offense pay a penalty of not less than fifty dollars nor more than one hundred dollars, and in addition the court may suspend the certificate of license registration of the vehicle for not more than thirty days; upon a third and subsequent offense pay a penalty of not less than one hundred dollars nor more than two hundred dollars, and in addition the court shall suspend the certificate of license registration of the vehicle for not less than thirty days nor more than ninety days.

Upon ordering the suspension of any certificate of license registration, the court or judge shall forthwith secure such certificate and mail it to the director. [1979 ex.s. c 136 § 48; 1975-'76 2nd ex.s. c 64 § 5; 1961 c 12 § 46.16.145. Prior: 1951 c 269 § 19; 1937 c 188 § 25, part; RRS § 6312-25, part.]

Rules of court: Monetary penalty schedule——JTIR 6.2.

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

Effective dates——Severability——1975-'76 2nd ex.s. c 64: See notes following RCW 46.16.070.

RCW 46.16.170 Marking gross weight on vehicle. Every motor truck, truck tractor, and tractor with a licensed gross weight in excess of ten thousand pounds, shall have painted or stenciled upon the outside thereof, in a conspicuous place, in letters not less than two inches high, the maximum gross weight or combined gross weight for which the same is licensed, as provided in this chapter. It is unlawful for the owner or operator of any vehicle to display a maximum gross weight or combined gross weight other than that shown on the current certificate of license registration of the vehicle. [1988 c 56 § 2; 1986 c 18 § 14; 1961 c 12 § 46.16.170. Prior: 1937 c 188 § 19; RRS § 6312-19.]

Effective date——1986 c 18: See RCW 46.87.901.

RCW 46.16.180 Unlawful to carry passengers for hire without license. It shall be unlawful for the owner or operator of any vehicle not licensed annually for hire or as an auto stage and for which additional seating capacity fee as required by this chapter has not been paid, to carry passengers therein for hire. [1961 c 12 § 46.16.180. Prior: 1937 c 188 § 20; RRS § 6312-20.]

RCW 46.16.240 Attachment of plates to vehicles——Violations enumerated. The vehicle license number plates shall be attached conspicuously at the front and rear of each vehicle for which the same are issued and in such a manner that they can be plainly seen and read at all times: *Provided*, That if only one license number plate is legally issued for any vehicle such plate shall be conspicuously attached to the rear of such vehicle. Each vehicle license number plate shall be placed or hung in a horizontal position at a distance of not less than one foot nor more than four feet from the ground and shall be kept clean so as to be plainly seen and read

at all times: *Provided, however,* That in cases where the body construction of the vehicle is such that compliance with this section is impossible, permission to deviate therefrom may be granted by the state patrol. It shall be unlawful to display upon the front or rear of any vehicle, vehicle license number plate or plates other than those furnished by the director for such vehicle or to display upon any vehicle any vehicle license number plate or plates which have been in any manner changed, altered, disfigured or have become illegible. License plate frames may be used on vehicle license number plates only if the frames do not obscure license tabs or identifying letters or numbers on the plates and the plates can be plainly seen and read at all times. It is unlawful to use any holders, frames, or any materials that in any manner change, alter, or make the vehicle license number plates illegible. It shall be unlawful for any person to operate any vehicle unless there shall be displayed thereon valid vehicle license number plates attached as herein provided. [1987 c 330 § 704; 1987 c 142 § 3; 1969 ex.s. c 170 § 10; 1967 c 32 § 18; 1961 c 12 § 46.16.240. Prior: 1947 c 89 § 1; 1937 c 188 § 36; Rem. Supp. 1947 § 6312-36.]

Reviser's note: This section was amended by 1987 c 142 § 3 and by 1987 c 330 § 704, each without reference to the other. Both amendments are incorporated in the publication of this section pursuant to RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Rules of court: Monetary penalty schedule——JTIR 6.2.

Construction——Application of rules——Severability——1987 c 330: See notes following RCW 28B.12.050.

RCW 46.16.260 License registration certificate——Signature required——Carried in vehicle——Penalty——Inspection——Exception. A certificate of license registration to be valid must have endorsed thereon the signature of the registered owner (if a firm or corporation, the signature of one of its officers or other duly authorized agent) and must be carried in the vehicle for which it is issued, at all times in the manner prescribed by the department. It shall be unlawful for any person to operate or have in his possession a vehicle without carrying thereon such certificate of license registration. Any person in charge of such vehicle shall, upon demand of any of the local authorities or of any police officer or of any representative of the department, permit an inspection of such certificate of license registration. This section does not apply to a vehicle for which annual renewal of its license plates is not required and which is marked in accordance with the provisions of RCW 46.08.065. [1986 c 18 § 16; 1979 ex.s. c 113 § 3; 1969 ex.s. c 170 § 11; 1967 c 32 § 19; 1961 c 12 § 46.16.260. Prior: 1955 c 384 § 18; 1937 c 188 § 8; RRS § 6312-8.]

Effective date——1986 c 18: See RCW 46.87.901.

RCW 46.16.290 License certificate and plates follow vehicle on transfer——Exceptions. In any case of a valid sale or transfer of the ownership of any vehicle, the right to the certificates properly transferable therewith, except as provided in RCW 46.16.280, and to the vehicle license plates passes to the purchaser or transferee. It is unlawful for the holder of such certificates, except as provided in RCW 46.16.280, or vehicle license plates to fail, neglect, or refuse to endorse the certificates and deliver the vehicle license plates to the purchaser or transferee. If the sale or transfer is of a vehicle licensed by the state or any county, city, town, school district, or other political subdivision entitled to exemption as provided by law, or, if the vehicle is licensed with personalized plates, amateur radio operator plates, medal of honor plates, disabled person plates, disabled veteran plates, or prisoner of war plates, the vehicle license plates therefor shall be retained and may be displayed upon a vehicle obtained in replacement of the vehicle so sold or transferred. [1986 c 18 § 18; 1983 c 27 § 2; 1961 c 12 § 46.16.290. Prior: 1937 c 188 § 39; RRS § 6312-39; 1931 c 138 § 2; 1929 c 99 § 3; 1921 c 96 § 8; 1919 c 59 § 5; 1917 c 155 § 5; 1915 c 142 § 8; RRS § 6319.]

#includes 46.16.316

Effective date——1986 c 18: See RCW 46.87.901.

amended Laws of 1994, Ch 194, §6

* **RCW 46.16.381 Special parking privileges for disabled persons——Penalties for unauthorized use or parking.** (1) The director shall grant special parking privileges to any person who meets one of the following criteria:

(a) Loss of both lower limbs;

(b) Loss of normal or full use of the lower limbs to sufficiently constitute a severe disability;

(c) Is so severely disabled, that the person cannot move without the aid of crutches or a wheelchair;

(d) Loss of both hands;

(e) Suffers from lung disease to such an extent that forced expiratory respiratory volume, when measured by spirometry is less than one liter per second;

(f) Impairment by cardiovascular disease to the extent that the person's functional limitations are classified as class III or IV under standards accepted by the American Heart Association; or

(g) Has a disability resulting from an acute sensitivity to automobile emissions which limits or impairs the ability to walk. The personal physician of the applicant shall document that the disability is comparable in severity to the others listed in this subsection.

(2) Persons with special parking privileges are entitled to receive from the department of licensing both a special card to be left in a vehicle in a conspicuous place and, for one motor vehicle only, a decal to be attached to the vehicle in a conspicuous place designated by the director. Instead of the decal and regular motor vehicle license plates, the disabled persons are entitled to receive a special license plate. The card, decal, and special license plate shall be designed to show distinguishing marks, letters, or numerals indicating that the vehicle is being used to transport a disabled person. Persons using vehicles displaying the special license plate, card, or decal shall be permitted to park in places otherwise reserved for physically disabled persons. The director shall also adopt rules providing for the issuance of special cards to public transportation authorities, nursing homes licensed under chapter 18.51 RCW, senior citizen centers, and private nonprofit agencies as defined in chapter

24.03 RCW that regularly transport disabled persons who have been determined eligible for special parking privileges provided under this section. The special card shall be displayed in a vehicle operated when actually transporting the disabled persons. Public transportation authorities, nursing homes, senior citizen centers, and private nonprofit agencies are responsible for insuring that the special cards are not used improperly and are responsible for all fines and penalties for improper use.

(3) Whenever the disabled person transfers or assigns his or her interest in the vehicle, the special decals or license plate shall be removed from the motor vehicle. The person shall immediately surrender the decal to the director together with a notice of the transfer of interest in the vehicle. If another vehicle is acquired by, or for the primary use of, the disabled person, a new decal shall be issued by the director. If another vehicle is acquired by the disabled person and a special plate is used, the plate shall be attached to the vehicle, and the director shall be immediately notified of the transfer of the plate. If another vehicle is not acquired by the disabled person, the removed plate shall be immediately forwarded to the director to be reissued later upon payment of the regular registration fee.

(4) The special license plate shall be renewed in the same manner and at the time required for the renewal of regular motor vehicle license plates under this chapter. No special license plate may be issued to a person who is temporarily disabled. A person who is permanently disabled under this section shall be issued a permanent card. A person who is temporarily disabled under this section shall be issued a temporary card which shall be renewed, when required by the director, by satisfactory proof of the right to continued use of the card.

(5) Additional fees shall not be charged for the issuance of the special card and decal, and, at the time the vehicle is originally licensed in this state, no additional fee may be charged for the issuance of the special license plate except the regular motor vehicle registration fee and any other fees and taxes required to be paid upon initial registration of a motor vehicle.

(6) Any unauthorized use of the special card, the decal, or the special license plate is a traffic infraction.

(7) It is a traffic infraction, with a monetary penalty of not less than fifteen and not more than fifty dollars for any person to park a vehicle in a parking place provided on private property without charge or on public property reserved for physically disabled persons without a special license plate, card, or decal. If a person is charged with a violation, the person shall not be determined to have committed an infraction if the person produces in court or before the court appearance the special license plate, card, or decal required under this section or demonstrates that the person was entitled to the special license plate, card, or decal.

(8) It is a misdemeanor for any person to willfully obtain a special decal, license plate, or card in a manner other than that established under this section. [1990 c 24 § 1; 1986 c 96 § 1; 1984 c 154 § 2.]

Intent——1984 c 154: "The legislature intends to extend special parking privileges to persons with disabilities that substantially impair mobility." [1984 c 154 § 1.]

Application——1984 c 154: "This act applies to special license plates, cards, or decals issued after June 7, 1984. Nothing in this act invalidates special license plates, cards, or decals issued before June 7, 1984." [1984 c 154 § 9.]

Severability——1984 c 154: "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." [1984 c 154 § 10.]

* amended laws of 1991, ch 339, §22

RCW 46.16.390 Special plate, card, or decal issued by another jurisdiction. A special license plate, card, or decal issued by another state or country that indicates an occupant of the vehicle is disabled, entitles the vehicle on or in which it is displayed and being used to transport the disabled person to lawfully park in a parking place reserved for physically disabled persons pursuant to chapter 70.92 RCW or authority implemental thereof. [1984 c 51 § 1.]

RCW 46.16.500 Liability of operator, owner, lessee for violations. Whenever an act or omission is declared to be unlawful in chapter 46.16 RCW, if the operator of the vehicle is not the owner or lessee of such vehicle, but is so operating or moving the vehicle with the express or implied permission of the owner or lessee, then the operator and/or owner or lessee are both subject to the provisions of this chapter with the primary responsibility to be that of the owner or lessee.

If the person operating the vehicle at the time of the unlawful act or omission is not the owner or lessee of the vehicle, such person is fully authorized to accept the citation and execute the promise to appear on behalf of the owner or lessee. [1980 c 104 § 3; 1969 ex.s. c 69 § 2.]

RCW 46.16.505 Campers——License and plates——Application——Fee. It shall be unlawful for a person to operate any vehicle equipped with a camper over and along a public highway of this state without first having obtained and having in full force and effect a current and proper camper license and displaying a camper license number plate therefor as required by law: *Provided, however,* That if a camper is part of the inventory of a manufacturer or dealer and is unoccupied at all times, and a dated demonstration permit, valid for no more than seventy-two hours is carried in the motor vehicle at all times it is operated by any such individual, such camper may be demonstrated if carried upon an appropriately licensed vehicle.

Application for an original camper license shall be made on a form furnished for the purpose by the director. Such application shall be made by the owner of the camper or his duly authorized agent over the signature of such owner or agent, and he shall certify that the statements therein are true and to the best of his knowledge. The application must show:

(1) Name and address of the owner of the camper;

(2) Trade name of the camper, model, year, and the serial number thereof;

(3) Such other information as the director requires.

There shall be paid and collected annually for each registration year or fractional part thereof and upon each camper a license fee or, if the camper was previously licensed in this state and has not been registered in another jurisdiction in the intervening period, a renewal license fee. Such license fee shall be in the sum of four dollars and ninety cents, and such renewal license fee shall be in the sum of three dollars and fifty cents.

Except as otherwise provided for in this section, the provisions of chapter 46.16 RCW shall apply to campers in the same manner as they apply to vehicles. [1975 1st ex.s. c 118 § 11; 1975 c 41 § 1; 1971 ex.s. c 231 § 7.]

Effective date——Severability——1975 1st ex.s. c 118: See notes following RCW 46.16.006.

Effective date——1971 ex.s. c 231: See note following RCW 46.01.130.

#includes 46.16.595

RCW 46.16.710 Driving without valid license——Confiscation and marking of registration and license plates. (Effective until July 1, 1993.) (1) At the time of arrest for a violation of RCW 46.20.021, 46.20.342(1), 46.20.420, or 46.65.090, the arresting officer shall confiscate the Washington state vehicle registration of the vehicle being driven by the arrested person. The officer shall mark the vehicle's Washington state license plates in accordance with procedures prescribed by the Washington state patrol. Marked license plates shall be clearly distinguishable from any other authorized plates. Upon confiscation of the vehicle registration, the arresting officer shall, on behalf of the department, serve notice in accordance with RCW 46.16.730 of the department's intention to cancel the vehicle registration in accordance with RCW 46.16.720. The officer shall immediately replace any confiscated vehicle registration with a temporary registration that expires sixty days after the arrest, or at the time the department's cancellation is sustained at a hearing conducted under RCW 46.16.740, whichever occurs first. The provisions of this subsection may be used only when the arresting officer has determined that the arrested driver is a registered owner of the vehicle.

(2) After confiscation under subsection (1) of this section, the arresting officer shall promptly transmit to the department, together with the confiscated vehicle registration, a sworn report indicating that the officer had reasonable grounds to believe that the arrested driver was driving in violation of RCW 46.20.342(1).

(3) Any officer who sees a vehicle being operated with marked license plates may stop the vehicle for the sole purpose of ascertaining whether the driver of the vehicle is operating it in violation of RCW 46.20.021, 46.20-.342, 46.20.420, or 46.65.090. Nothing in this section prohibits the arrest of a person for an offense if an officer has probable cause to believe the person has committed the offense. [1987 c 388 § 2.]

Effective, expiration dates——1987 c 388 (part): "Sections 1 through 8 of this act shall take effect on July 1, 1988. The director of licensing shall take such steps as are necessary to insure that this act is implemented on its effective date. Sections 2 through 7 of this act shall expire on July 1, 1993." [1987 c 388 § 13.]

Report to legislature——1987 c 388: "The department of licensing shall report to the legislature no later than January 1, 1991, on the implementation of this 1987 act. The department shall indicate the revenue and expenditure effects of the act and shall estimate its effect on the incidence of unlicensed driving in the state." [1987 c 388 § 15.]

Reviser's note: This act [1987 c 388] consisted of the amendment of RCW 46.12.020 46.12.240, 46.20.342, and 46.63.020 and the enactment of RCW 46.16.011 and 46.16.710 through 46.16.760.

Severability——1987 c 388: "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." [1987 c 388 § 16.]

amended Laws of 1991, ch 293, §3

*** RCW 46.20.021 Driver's license required——Penalty——Surrender of other license——Local license not required.** (1) No person, except as expressly exempted by this chapter, may drive any motor vehicle upon a highway in this state unless the person has a valid driver's license issued under the provisions of this chapter. A violation of this subsection is a misdemeanor and is a lesser included offense within the offenses described in RCW 46.20.342(1), 46.20.420, and 46.65.090.

(2) No person shall receive a driver's license unless and until he or she surrenders to the department all valid driver's licenses in his or her possession issued to him or her by any other jurisdiction. The department shall establish a procedure to invalidate the surrendered photograph license and return it to the person. The invalidated license, along with the valid temporary Washington driver's license provided for in RCW 46.20.055(3), shall be accepted as proper identification. The department shall notify the issuing department that the licensee is now licensed in a new jurisdiction. No person shall be permitted to have more than one valid driver's license at any time.

(3) Any person licensed as a driver under this chapter may exercise the privilege thereby granted upon all streets and highways in this state and shall not be required to obtain any other license to exercise such privilege by any county, municipal or local board, or body having authority to adopt local police regulations. [1990 c 250 § 33; 1988 c 88 § 1; 1985 c 302 § 2; 1979 ex.s. c 136 § 53; 1965 ex.s. c 121 § 2.]

Reviser's note: Throughout chapter 46.20 RCW the phrases "this 1965 amendatory act" and "this act" have been changed to "this chapter." The 1965 amendatory act [1965 ex.s. c 121] consisted of RCW 46.20.021 through 46.20.055, 46.20.091, 46.20.161 through 46-.20.181, 46.20.205, 46.20.207, 46.20.215, 46.20.285, 46.20.291, 46.20-.305 through 46.20.315, 46.20.322 through 46.20.336, 46.20.342 through 46.20.344, 46.20.900, 46.20.910, and 46.64.025, the 1965 amendments to RCW 46.20.102 through 46.20.106, 46.20.120 through 46.20.140, 46.20.190, 46.20.200, 46.20.270, and 46.20.340 and 1965 ex.s. c 121 § 1, footnoted after RCW 46.20.021.

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

Severability——1990 c 250: See note following RCW 46.16.301.

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

Purpose——Construction——1965 ex.s. c 121: "With the advent of greatly increased interstate vehicular travel and the migration of motorists between the states, the legislature recognizes the necessity of enacting driver licensing laws which are reasonably uniform with the laws of other states and are at the same time based upon sound, realistic principles, stated in clear explicit language. To achieve these ends the legislature does hereby adopt this 1965 amendatory act relating to driver licensing modeled after the Uniform Vehicle Code subject to such variances as are deemed better suited to the people of this state. It is intended that this 1965 amendatory act be liberally construed to effectuate the purpose of improving the safety of our highways through

driver licensing procedures within the framework of the traditional freedoms to which every motorist is entitled." [1965 ex.s. c 121 § 1.] For application of this section see reviser's note above.

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

License plates and registration, confiscation and marking: RCW 46.16.710.

RCW 46.20.022 Unlicensed drivers——Subject to all provisions of Title 46 RCW. Any person who operates a motor vehicle on the public highways of this state without a driver's license or nonresident privilege to drive shall be subject to all of the provisions of Title 46 RCW to the same extent as a person who is licensed. [1975–'76 2nd ex.s. c 29 § 1.]

Allowing unauthorized person to drive: RCW 46.16.011, 46.20.344.

amended Laws of 1993, ch 148, §1

* **RCW 46.20.025 Persons exempt from licensing requirement.** The following persons are exempt from license hereunder:

(1) Any person in the service of the army, navy, air force, marine corps, or coast guard of the United States, or in the service of the national guard of this state or any other state, when furnished with a driver's license by such service when operating an official motor vehicle in such service;

(2) A nonresident who is at least sixteen years of age and who has in his immediate possession a valid driver's license issued to him in his home state;

(3) A nonresident who is at least sixteen years of age and who has in his immediate possession a valid driver's license issued to him in his home country may operate a motor vehicle in this state for a period not to exceed one year;

(4) Any person operating special highway construction equipment as defined in RCW 46.16.010;

(5) Any person while driving or operating any farm tractor or implement of husbandry which is only incidentally operated or moved over a highway;

(6) Any person while operating a locomotive upon rails, including operation on a railroad crossing over a public highway; and such person is not required to display a driver's license to any law enforcement officer in connection with the operation of a locomotive or train within this state. [1979 c 75 § 1; 1965 ex.s. c 121 § 3.]

RCW 46.20.027 Licenses of persons serving in armed forces to remain in force——Duration. A Washington state motor vehicle driver's license issued to any person serving in the armed forces of the United States, if valid and in force and effect while such person is serving in the armed forces, shall remain in full force and effect so long as such service continues unless the same is sooner suspended, canceled, or revoked for cause as provided by law and for not to exceed ninety days following the date on which the holder of such driver's license is honorably separated from service in the armed forces of the United States. [1967 c 129 § 1.]

amended laws of 1993, ch 501, §2

* **RCW 46.20.031 Persons ineligible to be licensed.** The department shall not issue a driver's license hereunder:

(1) To any person who is under the age of sixteen years;

(2) To any person whose license has been suspended during such suspension, nor to any person whose license has been revoked, except as provided in RCW 46.20.311;

(3) To any person when the department has been notified by a court that such person has violated his written promise to appear in court, unless the department has received a certificate from the court in which such person promised to appear, showing that the case has been adjudicated. The deposit of bail by a person charged with a violation of any law regulating the operation of motor vehicles on highways shall be deemed an appearance in court for the purpose of this section;

(4) To any person who has been evaluated by a program approved by the department of social and health services as being an alcoholic, drug addict, alcohol abuser and/or drug abuser: *Provided*, That a license may be issued if the department determines that such person has been granted a deferred prosecution, pursuant to chapter 10.05 RCW, or is satisfactorily participating in or has successfully completed an alcohol or drug abuse treatment program approved by the department of social and health services and has established control of his or her alcohol and/or drug abuse problem;

(5) To any person who has previously been adjudged to be mentally ill or insane, or to be incompetent due to any mental disability or disease, and who has not at the time of application been restored to competency by the methods provided by law: *Provided, however*, That no person so adjudged shall be denied a license for such cause if the superior court should find him able to operate a motor vehicle with safety upon the highways during such incompetency;

(6) To any person who is required by this chapter to take an examination, unless such person shall have successfully passed such examination;

(7) To any person who is required under the laws of this state to deposit proof of financial responsibility and who has not deposited such proof;

(8) To any person when the department has good and substantial evidence to reasonably conclude that such person by reason of physical or mental disability would not be able to operate a motor vehicle with safety upon the highways; subject to review by a court of competent jurisdiction. [1985 c 101 § 1; 1977 ex.s. c 162 § 1; 1965 ex.s. c 121 § 4.]

Allowing unauthorized person to drive: RCW 46.16.011, 46.20.344.

Juvenile driving privileges, alcohol or drug violations: RCW 66.44.365, 69.50.420.

RCW 46.20.041 Physically or mentally disabled persons——Procedure——Restrictions——Violations——Penalty. (1) The department shall permit any person suffering from any physical or mental disability or disease which may affect that person's ability to drive a motor vehicle, to demonstrate personally that notwithstanding such disability or disease he or she is a proper person to drive a motor vehicle. The department may in addition require such person to obtain a certificate

showing his or her condition signed by a licensed physician or other proper authority designated by the department. The certificate shall be for the confidential use of the director and the chief of the Washington state patrol and for such other cognizant public officials as may be designated by law. It shall be exempt from public inspection and copying notwithstanding the provisions of chapter 42.17 RCW. The certificate may not be offered as evidence in any court except when appeal is taken from the order of the director suspending, revoking, canceling, or refusing a vehicle driver's license. However, the certificate may be made available to the director of the department of retirement systems for use in determining eligibility for or continuance of disability benefits and it may be offered and admitted as evidence in any administrative proceeding or court action concerning such disability benefits.

(2) The department may issue a driver's license to such a person imposing restrictions suitable to the licensee's driving ability with respect to the special mechanical control devices required on a motor vehicle or the type of motor vehicle which the licensee may operate or such other restrictions applicable to the licensee as the department may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee.

(3) The department may either issue a special restricted license or may set forth such restrictions upon the usual license form.

(4) The department may upon receiving satisfactory evidence of any violation of the restrictions of such license suspend or revoke the same but the licensee shall be entitled to a driver improvement interview and a hearing as upon a suspension or revocation under this chapter.

(5) It is a traffic infraction for any person to operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to him or her. [1986 c 176 § 1; 1979 ex.s. c 136 § 54; 1979 c 61 § 2; 1965 ex.s. c 121 § 5.]

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

RCW 46.20.045 Age limit for school bus drivers and drivers of for hire vehicles. No person who is under the age of eighteen years shall drive any school bus transporting school children or shall drive any motor vehicle when in use for the transportation of persons for compensation. [1971 ex.s. c 292 § 43; 1965 ex.s. c 121 § 6.]

Severability——1971 ex.s. c 292: See note following RCW 26.28.010.

RCW 46.20.190 License in immediate possession and displayed on demand. Every licensee shall have his driver's license in his immediate possession at all times when operating a motor vehicle and shall display the same upon demand to any police officer or to any other person when and if required by law to do so. The offense described in this section is a nonmoving offense. [1979 ex.s. c 136 § 56; 1965 ex.s. c 121 § 15; 1961 c 12 § 46.20.190. Prior: 1937 c 188 § 59; RRS § 6312-59; 1921 c 108 § 7, part; RRS § 6369, part.]

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

Driver's license, duty to display under other circumstances: RCW 46.52.020, 46.61.020, 46.61.021.

RCW 46.20.220 Unlawful renting of vehicle to unlicensed person——Rental record. (1) It shall be unlawful for any person to rent a motor vehicle of any kind including a motorcycle to any other person unless the latter person is then duly licensed as a vehicle driver for the kind of motor vehicle being rented in this state or, in case of a nonresident, then that he is duly licensed as a driver under the laws of the state or country of his residence except a nonresident whose home state or country does not require that a motor vehicle driver be licensed;

(2) It shall be unlawful for any person to rent a motor vehicle to another person until he has inspected the vehicle driver's license of such other person and compared and verified the signature thereon with the signature of such other person written in his presence;

(3) Every person renting a motor vehicle to another person shall keep a record of the vehicle license number of the motor vehicle so rented, the name and address of the person to whom the motor vehicle is rented, the number of the vehicle driver's license of the person renting the vehicle and the date and place when and where such vehicle driver's license was issued. Such record shall be open to inspection by any police officer or anyone acting for the director. [1969 c 27 § 1. Prior: 1967 c 232 § 9; 1967 c 32 § 28; 1961 c 12 § 46.20.220; prior: 1937 c 188 § 63; RRS § 6312-63.]

Allowing unauthorized person to drive: RCW 46.16.011, 46.20.344.

Helmet requirements when motorcycle, motor-driven cycle, or moped rented: RCW 46.37.535.

amended Laws of 1994, ch 275, §13.

*** RCW 46.20.308 Implied consent——Revocation, etc., for refusal to submit to breath or blood alcohol test.** (1) Any person who operates a motor vehicle within this state is deemed to have given consent, subject to the provisions of RCW 46.61.506, to a test or tests of his or her breath or blood for the purpose of determining the alcoholic content of his or her breath or blood if arrested for any offense where, at the time of the arrest, the arresting officer has reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor.

(2) The test or tests of breath shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving or in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor. However, in those instances where: (a) The person is incapable due to physical injury, physical incapacity, or other physical limitation, of providing a breath sample; or (b) as a result of a traffic accident the person is being treated for a medical condition in a hospital, clinic, doctor's office, or other similar facility in which a breath testing instrument is not present, a blood test shall be administered by a qualified person as provided

in RCW 46.61.506(4). The officer shall inform the person of his or her right to refuse the breath or blood test, and of his or her right to have additional tests administered by any qualified person of his or her choosing as provided in RCW 46.61.506. The officer shall warn the driver that (a) his or her privilege to drive will be revoked or denied if he or she refuses to submit to the test, and (b) that his or her refusal to take the test may be used in a criminal trial.

(3) Except as provided in this section, the test administered shall be of the breath only. If an individual is unconscious or is under arrest for the crime of vehicular homicide as provided in RCW 46.61.520 or vehicular assault as provided in RCW 46.61.522, or if an individual is under arrest for the crime of driving while under the influence of intoxicating liquor or drugs as provided in RCW 46.61.502, which arrest results from an accident in which another person has been injured and there is a reasonable likelihood that such other person may die as a result of injuries sustained in the accident, a breath or blood test may be administered without the consent of the individual so arrested.

(4) Any person who is dead, unconscious, or who is otherwise in a condition rendering him or her incapable of refusal, shall be deemed not to have withdrawn the consent provided by subsection (1) of this section and the test or tests may be administered, subject to the provisions of RCW 46.61.506, and the person shall be deemed to have received the warnings required under subsection (2) of this section.

(5) If, following his or her arrest and receipt of warnings under subsection (2) of this section, the person arrested refuses upon the request of a law enforcement officer to submit to a test or tests of his or her breath or blood, no test shall be given except as authorized under subsection (3) or (4) of this section.

(6) The department of licensing, upon the receipt of a sworn report of the law enforcement officer that the officer had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor and that the person had refused to submit to the test or tests upon the request of the law enforcement officer after being informed that refusal would result in the revocation of the person's privilege to drive, shall revoke the person's license or permit to drive or any nonresident operating privilege.

(7) Upon revoking the license or permit to drive or the nonresident operating privilege of any person, the department shall immediately notify the person involved in writing by personal service or by certified mail of its decision and the grounds therefor, and of the person's right to a hearing, specifying the steps he or she must take to obtain a hearing. Within fifteen days after the notice has been given, the person may, in writing, request a formal hearing. Upon receipt of such request, the department shall afford the person an opportunity for a hearing as provided in RCW 46.20.329 and 46.20.332. The hearing shall be conducted in the county of the arrest. For the purposes of this section, the scope of such hearing shall cover the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor, whether the person was placed under arrest, and whether the person refused to submit to the test or tests upon request of the officer after having been informed that such refusal would result in the revocation of the person's privilege to drive. The department shall order that the revocation either be rescinded or sustained. Any decision by the department revoking a person's driving privilege shall be stayed and shall not take effect while a formal hearing is pending as provided in this section or during the pendency of a subsequent appeal to superior court so long as there is no conviction for a moving violation or no finding that the person has committed a traffic infraction that is a moving violation during pendency of the hearing and appeal.

(8) If the revocation is sustained after such a hearing, the person whose license, privilege, or permit is revoked has the right to file a petition in the superior court of the county of arrest to review the final order of revocation by the department in the manner provided in RCW 46.20.334.

(9) When it has been finally determined under the procedures of this section that a nonresident's privilege to operate a motor vehicle in this state has been 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 he or she has a license. [1989 c 337 § 8; 1987 c 22 § 1. Prior: 1986 c 153 § 5; 1986 c 64 § 1; 1985 c 407 § 3; 1983 c 165 § 2; 1983 c 165 § 1; 1981 c 260 § 11; prior: 1979 ex.s. c 176 § 3; 1979 ex.s. c 136 § 59; 1979 c 158 § 151; 1975 1st ex.s. c 287 § 4; 1969 c 1 § 1 (Initiative Measure No. 242, approved November 5, 1968).]

Effective dates——1985 c 407: See note following RCW 46.04.480.

Legislative finding, intent——1983 c 165: "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." [1983 c 165 § 44.]

Effective dates——1983 c 165: "Sections 2, 3 through 12, 14, 16, 18, 22, 24, and 26 of chapter 165, Laws of 1983 shall take effect on January 1, 1986. The remainder of chapter 165, Laws of 1983 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 chapter 165, Laws of 1983 are implemented on their respective effective dates." [1984 c 219 § 1; 1983 c 165 § 47.]

Severability——1983 c 165: "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 165 § 48.]

Severability——1979 ex.s. c 176: See note following RCW 46.61.502.

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

Severability, implied consent law——1969 c 1: See RCW 46.20.911.

Liability of medical personnel withdrawing blood: RCW 46.61.508.
Refusal of alcohol test——Admissibility as evidence: RCW 46.61.517.

RCW 46.20.336 Violations——Penalty. It is a misdemeanor for any person:

(1) To display or cause or permit to be displayed or have in his or her possession any fictitious or fraudulently altered driver's license or identicard;

(2) To lend his or her driver's license or identicard to any other person or knowingly permit the use thereof by another;

(3) To display or represent as one's own any driver's license or identicard not issued to him or her;

(4) Willfully to fail or refuse to surrender to the department upon its lawful demand any driver's license or identicard which has been suspended, revoked or canceled;

(5) To use a false or fictitious name in any application for a driver's license or identicard or to knowingly make a false statement or to knowingly conceal a material fact or otherwise commit a fraud in any such application;

(6) To permit any unlawful use of a driver's license or identicard issued to him or her. [1990 c 210 § 3; 1981 c 92 § 1; 1965 ex.s. c 121 § 41.]

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

Includes RCW 46.20.338 amended Laws of 1993, ch 501, §6.

*** RCW 46.20.342 Driving while license suspended or revoked——Penalty——Extension of suspension or revocation period.** (1) Any person who drives a motor vehicle in this state while that person is in a suspended or revoked status or when his or her privilege so to do is suspended or revoked in this or any other state or when his or her policy of insurance or bond, when required under this title, has been canceled or terminated, is guilty of a gross misdemeanor, except that any person who has a valid Washington driver's license is not guilty of a violation of this section.

(2) Except as otherwise provided in this subsection, upon receiving a record of conviction of any person or upon receiving an order by any juvenile court or any duly authorized court officer of the conviction of any juvenile under this section upon a charge of driving a vehicle while the license or privilege of the person is under suspension, the department shall extend the period of the suspension for an additional like period and if the conviction was upon a charge of driving while a license was revoked the department shall not issue a new license or restore the driving privilege for an additional period of one year from and after the date the person would otherwise have been entitled to apply for a new license or have his or her driving privilege restored. The department shall not so extend the period of suspension or revocation if the court recommends against the extension and:

(a) The convicted person has obtained a valid driver's license; or

(b) The department determines that the convicted person has demonstrated proof of future financial responsibility as provided for in chapter 46.29 RCW, and, if the suspension or revocation was the result of a violation of RCW 46.61.502 or 46.61.504, that the person is making satisfactory progress in any required alcoholism treatment program. [1990 c 250 § 47; 1990 c 210 § 5; 1987 c 388 § 1; 1985 c 302 § 3; 1980 c 148 § 3. Prior: 1979 ex.s. c 136 § 62; 1979 ex.s. c 74 § 1; 1969 c 27 § 2; prior: 1967 ex.s. c 145 § 52; 1967 c 167 § 7; 1965 ex.s. c 121 § 43.]

Reviser's note: This section was amended by 1990 c 210 § 5 and by 1990 c 250 § 47, each without reference to the other. Both amendments are incorporated in the publication of this section pursuant to RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

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

Severability——1990 c 250: See note following RCW 46.16.301.

Effective date——Severability——1987 c 388: See notes following RCW 46.16.710.

Effective date——1980 c 148: See note following RCW 46.10.090.

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

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

License plates and registration, confiscation and marking: RCW 46.16.710.

RCW 46.20.343 Unlawful to allow unauthorized minor child or ward to drive. No person shall cause or knowingly permit his child or ward under the age of eighteen years to drive a motor vehicle upon any highway when such minor is not authorized hereunder or in violation of any of the provisions of this chapter. [1965 ex.s. c 121 § 44.]

RCW 46.20.344 Unlawful to allow unauthorized person to drive. No person shall authorize and knowingly permit a motor vehicle owned by him or under his control to be driven upon any highway by any person who is not authorized hereunder or in violation of any of the provisions of this chapter. [1965 ex.s. c 121 § 45.]

Allowing unauthorized person to drive: RCW 46.16.011.

amended Laws of 1994, ch 275, §29

*** RCW 46.20.391 Occupational driver's license——Application——Eligibility——Restrictions——Cancellation.** (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 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. 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, 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 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 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. [1985 c 407 § 5; 1983 c 165 § 24; 1983 c 165 § 23; 1983 c 164 § 4; 1979 c 61 § 13; 1973 c 5 § 1.]

Effective dates——1985 c 407: See note following RCW 46.04.480.

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

RCW 46.20.394 Occupational driver's license——Departmental issuance——Detailed restrictions——Violation. 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.

RCW 46.20.410 Occupational driver'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 criminal traffic offense cases——Mandatory appearance——CrRLJ 3.2.

RCW 46.20.420 Operation of motor vehicle under other license or permit prohibited while license is suspended or revoked——Penalty. 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. A person who violates the provisions of this section is guilty of a gross misdemeanor. [1990 c 210 § 6; 1985 c 302 § 5; 1967 c 32 § 35; 1961 c 134 § 2.]

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

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

License plates and registration, confiscation and marking: RCW 46.16.710.

RCW 46.20.430 Stopping of vehicle registered to suspended or revoked driver——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, during the reported period of such suspension or revocation, stop any motor vehicle identified by its vehicle license number as being registered to the person whose driver's license has been suspended or revoked. The driver of such vehicle shall display his driver's license upon request of the police officer. [1979 c 158 § 152; 1965 ex.s. c 170 § 47.]

RCW 46.20.435 Impoundment of vehicle for driver's license violations——Release, when——Court hearing. (1) Upon determining that a person is operating a motor vehicle without a valid driver's license in violation of RCW 46.20.021 or with a license that has been expired for ninety days or more, or with a suspended or revoked license in violation of RCW 46.20.342 or 46.20.420, a law enforcement officer may immediately impound the vehicle that the person is operating.

(2) If the driver of the vehicle is the owner of the vehicle, the officer shall not release the vehicle impounded under subsection (1) of this section until the owner of the vehicle:

(a) Establishes that any penalties, fines, or forfeitures owed by the person driving the vehicle when it was impounded have been satisfied; and

(b) Pays the reasonable costs of such impoundment and storage.

(3) If the driver of the vehicle is not the owner of the vehicle, the driver shall be responsible for any penalties, fines, or forfeitures owed or due and for the costs of impoundment and storage. The vehicle shall be released to the owner immediately upon proof of such ownership.

(4) Whenever a vehicle has been impounded by a law enforcement officer, the officer shall immediately serve

upon the driver of the impounded vehicle a notice informing the recipient of his or her right to a hearing in the district court for the jurisdiction in which the vehicle was impounded to contest the validity of the impoundment or the amount of towing or the amount of towing and storage charges. A request for a hearing shall be made in writing on the form provided for that purpose and must be received by the district court within ten days of the date of the impound. If the hearing request is not received by the district court within the ten-day period, the right to a hearing is waived and the driver is liable for any towing, storage, or other impoundment charges permitted under this chapter. Upon receipt of a timely hearing request, the district court shall proceed to hear and determine the validity of the impoundment.

(5)(a) The district court, within five days after the request for a hearing, shall notify the driver in writing of the hearing date and time.

(b) At the hearing, the person requesting the hearing may produce any relevant evidence to show that the impoundment was not proper.

(c) At the conclusion of the hearing, the district court shall determine whether the impoundment was proper, whether the driver was responsible for any penalties, fines, or forfeitures owed or due at the time of the impoundment, and whether they have been satisfied.

(d) A certified transcript or abstract of the driving record of the driver, as maintained by the department, is admissible in evidence in any hearing and is prima facie evidence of the status of the driving privilege of the person named in it at the time of the impoundment and whether there were penalties, fines, or forfeitures due and owing by the person named in it at the time the impoundment occurred. [1985 c 391 § 1; 1982 c 8 § 1.]

Severability——1982 c 8: "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." [1982 c 8 § 2.]

RCW 46.20.440 Vehicles requiring special skills——Additional examination, special endorsement——Exemption——Instruction permit, fee. (Effective until April 1, 1992.) It is unlawful for a person to operate upon the public highway any motor-truck, truck-tractor, school bus, auto stage, for hire vehicle, or private carrier bus as defined by RCW 46.04.310, 46.04.650, 46.04.521, 46.04.050, 46.04.190, and 46.04.416 respectively, found by the director to require special operating skills as hereafter provided, unless the driver has successfully completed an examination, in addition to the examinations in RCW 46.20.130, demonstrating the ability of the driver to operate and maneuver the vehicle or vehicles upon the public highway in a manner not to jeopardize the safety of persons or property: *Provided*, That this requirement does not apply to any person hauling farm commodities from the farm to the processing plant or shipping point, not to exceed a radius of fifty miles from the farm.

The director may issue an instruction permit to an applicant for a period not to exceed one hundred eighty days. This instruction permit may be renewed for one additional one hundred eighty-day period. The director shall collect a two dollars and fifty cent fee for the instruction permit or renewal, and the fee shall be deposited in the highway safety fund.

The director shall upon completion of such tests specially endorse the driver's license of the applicant to indicate the type of vehicle qualifications met. [1980 c 114 § 1; 1971 ex.s. c 126 § 1; 1970 ex.s. c 100 § 4; 1969 ex.s. c 68 § 1; 1967 ex.s. c 20 § 1.]

Effective date——1967 ex.s. c 20: See note following RCW 46.20.470.

Age limit for school bus drivers and drivers of for hire vehicles: RCW 46.20.045.

RCW 46.20.500 Special endorsement for motorcycle operator's license——Moped exception. No person may drive a motorcycle or a motor-driven cycle unless such person has a valid driver's license specially endorsed by the director to enable the holder to drive such vehicles, nor may a person drive a motorcycle of a larger engine displacement than that authorized by such special endorsement or by an instruction permit for such category: *Provided*, That any person sixteen years of age or older, holding a valid driver's license of any class issued by the state of the person's residence, may operate a moped without taking any special examination for the operation of a moped. [1982 c 77 § 1; 1979 ex.s. c 213 § 6; 1967 c 232 § 1.]

Rules of court: Monetary penalty schedule——JTIR 6.2.

Severability——1982 c 77: "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." [1982 c 77 § 10.]

Mopeds
- operation and safety standards: RCW 46.61.710, 46.61.720.
- registration: RCW 46.16.630.

RCW 46.20.510 Special endorsement for motorcycle operator's license——Categories——Instruction permits——Fees. (1) There shall be three categories for the special motorcycle endorsement of a driver's license. Category one shall be for motorcycles or motor-driven cycles having an engine displacement of one hundred fifty cubic centimeters or less. Category two shall be for motorcycles having an engine displacement of five hundred cubic centimeters or less. Category three shall include categories one and two, and shall be for motorcycles having an engine displacement of five hundred one cubic centimeters or more.

(2) The department may issue a motorcyclist's instruction permit to an individual who wishes to learn to ride a motorcycle or obtain an endorsement of a larger endorsement category for a period not to exceed ninety days. This motorcyclist's instruction permit may be renewed for an additional ninety days. The director shall collect a two dollar and fifty cent fee for the motorcyclist's instruction permit or renewal, and the fee shall be deposited in the motorcycle safety education account of the highway safety fund. This permit and a valid driver's license with current endorsement, if any, shall be carried when operating a motorcycle. An individual with a motorcyclist's instruction permit may not

carry passengers, may not operate a motorcycle during the hours of darkness or on a fully-controlled, limited-access facility, and shall be under the direct visual supervision of a person with a motorcycle endorsement of the appropriate category and at least five years' riding experience. [1989 c 337 § 9; 1985 ex.s. c 1 § 9; 1985 c 234 § 3; 1982 c 77 § 3.]

Effective date——1985 ex.s. c 1: See note following RCW 46.20.070.

Severability——1982 c 77: See note following RCW 46.20.500.

RCW 46.20.550 Wheelchair conveyances——Special examinations——Restrictions on license——Rules for performance review. Each operator of a wheelchair conveyance shall undergo a special examination conducted for the purpose of determining whether that person can properly and safely operate the conveyance on public roadways within a specified area. An operator's license issued after the special examination may specify the route, area, time, or other restrictions that are necessary to ensure the safety of the operator as well as the general motoring public. The department shall adopt rules for periodic review of the performance of operators of wheelchair conveyances. Operation of a wheelchair conveyance in violation of these rules is a traffic infraction. [1983 c 200 § 3.] Lws 1994 #includes RCW 46.20.730 275/§3

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

Wheelchair conveyances
definition: RCW 46.04.710.
licensing: RCW 46.16.640.
public roadways, operating on: RCW 46.61.730.
safety standards: RCW 46.37.610.

*amended Law of 1994, ch 275, §25.

***RCW 46.20.750 Ignition interlocks——Assisting another in starting or operating——Penalty.** A person who knowingly assists another person who is restricted to the use of an ignition interlock device to start and operate that vehicle in violation of a court order is guilty of a gross misdemeanor.

The provisions of this section do not apply if the starting of a motor vehicle, or the request to start a motor vehicle, equipped with an ignition interlock device is done for the purpose of safety or mechanical repair of the device or the vehicle and the person subject to the court order does not operate the vehicle. [1987 c 247 § 5.] #includes RCW 46.25.010-,050 and .110, .120, & .170.

RCW 46.29.605 Suspension of registration, notice——Surrender of license plates——Penalties. (1) Whenever the involvement in a motor vehicle accident in this state results in the driving privilege of a person being suspended for failure to pay a judgment or deposit security, the department shall suspend the Washington registration of the motor vehicle if the person driving at the time of the accident was also the registered owner of the motor vehicle.

(2) A notice of suspension shall be mailed by first class mail to the owner's last known address of record in the department and shall be effective notwithstanding the owner's failure to receive the notice.

(3) Upon suspension of the registration of a motor vehicle, the registered owner shall surrender all vehicle license plates registered to the vehicle. The department shall destroy the license plates and, upon reinstatement of the registration, shall issue new vehicle license plates as provided in RCW 46.16.270.

(4) Failure to surrender license plates under subsection (3) of this section is a misdemeanor punishable by imprisonment for not less than one day nor more than five days and by a fine of not less than fifty dollars nor more than two hundred fifty dollars.

(5) No vehicle license plates or certificate of ownership or registration for a motor vehicle may be issued and no vehicle license may be renewed during the time the registration of the motor vehicle is suspended.

(6) Any person who operates a vehicle in this state while the registration of the vehicle is suspended is guilty of a gross misdemeanor and upon conviction thereof shall be imprisoned for not less than two days nor more than five days and fined not less than one hundred dollars nor more than five hundred dollars. [1981 c 309 § 6.]

RCW 46.29.625 Driving when license suspended or revoked until proof of ability to respond in damages furnished——Penalty. Any person whose driver's license or other privilege to operate a motor vehicle has been suspended or revoked and restoration thereof or issuance of a new license is contingent upon the furnishing of proof of ability to respond in damages and who in the absence of full authorization from the director, drives a motor vehicle upon any highway shall be punished by imprisonment for not less than ten days nor more than six months and there may be imposed in addition thereto a fine of not more than five hundred dollars. [1969 ex.s. c 281 § 21.]

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

Revoked license not renewed or restored until proof of financial responsibility given: RCW 46.20.311.

Includes RCW 46.30.010-.040

RCW 46.32.060 Moving defective vehicle unlawful——Impounding authorized. It shall be unlawful for any person to operate or move, or for any owner to cause or permit to be operated or moved upon any public highway, any vehicle or combination of vehicles, which is not at all times equipped in the manner required by this title, or the equipment of which is not in a proper condition and adjustment as required by this title or rules adopted by the chief of the Washington state patrol.

Any vehicle operating upon the public highways of this state and at any time found to be defective in equipment in such a manner that it may be considered unsafe shall be an unlawful vehicle and may be prevented from further operation until such equipment defect is corrected and any peace officer is empowered to impound such vehicle until the same has been placed in a condition satisfactory to vehicle inspection. The necessary cost of impounding any such unlawful vehicle and any cost for the storage and keeping thereof shall be

paid by the owner thereof. The impounding of any such vehicle shall be in addition to any penalties for such unlawful operation.

The provisions of this section shall not be construed to prevent the operation of any such defective vehicle to a place for correction of equipment defect in the manner directed by any peace officer or representative of the state patrol. [1987 c 330 § 705; 1986 c 123 § 5; 1961 c 12 § 46.32.060. Prior: 1937 c 189 § 12; RRS § 6360–12.]

Construction——Application of rules——Severability——1987 c 330: See notes following RCW 28B.12.050.

RCW 46.32.070 Inspection of damaged vehicle. If a vehicle required to be inspected becomes damaged or deteriorated in such a manner that such vehicle has become unsafe for operation upon the public highways of this state, it is unlawful for the owner or operator thereof to cause such vehicle to be operated upon a public highway upon its return to service unless such owner or operator presents such vehicle for inspection of equipment within twenty–four hours after its return to service. [1986 c 123 § 6; 1961 c 12 § 46.32.070. Prior: 1937 c 189 § 13; RRS § 6360–13.]

RCW 46.37.010 Scope and effect of regulations——General penalty. (1) It is a traffic infraction for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this chapter or in regulations issued by the chief of the Washington state patrol, or which is equipped in any manner in violation of this chapter or the state patrol's regulations, or for any person to do any act forbidden or fail to perform any act required under this chapter or the state patrol's regulations.

(2) Nothing contained in this chapter or the state patrol's regulations shall be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of this chapter or the state patrol's regulations.

(3) The provisions of the chapter and the state patrol's regulations with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers, or farm tractors except as herein made applicable.

(4) No owner or operator of a farm tractor, self–propelled unit of farm equipment, or implement of husbandry shall be guilty of a crime or subject to penalty for violation of RCW 46.37.160 as now or hereafter amended unless such violation occurs on a public highway.

(5) It is a traffic infraction for any person to sell or offer for sale vehicle equipment which is required to be approved by the state patrol as prescribed in RCW 46-.37.005 unless it has been approved by the state patrol.

(6) The provisions of this chapter with respect to equipment required on vehicles shall not apply to motorcycles or motor–driven cycles except as herein made applicable.

(7) Notices of traffic infraction issued to commercial drivers under the provisions of this chapter with respect to equipment required on commercial motor vehicles shall not be considered for driver improvement purposes under chapter 46.20 RCW.

(8) Whenever a traffic infraction is chargeable to the owner or lessee of a vehicle under subsection (1) of this section, the driver shall not be arrested or issued a notice of traffic infraction unless the vehicle is registered in a jurisdiction other than Washington state, or unless the infraction is for an offense that is clearly within the responsibility of the driver.

(9) Whenever the owner or lessee is issued a notice of traffic infraction under this section the court may, on the request of the owner or lessee, take appropriate steps to make the driver of the vehicle, or any other person who directs the loading, maintenance, or operation of the vehicle, a codefendant. If the codefendant is held solely responsible and is found to have committed the traffic infraction, the court may dismiss the notice against the owner or lessee. [1989 c 178 § 22; 1987 c 330 § 707; 1979 ex.s. c 136 § 69; 1977 ex.s. c 355 § 1; 1963 c 154 § 1; 1961 c 12 § 46.37.010. Prior: 1955 c 269 § 1; prior: 1937 c 189 § 14, part; RRS § 6360–14, part; RCW 46.40.010, part; 1929 c 178 § 2; 1927 c 309 § 19; 1921 c 96 § 22, part; 1919 c 59 § 10, part; 1917 c 155 § 15, part; 1915 c 142 § 21, part; RRS § 6362–19.]

Rules of court: Monetary penalty schedule——JTIR 6.2.

Severability——Effective dates——1989 c 178: See RCW 46.25.900 and 46.25.901.

Construction——Application of rules——Severability——1987 c 330: See notes following RCW 28B.12.050.

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

Severability——1977 ex.s. c 355: "If any provision of this 1977 amendatory 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." [1977 ex.s. c 355 § 57.]

Effective date——1963 c 154: "This act shall take effect on January 1, 1964." [1963 c 154 § 32.]

RCW 46.37.020 When lighted lamps and signaling devices are required. Every vehicle upon a highway within this state at any time from a half hour after sunset to a half hour before sunrise and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of one thousand feet ahead shall display lighted head lights, other lights, and illuminating devices as hereinafter respectively required for different classes of vehicles, subject to exceptions with respect to parked vehicles, and such stop lights, turn signals, and other signaling devices shall be lighted as prescribed for the use of such devices. [1977 ex.s. c 355 § 2; 1974 ex.s. c 124 § 2; 1963 c 154 § 2; 1961 c 12 § 46.37.020. Prior: 1955 c 269 § 2; prior: 1937 c 189 § 14, part; RRS § 6360–14, part; RCW 46.40.010, part; 1929 c 178 § 2; 1927 c 309 § 19; 1921 c 96 § 22,

part; 1919 c 59 § 10, part; 1917 c 155 § 15, part; 1915 c 142 § 21, part; RRS § 6362-19.]

Severability——1977 ex.s. c 355: See note following RCW 46.37.010.

Effective date——1963 c 154: See note following RCW 46.37.010.

Local twenty-four hour headlight policy: RCW 47.04.180.

Motorcycles and motor-driven cycles——When headlamps and tail lamps to be lighted: RCW 46.37.522.

RCW 46.37.030 Visibility distance and mounted height of lamps. (1) Whenever requirement is hereinafter declared as to distance from which certain lamps and devices shall render objects visible or within which such lamps or devices shall be visible, said provisions shall apply during the times stated in RCW 46.37.020 in respect to a vehicle without load when upon a straight, level, unlighted highway under normal atmospheric conditions unless a different time or condition is expressly stated.

(2) Whenever requirement is hereinafter declared as to the mounted height of lamps or devices it shall mean from the center of such lamp or device to the level ground upon which the vehicle stands when such vehicle is without a load.

(3) No additional lamp, reflective device, or other motor vehicle equipment shall be added which impairs the effectiveness of this standard. [1977 ex.s. c 355 § 3; 1961 c 12 § 46.37.030. Prior: 1955 c 269 § 3; prior: 1937 c 189 § 14, part; RRS § 6360-14, part; RCW 46.40.010, part.]

Severability——1977 ex.s. c 355: See note following RCW 46.37.010.

RCW 46.37.040 Head lamps on motor vehicles. (1) Every motor vehicle shall be equipped with at least two head lamps with at least one on each side of the front of the motor vehicle, which head lamps shall comply with the requirements and limitations set forth in this chapter.

(2) Every head lamp upon every motor vehicle shall be located at a height measured from the center of the head lamp of not more than fifty-four inches nor less than twenty-four inches to be measured as set forth in RCW 46.37.030(2). [1977 ex.s. c 355 § 4; 1961 c 12 § 46.37.040. Prior: 1955 c 269 § 4; prior: 1937 c 189 § 15; RRS § 6360-15; RCW 46.40.020; 1933 c 156 § 1, part; 1929 c 178 § 3, part; 1927 c 309 §§ 20, part, 24; 1921 c 96 § 22, part; 1919 c 59 § 10, part; 1917 c 155 § 15, part; 1915 c 142 § 21, part; RRS §§ 6362-20, part, 6362-24.]

Severability——1977 ex.s. c 355: See note following RCW 46.37.010.

RCW 46.37.050 Tail lamps. (1) After January 1, 1964, every motor vehicle, trailer, semitrailer, and pole trailer, and any other vehicle which is being drawn at the end of a combination of vehicles, shall be equipped with at least two tail lamps mounted on the rear, which, when lighted as required in RCW 46.37.020, shall emit a red light plainly visible from a distance of one thousand feet to the rear, except that passenger cars manufactured or assembled prior to January 1, 1939, shall have at least one tail lamp. On a combination of vehicles only the tail lamps on the rearmost vehicle need actually be seen from the distance specified. On vehicles equipped with more than one tail lamp, the lamps shall be mounted on the same level and as widely spaced laterally as practicable.

(2) Every tail lamp upon every vehicle shall be located at a height of not more than seventy-two inches nor less than fifteen inches.

(3) Either a tail lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly legible from a distance of fifty feet to the rear. Any tail lamp or tail lamps, together with any separate lamp or lamps for illuminating the rear registration plate, shall be so wired as to be lighted whenever the head lamps or auxiliary driving lamps are lighted. [1977 ex.s. c 355 § 5; 1963 c 154 § 3; 1961 c 12 § 46.37.050. Prior: 1955 c 269 § 5; prior: 1947 c 267 § 2, part; 1937 c 189 § 16, part; Rem. Supp. 1947 § 6360-16, part; RCW 46.40-.030, part; 1929 c 178 § 7; 1927 c 309 § 27; RRS § 6362-27; 1921 c 96 § 22, part; 1919 c 59 § 10, part; 1917 c 155 § 15, part; 1915 c 142 § 21, part.]

Severability——1977 ex.s. c 355: See note following RCW 46.37.010.

Effective date——1963 c 154: See note following RCW 46.37.010.

RCW 46.37.060 Reflectors. (1) Every motor vehicle, trailer, semitrailer, and pole trailer shall carry on the rear, either as a part of the tail lamps or separately, two or more red reflectors meeting the requirements of this section: *Provided, however,* That vehicles of the types mentioned in RCW 46.37.090 shall be equipped with reflectors meeting the requirements of RCW 46.37.110 and 46.37.120.

(2) Every such reflector shall be mounted on the vehicle at a height not less than fifteen inches nor more than seventy-two inches measured as set forth in RCW 46.37.030(2), and shall be of such size and characteristics and so mounted as to be visible at night from all distances within six hundred feet to one hundred feet from such vehicle when directly in front of lawful upper beams of head lamps, except that reflectors on vehicles manufactured or assembled prior to January 1, 1970, shall be visible at night from all distances within three hundred and fifty feet to one hundred feet when directly in front of lawful upper beams of head lamps. [1977 ex.s. c 355 § 6; 1963 c 154 § 4; 1961 c 12 § 46.37.060. Prior: 1955 c 269 § 6; prior: 1947 c 267 § 2, part; 1937 c 189 § 16, part; Rem. Supp. 1947 § 6360-16, part; RCW 46.40.030, part.]

Severability——1977 ex.s. c 355: See note following RCW 46.37.010.

Effective date——1963 c 154: See note following RCW 46.37.010.

RCW 46.37.070 Stop lamps and turn signals required. (1) After January 1, 1964, every motor vehicle, trailer, semitrailer, and pole trailer shall be equipped

with two or more stop lamps meeting the requirements of RCW 46.37.200, except that passenger cars manufactured or assembled prior to January 1, 1964, shall be equipped with at least one such stop lamp. On a combination of vehicles, only the stop lamps on the rearmost vehicle need actually be seen from the distance specified in RCW 46.37.200(1).

(2) After January 1, 1960, every motor vehicle, trailer, semitrailer and pole trailer shall be equipped with electric turn signal lamps meeting the requirements of RCW 46.37.200(2), except that passenger cars, trailers, semitrailers, pole trailers, and trucks less than eighty inches in width, manufactured or assembled prior to January 1, 1953, need not be equipped with electric turn signal lamps. [1977 ex.s. c 355 § 7; 1963 c 154 § 5; 1961 c 12 § 46.37.070. Prior: 1959 c 319 § 32; 1955 c 269 § 7; prior: 1953 c 248 § 2, part; 1947 c 267 § 4, part; 1937 c 189 § 23, part; Rem. Supp. 1947 § 6360-23, part; RCW 46.40.090, part; 1929 c 178 § 1, part; 1927 c 309 § 15, part; RRS § 6362-15, part.]

Severability——1977 ex.s. c 355: See note following RCW 46.37.010.

Effective date——1963 c 154: See note following RCW 46.37.010.

RCW 46.37.080 Application of succeeding sections. Those sections of this chapter which follow immediately, including RCW 46.37.090, 46.37.100, 46.37.110, 46.37-.120, and 46.37.130, relating to clearance lamps, marker lamps, and reflectors, shall apply as stated in said sections to vehicles of the type therein enumerated, namely buses, trucks, truck tractors, and trailers, semitrailers, and pole trailers, respectively, when operated upon any highway, and said vehicles shall be equipped as required and all lamp equipment required shall be lighted at the times mentioned in RCW 46.37.020. For purposes of the sections enumerated above, a camper, when mounted upon a motor vehicle, shall be considered part of the permanent structure of that motor vehicle. [1977 ex.s. c 355 § 8; 1963 c 154 § 6; 1961 c 12 § 46.37.080. Prior: 1955 c 269 § 8; prior: 1947 c 267 § 3, part; 1937 c 189 § 17, part; Rem. Supp. 1947 § 6360-17, part; RCW 46-.40.040, part.]

Severability——1977 ex.s. c 355: See note following RCW 46.37.010.

Effective date——1963 c 154: See note following RCW 46.37.010.

RCW 46.37.090 Additional equipment required on certain vehicles. In addition to other equipment required in RCW 46.37.040, 46.37.050, 46.37.060, and 46.37-.070, the following vehicles shall be equipped as herein stated under the conditions stated in RCW 46.37.080, and in addition, the reflectors elsewhere enumerated for such vehicles shall conform to the requirements of RCW 46.37.120(1).

(1) Buses, trucks, motor homes, and motor vehicles with mounted campers eighty inches or more in over-all width:

(a) On the front, two clearance lamps, one at each side, and on vehicles manufactured or assembled after January 1, 1964, three identification lamps meeting the specifications of subdivision (6) [(7)] of this section;

(b) On the rear, two clearance lamps, one at each side, and after January 1, 1964, three identification lamps meeting the specifications of subdivision (6) [(7)] of this section;

(c) On each side, two side marker lamps, one at or near the front and one at or near the rear;

(d) On each side, two reflectors, one at or near the front and one at or near the rear.

(2) Trailers and semitrailers eighty inches or more in over-all width:

(a) On the front, two clearance lamps, one at each side;

(b) On the rear, two clearance lamps, one at each side, and after January 1, 1964, three identification lamps meeting the specifications of subdivision (6) [(7)] of this section;

(c) On each side, two side marker lamps, one at or near the front and one at or near the rear;

(d) On each side, two reflectors, one at or near the front and one at or near the rear: *Provided*, That a mobile home as defined by RCW 46.04.302 need not be equipped with two side marker lamps or two side reflectors as required by subsection (2) (c) and (d) of this section while operated under the terms of a special permit authorized by RCW 46.44.090.

(3) Truck tractors:

On the front, two cab clearance lamps, one at each side, and on vehicles manufactured or assembled after January 1, 1964, three identification lamps meeting the specifications of subdivision (6) [(7)] of this section.

(4) Trailers, semitrailers, and pole trailers thirty feet or more in over-all length:

On each side, one amber side marker lamp and one amber reflector, centrally located with respect to the length of the vehicle: *Provided*, That a mobile home as defined by RCW 46.04.302 need not be equipped with such side marker lamp or reflector while operated under the terms of a special permit authorized by RCW 46.44.090.

(5) Pole trailers:

(a) On each side, one amber side marker lamp at or near the front of the load;

(b) One amber reflector at or near the front of the load;

(c) On the rearmost support for the load, one combination marker lamp showing amber to the front and red to the rear and side, mounted to indicate maximum width of the pole trailer.

(6) Boat trailers eighty inches or more in overall width:

(a) One on each side, at or near the midpoint, one clearance lamp performing the function of both a front and rear clearance lamp;

(b) On the rear, after June 1, 1978, three identification lamps meeting the specifications of subsection (7) of this section;

(c) One on each side, two side marker lamps, one at or near the front and one at or near the rear;

(d) On each side, two reflectors, one at or near the front and one at or near the rear.

(7) Whenever required or permitted by this chapter, identification lamps shall be grouped in a horizontal row, with lamp centers spaced not less than six nor more than twelve inches apart, and mounted on the permanent structure of the vehicle as close as practicable to the vertical centerline: *Provided, however,* That where the cab of a vehicle is not more than forty-two inches wide at the front roof line, a single identification lamp at the center of the cab shall be deemed to comply with the requirements for front identification lamps. [1977 ex.s. c 355 § 9; 1963 c 154 § 7; 1961 c 12 § 46.37.090. Prior: 1955 c 269 § 9; prior: 1947 c 267 § 3, part; 1937 c 189 § 17, part; Rem. Supp. 1947 § 6360-17, part; RCW 46-.40.040, part; 1933 c 156 §§ 5, part, 6, part; 1929 c 178 §§ 7, part, 8, part; 1927 c 309 §§ 27, part, 28, part; RRS §§ 6362-27, part, 6362-28, part; 1921 c 96 § 22, part; 1919 c 59 § 10, part; 1917 c 155 § 15, part.]

Severability——1977 ex.s. c 355: See note following RCW 46.37.010.

Effective date——1963 c 154: See note following RCW 46.37.010.

amended laws of 1992, ch 46, §1

* **RCW 46.37.100 Color of clearance lamps, side marker lamps, back-up lamps, and reflectors.** (1) Front clearance lamps and those marker lamps and reflectors mounted on the front or on the side near the front of a vehicle shall display or reflect an amber color.

(2) Rear clearance lamps and those marker lamps and reflectors mounted on the rear or on the sides near the rear of a vehicle shall display or reflect a red color.

(3) All lighting devices and reflectors mounted on the rear of any vehicle shall display or reflect a red color, except the stop lamp or other signal device, which may be red, amber or yellow, and except that the light illuminating the license plate shall be white and the light emitted by a back-up lamp shall be white or amber. [1961 c 12 § 46.37.100. Prior: 1955 c 269 § 10; prior: 1947 c 267 § 3, part; 1937 c 189 § 17, part; Rem. Supp. 1947 § 6360-17, part; RCW 46.40.040, part; 1933 c 156 §§ 5, part, 6, part; 1929 c 178 §§ 7, part, 8, part; 1927 c 309 §§ 27, part, 28, part; RRS §§ 6362-27, part, 6362-28, part; 1921 c 96 § 22, part; 1919 c 59 § 10, part; 1917 c 155 § 15, part; 1915 c 142 § 21, part.]

RCW 46.37.110 Mounting of reflectors, clearance lamps, identification lamps, and side marker lamps. (1) Reflectors when required by RCW 46.37.090 shall be mounted at a height not less than twenty-four inches and not higher than sixty inches above the ground on which the vehicle stands, except that if the highest part of the permanent structure of the vehicle is less than twenty-four inches the reflector at such point shall be mounted as high as that part of the permanent structure will permit.

The rear reflectors on a pole trailer may be mounted on each side of the bolster or load.

Any required red reflector on the rear of a vehicle may be incorporated with the tail lamp, but such reflector shall meet all the other reflector requirements of this chapter.

(2) Clearance lamps shall be mounted on the permanent structure of the vehicle in such a manner as to indicate the extreme height and width of the vehicle. When rear identification lamps are required and are mounted as high as is practicable, rear clearance lamps may be mounted at optional height, and when the mounting of front clearance lamps results in such lamps failing to indicate the extreme width of the trailer, such lamps may be mounted at optional height but must indicate, as near as practicable, the extreme width of the trailer. Clearance lamps on truck tractors shall be located so as to indicate the extreme width of the truck tractor cab. Clearance lamps and side marker lamps may be mounted in combination provided illumination is given as required herein with reference to both: *Provided,* That no rear clearance lamp may be combined in any shell or housing with any tail lamp or identification lamp. [1977 ex.s. c 355 § 10; 1961 c 12 § 46.37.110. Prior: 1955 c 269 § 11; prior: 1947 c 267 § 3, part; 1937 c 189 § 17, part; Rem. Supp. 1947 § 6360-17, part; RCW 46.40.040, part; 1933 c 156 §§ 5, part, 6, part; 1929 c 178 §§ 7, part, 8, part; 1927 c 309 §§ 27, part, 28, part; RRS §§ 6362-27, part, 6362-28, part; 1921 c 96 § 22, part; 1919 c 59 § 10, part; 1917 c 155 § 15, part.]

Severability——1977 ex.s. c 355: See note following RCW 46.37.010.

RCW 46.37.120 Visibility of reflectors, clearance lamps, identification lamps, and side marker lamps. (1) Every reflector upon any vehicle referred to in RCW 46.37.090 shall be of such size and characteristics and so maintained as to be readily visible at nighttime from all distances within six hundred feet to one hundred feet from the vehicle when directly in front of lawful lower beams of head lamps, except that the visibility for reflectors on vehicles manufactured or assembled prior to January 1, 1970, shall be measured in front of the lawful upper beams of headlamps. Reflectors required to be mounted on the sides of the vehicle shall reflect the required color of light to the sides, and those mounted on the rear shall reflect a red color to the rear.

(2) Front and rear clearance lamps and identification lamps shall be capable of being seen and distinguished under normal atmospheric conditions at the times lights are required at all distances between five hundred feet and fifty feet from the front and rear, respectively, of the vehicle.

(3) Side marker lamps shall be capable of being seen and distinguished under normal atmospheric conditions at the times lights are required at all distances between five hundred feet and fifty feet from the side of the vehicle on which mounted. [1977 ex.s. c 355 § 11; 1963 c 154 § 8; 1961 c 12 § 46.37.120. Prior: 1955 c 269 § 12; prior: 1947 c 267 § 3, part; 1937 c 189 § 17, part; Rem. Supp. 1947 § 6360-17, part; RCW 46.40.040, part; 1933 c 156 §§ 5, part, 6, part; 1929 c 178 §§ 7, part, 8, part; 1927 c 309 §§ 27, part, 28, part; RRS §§ 6362-27, part, 6362-28, part; 1921 c 96 § 22, part; 1919 c 59 § 10, part; 1917 c 155 § 15, part.]

Severability——1977 ex.s. c 355: See note following RCW 46.37.010.

Effective date——1963 c 154: See note following RCW 46.37.010.

RCW 46.37.130 Obstructed lights not required. Whenever motor and other vehicles are operated in combination during the time that lights are required, any lamp (except tail lamps) need not be lighted which, by reason of its location on a vehicle of the combination, would be obscured by another vehicle of the combination, but this shall not affect the requirement that lighted clearance lamps be displayed on the front of the foremost vehicle required to have clearance lamps, nor that all lights required on the rear of the rearmost vehicle of any combination shall be lighted. [1961 c 12 § 46.37.130. Prior: 1955 c 269 § 13.]

RCW 46.37.140 Lamps, reflectors, and flags on projecting load. Whenever the load upon any vehicle extends to the rear four feet or more beyond the bed or body of such vehicle there shall be displayed at the extreme rear end of the load, at the times specified in RCW 46.37.020, two red lamps, visible from a distance of at least five hundred feet to the rear, two red reflectors visible at night from all distances within six hundred feet to one hundred feet to the rear when directly in front of lawful lower beams of headlamps, and located so as to indicate maximum width, and on each side one red lamp, visible from a distance of at least five hundred feet to the side, located so as to indicate maximum overhang. There shall be displayed at all other times on any vehicle having a load which extends beyond its sides or more than four feet beyond its rear, red flags, not less than twelve inches square, marking the extremities of such loads, at each point where a lamp would otherwise be required by this section, under RCW 46.37.020. [1977 ex.s. c 355 § 12; 1963 c 154 § 9; 1961 c 12 § 46-.37.140. Prior: 1955 c 269 § 14; prior: 1937 c 189 § 18; RRS § 6360–18; RCW 46.40.050; 1929 c 178 § 11, part; 1927 c 309 § 32, part, RRS § 6362–32, part; 1921 c 96 § 22, part; 1919 c 59 § 10, part; 1917 c 155 § 15, part.]

Severability——1977 ex.s. c 355: See note following RCW 46.37.010.

Effective date——1963 c 154: See note following RCW 46.37.010.

RCW 46.37.150 Lamps on vehicles——Parked or stopped vehicles, lighting requirements. (1) Every vehicle shall be equipped with one or more lamps, which, when lighted, shall display a white or amber light visible from a distance of one thousand feet to the front of the vehicle, and a red light visible from a distance of one thousand feet to the rear of the vehicle. The location of said lamp or lamps shall always be such that at least one lamp or combination of lamps meeting the requirements of this section is installed as near as practicable to the side of the vehicle which is closest to passing traffic.

(2) Whenever a vehicle is lawfully parked upon a street or highway during the hours between a half hour after sunset and a half hour before sunrise and in the event there is sufficient light to reveal any person or object within a distance of one thousand feet upon such street or highway, no lights need be displayed upon such parked vehicle.

(3) Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, outside an incorporated city or town, whether attended or unattended, during the hours between a half hour after sunset and a half hour before sunrise and there is insufficient light to reveal any person or object within a distance of one thousand feet upon such highway, such vehicle so parked or stopped shall be equipped with and shall display lamps meeting the requirements of subsection (1) of this section.

(4) Any lighted head lamps upon a parked vehicle shall be depressed or dimmed. [1977 ex.s. c 355 § 13; 1963 c 154 § 10; 1961 c 12 § 46.37.150. Prior: 1955 c 269 § 15; prior: 1937 c 189 § 19; RRS § 6360–19; RCW 46.40.060; 1933 c 156 § 8; 1929 c 178 § 10; 1927 c 309 § 31; RRS § 6362–31.]

Severability——1977 ex.s. c 355: See note following RCW 46.37.010.

Effective date——1963 c 154: See note following RCW 46.37.010.

RCW 46.37.160 Hazard warning lights and reflectors on farm equipment——Slow-moving vehicle emblem. (1) Every farm tractor and every self-propelled unit of farm equipment or implement of husbandry manufactured or assembled after January 1, 1970, shall be equipped with vehicular hazard warning lights of the type described in RCW 46.37.215 visible from a distance of not less than one thousand feet to the front and rear in normal sunlight, which shall be displayed whenever any such vehicle is operated upon a highway.

(2) Every self-propelled unit of farm equipment or implement of husbandry manufactured or assembled after January 1, 1970, shall at all times, and every other motor vehicle shall at times mentioned in RCW 46.37-.020, be equipped with lamps and reflectors as follows:

(a) At least two headlamps meeting the requirements of RCW 46.37.220, 46.37.240, or 46.37.260;

(b) At least one red lamp visible when lighted from a distance of not less than one thousand feet to the rear mounted as far to the left of center of vehicle as practicable;

(c) At least two red reflectors visible from all distances within six hundred to one hundred feet to the rear when directly in front of lawful lower beams of headlamps.

(3) Every combination of farm tractor and towed farm equipment or towed implement of husbandry shall at all times mentioned in RCW 46.37.020 be equipped with lamps and reflectors as follows:

(a) The farm tractor element of every such combination shall be equipped as required in subsections (1) and (2) of this section;

(b) The towed unit of farm equipment or implement of husbandry element of such combination shall be equipped on the rear with two red lamps visible when lighted from a distance of not less than one thousand feet to the rear, and two red reflectors visible to the rear

from all distances within six hundred feet to one hundred feet to the rear when directly in front of lawful upper beams of head lamps. One reflector shall be so positioned to indicate, as nearly as practicable, the extreme left projection of the towed unit;

(c) If the towed unit or its load obscures either of the vehicle hazard warning lights on the tractor, the towed unit shall be equipped with vehicle hazard warning lights described in subsection (1) of this section.

(4) The two red lamps and the two red reflectors required in the foregoing subsections of this section on a self-propelled unit of farm equipment or implement of husbandry or combination of farm tractor and towed farm equipment shall be so positioned as to show from the rear as nearly as practicable the extreme width of the vehicle or combination carrying them: *Provided*, That if all other requirements are met, reflective tape or paint may be used in lieu of reflectors required by subsection (3) of this section.

(5) After January 1, 1970, every farm tractor and every self-propelled unit of farm equipment or implement of husbandry designed for operation at speeds not in excess of twenty-five miles per hour shall at all times be equipped with a slow moving vehicle emblem mounted on the rear except as provided in subsection (6) of this section.

(6) After January 1, 1970, every combination of farm tractor and towed farm equipment or towed implement of husbandry normally operating at speeds not in excess of twenty-five miles per hour shall at all times be equipped with a slow moving vehicle emblem as follows:

(a) Where the towed unit is sufficiently large to obscure the slow moving vehicle emblem on the farm tractor, the towed unit shall be equipped with a slow moving vehicle emblem. In such cases, the towing vehicle need not display the emblem;

(b) Where the slow moving vehicle emblem on the farm tractor unit is not obscured by the towed unit, then either or both may be equipped with the required emblem but it shall be sufficient if either has it.

(7) The emblem required by subsections (5) and (6) of this section shall comply with current standards and specifications as promulgated by the Washington state patrol. [1987 c 330 § 708; 1977 ex.s. c 355 § 14; 1969 ex.s. c 281 § 22; 1963 c 154 § 11; 1961 c 12 § 46.37.160. Prior: 1955 c 269 § 16.]

Construction——Application of rules——Severability——1987 c 330: See notes following RCW 28B.12.050.

Severability——1977 ex.s. c 355: See note following RCW 46.37.010.

Effective date——1963 c 154: See note following RCW 46.37.010.

RCW 46.37.170 Lamps and reflectors on other vehicles and equipment——Slow-moving vehicle emblem on animal-drawn vehicles. (1) Every vehicle, including animal-drawn vehicles and vehicles referred to in RCW 46.37.010(3), not specifically required by the provisions of RCW 46.37.020 through 46.37.330 to be equipped with lamps, or other lighting devices, shall at all times specified in RCW 46.37.020 be equipped with at least one lamp displaying a white light visible from a distance of not less than one thousand feet to the front of said vehicle, and shall also be equipped with two lamps displaying red light visible from a distance of not less than one thousand feet to the rear of said vehicle, or as an alternative, one lamp displaying a red light visible from a distance of not less than one thousand feet to the rear and two red reflectors visible from all distances of six hundred to one hundred feet to the rear when illuminated by the lawful lower beams of head lamps.

(2) After June 1, 1978, every animal-drawn vehicle shall at all times be equipped with a slow-moving vehicle emblem complying with RCW 46.37.160(7). [1977 ex.s. c 355 § 15; 1963 c 154 § 12; 1961 c 12 § 46.37.170. Prior: 1955 c 269 § 17; prior: 1937 c 189 § 21; RRS § 6360-21; RCW 46.40.080; 1927 c 309 § 34; 1921 c 96 § 22, part; 1917 c 40 § 1; RRS § 6362-34.]

Severability——1977 ex.s. c 355: See note following RCW 46.37.010.

Effective date——1963 c 154: See note following RCW 46.37.010.

RCW 46.37.180 Spot lamps and auxiliary lamps. (1) Spot lamps. Any motor vehicle may be equipped with not to exceed two spot lamps and every lighted spot lamp shall be so aimed and used that no part of the high intensity portion of the beam will strike the windshield, or any windows, mirror, or occupant of another vehicle in use.

(2) Fog lamps. Any motor vehicle may be equipped with not to exceed two fog lamps mounted on the front at a height of not less than twelve inches nor more than thirty inches above the level surface upon which the vehicle stands and so aimed that when the vehicle is not loaded none of the high intensity portion of the light to the left of the center of the vehicle shall at a distance of twenty-five feet ahead project higher than a level of four inches below the level of the center of the lamp from which it comes. Lighted fog lamps meeting the above requirements may be used with lower head lamp beams as specified in RCW 46.37.220.

(3) Auxiliary passing lamps. Any motor vehicle may be equipped with not to exceed two auxiliary passing lamps mounted on the front at a height not less than twenty-four inches nor more than forty-two inches above the level surface upon which the vehicle stands. The provisions of RCW 46.37.220 shall apply to any combinations of head lamps and auxiliary passing lamps.

(4) Auxiliary driving lamps. Any motor vehicle may be equipped with not to exceed two auxiliary driving lamps mounted on the front at a height not less than sixteen inches nor more than forty-two inches above the level surface upon which the vehicle stands. The provisions of RCW 46.37.220 shall apply to any combination of head lamps and auxiliary driving lamps. [1963 c 154 § 13; 1961 c 12 § 46.37.180. Prior: 1955 c 269 § 18; prior: 1949 c 157 § 1; Rem. Supp. 1949 § 6360-22a; RCW 46.40.110, 46.40.120.]

Effective date——1963 c 154: See note following RCW 46.37.010.

RCW 46.37.184 Red flashing lights on fire department vehicles. All fire department vehicles in service

shall be identified by red lights of an intermittent flashing type, visible from both front and rear for a distance of five hundred feet under normal atmospheric conditions. Such red flashing lights shall be well separated from the headlights so that they will not black out when headlights are on. Such red flashing lights shall be in operation at all times when such vehicle is on emergency status. [1961 c 12 § 46.37.184. Prior: 1953 c 161 § 1. Formerly RCW 46.40.220.]

RCW 46.37.185 Green light on firemen's private cars. Firemen, when approved by the chief of their respective service, shall be authorized to use a green light on the front of their private cars when on emergency duty only. Such green light shall be visible for a distance of two hundred feet under normal atmospheric conditions and shall be of a type and mounting approved by the Washington state patrol. The use of the green light shall only be for the purpose of identification and the operator of a vehicle so equipped shall not be entitled to any of the privileges provided in RCW 46.61.035 for the operators of authorized emergency vehicles. [1987 c 330 § 709; 1971 ex.s. c 92 § 3; 1961 c 12 § 46.37.185. Prior: 1953 c 161 § 2. Formerly RCW 46.40.230.]

Construction——Application of rules——Severability——1987 c 330: See notes following RCW 28B.12.050.

RCW 46.37.186 Fire department sign or plate on private car. (1) No private vehicle, bearing a sign or plate indicating a fire department connection, shall be driven or operated on any public highway, except when the owner thereof is a bona fide member of a fire department.

(2) Any sign or plate indicating fire department connection on a private car of any member of a fire department shall include the name of the municipality or fire department organization to which the owner belongs. [1961 c 12 § 46.37.186. Prior: 1953 c 161 § 3. Formerly RCW 46.40.240.]

RCW 46.37.187 Green light, sign or plate——Identification card required. Any individual displaying a green light as authorized in RCW 46.37.185, or a sign or plate as authorized in RCW 46.37.186, shall also carry attached to a convenient location on the private vehicle to which the green light or sign or plate is attached, an identification card showing the name of the owner of said vehicle, the organization to which he or she belongs and bearing the signature of the chief of the service involved. [1971 ex.s. c 92 § 2; 1961 c 12 § 46-.37.187. Prior: 1953 c 161 § 4. Formerly RCW 46.40.250.]

RCW 46.37.188 Penalty for violation of RCW 46-.37.184 through 46.37.188. Every violation of RCW 46-.37.184, 46.37.185, 46.37.186, or 46.37.187 is a traffic infraction. [1979 ex.s. c 136 § 70; 1961 c 12 § 46.37-.188. Prior: 1953 c 161 § 5. Formerly RCW 46.40.260.]

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

amended law of 1993, ch 401, §2.

***RCW 46.37.190 Warning devices on buses, emergency vehicles——Driver's duty to yield and stop.** (1) Every authorized emergency vehicle shall, in addition to any other equipment and distinctive marking required by this chapter, be equipped with at least one lamp capable of displaying a red light visible from at least five hundred feet in normal sunlight and a siren capable of giving an audible signal.

(2) Every school bus and private carrier bus shall, in addition to any other equipment and distinctive markings required by this chapter, be equipped with a "stop" signal upon a background not less than fourteen by eighteen inches displaying the word "stop" in letters of distinctly contrasting colors not less than eight inches high, and shall further be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, which shall be capable of displaying to the front two alternately flashing red lights located at the same level and to the rear two alternately flashing red lights located at the same level and these lights shall have sufficient intensity to be visible at five hundred feet in normal sunlight.

(3) Vehicles operated by public agencies whose law enforcement duties include the authority to stop and detain motor vehicles on the public highways of the state may be equipped with a siren and lights of a color and type designated by the state patrol for that purpose. The state patrol may prohibit the use of these sirens and lights on vehicles other than the vehicles described in this subsection.

(4) The lights described in this section shall not be mounted nor used on any vehicle other than a school bus, a private carrier bus, or an authorized emergency or law enforcement vehicle. Optical strobe light devices shall not be installed or used on any vehicle other than an emergency vehicle authorized by the state patrol or a publicly-owned law enforcement or emergency vehicle. An "optical strobe light device" means a strobe light device which emits an optical signal at a specific frequency to a traffic control light enabling the vehicle in which the strobe light device is used to obtain the right of way at intersections.

(5) The use of the signal equipment described herein shall impose upon drivers of other vehicles the obligation to yield right of way and stop as prescribed in RCW 46.61.210, 46.61.370, and 46.61.350. [1987 c 330 § 710; 1985 c 331 § 1; 1982 c 101 § 1; 1971 ex.s. c 92 § 1; 1970 ex.s. c 100 § 5; 1965 ex.s. c 155 § 53; 1963 c 154 § 14; 1961 c 12 § 46.37.190. Prior: 1957 c 66 § 1; 1955 c 269 § 19.]

Rules of court: Monetary penalty schedule——JTIR 6.2.

Construction——Application of rules——Severability——1987 c 330: See notes following RCW 28B.12.050.

#includes 46.37.193

RCW 46.37.196 Red lights on emergency tow trucks. All emergency tow trucks shall be identified by an intermittent or revolving red light capable of 360° visibility at a distance of five hundred feet under normal atmospheric conditions. This intermittent or revolving red light shall be used only at the scene of an emergency or accident, and it will be unlawful to use such light

while traveling to or from an emergency or accident, or for any other purposes. [1977 ex.s. c 355 § 16.]

Severability——1977 ex.s. c 355: See note following RCW 46.37.010.

RCW 46.37.200 Stop lamps and electric turn signals. (1) Any vehicle may be equipped and when required under this chapter shall be equipped with a stop lamp or lamps on the rear of the vehicle which shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than one hundred feet and on any vehicle manufactured or assembled after January 1, 1964, three hundred feet to the rear in normal sunlight, and which shall be actuated upon application of a service brake, and which may but need not be incorporated with one or more other rear lamps.

(2) Any vehicle may be equipped and when required under RCW 46.37.070(2) shall be equipped with electric turn signals which shall indicate an intention to turn by flashing lights showing to the front and rear of a vehicle or on a combination of vehicles on the side of the vehicle or combination toward which the turn is to be made. The lamps showing to the front shall be mounted on the same level and as widely spaced laterally as practicable and, when signaling, shall emit amber light: *Provided*, That on any vehicle manufactured prior to January 1, 1969, the lamps showing to the front may emit white or amber light, or any shade of light between white and amber. The lamp showing to the rear shall be mounted on the same level and as widely spaced laterally as practicable, and, when signaling, shall emit a red or amber light, or any shade of color between red and amber. Turn signal lamps shall be visible from a distance of not less than five hundred feet to the front and rear in normal sunlight. Turn signal lamps may, but need not be, incorporated in other lamps on the vehicle. [1977 ex.s. c 355 § 17; 1963 c 154 § 15; 1961 c 12 § 46.37.200. Prior: 1955 c 269 § 20; prior: 1953 c 248 § 2, part; 1947 c 267 § 4, part; 1937 c 189 § 23, part; Rem. Supp. 1947 § 6360–23, part; RCW 46.40.090, part; 1929 c 178 § 1, part; 1927 c 309 § 15, part; RRS § 6362–15.]

Severability——1977 ex.s. c 355: See note following RCW 46.37.010.

Effective date——1963 c 154: See note following RCW 46.37.010.

RCW 46.37.210 Additional lighting equipment. (1) Any motor vehicle may be equipped with not more than two side cowl or fender lamps which shall emit an amber or white light without glare.

(2) Any motor vehicle may be equipped with not more than one running-board courtesy lamp on each side thereof which shall emit a white or amber light without glare.

(3) Any motor vehicle may be equipped with one or more back-up lamps either separately or in combination with other lamps, but any such back-up lamp or lamps shall not be lighted when the motor vehicle is in forward motion.

(4) Any vehicle may be equipped with one or more side marker lamps, and any such lamp may be flashed in conjunction with turn or vehicular hazard warning signals. Side marker lamps located toward the front of a vehicle shall be amber, and side marker lamps located toward the rear shall be red.

(5) Any vehicle eighty inches or more in over-all width, if not otherwise required by RCW 46.37.090, may be equipped with not more than three identification lamps showing to the front which shall emit an amber light without glare and not more than three identification lamps showing to the rear which shall emit a red light without glare. Such lamps shall be mounted as specified in RCW 46.37.090(7).

(6) (a) Every motor vehicle, trailer, semitrailer, truck tractor, and pole trailer used in the state of Washington may be equipped with an auxiliary lighting system consisting of:

(i) One green light to be activated when the accelerator of the motor vehicle is depressed;

(ii) Not more than two amber lights to be activated when the motor vehicle is moving forward, or standing and idling, but is not under the power of the engine.

(b) Such auxiliary system shall not interfere with the operation of vehicle stop lamps or turn signals, as required by RCW 46.37.070. Such system, however, may operate in conjunction with such stop lamps or turn signals.

(c) Only one color of the system may be illuminated at any one time, and at all times either the green light, or amber light or lights shall be illuminated when the stop lamps of the vehicle are not illuminated.

(d) The green light, and the amber light or lights, when illuminated shall be plainly visible at a distance of one thousand feet to the rear.

(e) Only one such system may be mounted on a motor vehicle, trailer, semitrailer, truck tractor, or pole trailer; and such system shall be rear mounted in a horizontal fashion, at a height of not more than seventy-two inches, nor less than twenty inches, as provided by RCW 46.37.050.

(f) On a combination of vehicles, only the lights of the rearmost vehicle need actually be seen and distinguished as provided in subparagraph (d) of this subsection.

(g) Each manufacturer's model of such a system as described in this subsection shall be approved by the state patrol as provided for in RCW 46.37.005 and 46-.37.320, before it may be sold or offered for sale in the state of Washington. [1987 c 330 § 712; 1977 ex.s. c 355 § 18; 1975 1st ex.s. c 242 § 1; 1963 c 154 § 16; 1961 c 12 § 46.37.210. Prior: 1955 c 269 § 21; prior: 1937 c 189 § 24; RRS § 6360–24; RCW 46.40.100.]

Construction——Application of rules——Severability——1987 c 330: See notes following RCW 28B.12.050.

Severability——1977 ex.s. c 355: See note following RCW 46.37.010.

Effective date——1963 c 154: See note following RCW 46.37.010.

RCW 46.37.215 Hazard warning lamps. (1) Any vehicle may be equipped with lamps for the purpose of warning other operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking, or passing.

(2) After June 1, 1978, every motor home, bus, truck, truck tractor, trailer, semitrailer, or pole trailer eighty inches or more in overall width or thirty feet or more in overall length shall be equipped with lamps meeting the requirements of this section.

(3) Vehicular hazard warning signal lamps used to display such warning to the front shall be mounted at the same level and as widely spaced laterally as practicable, and shall display simultaneously flashing amber light: *Provided*, That on any vehicle manufactured prior to January 1, 1969, the lamps showing to the front may display simultaneously flashing white or amber lights, or any shade of color between white and amber. The lamps used to display such warning to the rear shall be mounted at the same level and as widely spaced laterally as practicable, and shall show simultaneously flashing amber or red lights, or any shade of color between amber and red. These warning lights shall be visible from a distance of not less than five hundred feet in normal sunlight. [1977 ex.s. c 355 § 19.]

Severability——1977 ex.s. c 355: See note following RCW 46.37.010.

RCW 46.37.220 Multiple-beam road-lighting equipment. Except as hereinafter provided, the head lamps or the auxiliary driving lamp or the auxiliary passing lamp or combination thereof on motor vehicles shall be so arranged that the driver may select at will between distributions of light projected to different elevations, and such lamps may be so arranged that such selection can be made automatically subject to the following limitations:

(1) There shall be an uppermost distribution of light, or composite beam, so aimed and of such intensity as to reveal persons and vehicles at a distance of four hundred fifty feet ahead for all conditions of loading;

(2) There shall be a lowermost distribution of light, or composite beam, so aimed and of sufficient intensity to reveal persons and vehicles at a distance of one hundred fifty feet ahead; and on a straight level road under any conditions of loading none of the high intensity portion of the beam shall be directed to strike the eyes of an approaching driver;

(3) Every new motor vehicle registered in this state after January 1, 1948, which has multiple-beam road-lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the head lamps is in use, and shall not otherwise be lighted. Said indicator shall be so designed and located that when lighted it will be readily visible without glare to the driver of the vehicle so equipped. [1977 ex.s. c 355 § 20; 1961 c 12 § 46.37.220. Prior: 1955 c 269 § 22; prior: 1947 c 267 § 5, part; Rem. Supp. 1947 § 6360-25a, part; RCW 46.40.140, part; 1933 c 156 § 3, part; 1929 c 178 § 5, part; 1927 c 309 § 22, part; RRS § 6362-22, part.]

Severability——1977 ex.s. c 355: See note following RCW 46.37.010.

RCW 46.37.230 Use of multiple-beam road-lighting equipment. (1) Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in RCW 46.37.020, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations:

(2) Whenever a driver of a vehicle approaches an oncoming vehicle within five hundred feet, such driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver. The lowermost distribution of light, or composite beam, specified in RCW 46.37.220(2) shall be deemed to avoid glare at all times, regardless of road contour and loading.

(3) Whenever the driver of a vehicle approaches another vehicle from the rear within three hundred feet such driver shall use a distribution of light permissible under this chapter other than the uppermost distribution of light specified in RCW 46.37.220(1). [1963 c 154 § 17; 1961 c 12 § 46.37.230. Prior: 1955 c 269 § 23; prior: 1947 c 267 § 5, part; Rem. Supp. 1947 § 6360-25a, part; RCW 46.40.140, part; 1933 c 156 § 3, part; 1929 c 178 § 5, part; 1927 c 309 § 22, part; RRS § 6362-22, part.]

Effective date——1963 c 154: See note following RCW 46.37.010.

RCW 46.37.240 Single-beam road-lighting equipment. Head lamp systems which provide only a single distribution of light shall be permitted on all farm tractors regardless of date of manufacture, and on all other motor vehicles manufactured and sold prior to one year after March 18, 1955, in lieu of multiple-beam road-lighting equipment herein specified if the single distribution of light complies with the following requirements and limitations:

(1) The head lamps shall be so aimed that when the vehicle is not loaded none of the high intensity portion of the light shall at a distance of twenty-five feet ahead project higher than a level of five inches below the level of the center of the lamp from which it comes, and in no case higher than forty-two inches above the level on which the vehicle stands at a distance of seventy-five feet ahead;

(2) The intensity shall be sufficient to reveal persons and vehicles at a distance of at least two hundred feet. [1977 ex.s. c 355 § 21; 1963 c 154 § 18; 1961 c 12 § 46.37.240. Prior: 1955 c 269 § 24; prior: 1947 c 267 § 5, part; Rem. Supp. 1947 § 6360-25a, part; RCW 46.40-.140, part; 1933 c 156 § 3, part; 1929 c 178 § 5, part; 1927 c 309 § 22, part; RRS § 6362-22, part.]

Severability——1977 ex.s. c 355: See note following RCW 46.37.010.

Effective date——1963 c 154: See note following RCW 46.37.010.

RCW 46.37.260 Alternate road lighting equipment. Any motor vehicle may be operated under the conditions specified in RCW 46.37.020 when equipped with two lighted lamps upon the front thereof capable of revealing persons and objects one hundred feet ahead in lieu of

lamps required in RCW 46.37.220 or 46.37.240: *Provided, however,* That at no time shall it be operated at a speed in excess of twenty miles per hour. [1977 ex.s. c 355 § 22; 1961 c 12 § 46.37.260. Prior: 1955 c 269 § 26; prior: 1937 c 189 § 27; RRS § 6360-27; RCW 46.40.150.]

Severability——1977 ex.s. c 355: See note following RCW 46.37.010.

RCW 46.37.270 Number of lamps required——Number of additional lamps permitted. (1) At all times specified in RCW 46.37.020, at least two lighted lamps shall be displayed, one on each side at the front of every motor vehicle, except when such vehicle is parked subject to the regulations governing lights on parked vehicles.

(2) Whenever a motor vehicle equipped with head lamps as herein required is also equipped with any auxiliary lamps or a spot lamp or any other lamp on the front thereof projecting a beam of intensity greater than three hundred candlepower, not more than a total of two of any such additional lamps on the front of a vehicle shall be lighted at any one time when upon a highway. [1977 ex.s. c 355 § 23; 1961 c 12 § 46.37.270. Prior: 1955 c 269 § 27; prior: 1937 c 189 § 28; RRS § 6360-28; RCW 46.40.160; 1929 c 178 § 2; 1927 c 309 § 19; 1921 c 96 § 22, part; 1919 c 59 § 10, part; 1917 c 155 § 15, part; 1915 c 142 § 21, part; RRS § 6362-19.]

Severability——1977 ex.s. c 355: See note following RCW 46.37.010.

RCW 46.37.280 Special restrictions on lamps. (1) During the times specified in RCW 46.37.020, any lighted lamp or illuminating device upon a motor vehicle, other than head lamps, spot lamps, auxiliary lamps, flashing turn signals, emergency vehicle warning lamps, warning lamps authorized by the state patrol and school bus warning lamps, which projects a beam of light of an intensity greater than three hundred candlepower shall be so directed that no part of the high intensity portion of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five feet from the vehicle.

(2) Except as required in RCW 46.37.190 no person shall drive or move any vehicle or equipment upon any highway with any lamp or device thereon displaying a red light visible from directly in front of the center thereof.

(3) Flashing lights are prohibited except as required in RCW 46.37.190, 46.37.200, 46.37.210, 46.37.215, and 46.37.300, and warning lamps authorized by the state patrol. [1987 c 330 § 713; 1977 ex.s. c 355 § 24; 1963 c 154 § 19; 1961 c 12 § 46.37.280. Prior: 1955 c 269 § 28; prior: 1949 c 157 § 2; 1947 c 267 § 6; 1947 c 200 § 2; 1937 c 189 § 29; Rem. Supp. 1949 § 6360-29; RCW 46.40.170; 1927 c 309 § 33; RRS § 6362-33.]

Construction——Application of rules——Severability——1987 c 330: See notes following RCW 28B.12.050.

Severability——1977 ex.s. c 355: See note following RCW 46.37.010.

Effective date——1963 c 154: See note following RCW 46.37.010.

RCW 46.37.290 Special lighting equipment on school buses and private carrier buses. The chief of the Washington state patrol is authorized to adopt standards and specifications applicable to lighting equipment on and special warning devices to be carried by school buses and private carrier buses consistent with the provisions of this chapter, but supplemental thereto. Such standards and specifications shall correlate with and, so far as possible, conform to the specifications then current as approved by the society of automotive engineers. [1987 c 330 § 714; 1977 c 45 § 1; 1970 ex.s. c 100 § 6; 1961 c 12 § 46.37.290. Prior: 1955 c 269 § 29; prior: 1937 c 189 § 25, part; RRS § 6360-25, part; RCW 46.40.130, part; 1929 c 178 § 3, part; 1927 c 309 § 20, part; RRS § 6362-20, part.]

Construction——Application of rules——Severability——1987 c 330: See notes following RCW 28B.12.050.

RCW 46.37.300 Standards for lights on snow-removal or highway maintenance and service equipment. (1) The state patrol shall adopt standards and specifications applicable to head lamps, clearance lamps, identification and other lamps on snow-removal and other highway maintenance and service equipment when operated on the highways of this state in lieu of the lamps otherwise required on motor vehicles by this chapter. Such standards and specifications may permit the use of flashing lights for purposes of identification on snow-removal and other highway maintenance and service equipment when in service upon the highways. The standards and specifications for lamps referred to in this section shall correlate with and, so far as possible, conform with those approved by the American association of state highway officials.

(2) It shall be unlawful to operate any snow-removal and other highway maintenance and service equipment on any highway unless the lamps thereon comply with and are lighted when and as required by the standards and specifications adopted as provided in this section. [1987 c 330 § 715; 1963 c 154 § 20; 1961 c 12 § 46.37-.300. Prior: 1955 c 269 § 30.]

Construction——Application of rules——Severability——1987 c 330: See notes following RCW 28B.12.050.

Effective date——1963 c 154: See note following RCW 46.37.010.

RCW 46.37.310 Selling or using lamps or equipment. (1) No person may have for sale, sell, or offer for sale for use upon or as a part of the equipment of a motor vehicle, trailer, or semitrailer, or use upon any such vehicle any head lamp, auxiliary or fog lamp, rear lamp, signal lamp, or reflector, which reflector is required under this chapter, or parts of any of the foregoing which tend to change the original design or performance, unless of a type which has been submitted to the state patrol and conforming to rules adopted by it.

(2) No person may have for sale, sell, or offer for sale for use upon or as a part of the equipment of a motor vehicle, trailer, or semitrailer any lamp or device mentioned in this section conforming to rules adopted by the state patrol unless such lamp or device bears thereon the

trademark or name under which it is approved so as to be legible when installed.

(3) No person may use upon any motor vehicle, trailer, or semitrailer any lamps mentioned in this section unless the lamps are mounted, adjusted, and aimed in accordance with instructions of the state patrol. [1987 c 330 § 716; 1986 c 113 § 1; 1961 c 12 § 46.37.310. Prior: 1955 c 269 § 31; prior: 1937 c 189 § 30; RRS § 6360-30; RCW 46.40.180; 1929 c 178 § 12; 1927 c 309 § 35; RRS § 6362-35.]

Construction——Application of rules——Severability——1987 c 330: See notes following RCW 28B.12.050.

RCW 46.37.340 Braking equipment required. Every motor vehicle, trailer, semitrailer, and pole trailer, and any combination of such vehicle operating upon a highway within this state shall be equipped with brakes in compliance with the requirements of this chapter.

(1) Service brakes——adequacy. Every such vehicle and combination of vehicles, except special mobile equipment as defined in RCW 46.04.552, shall be equipped with service brakes complying with the performance requirements of RCW 46.37.351 and adequate to control the movement of and to stop and hold such vehicle under all conditions of loading, and on any grade incident to its operation.

(2) Parking brakes——adequacy. Every such vehicle and combination of vehicles shall be equipped with parking brakes adequate to hold the vehicle on any grade on which it is operated, under all conditions of loading, on a surface free from snow, ice, or loose material. The parking brakes shall be capable of being applied in conformance with the foregoing requirements by the driver's muscular effort or by spring action or by equivalent means. Their operation may be assisted by the service brakes or other source of power provided that failure of the service brake actuation system or other power assisting mechanism will not prevent the parking brakes from being applied in conformance with the foregoing requirements. The parking brakes shall be so designed that when once applied they shall remain applied with the required effectiveness despite exhaustion of any source of energy or leakage of any kind. The same brake drums, brake shoes and lining assemblies, brake shoe anchors, and mechanical brake shoe actuation mechanism normally associated with the wheel brake assemblies may be used for both the service brakes and the parking brakes. If the means of applying the parking brakes and the service brakes are connected in any way, they shall be so constructed that failure of any one part shall not leave the vehicle without operative brakes.

(3) Brakes on all wheels. Every vehicle shall be equipped with brakes acting on all wheels except:

(a) Trailers, semitrailers, or pole trailers of a gross weight not exceeding three thousand pounds, provided that:

(i) The total weight on and including the wheels of the trailer or trailers shall not exceed forty percent of the gross weight of the towing vehicle when connected to the trailer or trailers; and

(ii) The combination of vehicles consisting of the towing vehicle and its total towed load, is capable of complying with the performance requirements of RCW 46.37.351;

(b) Trailers, semitrailers, or pole trailers manufactured and assembled prior to July 1, 1965, shall not be required to be equipped with brakes when the total weight on and including the wheels of the trailer or trailers does not exceed two thousand pounds;

(c) Any vehicle being towed in driveaway or towaway operations, provided the combination of vehicles is capable of complying with the performance requirements of RCW 46.37.351;

(d) Trucks and truck tractors manufactured before July 25, 1980, and having three or more axles need not have brakes on the front wheels, except that when such vehicles are equipped with at least two steerable axles, the wheels of one steerable axle need not have brakes. Trucks and truck tractors manufactured on or after July 25, 1980, and having three or more axles are required to have brakes on the front wheels, except that when such vehicles are equipped with at least two steerable axles, the wheels of one steerable axle need not have brakes. Such trucks and truck tractors may be equipped with an automatic device to reduce the front-wheel braking effort by up to fifty percent of the normal braking force, regardless of whether or not antilock system failure has occurred on any axle, and:

(i) Must not be operable by the driver except upon application of the control that activates the braking system; and

(ii) Must not be operable when the pressure that transmits brake control application force exceeds eighty-five pounds per square inch (psi) on air-mechanical braking systems, or eighty-five percent of the maximum system pressure in vehicles utilizing other than compressed air.

All trucks and truck tractors having three or more axles must be capable of complying with the performance requirements of RCW 46.37.351;

(e) Special mobile equipment as defined in RCW 46.04.552 and all vehicles designed primarily for off-highway use with braking systems which work within the power train rather than directly at each wheel;

(f) Vehicles manufactured prior to January 1, 1930, may have brakes operating on only two wheels.

(g) For a forklift manufactured after January 1, 1970, and being towed, wheels need not have brakes except for those on the rearmost axle so long as such brakes, together with the brakes on the towing vehicle, shall be adequate to stop the combination within the stopping distance requirements of RCW 46.37.351.

(4) Automatic trailer brake application upon breakaway. Every trailer, semitrailer, and pole trailer equipped with air or vacuum actuated brakes and every trailer, semitrailer, and pole trailer with a gross weight in excess of three thousand pounds, manufactured or assembled after January 1, 1964, shall be equipped with brakes acting on all wheels and of such character as to be applied automatically and promptly, and remain applied

for at least fifteen minutes, upon breakaway from the towing vehicle.

(5) Tractor brakes protected. Every motor vehicle manufactured or assembled after January 1, 1964, and used to tow a trailer, semitrailer, or pole trailer equipped with brakes, shall be equipped with means for providing that in case of breakaway of the towed vehicle, the towing vehicle will be capable of being stopped by the use of its service brakes.

(6) Trailer air reservoirs safeguarded. Air brake systems installed on trailers manufactured or assembled after January 1, 1964, shall be so designed that the supply reservoir used to provide air for the brakes shall be safeguarded against backflow of air from the reservoir through the supply line.

(7) Two means of emergency brake operation.

(a) Air brakes. After January 1, 1964, every towing vehicle equipped with air controlled brakes, in other than driveaway or towaway operations, and all other vehicles equipped with air controlled brakes, shall be equipped with two means for emergency application of the brakes. One of these means shall apply the brakes automatically in the event of a reduction of the vehicle's air supply to a fixed pressure which shall be not lower than twenty pounds per square inch nor higher than forty-five pounds per square inch. The other means shall be a manually controlled device for applying and releasing the brakes, readily operable by a person seated in the driving seat, and its emergency position or method of operation shall be clearly indicated. In no instance may the manual means be so arranged as to permit its use to prevent operation of the automatic means. The automatic and the manual means required by this section may be, but are not required to be, separate.

(b) Vacuum brakes. After January 1, 1964, every towing vehicle used to tow other vehicles equipped with vacuum brakes, in operations other than driveaway or towaway operations, shall have, in addition to the single control device required by subsection (8) of this section, a second control device which can be used to operate the brakes on towed vehicles in emergencies. The second control shall be independent of brake air, hydraulic, and other pressure, and independent of other controls, unless the braking system be so arranged that failure of the pressure upon which the second control depends will cause the towed vehicle brakes to be applied automatically. The second control is not required to provide modulated braking.

(8) Single control to operate all brakes. After January 1, 1964, every motor vehicle, trailer, semitrailer, and pole trailer, and every combination of such vehicles, equipped with brakes shall have the braking system so arranged that one control device can be used to operate all service brakes. This requirement does not prohibit vehicles from being equipped with an additional control device to be used to operate brakes on the towed vehicles. This regulation does not apply to driveaway or towaway operations unless the brakes on the individual vehicles are designed to be operated by a single control in the towing vehicle.

(9) Reservoir capacity and check valve.

(a) Air brakes. Every bus, truck, or truck tractor with air operated brakes shall be equipped with at least one reservoir sufficient to insure that, when fully charged to the maximum pressure as regulated by the air compressor governor cut-out setting, a full service brake application may be made without lowering such reservoir pressure by more than twenty percent. Each reservoir shall be provided with means for readily draining accumulated oil or water.

(b) Vacuum brakes. After January 1, 1964, every truck with three or more axles equipped with vacuum assistor type brakes and every truck tractor and truck used for towing a vehicle equipped with vacuum brakes shall be equipped with a reserve capacity or a vacuum reservoir sufficient to insure that, with the reserve capacity or reservoir fully charged and with the engine stopped, a full service brake application may be made without depleting the vacuum supply by more than forty percent.

(c) Reservoir safeguarded. All motor vehicles, trailers, semitrailers, and pole trailers, when equipped with air or vacuum reservoirs or reserve capacity as required by this section, shall have such reservoirs or reserve capacity so safeguarded by a check valve or equivalent device that in the event of failure or leakage in its connection to the source of compressed air or vacuum, the stored air or vacuum shall not be depleted by the leak or failure.

(10) Warning devices.

(a) Air brakes. Every bus, truck, or truck tractor using compressed air for the operation of its own brakes or the brakes on any towed vehicle, shall be provided with a warning signal, other than a pressure gauge, readily audible or visible to the driver, which will operate at any time the primary supply air reservoir pressure of the vehicle is below fifty percent of the air compressor governor cut-out pressure. In addition, each such vehicle shall be equipped with a pressure gauge visible to the driver, which indicates in pounds per square inch the pressure available for braking.

(b) Vacuum brakes. After January 1, 1964, every truck tractor and truck used for towing a vehicle equipped with vacuum operated brakes and every truck with three or more axles using vacuum in the operation of its brakes, except those in driveaway or towaway operations, shall be equipped with a warning signal, other than a gauge indicating vacuum, readily audible or visible to the driver, which will operate at any time the vacuum in the vehicle's supply reservoir or reserve capacity is less than eight inches of mercury.

(c) Combination of warning devices. When a vehicle required to be equipped with a warning device is equipped with both air and vacuum power for the operation of its own brakes or the brakes on a towed vehicle, the warning devices may be, but are not required to be, combined into a single device which will serve both purposes. A gauge or gauges indicating pressure or vacuum shall not be deemed to be an adequate means of satisfying this requirement. [1989 c 221 § 1; 1979 c 11 § 1. Prior: 1977 ex.s. c 355 § 27; 1977 ex.s. c 148 § 2; 1965 ex.s. c 170 § 49; 1963 c 154 § 21; 1961 c 12 § 46.37.340; prior: 1955 c 269 § 34; prior: 1937 c 189 § 34, part;

RRS § 6360–34, part; RCW 46.36.020, 46.36.030, part; 1929 c 180 § 6; 1927 c 309 § 16; 1923 c 181 § 5; 1921 c 96 § 23; 1915 c 142 § 22; RRS § 6362–16.]

Severability——1977 ex.s. c 355: See note following RCW 46.37.010.

RCW 46.37.351 Performance ability of brakes. Every motor vehicle and combination of vehicles, at all times and under all conditions of loading, upon application of the service brakes, shall be capable of:

(1) Developing a braking force that is not less than the percentage of its gross weight tabulated herein for its classification,

(2) Decelerating to a stop from not more than twenty miles per hour at not less than the feet per second per second tabulated herein for its classification, and

(3) Stopping from a speed of twenty miles per hour in not more than the distance tabulated herein for its classification, such distance to be measured from the point at which movement of the service brake pedal or control begins.

Tests for deceleration and stopping distance shall be made on a substantially level (not to exceed plus or minus one percent grade), dry, smooth, hard surface that is free from loose material.

Classification of Vehicles	*Braking force as a percentage of gross vehicle or combination weight*	*Deceleration in feet per second per second*	*Brake system application and braking distance in feet from an initial speed of 20 m.p.h.*
A Passenger vehicles with a seating capacity of 10 people or less including driver, not having a manufacturer's gross vehicle weight rating	52.8%	17	25
B–1 All motorcycles and motor–driven cycles	43.5%	14	30
B–2 Single unit vehicles with a manufacturer's gross vehicle weight rating of 10,000 pounds or less	43.5%	14	30
C–1 Single unit vehicles with a manufacturer's gross weight rating of more than 10,000 pounds	43.5%	14	40
C–2 Combinations of a two–axle towing vehicle and a trailer with a gross trailer weight of 3,000 pounds or less	43.5%	14	40
C–3 Buses, regardless of the number of axles, not having a manufacturer's gross weight rating	43.5%	14	40
C–4 All combinations of vehicles in driveaway–towaway operations	43.5%	14	40
D All other vehicles and combinations of vehicles	43.5%	14	50

[1963 c 154 § 22.]

Effective date——1963 c 154: See note following RCW 46.37.010.

RCW 46.37.360 Maintenance of brakes——Brake system failure indicator. (1) All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the front and back wheels and to wheels on opposite sides of the vehicle.

(2) All passenger cars manufactured on or after January 1, 1968, and other types of vehicles manufactured on or after September 1, 1975, shall be equipped with brake system failure indicator lamps which shall be maintained in good working order. The brake system shall demonstrate good working order and integrity by the application of a force of one hundred twenty–five pounds to the brake pedal for ten seconds without the occurrence of any of the following:

(i) Illumination of the brake system failure indicator lamp;

(ii) A decrease of more than eighty percent of service brake pedal height as measured from its free position to the floorboard or any other object which restricts service brake pedal travel;

(iii) Failure of any hydraulic line or other part.

(3) Brake hoses shall not be mounted so as to contact the vehicle body or chassis. In addition, brake hoses shall not be cracked, chafed, flattened, abraded, or visibly leaking. Protection devices such as "rub rings" shall not be considered part of the hose or tubing.

(4) Disc and drum condition. If the drum is embossed with a maximum safe diameter dimension or the rotor is embossed with a minimum safety thickness dimension, the drum or disc shall be within the appropriate specifications. These dimensions will be found on motor vehicles manufactured since January 1, 1971, and may be found on vehicles manufactured for several years prior to that time. If the drums and discs are not embossed, the drums and discs shall be within the manufacturer's specifications.

(5) Friction materials. On each brake the thickness of the lining or pad shall not be less than one thirty-second of an inch over the rivet heads, or the brake shoe on bonded linings or pads. Brake linings and pads shall not have cracks or breaks that extend to rivet holes except minor cracks that do not impair attachment. Drum brake linings shall be securely attached to brake shoes. Disc brake pads shall be securely attached to shoe plates.

(6) Backing plates and caliper assemblies shall not be deformed or cracked. System parts shall not be broken, misaligned, missing, binding, or show evidence of severe wear. Automatic adjusters and other parts shall be assembled and installed correctly. [1977 ex.s. c 355 § 28; 1961 c 12 § 46.37.360. Prior: 1955 c 269 § 36; prior: 1951 c 56 § 2, part; 1937 c 189 § 34, part; RRS § 6360-34, part; RCW 46.36.020, 46.36.030, part; 1929 c 180 § 6; 1927 c 309 § 16; 1923 c 181 § 5; 1921 c 96 § 23; 1915 c 142 § 22; RRS § 6362-16.]

Severability——1977 ex.s. c 355: See note following RCW 46.37.010.

RCW 46.37.365 Hydraulic brake fluid——Defined——Standards and specifications. (1) The term "hydraulic brake fluid" as used in this section shall mean the liquid medium through which force is transmitted to the brakes in the hydraulic brake system of a vehicle.

(2) Hydraulic brake fluid shall be distributed and serviced with due regard for the safety of the occupants of the vehicle and the public.

(3) The chief of the Washington state patrol shall, in compliance with the provisions of chapter 34.05 RCW, the administrative procedure act, which govern the adoption of rules, adopt and enforce regulations for the administration of this section and shall adopt and publish standards and specifications for hydraulic brake fluid which shall correlate with, and so far as practicable conform to, the then current standards and specifications of the society of automotive engineers applicable to such fluid.

(4) No person shall distribute, have for sale, offer for sale, or sell any hydraulic brake fluid unless it complies with the requirements of this section and the standard specifications adopted by the state patrol. No person shall service any vehicle with brake fluid unless it complies with the requirements of this section and the standards and specifications adopted by the state patrol.

(5) Subsections (3) and (4) of this section shall not apply to petroleum base fluids in vehicles with brake systems designed to use them. [1987 c 330 § 719; 1977 ex.s. c 355 § 29; 1963 c 154 § 24.]

Construction——Application of rules——Severability——1987 c 330: See notes following RCW 28B.12.050.

Severability——1977 ex.s. c 355: See note following RCW 46.37.010.

Effective date——1963 c 154: See note following RCW 46.37.010.

RCW 46.37.369 Wheels and front suspension. (1) No vehicle shall be equipped with wheel nuts, hub caps, or wheel discs extending outside the body of the vehicle when viewed from directly above which:

(a) Incorporate winged projections; or

(b) Constitute a hazard to pedestrians and cyclists.

For the purposes of this section, a wheel nut is defined as an exposed nut which is mounted at the center or hub of a wheel, and is not one of the ordinary hexagonal nuts which secure a wheel to an axle and are normally covered by a hub cap or wheel disc.

(2) Tire rims and wheel discs shall have no visible cracks, elongated bolt holes, or indications of repair by welding. In addition, the lateral and radial runout of each rim bead area shall not exceed one-eighth of an inch of total indicated runout.

(3) King pins or ball joints shall not be worn to the extent that front wheels tip in or out more than one-quarter of an inch at the lower edge of the tire. [1977 ex.s. c 355 § 30.]

Severability——1977 ex.s. c 355: See note following RCW 46.37.010.

RCW 46.37.375 Steering and suspension systems. (1) Construction of steering control system. The steering control system shall be constructed and maintained so that no components or attachments, including horn activating mechanism and trim hardware, can catch the driver's clothing or jewelry during normal driving maneuvers.

(2) Maintenance of steering control system. System play, lash, or free play in the steering system shall not exceed the values tabulated herein.

Steering wheel diameter (inches)	Lash (inches)
16 or less	2
18	2-1/4
20	2-1/2
22	2-3/4

(3) Linkage play. Free play in the steering linkage shall not exceed one-quarter of an inch.

(4) Other components of the steering system such as the power steering belt, tie rods, or idler arms or Pitman arms shall not be broken, worn out, or show signs of breakage.

(5) Suspension condition. Ball joint seals shall not be cut or cracked. Structural parts shall not be bent or damaged. Stabilizer bars shall be connected. Springs shall not be broken, or extended by spacers. Shock absorber mountings, shackles, and U-bolts shall be securely attached. Rubber bushings shall not be cracked, or extruded out or missing from suspension joints. Radius rods shall not be missing or damaged.

(6) Shock absorber system. Shock absorbers shall not be loose from mountings, leak, or be inoperative.

(7) Alignment. Toe-in and toe-out measurements shall not be greater than one and one-half times the value listed in the vehicle manufacturer's service specification for alignment setting. [1977 ex.s. c 355 § 31.]

Severability——1977 ex.s. c 355: See note following RCW 46.37.010.

RCW 46.37.380 Horns, warning devices, and theft alarms. (1) Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred feet, but no horn or other warning device may emit an unreasonably loud or harsh sound or a whistle. The driver of a motor vehicle shall when reasonably necessary to insure safe operation give audible warning with his horn but shall not otherwise use such horn when upon a highway.

(2) No vehicle may be equipped with nor may any person use upon a vehicle any siren, whistle, or bell, except as otherwise permitted in this section.

(3) It is permissible for any vehicle to be equipped with a theft alarm signal device so long as it is so arranged that it cannot be used by the driver as an ordinary warning signal. Such a theft alarm signal device may use a whistle, bell, horn, or other audible signal but shall not use a siren.

(4) Any authorized emergency vehicle may be equipped with a siren, whistle, or bell capable of emitting sound audible under normal conditions from a distance of not less than five hundred feet and of a type conforming to rules adopted by the state patrol, but the siren shall not be used except when the vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in which latter events the driver of the vehicle shall sound the siren when reasonably necessary to warn pedestrians and other drivers of its approach. [1987 c 330 § 720; 1986 c 113 § 3; 1977 ex.s. c 355 § 32; 1961 c 12 § 46.37.380. Prior: 1955 c 269 § 38; prior: 1937 c 189 § 35; RRS § 6360-35; RCW 46.36.040.]

Construction——Application of rules——Severability——1987 c 330: See notes following RCW 28B.12.050.

Severability——1977 ex.s. c 355: See note following RCW 46.37.010.

Motorcycles and motor-driven cycles——Additional requirements and limitations: RCW 46.37.539.

RCW 46.37.390 Mufflers, prevention of noise——Smoke and air contaminants——Standards——Definitions. (1) Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise, and no person shall use a muffler cut-out, bypass, or similar device upon a motor vehicle on a highway.

(2) (a) No motor vehicle first sold and registered as a new motor vehicle on or after January 1, 1971, shall discharge into the atmosphere at elevations of less than three thousand feet any air contaminant for a period of more than ten seconds which is:

(i) As dark as or darker than the shade designated as No. 1 on the Ringelmann chart, as published by the United States bureau of mines; or

(ii) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection (a)(i) above.

(b) No motor vehicle first sold and registered prior to January 1, 1971, shall discharge into the atmosphere at elevations of less than three thousand feet any air contaminant for a period of more than ten seconds which is:

(i) As dark as or darker than the shade designated as No. 2 on the Ringelmann chart, as published by the United States bureau of mines; or

(ii) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection (b)(i) above.

(c) For the purposes of this subsection the following definitions shall apply:

(i) "Opacity" means the degree to which an emission reduces the transmission of light and obscures the view of an object in the background;

(ii) "Ringelmann chart" means the Ringelmann smoke chart with instructions for use as published by the United States bureau of mines in May 1967 and as thereafter amended, information circular 7718.

(3) No person shall modify the exhaust system of a motor vehicle in a manner which will amplify or increase the noise emitted by the engine of such vehicle above that emitted by the muffler originally installed on the vehicle, and it shall be unlawful for any person to operate a motor vehicle not equipped as required by this subsection, or which has been amplified as prohibited by this subsection. [1977 ex.s. c 355 § 33; 1972 ex.s. c 135 § 1; 1967 c 232 § 3; 1961 c 12 § 46.37.390. Prior: 1955 c 269 § 39; prior: 1937 c 189 § 36; RRS § 6360-36; RCW 46.36.050; 1927 c 309 § 17; 1921 c 96 § 21; 1915 c 142 § 20; RRS § 6362-17.]

Rules of court: Monetary penalty schedule——JTIR 6.2.

Severability——1977 ex.s. c 355: See note following RCW 46.37.010.

Motorcycles and motor-driven cycles——Additional requirements and limitations: RCW 46.37.539.

RCW 46.37.400 Mirrors. (1) Every motor vehicle shall be equipped with a mirror mounted on the left side of the vehicle and so located to reflect to the driver a view of the highway for a distance of at least two hundred feet to the rear of such vehicle.

(2) Every motor vehicle shall be equipped with an additional mirror mounted either inside the vehicle approximately in the center or outside the vehicle on the right side and so located as to reflect to the driver a view of the highway for a distance of at least two hundred feet to the rear of such vehicle.

(3) All mirrors required by this section shall be maintained in good condition. [1977 ex.s. c 355 § 34; 1963 c 154 § 25; 1961 c 12 § 46.37.400. Prior: 1955 c 269 § 40; prior: 1937 c 189 § 37; RRS § 6360-37; RCW 46.36.060.]

Severability——1977 ex.s. c 355: See note following RCW 46.37.010.

Effective date——1963 c 154: See note following RCW 46.37.010.

Motorcycles and motor-driven cycles——Additional requirements and limitations: RCW 46.37.539.

RCW 46.37.410 Windshields required, exception——Must be unobstructed and equipped with wipers. (1) All motor vehicles operated on the public highways of this state shall be equipped with a front windshield

manufactured of safety glazing materials for use in motor vehicles in accordance with RCW 46.37.430, except, however, on such vehicles not so equipped or where windshields are not in use, the operators of such vehicles shall wear glasses, goggles, or face shields pursuant to RCW 46.37.530(1)(b).

(2) No person shall drive any motor vehicle with any sign, poster, or other nontransparent material upon the front windshield, side wings, or side or rear windows of such vehicle which obstructs the driver's clear view of the highway or any intersecting highway.

(3) The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow, or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle. After January 1, 1938, it shall be unlawful for any person to operate a new motor vehicle first sold or delivered after that date which is not equipped with such device or devices in good working order capable of cleaning the windshield thereof over two separate arcs, one each on the left and right side of the windshield, each capable of cleaning a surface of not less than one hundred twenty square inches, or other device or devices capable of accomplishing substantially the same result.

(4) Every windshield wiper upon a motor vehicle shall be maintained in good working order. [1977 ex.s. c 355 § 35; 1961 c 12 § 46.37.410. Prior: 1955 c 269 § 41; prior: (i) 1937 c 189 § 38; RRS § 6360-38; RCW 46-.36.070. (ii) 1937 c 189 § 39; RRS § 6360-39; RCW 46.36.080.]

Severability——1977 ex.s. c 355: See note following RCW 46.37.010.

RCW 46.37.420 Tires——Restrictions. (1) It is unlawful to operate a vehicle upon the public highways of this state unless it is completely equipped with pneumatic rubber tires except vehicles equipped with temporary-use spare tires that meet federal standards that are installed and used in accordance with the manufacturer's instructions.

(2) No tire on a vehicle moved on a highway may have on its periphery any block, flange, cleat, or spike or any other protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire, except that it is permissible to use farm machinery with tires having protuberances that will not injure the highway, and except also that it is permissible to use tire chains or metal studs imbedded within the tire of reasonable proportions and of a type conforming to rules adopted by the state patrol, upon any vehicle when required for safety because of snow, ice, or other conditions tending to cause a vehicle to skid. It is unlawful to use metal studs imbedded within the tire between April 1st and November 1st. The state department of transportation may, from time to time, determine additional periods in which the use of tires with metal studs imbedded therein is lawful.

(3) The state department of transportation and local authorities in their respective jurisdictions may issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of the movable tracks or farm tractors or other farm machinery, the operation of which upon a highway would otherwise be prohibited under this section.

(4) Tires with metal studs imbedded therein may be used between November 1st and April 1st upon school buses and fire department vehicles, any law or regulation to the contrary notwithstanding. [1990 c 105 § 1; 1987 c 330 § 721; 1986 c 113 § 4; 1984 c 7 § 50; 1971 ex.s. c 32 § 1; 1969 ex.s. c 7 § 1; 1961 c 12 § 46.37.420. Prior: 1955 c 269 § 42; prior: (i) 1937 c 189 § 41; RRS § 6360-41; RCW 46.36.100. (ii) 1937 c 189 § 42; RRS § 6360-42; RCW 46.36.120; 1929 c 180 § 7; 1927 c 309 § 46; RRS § 6362-46.]

Construction——Application of rules——Severability——1987 c 330: See notes following RCW 28B.12.050.

Severability——1984 c 7: See note following RCW 47.01.141.

Dangerous road conditions requiring special tires, chains, metal studs: RCW 47.36.250.

Motorcycles and motor-driven cycles——Additional requirements and limitations: RCW 46.37.530.

#includes RCW 46.37.423/.424

RCW 46.37.425 Tires——Unsafe——State patrol's authority——Penalty. No person shall drive or move or cause to be driven or moved any vehicle, the tires of which have contact with the driving surface of the road, subject to registration in this state, upon the public highways of this state unless such vehicle is equipped with tires in safe operating condition in accordance with requirements established by this section or by the state patrol.

The state patrol shall promulgate rules and regulations setting forth requirements of safe operating condition of tires capable of being employed by a law enforcement officer by visual inspection of tires mounted on vehicles including visual comparison with simple measuring gauges. These rules shall include effects of tread wear and depth of tread.

A tire shall be considered unsafe if it has:

(1) Any ply or cord exposed either to the naked eye or when cuts or abrasions on the tire are probed; or

(2) Any bump, bulge, or knot, affecting the tire structure; or

(3) Any break repaired with a boot; or

(4) A tread depth of less than 2/32 of an inch measured in any two major tread grooves at three locations equally spaced around the circumference of the tire, or for those tires with tread wear indicators, a tire shall be considered unsafe if it is worn to the point that the tread wear indicators contact the road in any two major tread grooves at three locations equally spaced around the circumference of the tire; or

(5) A legend which indicates the tire is not intended for use on public highways such as, "not for highway use" or "for racing purposes only"; or

(6) Such condition as may be reasonably demonstrated to render it unsafe; or

(7) If not matched in tire size designation, construction, and profile to the other tire and/or tires on the same axle, except for temporary-use spare tires that

meet federal standards that are installed and used in accordance with the manufacturer's instructions.

No person, firm, or corporation shall sell any vehicle for use on the public highways of this state unless the vehicle is equipped with tires that are in compliance with the provisions of this section. If the tires are found to be in violation of the provisions of this section, the person, firm, or corporation selling the vehicle shall cause such tires to be removed from the vehicle and shall equip the vehicle with tires that are in compliance with the provisions of this section.

It is a traffic infraction for any person to operate a vehicle on the public highways of this state, or to sell a vehicle for use on the public highways of this state, which is equipped with a tire or tires in violation of the provisions of this section or the rules and regulations promulgated by the state patrol hereunder: *Provided, however,* That if the violation relates to items (1) to (7) inclusive of this section then the condition or defect must be such that it can be detected by a visual inspection of tires mounted on vehicles, including visual comparison with simple measuring gauges. [1990 c 105 § 2; 1987 c 330 § 722; 1979 ex.s. c 136 § 73; 1977 ex.s. c 355 § 37; 1971 c 77 § 3.]

Construction——Application of rules——Severability——1987 c 330: See notes following RCW 28B.12.050.

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

Severability——1977 ex.s. c 355: See note following RCW 46.37.010.

Effective date——1971 c 77: "The provisions of RCW 46.37.425 shall have an effective date of January 1, 1972, but the state commission on equipment shall have the authority to proceed with the promulgation of the rules and regulations provided for in RCW 46.37.425 so the rules and regulations may have an effective date of January 1, 1972." [1971 c 77 § 4.]

amended Laws 1993, ch 384, §1.

* **RCW 46.37.430 Safety glazing materials——Application of sunscreening or coloring material.** (1) No person may sell any new motor vehicle as specified in this title, nor may any new motor vehicle as specified in this title be registered unless such vehicle is equipped with safety glazing material of a type that meets or exceeds federal standards, or if there are none, standards approved by the Washington state patrol. The foregoing provisions apply to all passenger-type motor vehicles, including passenger buses and school buses, but in respect to trucks, including truck tractors, the requirements as to safety glazing material apply to all glazing material used in doors, windows, and windshields in the drivers' compartments of such vehicles except as provided by subsection (4) of this section.

(2) The term "safety glazing materials" means glazing materials so constructed, treated, or combined with other materials as to reduce substantially, in comparison with ordinary sheet glass or plate glass, the likelihood of injury to persons by objects from exterior sources or by these safety glazing materials when they may be cracked or broken.

(3) The director of licensing shall not register any motor vehicle which is subject to the provisions of this section unless it is equipped with an approved type of safety glazing material, and he or she shall suspend the registration of any motor vehicle so subject to this section which the director finds is not so equipped until it is made to conform to the requirements of this section.

(4) No person may sell or offer for sale, nor may any person operate a motor vehicle registered in this state which is equipped with, any camper manufactured after May 23, 1969, unless such camper is equipped with safety glazing material of a type conforming to rules adopted by the state patrol wherever glazing materials are used in outside windows and doors.

(5) No film sunscreening or coloring material that reduces light transmittance to any degree may be applied to the surface of the safety glazing material in a motor vehicle unless it meets the following standards for such material:

(a) The maximum level of film sunscreening material to be applied to any window, except the windshield, shall have a total reflectance of thirty-five percent or less, plus or minus three percent, and a light transmission of thirty-five percent or more, plus or minus three percent, when measured against clear glass and where the vehicle is equipped with outside rearview mirrors on both the right and left. Installation of more than a single sheet of film sunscreening material to any window is prohibited. The same maximum levels of film sunscreen material may be applied to windows to the immediate right and left of the driver on limousines and passenger buses used to transport persons for compensation and vehicles identified by the manufacturer as multi-use, multipurpose, or other similar designation. All windows to the rear of the driver on such vehicles may have film sunscreening material applied that has less than thirty-five percent light transmittance, if the light reflectance is thirty-five percent or less and the vehicle is equipped with outside rearview mirrors on both the right and left. Manufacturers of film sunscreening material shall provide a label to affix to the vehicle indicating the percentage light transmittance and light reflectance of the film and it shall be affixed by the installer to the area immediately below the federal vehicle identification number sticker on the driver's side striker post. All vehicles equipped with film sunscreening material are required, on and after January 1, 1991, to meet the labeling requirements in this section. The label shall meet standards adopted by the state patrol.

(b) A greater degree of light reduction is permitted on all windows and the top six inches of windshields of a vehicle operated by or carrying as a passenger a person who possesses a written verification from a licensed physician that the operator or passenger must be protected from exposure to sunlight for physical or medical reasons.

(c) Windshield application. A greater degree of light reduction is permitted on the top six-inch area of a vehicle's windshield. Clear film sunscreening material that reduces or eliminates ultraviolet light may be applied to windshields.

(d) When film sunscreening material is applied to any window except the windshield, outside mirrors on both the left and right sides shall be located so as to reflect to the driver a view of the roadway, through each mirror, a

distance of at least two hundred feet to the rear of the vehicle.

(e) The following types of film sunscreening material are not permitted:

(i) Mirror finish products;

(ii) Red, gold, yellow, or black material; or

(iii) Film sunscreening material that is in liquid pre-application form and brushed or sprayed on.

Nothing in this section prohibits the use of shaded or heat-absorbing safety glazing material in which the shading or heat-absorbing characteristics have been applied at the time of manufacture of the safety glazing material and which meet federal standards and the standards of the state patrol for such safety glazing materials.

(6) It is a traffic infraction for any person to operate a vehicle for use on the public highways of this state, if the vehicle is equipped with film sunscreening or coloring material in violation of this section.

(7) Owners of vehicles with film sunscreening material applied to windows to the rear of the driver, prior to June 7, 1990, must comply with the requirements of this section and RCW 46.37.435 by July 1, 1993. [1990 c 95 § 1; 1989 c 210 § 1; 1987 c 330 § 723; 1986 c 113 § 5; 1985 c 304 § 1; 1979 c 158 § 157; 1969 ex.s. c 281 § 47; 1961 c 12 § 46.37.430. Prior: 1955 c 269 § 43; prior: 1947 c 220 § 1; 1937 c 189 § 40; Rem. Supp. 1947 § 6360-40; RCW 46.36.090.]

Construction——Application of rules——Severability——1987 c 330: See notes following RCW 28B.12.050.

#includes RCW 46.37.435

RCW 46.37.440 Flares or other warning devices required on certain vehicles. (1) No person may operate any motor truck, passenger bus, truck tractor, motor home, or travel trailer over eighty inches in overall width upon any highway outside the corporate limits of municipalities at any time unless there is carried in such vehicle the following equipment except as provided in subsection (2) of this section:

(a) At least three flares or three red electric lanterns or three portable red emergency reflectors, each of which shall be capable of being seen and distinguished at a distance of not less than six hundred feet under normal atmospheric conditions at nighttime.

No flare, fusee, electric lantern, or cloth warning flag may be used for the purpose of compliance with this section unless such equipment is of a type which has been submitted to the state patrol and conforms to rules adopted by it. No portable reflector unit may be used for the purpose of compliance with the requirements of this section unless it is so designed and constructed as to be capable of reflecting red light clearly visible from all distances within six hundred feet to one hundred feet under normal atmospheric conditions at night when directly in front of lawful upper beams of head lamps, and unless it is of a type which has been submitted to the state patrol and conforms to rules adopted by it;

(b) At least three red-burning fusees unless red electric lanterns or red portable emergency reflectors are carried;

(c) At least two red-cloth flags, not less than twelve inches square, with standards to support such flags.

(2) No person may operate at the time and under conditions stated in subsection (1) of this section any motor vehicle used for the transportation of explosives, any cargo tank truck used for the transportation of flammable liquids or compressed gases or liquefied gases, or any motor vehicle using compressed gas as a fuel unless there is carried in such vehicle three red electric lanterns or three portable red emergency reflectors meeting the requirements of subsection (1) of this section, and there shall not be carried in any said vehicle any flares, fusees, or signal produced by flame. [1987 c 330 § 724; 1986 c 113 § 6; 1977 ex.s. c 355 § 38; 1971 ex.s. c 97 § 1; 1961 c 12 § 46.37.440. Prior: 1955 c 269 § 44; prior: 1947 c 267 § 7, part; Rem. Supp. 1947 § 6360-32a, part; RCW 46.40.210, part.]

Construction——Application of rules——Severability——1987 c 330: See notes following RCW 28B.12.050.

Severability——1977 ex.s. c 355: See note following RCW 46.37.010.

RCW 46.37.450 Disabled vehicle——Display of warning devices. (1) Whenever any motor truck, passenger bus, truck tractor over eighty inches in overall width, trailer, semitrailer, or pole trailer is disabled upon the traveled portion of any highway or the shoulder thereof outside any municipality at any time when lighted lamps are required on vehicles, the driver of such vehicle shall display the following warning devices upon the highway during the time the vehicle is so disabled on the highway except as provided in subsection (2) of this section:

(a) A lighted fusee, a lighted red electric lantern, or a portable red emergency reflector shall be immediately placed at the traffic side of the vehicle in the direction of the nearest approaching traffic.

(b) As soon thereafter as possible but in any event within the burning period of the fusee (fifteen minutes), the driver shall place three liquid-burning flares (pot torches), three lighted red electric lanterns, or three portable red emergency reflectors on the traveled portion of the highway in the following order:

(i) One, approximately one hundred feet from the disabled vehicle in the center of the lane occupied by such vehicle and toward traffic approaching in that lane.

(ii) One, approximately one hundred feet in the opposite direction from the disabled vehicle and in the center of the traffic lane occupied by such vehicle.

(iii) One at the traffic side of the disabled vehicle not less than ten feet rearward or forward thereof in the direction of the nearest approaching traffic. If a lighted red electric lantern or a red portable emergency reflector has been placed at the traffic side of the vehicle in accordance with subdivision (a) of this subsection, it may be used for this purpose.

(2) Whenever any vehicle referred to in this section is disabled within five hundred feet of a curve, hillcrest, or other obstruction to view, the warning signal in that direction shall be so placed as to afford ample warning to other users of the highway, but in no case less than five hundred feet from the disabled vehicle.

(3) Whenever any vehicle of a type referred to in this section is disabled upon any roadway of a divided highway during the time that lights are required, the appropriate warning devices prescribed in subsections (1) and (5) of this section shall be placed as follows:

One at a distance of approximately two hundred feet from the vehicle in the center of the lane occupied by the stopped vehicle and in the direction of traffic approaching in that lane; one at a distance of approximately one hundred feet from the vehicle, in the center of the lane occupied by the vehicle and in the direction of traffic approaching in that lane; and one at the traffic side of the vehicle and approximately ten feet from the vehicle in the direction of the nearest approaching traffic.

(4) Whenever any vehicle of a type referred to in this section is disabled upon the traveled portion of a highway or the shoulder thereof outside any municipality at any time when the display of fusees, flares, red electric lanterns, or portable red emergency reflectors is not required, the driver of the vehicle shall display two red flags upon the roadway in the lane of traffic occupied by the disabled vehicle, one at a distance of approximately one hundred feet in advance of the vehicle, and one at a distance of approximately one hundred feet to the rear of the vehicle.

(5) Whenever any motor vehicle used in the transportation of explosives or any cargo tank truck used for the transportation of any flammable liquid or compressed flammable gas, or any motor vehicle using compressed gas as a fuel, is disabled upon a highway of this state at any time or place mentioned in subsection (1) of this section, the driver of such vehicle shall immediately display the following warning devices: One red electric lantern or portable red emergency reflector placed on the roadway at the traffic side of the vehicle, and two red electric lanterns or portable red reflectors, one placed approximately one hundred feet to the front and one placed approximately one hundred feet to the rear of this disabled vehicle in the center of the traffic lane occupied by such vehicle. Flares, fusees, or signals produced by flame shall not be used as warning devices for disabled vehicles of the type mentioned in this subsection.

(6) Whenever any vehicle, other than those described in subsection (1) of this section, is disabled upon the traveled portion of any highway or shoulder thereof outside any municipality, the state patrol or the county sheriff shall, upon discovery of the disabled vehicle, place a reflectorized warning device on the vehicle. The warning device and its placement shall be in accordance with rules adopted by the state patrol. Neither the standards for, placement or use of, nor the lack of placement or use of a warning device under this subsection gives rise to any civil liability on the part of the state of Washington, the state patrol, any county, or any law enforcement agency or officer.

(7) The flares, fusees, red electric lanterns, portable red emergency reflectors, and flags to be displayed as required in this section shall conform with the requirements of RCW 46.37.440 applicable thereto. [1987 c 330 § 725; 1987 c 226 § 1; 1984 c 119 § 1; 1961 c 12 § 46.37.450. Prior: 1955 c 269 § 45; prior: 1947 c 267 § 7, part; Rem. Supp. 1947 § 6360–32a, part; RCW 46.40-.210, part.]

Reviser's note: This section was amended by 1987 c 226 § 1 and by 1987 c 330 § 725, each without reference to the other. Both amendments are incorporated in the publication of this section pursuant to RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Construction——Application of rules——Severability——1987 c 330: See notes following RCW 28B.12.050.

RCW 46.37.460 Vehicles transporting explosives. Any person operating any vehicle transporting any explosive as a cargo or part of a cargo upon a highway shall at all times comply with the provisions of this section.

(1) Said vehicle shall be marked or placarded on each side and the rear with the word "Explosives" in letters not less than eight inches high, or there shall be displayed on the rear of such vehicle a red flag not less than twenty-four inches square marked with the word "danger" in white letters six inches high.

(2) Every said vehicle shall be equipped with not less than two fire extinguishers, filled and ready for immediate use, and placed at a convenient point on the vehicle so used. [1961 c 12 § 46.37.460. Prior: 1955 c 269 § 46.]

RCW 46.37.465 Fuel system. (1) The fuel system shall be manufactured, installed, and maintained with due regard for the safety of the occupants of the vehicle and the public. Fuel tanks shall be equipped with approved caps.

(2) There shall be no signs of leakage from the carburetor or the fuel pump or the fuel hoses in the engine compartment or between the fuel tank and the engine compartment.

(3) No person shall operate any motor vehicle upon the public highways of this state unless the fuel tank is securely attached and so located that another vehicle would not be exposed to direct contact with the fuel tank in the event of a rear end collision. [1977 ex.s. c 355 § 39.]

Severability——1977 ex.s. c 355: See note following RCW 46.37.010.

RCW 46.37.467 Vehicle with alternative fuel source——Placard required. (1) Every automobile, truck, motorcycle, motor home, or off-road vehicle that is fueled by an alternative fuel source shall bear a reflective placard issued by the national fire protection association indicating that the vehicle is so fueled. Violation of this subsection is a traffic infraction.

(2) As used in this section "alternative fuel source" includes propane, compressed natural gas, liquid petroleum gas, or any chemically similar gas but does not include gasoline or diesel fuel.

(3) If a placard for a specific alternative fuel source has not been issued by the national fire protection association, a placard issued by the director of community development, through the director of fire protection, shall be required. The director of community development, through the director of fire protection, shall develop rules for the design, size, and placement of the

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placard which shall remain effective until a specific placard is issued by the national fire protection association. [1986 c 266 § 88; 1984 c 145 § 1; 1983 c 237 § 2.]

Severability——1986 c 266: See note following RCW 38.52.005.

Legislative finding——1983 c 237: "The legislature finds that vehicles using alternative fuel sources such as propane, compressed natural gas, liquid petroleum gas, or other hydrocarbon gas fuels require fire fighters to use a different technique if the vehicles catch fire. A reflective placard on such vehicles would warn fire fighters of the danger so they could react properly." [1983 c 237 § 1.]

#includes 46.37.470 amended Laws of 1991, ch 95, §1.

***RCW 46.37.480 Television viewers——Earphones.** (1) No person shall drive any motor vehicle equipped with any television viewer, screen, or other means of visually receiving a television broadcast which is located in the motor vehicle at any point forward of the back of the driver's seat, or which is visible to the driver while operating the motor vehicle.

(2) No person shall operate any motor vehicle on a public highway while wearing any headset or earphones connected to any electronic device capable of receiving a radio broadcast or playing a sound recording for the purpose of transmitting a sound to the human auditory senses and which headset or earphones muffle or exclude other sounds. This subsection does not apply to students and instructors participating in a Washington state motorcycle safety program.

(3) This section does not apply to authorized emergency vehicles. [1988 c 227 § 6; 1987 c 176 § 1; 1977 ex.s. c 355 § 40; 1961 c 12 § 46.37.480. Prior: 1949 c 196 § 11; Rem. Supp. 1949 § 6360-98d. Formerly RCW 46.36.150.]

Severability——1988 c 227: See RCW 46.81A.900.

Severability——1977 ex.s. c 355: See note following RCW 46.37.010.

RCW 46.37.490 Safety load chains and devices required. It shall be unlawful to operate any vehicle upon the public highways of this state without having the load thereon securely fastened and protected by safety chains or other device. The chief of the Washington state patrol is hereby authorized to adopt and enforce reasonable rules and regulations as to what shall constitute adequate and safe chains or other devices for the fastening and protection of loads upon vehicles. [1987 c 330 § 727; 1961 c 12 § 46.37.490. Prior: 1937 c 189 § 43; RRS § 6360-43; 1927 c 309 § 18; RRS § 6362-18. Formerly RCW 46.36.110.]

Construction——Application of rules——Severability——1987 c 330: See notes following RCW 28B.12.050.

RCW 46.37.500 Fenders or splash aprons. (1) Except as authorized under subsection (2) of this section, no person may operate any motor vehicle, trailer, or semitrailer that is not equipped with fenders, covers, flaps, or splash aprons adequate for minimizing the spray or splash of water or mud from the roadway to the rear of the vehicle. All such devices shall be as wide as the tires behind which they are mounted and extend downward at least to the center of the axle.

(2) A motor vehicle that is not less than forty years old and is owned and operated primarily as a collector's item need not be equipped with fenders when the vehicle is used and driven during fair weather on well-maintained, hard-surfaced roads. [1988 c 15 § 2; 1977 ex.s. c 355 § 41; 1961 c 12 § 46.37.500. Prior: 1947 c 200 § 3, part; 1937 c 189 § 44, part; Rem. Supp. 1947 § 6360-44, part. Formerly RCW 46.36.130 (second paragraph).]

Severability——1977 ex.s. c 355: See note following RCW 46.37.010.

RCW 46.37.510 Seat belts and shoulder harnesses. (1) No person may sell any automobile manufactured or assembled after January 1, 1964, nor may any owner cause such vehicle to be registered thereafter under the provisions of chapter 46.12 RCW unless such motor car or automobile is equipped with automobile seat belts installed for use on the front seats thereof which are of a type and installed in a manner conforming to rules adopted by the state patrol. Where registration is for transfer from an out-of-state license, the applicant shall be informed of this section by the issuing agent and has thirty days to comply. The state patrol shall adopt and enforce standards as to what constitutes adequate and safe seat belts and for the fastening and installation of them. Such standards shall not be below those specified as minimum requirements by the Society of Automotive Engineers on June 13, 1963.

(2) Every passenger car manufactured or assembled after January 1, 1965, shall be equipped with at least two lap-type safety belt assemblies for use in the front seating positions.

(3) Every passenger car manufactured or assembled after January 1, 1968, shall be equipped with a lap-type safety belt assembly for each permanent passenger seating position. This requirement shall not apply to police vehicles.

(4) Every passenger car manufactured or assembled after January 1, 1968, shall be equipped with at least two shoulder harness-type safety belt assemblies for use in the front seating positions.

(5) The state patrol shall excuse specified types of motor vehicles or seating positions within any motor vehicle from the requirements imposed by subsections (1), (2), and (3) of this section when compliance would be impractical.

(6) No person may distribute, have for sale, offer for sale, or sell any safety belt or shoulder harness for use in motor vehicles unless it meets current minimum standards and specifications conforming to rules adopted by the state patrol or the United States department of transportation. [1987 c 330 § 729; 1986 c 113 § 7; 1977 ex.s. c 355 § 42; 1963 c 117 § 1.]

Construction——Application of rules——Severability——1987 c 330: See notes following RCW 28B.12.050.

Severability——1977 ex.s. c 355: See note following RCW 46.37.010.

Safety belts, use required: RCW 46.61.688.

RCW 46.37.513 Bumpers. When any motor vehicle was originally equipped with bumpers or any other collision energy absorption or attenuation system, that system shall be maintained in good operational condition, and no person shall remove or disconnect, and no owner shall cause or knowingly permit the removal or disconnection of, any part of that system except temporarily in order to make repairs, replacements, or adjustments. [1977 ex.s. c 355 § 43.]

Severability——1977 ex.s. c 355: See note following RCW 46.37.010.

RCW 46.37.517 Body and body hardware. (1) The body, fenders, and bumpers shall be maintained without protrusions which could be hazardous to pedestrians. In addition, the bumpers shall be so attached and maintained so as to not protrude beyond the original bumper line.

(2) The hood, hood latches, hood fastenings, doors, and door latches shall be maintained in a condition sufficient to ensure proper working equal to that at the time of original vehicle manufacture. [1977 ex.s. c 355 § 44.]

Severability——1977 ex.s. c 355: See note following RCW 46.37.010.

RCW 46.37.520 Beach vehicles with soft tires——"Dune buggies"——Inspection and approval required——Fee. It shall be unlawful for any person to lease for hire or permit the use of any vehicle with soft tires commonly used upon the beach and referred to as a dune buggy unless such vehicle has been inspected by and approved by the state patrol, which may charge a reasonable fee therefor to go into the motor vehicle fund. [1987 c 330 § 730; 1971 ex.s. c 91 § 4; 1965 ex.s. c 170 § 61.]

Construction——Application of rules——Severability——1987 c 330: See notes following RCW 28B.12.050.

RCW 46.37.522 Motorcycles and motor-driven cycles——When head lamps and tail lamps to be lighted. Every motorcycle and motor-driven cycle shall have its head lamps and tail lamps lighted whenever such vehicle is in motion upon a highway. [1977 ex.s. c 355 § 45.]

Rules of court: Monetary penalty schedule——JTIR 6.2.

Severability——1977 ex.s. c 355: See note following RCW 46.37.010.

RCW 46.37.523 Motorcycles and motor-driven cycles——Head lamps. (1) Every motorcycle and every motor-driven cycle shall be equipped with at least one lamp which shall comply with the requirements and limitations of this section.

(2) Every head lamp upon every motorcycle and motor-driven cycle shall be located at a height of not more than fifty-four inches nor less than twenty-four inches to be measured as set forth in RCW 46.37.030(2).

(3) Every motorcycle other than a motor-driven cycle shall be equipped with multiple-beam road-lighting equipment.

(4) Such equipment shall:

(a) Reveal persons and vehicles at a distance of at least three hundred feet ahead when the uppermost distribution of light is selected;

(b) Reveal persons and vehicles at a distance of at least one hundred fifty feet ahead when the lowermost distribution of light is selected, and on a straight, level road under any condition of loading none of the high intensity portion of the beam shall be directed to strike the eyes of an approaching driver. [1977 ex.s. c 355 § 46.]

Rules of court: Monetary penalty schedule——JTIR 6.2.

Severability——1977 ex.s. c 355: See note following RCW 46.37.010.

RCW 46.37.524 Motor-driven cycles——Head lamps. The head lamp or head lamps upon every motor-driven cycle may be of the single-beam or multiple-beam type but in either event shall comply with the requirements and limitations as follows:

(1) Every such head lamp or head lamps on a motor-driven cycle shall be of a sufficient intensity to reveal a person or a vehicle at a distance of not less than one hundred feet when the motor-driven cycle is operated at any speed less than twenty-five miles per hour and at a distance of not less than two hundred feet when the motor-driven cycle is operated at a speed of twenty-five or more miles per hour, and at a distance of not less than three hundred feet when the motor-driven cycle is operated at a speed of thirty-five or more miles per hour;

(2) In the event the motor-driven cycle is equipped with a multiple-beam head lamp or head lamps the upper beam shall meet the minimum requirements set forth above and shall not exceed the limitations set forth in RCW 46.37.220(1), and the lowermost beam shall meet the requirements applicable to a lowermost distribution of light as set forth in RCW 46.37.220;

(3) In the event the motor-driven cycle is equipped with a single-beam lamp or lamps, such lamp or lamps shall be so aimed that when the vehicle is loaded none of the high-intensity portion of light, at a distance of twenty-five feet ahead, shall project higher than the level of the center of the lamp from which it comes. [1977 ex.s. c 355 § 47.]

Rules of court: Monetary penalty schedule——JTIR 6.2.

Severability——1977 ex.s. c 355: See note following RCW 46.37.010.

RCW 46.37.525 Motorcycles and motor-driven cycles——Tail lamps, reflectors, and stop lamps. (1) Every motorcycle and motor-driven cycle shall have at least one tail lamp which shall be located at a height of not more than seventy-two nor less than fifteen inches.

(2) Either a tail lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly legible from a distance of fifty feet to the rear. Any tail lamp or tail lamps, together with any separate lamp or lamps for illuminating the rear registration plate, shall be so wired as to be lighted whenever the head lamps or auxiliary driving lamps are lighted.

(3) Every motorcycle and motor–driven cycle shall carry on the rear, either as part of the tail lamp or separately, at least one red reflector meeting the requirements of RCW 46.37.060.

(4) Every motorcycle and motor–driven cycle shall be equipped with at least one stop lamp meeting the requirements of RCW 46.37.070. [1977 ex.s. c 355 § 48.]

Rules of court: Monetary penalty schedule——JTIR 6.2.

Severability——1977 ex.s. c 355: See note following RCW 46.37.010.

RCW 46.37.527 Motorcycles and motor–driven cycles——Brake requirements. Every motorcycle and motor–driven cycle must comply with the provisions of RCW 46.37.351, except that:

(1) Motorcycles and motor–driven cycles need not be equipped with parking brakes;

(2) The wheel of a sidecar attached to a motorcycle or to a motor–driven cycle, and the front wheel of a motor–driven cycle need not be equipped with brakes, if such motorcycle or motor–driven cycle is otherwise capable of complying with the braking performance requirements of RCW 46.37.528 and 46.37.529;

(3) Motorcycles shall be equipped with brakes operating on both the front and rear wheels unless the vehicle was originally manufactured without both front and rear brakes: *Provided*, That a front brake shall not be required on any motorcycle over twenty–five years old which was originally manufactured without a front brake and which has been restored to its original condition and is being ridden to or from or otherwise in conjunction with an antique or classic motorcycle contest, show or other such assemblage: *Provided further*, That no front brake shall be required on any motorcycle manufactured prior to January 1, 1931. [1982 c 77 § 6; 1977 ex.s. c 355 § 49.]

Rules of court: Monetary penalty schedule——JTIR 6.2.

Severability——1982 c 77: See note following RCW 46.20.500.

Severability——1977 ex.s. c 355: See note following RCW 46.37.010.

RCW 46.37.528 Motorcycles and motor–driven cycles——Performance ability of brakes. Every motorcycle and motor–driven cycle, at all times and under all conditions of loading, upon application of the service brake, shall be capable of:

(1) Developing a braking force that is not less than forty–three and one–half percent of its gross weight;

(2) Decelerating to a stop from not more than twenty miles per hour at not less than fourteen feet per second per second; and

(3) Stopping from a speed of twenty miles per hour in not more than thirty feet, such distance to be measured from the point at which movement of the service brake pedal or control begins.

Tests for deceleration and stopping distance shall be made on a substantially level (not to exceed plus or minus one percent grade), dry, smooth, hard surface that is free from loose material. [1977 ex.s. c 355 § 50.]

Rules of court: Monetary penalty schedule——JTIR 6.2.

Severability——1977 ex.s. c 355: See note following RCW 46.37.010.

RCW 46.37.529 Motor–driven cycles——Braking system inspection. (1) The state patrol is authorized to require an inspection of the braking system on any motor–driven cycle and to disapprove any such braking system on a vehicle which it finds will not comply with the performance ability standard set forth in RCW 46.37.351, or which in its opinion is equipped with a braking system that is not so designed or constructed as to ensure reasonable and reliable performance in actual use.

(2) The director of licensing may refuse to register or may suspend or revoke the registration of any vehicle referred to in this section when the state patrol determines that the braking system thereon does not comply with the provisions of this section.

(3) No person shall operate on any highway any vehicle referred to in this section in the event the state patrol has disapproved the braking system upon such vehicle. [1987 c 330 § 731; 1979 c 158 § 158; 1977 ex.s. c 355 § 51.]

Rules of court: Monetary penalty schedule——JTIR 6.2.

Construction——Application of rules——Severability——1987 c 330: See notes following RCW 28B.12.050.

Severability——1977 ex.s. c 355: See note following RCW 46.37.010.

RCW 46.37.530 Motorcycles, motor–driven cycles, or mopeds——Helmets, other equipment——Children——Rules. (1) It is unlawful:

(a) For any person to operate a motorcycle or motor–driven cycle not equipped with mirrors on the left and right sides of the motorcycle which shall be so located as to give the driver a complete view of the highway for a distance of at least two hundred feet to the rear of the motorcycle or motor–driven cycle: *Provided*, That mirrors shall not be required on any motorcycle or motor–driven cycle over twenty–five years old originally manufactured without mirrors and which has been restored to its original condition and which is being ridden to or from or otherwise in conjunction with an antique or classic motorcycle contest, show, or other such assemblage: *Provided further*, That no mirror is required on any motorcycle manufactured prior to January 1, 1931;

(b) For any person to operate a motorcycle or motor–driven cycle which does not have a windshield unless wearing glasses, goggles, or a face shield of a type conforming to rules adopted by the state patrol;

(c) For any person to operate or ride upon a motorcycle, motor–driven cycle, or moped on a state highway, county road, or city street unless wearing upon his or her head a protective helmet of a type conforming to rules adopted by the state patrol except when the vehicle is an antique motor–driven cycle or automobile that is licensed as a motorcycle or when the vehicle is equipped with seat belts and roll bars approved by the state patrol. The helmet must be equipped with either a neck or chin strap which shall be fastened securely while the motorcycle or motor–driven cycle is in motion;

(d) For any person to transport a child under the age of five on a motorcycle or motor-driven cycle;

(e) For any person to sell or offer for sale a motorcycle helmet which does not meet the requirements established by the state patrol.

(2) The state patrol is hereby authorized and empowered to adopt and amend rules, pursuant to the administrative procedure act, concerning the standards and procedures for conformance of rules adopted for glasses, goggles, face shields, and protective helmets. [1990 c 270 § 7. Prior: 1987 c 454 § 1; 1987 c 330 § 732; 1986 c 113 § 8; 1982 c 77 § 7; 1977 ex.s. c 355 § 55; 1971 ex.s. c 150 § 1; 1969 c 42 § 1; 1967 c 232 § 4.]

Rules of court: Monetary penalty schedule——JTIR 6.2.

Short title——1990 c 270: See RCW 43.70.440.

Construction——Application of rules——Severability——1987 c 330: See notes following RCW 28B.12.050.

Severability——1982 c 77: See note following RCW 46.20.500.

Severability——1977 ex.s. c 355: See note following RCW 46.37.010.

Maximum height for handlebars: RCW 46.61.611.

Riding on motorcycles: RCW 46.61.610.

Temporary suspension of RCW 46.37.530 and 46.61.610 through 46.61.612: RCW 46.61.613.

RCW 46.37.535 Motorcycles, motor-driven cycles, or mopeds——Helmet requirements when rented. It is unlawful for any person to rent out motorcycles, motor-driven cycles, or mopeds unless the person also has on hand for rent helmets of a type conforming to rules adopted by the state patrol.

It shall be unlawful for any person to rent a motorcycle, motor-driven cycle, or moped unless the person has in his or her possession a helmet of a type approved by the state patrol, regardless of from whom the helmet is obtained. [1990 c 270 § 8; 1987 c 330 § 733; 1986 c 113 § 9; 1977 ex.s. c 355 § 56; 1967 c 232 § 10.]

Rules of court: Monetary penalty schedule——JTIR 6.2.

Short title——1990 c 270: See RCW 43.70.440.

Construction——Application of rules——Severability——1987 c 330: See notes following RCW 28B.12.050.

Severability——1977 ex.s. c 355: See note following RCW 46.37.010.

License requirement for person renting motorcycle: RCW 46.20.220.

RCW 46.37.537 Motorcycles——Exhaust system. No person shall modify the exhaust system of a motorcycle in a manner which will amplify or increase the noise emitted by the engine of such vehicle above that emitted by the muffler originally installed on the vehicle, and it shall be unlawful for any person to operate a motorcycle not equipped as required by this section, or which has been amplified as prohibited by this section. [1977 ex.s. c 355 § 52.]

Rules of court: Monetary penalty schedule——JTIR 6.2.

Severability——1977 ex.s. c 355: See note following RCW 46.37.010.

RCW 46.37.539 Motorcycles and motor-driven cycles——Additional requirements and limitations. Every motorcycle and every motor-driven cycle shall also comply with the requirements and limitations of:

RCW 46.37.380 on horns and warning devices;

RCW 46.37.390 on mufflers and prevention of noise;

RCW 46.37.400 on mirrors; and

RCW 46.37.420 on tires.

[1977 ex.s. c 355 § 53.]

Rules of court: Monetary penalty schedule——JTIR 6.2.

Severability——1977 ex.s. c 355: See note following RCW 46.37.010.

RCW 46.37.540 Odometers——Disconnecting, resetting, or turning back prohibited. It shall be unlawful for any person to disconnect, turn back, or reset the odometer of any motor vehicle with the intent to reduce the number of miles indicated on the odometer gauge. [1983 c 3 § 119; 1969 c 112 § 2.]

Motor vehicle dealers, unlawful acts and practices: RCW 46.70.180.

RCW 46.37.550 Odometers——Selling motor vehicle knowing odometer turned back unlawful. It shall be unlawful for any person to sell a motor vehicle in this state if such person has knowledge that the odometer on such motor vehicle has been turned back and if such person fails to notify the buyer, prior to the time of sale, that the odometer has been turned back or that he had reason to believe that the odometer has been turned back. [1969 c 112 § 3.]

RCW 46.37.560 Odometers——Selling motor vehicle knowing odometer replaced unlawful. It shall be unlawful for any person to sell a motor vehicle in this state if such person has knowledge that the odometer on such motor vehicle has been replaced with another odometer and if such person fails to notify the buyer, prior to the time of sale, that the odometer has been replaced or that he believes the odometer to have been replaced. [1969 c 112 § 4.]

RCW 46.37.570 Odometers——Selling, advertising, using, or installing device which causes other than true mileage to be registered. It shall be unlawful for any person to advertise for sale, to sell, to use, or to install on any part of a motor vehicle or on an odometer in a motor vehicle any device which causes the odometer to register any mileage other than the true mileage driven. For the purposes of this section the true mileage driven is that driven by the car as registered by the odometer within the manufacturer's designed tolerance. [1969 c 112 § 5.]

RCW 46.37.590 Odometers——Purchaser plaintiff to recover costs and attorney's fee, when. In any suit brought by the purchaser of a motor vehicle against the seller of such vehicle, the purchaser shall be entitled to recover his court costs and a reasonable attorney's fee fixed by the court, if: (1) The suit or claim is based substantially upon the purchaser's allegation that the odometer on such vehicle has been tampered with contrary to RCW 46.37.540 and 46.37.550 or replaced contrary to RCW 46.37.560; and (2) it is found in such suit that the seller of such vehicle or any of his employees or agents knew or had reason to know that the odometer on

such vehicle had been so tampered with or replaced and failed to disclose such knowledge to the purchaser prior to the time of sale. [1975 c 24 § 1; 1969 c 112 § 7.]

RCW 46.37.600 Liability of operator, owner, lessee for violations. Whenever an act or omission is declared to be unlawful in chapter 46.37 RCW, if the operator of the vehicle is not the owner or lessee of such vehicle, but is so operating or moving the vehicle with the express or implied permission of the owner or lessee, then the operator and/or owner or lessee are both subject to the provisions of this chapter with the primary responsibility to be that of the owner or lessee.

If the person operating the vehicle at the time of the unlawful act or omission is not the owner or lessee of the vehicle, such person is fully authorized to accept the citation and execute the promise to appear on behalf of the owner or lessee. [1980 c 104 § 4; 1969 ex.s. c 69 § 3.]

RCW 46.37.610 Wheelchair conveyance standards. The state patrol shall adopt rules for wheelchair conveyance safety standards. Operation of a wheelchair conveyance that is in violation of these standards is a traffic infraction. [1987 c 330 § 734; 1983 c 200 § 4.]

Construction——Application of rules——Severability——1987 c 330: See notes following RCW 28B.12.050.

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

Wheelchair conveyances
- definition: RCW 46.04.710.
- licensing: RCW 46.16.640.
- operator's license: RCW 46.20.550.
- public roadways, operating on: RCW 46.61.730.

#includes 46.37.620

RCW 46.44.010 Outside width limit. The total outside width of any vehicle or load thereon shall not exceed eight and one-half feet: *Provided*, That no rear vision mirror may extend more than five inches beyond the extreme limits of the body: *Provided further*, That excluded from this calculation of width are safety appliances such as clearance lights, rub rails, flexible fender extensions, mud flaps, and splash and spray suppressant devices, and appurtenances such as door handles, door hinges, and turning signal brackets and such other safety appliances and appurtenances as the department may determine are necessary for the safe and efficient operation of motor vehicles: *And provided further*, That no appliances or appurtenances may extend more than two inches beyond the extreme limits of the body. [1983 c 278 § 1; 1961 c 12 § 46.44.010. Prior: 1947 c 200 § 4; 1937 c 189 § 47; Rem. Supp. 1947 § 6360-47; 1923 c 181 § 4, part; RRS § 6362-8, part.]

#includes RCW 46.44.015

RCW 46.44.020 Maximum height——Impaired clearance signs. It is unlawful for any vehicle unladen or with load to exceed a height of fourteen feet above the level surface upon which the vehicle stands. This height limitation does not apply to authorized emergency vehicles or repair equipment of a public utility engaged in reasonably necessary operation. The provisions of this section do not relieve the owner or operator of a vehicle or combination of vehicles from the exercise of due care in determining that sufficient vertical clearance is provided upon the public highways where the vehicle or combination of vehicles is being operated; and no liability may attach to the state or to any county, city, town, or other political subdivision by reason of any damage or injury to persons or property by reason of the existence of any structure over or across any public highway where the vertical clearance above the roadway is fourteen feet or more; or, where the vertical clearance is less than fourteen feet, if impaired clearance signs of a design approved by the state department of transportation are erected and maintained on the right side of any such public highway in accordance with the manual of uniform traffic control devices for streets and highways as adopted by the state department of transportation under chapter 47.36 RCW. If any structure over or across any public highway is not owned by the state or by a county, city, town, or other political subdivision, it is the duty of the owner thereof when billed therefor to reimburse the state department of transportation or the county, city, town, or other political subdivision having jurisdiction over the highway for the actual cost of erecting and maintaining the impaired clearance signs, but no liability may attach to the owner by reason of any damage or injury to persons or property caused by impaired vertical clearance above the roadway. [1984 c 7 § 52; 1977 c 81 § 1; 1975-'76 2nd ex.s. c 64 § 7; 1971 ex.s. c 248 § 1; 1965 c 43 § 1; 1961 c 12 § 46.44.020. Prior: 1959 c 319 § 26; 1955 c 384 § 1; 1953 c 125 § 1; 1951 c 269 § 20; 1937 c 189 § 48; RRS § 6360-48.]

Severability——1984 c 7: See note following RCW 47.01.141.

Effective dates——Severability——1975-'76 2nd ex.s. c 64: See notes following RCW 46.16.070. 1994, ch 59, §2

* amended laws of [illegible]

RCW 46.44.030 Maximum lengths. It is unlawful for any person to operate upon the public highways of this state any vehicle other than a municipal transit vehicle having an overall length, with or without load, in excess of forty feet: *Provided*, That an auto stage or school bus shall not exceed an overall length, inclusive of front and rear bumpers, of forty feet: *Provided further*, That the route of any auto stage in excess of thirty-five feet or school bus in excess of thirty-six feet six inches upon or across the public highways shall be limited as determined by the department of transportation for state highways, or by the local legislative authority for other public roads.

It is unlawful for any person to operate on the highways of this state any combination of vehicles that contains a vehicle in excess of forty-eight feet, with or without load.

It is unlawful for any person to operate upon the public highways of this state any combination consisting of a tractor and semitrailer that has a semitrailer length in excess of forty-eight feet or a combination consisting of a tractor and two trailers in which the combined length of the trailers exceeds sixty feet, with or without load.

It is unlawful for any person to operate on the highways of this state any combination consisting of a truck and trailer with an overall length, with or without load, in excess of seventy-five feet. However, a combination of

#includes addition to RCW 46.44 adopted in Laws 1994, Ch 305, §1.

vehicles transporting automobiles or boats may have a front overhang of three feet and a rear overhang of four feet beyond this allowed length.

These length limitations do not apply to vehicles transporting poles, pipe, machinery, or other objects of a structural nature that cannot be dismembered and operated by a public utility when required for emergency repair of public service facilities or properties, but in respect to night transportation every such vehicle and load thereon shall be equipped with a sufficient number of clearance lamps on both sides and marker lamps upon the extreme ends of any projecting load to clearly mark the dimensions of the load.

The length limitations described in this section are exclusive of safety and energy conservation devices, such as mud flaps and splash and spray suppressant devices, refrigeration units or air compressors, and other devices that the department determines to be necessary for safe and efficient operation of commercial vehicles. No device excluded under this paragraph from the limitations of this section may have, by its design or use, the capability to carry cargo. [1990 c 28 § 1; 1985 c 351 § 1; 1984 c 104 § 1; 1983 c 278 § 2; 1979 ex.s. c 113 § 4; 1977 ex.s. c 64 § 1; 1975-'76 2nd ex.s. c 53 § 1; 1974 ex.s. c 76 § 2; 1971 ex.s. c 248 § 2; 1967 ex.s. c 145 § 61; 1963 ex.s. c 3 § 52; 1961 ex.s. c 21 § 36; 1961 c 12 § 46.44.030. Prior: 1959 c 319 § 25; 1957 c 273 § 14; 1951 c 269 § 22; prior: 1949 c 221 § 1, part; 1947 c 200 § 5, part; 1941 c 116 § 1, part; 1937 c 189 § 49, part; Rem. Supp. 1949 § 6360-49, part.]

Severability——1967 ex.s. c 145: See RCW 47.98.043.

amended laws of 1991, ch 143, §1.

* **RCW 46.44.034 Maximum lengths——Front and rear protrusions.** The load, or any portion of any vehicle, operated alone upon the public highway of this state, or the load, or any portion of the front vehicle of a combination of vehicles, shall not extend more than three feet beyond the front wheels of such vehicle, or the front bumper, if equipped with front bumper.

No vehicle shall be operated upon the public highways with any part of the permanent structure or load extending in excess of fifteen feet beyond the center of the last axle of such vehicle. [1961 c 12 § 46.44.034. Prior: 1957 c 273 § 15; 1951 c 269 § 24; prior: 1949 c 221 § 1, part; 1947 c 200 § 5, part; 1941 c 116 § 1, part; 1937 c 189 § 49, part; Rem. Supp. 1949 § 6360-49, part.]

RCW 46.44.036 Combination of units——Limitation. Except as provided in RCW 46.44.037, it is unlawful for any person to operate upon the public highways of this state any combination of vehicles consisting of more than two vehicles. For the purposes of this section a truck tractor-semitrailer or pole trailer combination will be considered as two vehicles but the addition of another axle to the tractor of a truck tractor-semitrailer or pole trailer combination in such a way that it supports a proportional share of the load of the semitrailer or pole trailer shall not be deemed a separate vehicle but shall be considered a part of the truck tractor. For the purposes of this section a converter gear used in converting a semitrailer to a full trailer shall not be deemed a separate vehicle but shall be considered a part of the trailer. [1975-'76 2nd ex.s. c 64 § 8; 1961 c 12 § 46.44.036. Prior: 1955 c 384 § 2; 1951 c 269 § 23; prior: 1949 c 221 § 1, part; 1947 c 200 § 5, part; 1941 c 116 § 1, part; 1937 c 189 § 49, part; Rem. Supp. 1949 § 6360-49, part.]

Rules of court: Monetary penalty schedule——JTIR 6.2.

Effective dates——Severability——1975-'76 2nd ex.s. c 64: See notes following RCW 46.16.070.

amended law of 1991, ch143, §2

* **RCW 46.44.037 Combination of units——Lawful operations.** Notwithstanding the provisions of RCW 46-.44.036 and subject to such rules and regulations governing their operation as may be adopted by the state department of transportation, operation of the following combinations is lawful:

(1) A combination consisting of a truck tractor, a semitrailer, and another semitrailer or a full trailer. In this combination a converter gear used to convert a semitrailer into a full trailer shall be considered to be a part of the full trailer and not a separate vehicle. A converter gear being pulled without load and not used to convert a semitrailer into a full trailer may be substituted in lieu of a full trailer or a semitrailer in any lawful combination;

(2) A combination consisting of three trucks or truck tractors used in driveaway service where two of the vehicles are towed by the third in double saddlemount position;

(3) A combination consisting of a truck tractor carrying a freight compartment no longer than eight feet, a semitrailer, and another semitrailer or full trailer that meets the legal length requirement for a truck and trailer combination set forth in RCW 46.44.030. [1985 c 351 § 2; 1984 c 7 § 53; 1979 ex.s. c 149 § 3; 1975-'76 2nd ex.s. c 64 § 9; 1965 ex.s. c 170 § 37; 1963 ex.s. c 3 § 53; 1961 c 12 § 46.44.037. Prior: 1957 c 273 § 16; 1955 c 384 § 3.]

Severability——1984 c 7: See note following RCW 47.01.141.

Effective dates——Severability——1975-'76 2nd ex.s. c 64: See notes following RCW 46.16.070.

*amended laws of 1993, ch 246, §1

* **RCW 46.44.041 Maximum gross weights——Wheelbase and axle factors.** No vehicle or combination of vehicles shall operate upon the public highways of this state with a gross load on any single axle in excess of twenty thousand pounds, or upon any group of axles in excess of that set forth in the following table, except that two consecutive sets of tandem axles may carry a gross load of thirty-four thousand pounds each, if the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six feet or more.

MISCELLANEOUS STATUTES ADOPTED BY REFERENCE IN THE WASHINGTON MODEL TRAFFIC ORDINANCE

Distance in feet between the extremes of any group of 2 or more consecutive axles	Maximum load in pounds carried on any group of 2 or more consecutive axles							
	2 axles	3 axles	4 axles	5 axles	6 axles	7 axles	8 axles	9 axles
4	34,000							
5	34,000							
6	34,000							
7	34,000							
8	34,000	42,000						
9	39,000	42,500						
10	40,000	43,500						
11		44,000						
12		45,000	50,000					
13		45,500	50,500					
14		46,500	51,500					
15		47,000	52,000					
16		48,000	52,500	52,500				
17		48,500	53,500	53,500				
18		49,500	54,000	54,000				
19		50,000	54,500	54,500				
20		51,000	55,500	55,500				
21		51,500	56,000	56,000				
22		52,500	56,500	56,500				
23		53,000	57,500	57,500				
24		54,000	58,000	58,000				
25		54,500	58,500	58,500				
26		55,500	59,500	59,500				
27		56,000	60,000	60,000				
28		57,000	60,500	61,000	61,000			
29		57,500	61,500	62,000	62,000			
30		58,500	62,000	63,000	63,000			
31		59,000	62,500	64,000	64,500			
32		60,000	63,500	65,000	65,000			
33			64,000	66,000	66,000			
34			64,500	67,000	67,000			
35			65,500	68,000	68,000			
36			66,000	69,500	69,500			
37			66,500	70,500	70,500			
38			67,500	72,000	72,000			
39			68,000	72,500	72,500			
40			68,500	73,000	73,000			
41			69,500	73,500	73,500			
42			70,000	74,000	74,000			
43			70,500	75,000	75,000			
44			71,500	75,500	75,500			
45			72,000	76,000	76,000			
46			72,500	76,500	80,000	80,000		
47			73,500	77,000	81,000	81,000		
48			74,000	78,000	82,000	82,000		
49			74,500	78,500	83,000	83,000		
50			75,500	79,000	84,000	84,000		

Distance in feet between the extremes of any group of 2 or more consecutive axles	Maximum load in pounds carried on any group of 2 or more consecutive axles							
	2 axles	3 axles	4 axles	5 axles	6 axles	7 axles	8 axles	9 axles
51			76,000	80,000	84,500	85,000		
52			76,500	80,500	85,000	86,000		
53			77,500	81,000	86,000	87,000		
54			78,000	81,500	86,500	88,000	91,000	91,000
55			78,500	82,500	87,000	89,000	92,000	92,000
56			79,500	83,000	87,500	90,000	93,000	93,000
57			80,000	83,500	88,000	91,000	94,000	94,000
58				84,000	89,000	92,000	95,000	95,000
59				85,000	89,500	93,500	96,000	96,000
60				85,500	90,000	95,000	97,000	97,000
61				86,000	90,500	95,500	98,000	98,000
62				87,000	91,000	96,000	99,000	99,000
63				87,500	92,000	97,000	100,000	100,000
64				88,000	92,500	97,500	101,000	101,000
65				88,500	93,000	98,000	102,000	102,000
66				89,500	93,500	98,500	103,000	103,000
67				90,000	94,000	99,000	104,000	104,000
68				90,500	95,000	99,500	105,000	105,000
69				91,000	95,500	100,000	105,500	105,500
70				92,000	96,000	101,000	105,500	105,500

When inches are involved: Under six inches take lower, six inches or over take higher. The maximum load on any axle in any group of axles shall not exceed the single axle or tandem axle allowance as set forth in the table above.

The maximum axle and gross weights specified in this section are subject to the braking requirements set up for the service brakes upon any motor vehicle or combination of vehicles as provided by law.

It is unlawful to operate upon the public highways any single unit vehicle, supported upon three axles or more with a gross weight including load in excess of forty thousand pounds or any combination of vehicles having a gross weight in excess of eighty thousand pounds without first obtaining an additional tonnage permit as provided for in RCW 46.44.095: *Provided*, That when a combination of vehicles has purchased license tonnage in excess of seventy-two thousand pounds as provided by RCW 46.16.070, such excess license tonnage may be applied to the power unit subject to limitations of RCW 46.44.042 and this section when such vehicle is operated without a trailer.

It is unlawful to operate any vehicle upon the public highways equipped with two axles spaced less than seven feet apart unless the two axles are so constructed and mounted that the difference in weight between the axles does not exceed three thousand pounds. However, variable lift axles are exempt from this requirement. For purposes of this section, a "variable lift axle" is an axle that may be lifted from the roadway surface, whether by air, hydraulic, mechanical, or any combination of these means. The weight allowed on the axle is governed by RCW 46.44.042 and this section.

Loads of not more than eighty thousand pounds which may be legally hauled in the state bordering this state which also has a sales tax, are legal in this state when moving to a port district within four miles of the bordering state except on the interstate system. This provision does not allow the operation of a vehicle combination consisting of a truck tractor and three trailers.

Notwithstanding anything contained herein, a vehicle or combination of vehicles in operation on January 4, 1975, may operate upon the public highways of this state, including the interstate system within the meaning of section 127 of Title 23, United States Code, with an overall gross weight upon a group of two consecutive sets of dual axles which was lawful in this state under the laws, regulations and procedures in effect in this state on January 4, 1975. [1988 c 229 § 1; 1988 c 6 § 2; 1985 c 351 § 3; 1977 c 81 § 2; 1975-'76 2nd ex.s. c 64 § 22.]

Reviser's note: This section was amended by 1988 c 6 § 2 and by 1988 c 229 § 1, each without reference to the other. Both amendments are incorporated in the publication of this section pursuant to RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Effective dates——Severability——1975-'76 2nd ex.s. c 64: See notes following RCW 46.16.070.

amended Laws 1993, ch 103, §1

* **RCW 46.44.042 Maximum gross weights——Tire factor.** Subject to the maximum gross weights specified in RCW 46.44.041, it is unlawful to operate any vehicle upon the public highways with a gross weight, including load, upon any tire concentrated upon the surface of the highway in excess of six hundred pounds per inch width of such tire. For the purpose of this section, the width of tire in case of solid rubber or hollow center cushion tires, so long as the use thereof may be permitted by the law, shall be measured between the flanges of the rim. For the purpose of this section, the width of tires in case of pneumatic tires shall be the maximum overall normal inflated width as stipulated by the manufacturer when inflated to the pressure specified and without load thereon. [1985 c 351 § 4; 1975-'76 2nd ex.s. c 64 § 10; 1961 c 12 § 46.44.042. Prior: 1959 c 319 § 27; 1951 c 269 § 27; prior: 1949 c 221 § 2, part; 1947 c 200 § 6, part; 1941 c 116 § 2, part; 1937 c 189 § 50, part; Rem. Supp. 1949 § 6360-50, part; 1929 c 180 § 3, part; 1927 c 309 § 8, part; 1923 c 181 § 4, part; 1921 c 96 § 20, part; RRS § 6362-8, part.]

Effective dates——Severability——1975-'76 2nd ex.s. c 64: See notes following RCW 46.16.070.

amended laws of 1994, ch 172, §1.

***RCW 46.44.047 Excess weight——Logging trucks——Special permits——County or city permits——Fees——Discretion of arresting officer.** A three axle truck tractor and a two axle pole trailer combination engaged in the operation of hauling logs may exceed by not more than six thousand eight hundred pounds the legal gross weight of the combination of vehicles when licensed, as permitted by law, for sixty-eight thousand pounds: *Provided*, That the distance between the first and last axle of the vehicles in combination shall have a total wheelbase of not less than thirty-seven feet, and the weight upon two axles spaced less than seven feet apart shall not exceed thirty-three thousand six hundred pounds.

Such additional allowances shall be permitted by a special permit to be issued by the department of transportation valid only on state primary or secondary highways authorized by the department and under such rules, regulations, terms, and conditions prescribed by the department. The fee for such special permit shall be fifty dollars for a twelve-month period beginning and ending on April 1st of each calendar year. Permits may be issued at any time, but if issued after July 1st of any year the fee shall be thirty-seven dollars and fifty cents. If issued on or after October 1st the fee shall be twenty-five dollars, and if issued on or after January 1st the fee shall be twelve dollars and fifty cents. A copy of such special permit covering the vehicle involved shall be carried in the cab of the vehicle at all times. Upon the third offense within the duration of the permit for violation of the terms and conditions of the special permit, the special permit shall be canceled. The vehicle covered by such canceled special permit shall not be eligible for a new special permit until thirty days after the cancellation of the special permit issued to said vehicle. The fee for such renewal shall be at the same rate as set forth in this section which covers the original issuance of such special permit. Each special permit shall be assigned to a three-axle truck tractor in combination with a two-axle pole trailer. When the department issues a duplicate permit to replace a lost or destroyed permit and where the department transfers a permit, a fee of five dollars shall be charged for each such duplicate issued or each such transfer.

All fees collected hereinabove shall be deposited with the state treasurer and credited to the motor vehicle fund.

Permits involving city streets or county roads or using city streets or county roads to reach or leave state highways, authorized for permit by the department may be issued by the city or county or counties involved. A fee of five dollars for such city or county permit may be assessed by the city or by the county legislative authority which shall be deposited in the city or county road fund. The special permit provided for herein shall be known as a "log tolerance permit" and shall designate the route or routes to be used, which shall first be approved by the city or county engineer involved. Authorization of additional route or routes may be made at the discretion of the city or county by amending the original permit or by issuing a new permit. Said permits shall be issued on a yearly basis expiring on March 31st of each calendar year. Any person, firm, or corporation who uses any city street or county road for the purpose of transporting logs with weights authorized by state highway log tolerance permits, to reach or leave a state highway route, without first obtaining a city or county permit when required by the city or the county legislative authority shall be subject to the penalties prescribed by RCW 46.44.105. For the purpose of determining gross weight the actual scale weight taken by the officer shall be prima facie evidence of such total gross weight. In the event the gross weight is in excess of the weight permitted by law, the officer may, within his discretion, permit the operator to proceed with his vehicles in combination.

The chief of the state patrol, with the advice of the department, may make reasonable rules and regulations to aid in the enforcement of the provisions of this section. [1979 ex.s. c 136 § 74; 1975-'76 2nd ex.s. c 64 § 11; 1973 1st ex.s. c 150 § 2; 1971 ex.s. c 249 § 2; 1961 ex.s. c 21 § 35; 1961 c 12 § 46.44.047. Prior: 1955 c 384 § 19; 1953 c 254 § 10; 1951 c 269 § 31.]

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

Effective dates——Severability——1975-'76 2nd ex.s. c 64: See notes following RCW 46.16.070.

RCW 46.44.050 Minimum length of wheelbase. It shall be unlawful to operate any vehicle upon public highways with a wheelbase between any two axles thereof of less than three feet, six inches when weight

exceeds that allowed for one axle under RCW 46.44.042 or 46.44.041. It shall be unlawful to operate any motor vehicle upon the public highways of this state with a wheelbase between the frontmost axle and the rearmost axle of less than three feet, six inches: *Provided*, That the minimum wheelbase for mopeds is thirty-eight inches.

For the purposes of this section, wheelbase shall be measured upon a straight line from center to center of the vehicle axles designated. [1979 ex.s. c 213 § 7; 1975-'76 2nd ex.s. c 64 § 12; 1961 c 12 § 46.44.050. Prior: 1941 c 116 § 3; 1937 c 189 § 51; Rem. Supp. 1941 § 6360-51; 1929 c 180 § 3, part; 1927 c 309 § 8, part; 1923 c 181 § 4, part; RRS § 6362-8, part.]

Effective dates——Severability——1975-'76 2nd ex.s. c 64: See notes following RCW 46.16.070.

RCW 46.44.060 Outside load limits for passenger vehicles. No passenger type vehicle shall be operated on any public highway with any load carried thereon extending beyond the line of the fenders on the left side of such vehicle nor extending more than six inches beyond the line of the fenders on the right side thereof. [1961 c 12 § 46.44.060. Prior: 1937 c 189 § 52; RRS § 6360-52; 1929 c 180 § 5, part; 1927 c 309 § 10, part; RRS § 6362-10, part.]

RCW 46.44.070 Drawbar requirements——Trailer whipping or weaving——Towing flag. The drawbar or other connection between vehicles in combination shall be of sufficient strength to hold the weight of the towed vehicle on any grade where operated. No trailer shall whip, weave or oscillate or fail to follow substantially in the course of the towing vehicle. When a disabled vehicle is being towed by means of bar, chain, rope, cable or similar means and the distance between the towed vehicle and the towing vehicle exceeds fifteen feet there shall be fastened on such connection in approximately the center thereof a white flag or cloth not less than twelve inches square. [1961 c 12 § 46.44.070. Prior: 1937 c 189 § 53; RRS § 6360-53; 1929 c 180 § 5, part; 1927 c 309 § 10, part; RRS § 6362-10, part; 1923 c 181 § 4, part.]

RCW 46.44.090 Special permits for oversize or overweight movements. The department of transportation, pursuant to rules adopted by the transportation commission with respect to state highways and local authorities with respect to public highways under their jurisdiction may, upon application in writing and good cause being shown therefor, issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size, weight of vehicle, or load exceeding the maximum specified in this chapter or otherwise not in conformity with the provisions of this chapter upon any public highway under the jurisdiction of the authority granting such permit and for the maintenance of which such authority is responsible. [1977 ex.s. c 151 § 30; 1975-'76 2nd ex.s. c 64 § 13; 1961 c 12 § 46.44.090. Prior: 1951 c 269 § 34; prior: 1949 c 221 § 3, part; 1947 c 200 § 7, part; 1945 c 177 § 1, part; 1937 c 189 § 55, part; Rem. Supp. 1949 § 6360-55, part.]

Federal requirements——Severability——1977 ex.s. c 151: See RCW 47.98.070 and 47.98.080.

Effective dates——Severability——1975-'76 2nd ex.s. c 64: See notes following RCW 46.16.070.

RCW 46.44.091 Special permits for oversize or overweight movements——Gross weight limit. (1) Except as otherwise provided in subsections (3) and (4) of this section, no special permit shall be issued for movement on any state highway or route of a state highway within the limits of any city or town where the gross weight, including load, exceeds the following limits:

(a) Twenty-two thousand pounds on a single axle or on dual axles with a wheelbase between the first and second axles of less than three feet six inches;

(b) Forty-three thousand pounds on dual axles having a wheelbase between the first and second axles of not less than three feet six inches but less than seven feet;

(c) On any group of axles or in the case of a vehicle employing two single axles with a wheel base between the first and last axle of not less than seven feet but less than ten feet, a weight in pounds determined by multiplying six thousand five hundred times the distance in feet between the center of the first axle and the center of the last axle of the group;

(d) On any group of axles with a wheel base between the first and last axle of not less than ten feet but less than thirty feet, a weight in pounds determined by multiplying two thousand two hundred times the sum of twenty and the distance in feet between the center of the first axle and the center of the last axle of the group;

(e) On any group of axles with a wheel base between the first and last axle of thirty feet or greater, a weight in pounds determined by multiplying one thousand six hundred times the sum of forty and the distance in feet between the center of the first axle and the center of the last axle of the group.

(2) The total weight of a vehicle or combination of vehicles allowable by special permit under subsection (1) of this section shall be governed by the lesser of the weights obtained by using the total number of axles as a group or any combination of axles as a group.

(3) The weight limitations pertaining to single axles may be exceeded to permit the movement of equipment operating upon single pneumatic tires having a rim width of twenty inches or more and a rim diameter of twenty-four inches or more or dual pneumatic tires having a rim width of sixteen inches or more and a rim diameter of twenty-four inches or more and specially designed vehicles manufactured and certified for special permits prior to July 1, 1975.

(4) Permits may be issued for weights in excess of the limitations contained in subsection (1) of this section on highways or sections of highways which have been designed and constructed for weights in excess of such limitations, or for any shipment duly certified as necessary by military officials, or by officials of public or private power facilities, or when in the opinion of the department of transportation the movement or action is

a necessary movement or action: *Provided*, That in the judgment of the department of transportation the structures and highway surfaces on the routes involved are capable of sustaining weights in excess of such limitations and it is not reasonable for economic or operational considerations to transport such excess weights by rail or water for any substantial distance of the total mileage applied for.

(5) Permits may be issued for the operation of fire trucks on the public highways if the maximum gross weight on any single axle does not exceed twenty-four thousand pounds and the gross weight on any tandem axle does not exceed forty-three thousand pounds.

(6) Application shall be made in writing on special forms provided by the department of transportation and shall be submitted at least thirty-six hours in advance of the proposed movement. An application for a special permit for a gross weight of any combination of vehicles exceeding two hundred thousand pounds shall be submitted in writing to the department of transportation at least thirty days in advance of the proposed movement. [1989 c 52 § 1; 1977 ex.s. c 151 § 31; 1975-'76 2nd ex.s. c 64 § 14; 1975 1st ex.s. c 168 § 1; 1969 ex.s. c 281 § 30; 1961 c 12 § 46.44.091. Prior: 1959 c 319 § 28; 1953 c 254 § 12; 1951 c 269 § 35; prior: 1949 c 221 § 3, part; 1947 c 200 § 7, part; 1945 c 177 § 1, part; 1937 c 189 § 55, part; Rem. Supp. 1949 § 6360-55, part.]

Federal requirements——Severability——1977 ex.s. c 151: See RCW 47.98.070 and 47.98.080.

Effective dates——Severability——1975-'76 2nd ex.s. c 64: See notes following RCW 46.16.070.

Effective date——1975 1st ex.s. c 168: "This 1973 [1975] 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 shall take effect July 1, 1975." [1975 1st ex.s. c 168 § 4.]

RCW 46.44.092 Special permits for oversize or overweight movements——Overall width limits, exceptions——Application for permit. Special permits may not be issued for movements on any state highway outside the limits of any city or town in excess of the following widths:

On two-lane highways, fourteen feet;

On multiple-lane highways where a physical barrier serving as a median divider separates opposing traffic lanes, twenty feet;

On multiple-lane highways without a physical barrier serving as a median divider, thirty-two feet.

These limits apply except under the following conditions:

(1) In the case of buildings, the limitations referred to in this section for movement on any two lane state highway other than the national system of interstate and defense highways may be exceeded under the following conditions: (a) Controlled vehicular traffic shall be maintained in one direction at all times; (b) the maximum distance of movement shall not exceed five miles; additional contiguous permits shall not be issued to exceed the five-mile limit: *Provided*, That when the department of transportation, pursuant to general rules adopted by the transportation commission, determines a hardship would result, this limitation may be exceeded upon approval of the department of transportation; (c) prior to issuing a permit a qualified transportation department employee shall make a visual inspection of the building and route involved determining that the conditions listed herein shall be complied with and that structures or overhead obstructions may be cleared or moved in order to maintain a constant and uninterrupted movement of the building; (d) special escort or other precautions may be imposed to assure movement is made under the safest possible conditions, and the Washington state patrol shall be advised when and where the movement is to be made;

(2) Permits may be issued for widths of vehicles in excess of the preceding limitations on highways or sections of highways which have been designed and constructed for width in excess of such limitations;

(3) Permits may be issued for vehicles with a total outside width, including the load, of nine feet or less when the vehicle is equipped with a mechanism designed to cover the load pursuant to RCW 46.61.655;

(4) These limitations may be rescinded when certification is made by military officials, or by officials of public or private power facilities, or when in the opinion of the department of transportation the movement or action is a necessary movement or action: *Provided further*, That in the judgment of the department of transportation the structures and highway surfaces on the routes involved are capable of sustaining widths in excess of such limitation;

(5) These limitations shall not apply to movement during daylight hours on any two lane state highway where the gross weight, including load, does not exceed eighty thousand pounds and the overall width of load does not exceed sixteen feet: *Provided*, That the minimum and maximum speed of such movements, prescribed routes of such movements, the times of such movements, limitation upon frequency of trips (which limitation shall be not less than one per week), and conditions to assure safety of traffic may be prescribed by the department of transportation or local authority issuing such special permit.

The applicant for any special permit shall specifically describe the vehicle or vehicles and load to be operated or moved and the particular state highways for which permit to operate is requested and whether such permit is requested for a single trip or for continuous operation. [1989 c 398 § 2; 1981 c 63 § 1; 1977 ex.s. c 151 § 32; 1975-'76 2nd ex.s. c 64 § 15; 1970 ex.s. c 9 § 1; 1969 ex.s. c 281 § 60; 1965 ex.s. c 170 § 39; 1963 ex.s. c 3 § 54; 1961 c 12 § 46.44.092. Prior: 1959 c 319 § 29; 1955 c 146 § 2; 1951 c 269 § 36; prior: 1949 c 221 § 3, part; 1947 c 200 § 7, part; 1945 c 177 § 1, part; 1937 c 189 § 55, part; Rem. Supp. 1949 § 6360-55, part.]

Federal requirements——Severability——1977 ex.s. c 151: See RCW 47.98.070 and 47.98.080.

Effective dates——Severability——1975-'76 2nd ex.s. c 64: See notes following RCW 46.16.070.

RCW 46.44.093 Special permits for oversize or overweight movements——Discretion of issuer——Conditions. The department of transportation or the local authority is authorized to issue or withhold such special permit at its discretion, although where a mobile home is being moved, the verification of a valid license under chapter 46.70 RCW as a mobile home dealer or manufacturer, or under chapter 46.76 RCW as a transporter, shall be done by the department or local government. If the permit is issued, the department or local authority may limit the number of trips, establish seasonal or other time limitations within which the vehicle described may be operated on the public highways indicated, or otherwise limit or prescribe conditions of operation of the vehicle or vehicles when necessary to assure against undue damage to the road foundation, surfaces, or structures or safety of traffic and may require such undertaking or other security as may be deemed necessary to compensate for injury to any roadway or road structure. [1988 c 239 § 3; 1984 c 7 § 55; 1961 c 12 § 46-.44.093. Prior: 1951 c 269 § 37; prior: 1949 c 221 § 3, part; 1947 c 200 § 7, part; 1945 c 177 § 1, part; 1937 c 189 § 55, part; Rem. Supp. 1949 § 6360-55, part.]

Severability——1984 c 7: See note following RCW 47.01.141.

amended laws of 1993, ch 102; §5.

***RCW 46.44.095 Annual additional tonnage permits——Fees.** When a combination of vehicles has been lawfully licensed to a total gross weight of eighty thousand pounds and when a three or more axle single unit vehicle has been lawfully licensed to a total gross weight of forty thousand pounds pursuant to provisions of RCW 46.44.041, a permit for additional gross weight may be issued by the department of transportation upon the payment of fifty-two dollars and fifty cents per year for each one thousand pounds or fraction thereof of such additional gross weight: *Provided*, That the tire limits specified in RCW 46.44.042 shall apply, and the gross weight on any single axle shall not exceed twenty thousand pounds, and the gross load on any group of axles shall not exceed the limits set forth in RCW 46.44.041: *Provided further*, That within the tire limits of RCW 46.44.042, and notwithstanding RCW 46.44.041 and 46.44.091, a permit for an additional six thousand pounds may be purchased for the rear axles of a two-axle garbage truck or eight thousand pounds for the tandem axle of a three axle garbage truck at a rate not to exceed forty-two dollars per thousand. Such additional weight in the case of garbage trucks shall not be valid or permitted on any part of the federal interstate highway system.

The annual additional tonnage permits provided for in this section shall be issued upon such terms and conditions as may be prescribed by the department pursuant to general rules adopted by the transportation commission. Such permits shall entitle the permittee to carry such additional load in an amount and upon highways or sections of highways as may be determined by the department of transportation to be capable of withstanding increased gross load without undue injury to the highway: *Provided*, That the permits are not valid on any highway where the use of such permits would deprive this state of federal funds for highway purposes.

For those vehicles registered under chapter 46.87 RCW, the annual additional tonnage permits provided for in this section may be issued to coincide with the registration year of the base jurisdiction. For those vehicles registered under chapter 46.16 RCW and whose registration has staggered renewal dates, the annual additional tonnage permits may be issued to coincide with the expiration date of the registration. The permits may be purchased at any time, and if they are purchased for less than a full year, the fee shall be one-twelfth of the full fee multiplied by the number of months, including any fraction thereof, covered by the permit. When the department issues a duplicate permit to replace a lost or destroyed permit and where the department transfers a permit from one vehicle to another a fee of fourteen dollars shall be charged for each duplicate issued or each transfer. The department of transportation shall issue permits on a temporary basis for periods not less than five days at two dollars and eighty cents per day for each two thousands pounds or fraction thereof.

The fees levied in RCW 46.44.0941 and this section shall not apply to any vehicles owned and operated by the state of Washington, any county within the state, or any city or town or metropolitan municipal corporation within the state, or by the federal government.

In the case of fleets prorating license fees under the provisions of chapter 46.87 RCW, the fees provided for in this section shall be computed by the department of transportation by applying the proportion of the Washington mileage of the fleet in question to the total mileage of the fleet as reported pursuant to chapter 46-.87 RCW to the fees that would be required to purchase the additional weight allowance for all eligible vehicles or combinations of vehicles for which the extra weight allowance is requested.

When computing fees that result in an amount other than full dollars, the fee shall be increased to the next full dollar if fifty cents or over and shall be reduced to the next full dollar if forty-nine cents or under. The minimum fee for any prorated tonnage permit issued under this section shall be thirty-five dollars. [1990 c 42 § 108; 1989 c 398 § 3; 1988 c 55 § 1; 1983 c 68 § 2; 1979 c 158 § 159; 1977 ex.s. c 151 § 33; 1975-'76 2nd ex.s. c 64 § 17; 1974 ex.s. c 76 § 1; 1973 1st ex.s. c 150 § 3; 1969 ex.s. c 281 § 55; 1967 ex.s. c 94 § 15; 1967 c 32 § 51; 1965 ex.s. c 170 § 38; 1961 ex.s. c 7 § 15; 1961 c 12 § 46.44.095. Prior: 1959 c 319 § 31; 1957 c 273 § 18; 1955 c 185 § 1; 1953 c 254 § 13; 1951 c 269 § 39; prior: 1949 c 221 § 3, part; 1947 c 200 § 7, part; 1945 c 177 § 1, part; 1937 c 189 § 55, part; Rem. Supp. 1949 § 6360-55, part.]

Purpose——Headings——Severability——Effective dates——Application——Implementation——1990 c 42: See notes following RCW 82.36.025.

Federal requirements——Severability——1977 ex.s. c 151: See RCW 47.98.070 and 47.98.080.

Effective dates——Severability——1975-'76 2nd ex.s. c 64: See notes following RCW 46.16.070.

amended laws 1993, ch 102, §6.

***RCW 46.44.096 Special permits for oversize or overweight movements——Determining fee——To whom paid.** In determining fees according to RCW 46.44.0941, mileage on state primary and secondary highways shall be determined from the planning survey records of the department of transportation, and the gross weight of the vehicle or vehicles, including load, shall be declared by the applicant. Overweight on which fees shall be paid will be gross loadings in excess of loadings authorized by law or axle loadings in excess of loadings authorized by law, whichever is the greater. Loads which are overweight and oversize shall be charged the fee for the overweight permit without additional fees being assessed for the oversize features.

Special permits issued under RCW 46.44.047, 46.44-.0941, or 46.44.095, may be obtained from offices of the department of transportation, ports of entry, or other agents appointed by the department.

The department may appoint agents for the purposes of selling special motor vehicle permits, additional tonnage permits, and log tolerance permits. Agents so appointed may retain three dollars and fifty cents for each permit sold to defray expenses incurred in handling and selling the permits. If the fee is collected by the department of transportation, the department shall certify the fee so collected to the state treasurer for deposit to the credit of the motor vehicle fund.

Fees established in RCW 46.44.0941 shall be paid to the political body issuing the permit if the entire movement is to be confined to roads, streets, or highways for which that political body is responsible. When a movement involves a combination of state highways, county roads, and/or city streets the fee shall be paid to the state department of transportation. When a movement is confined within the city limits of a city or town upon city streets, including routes of state highways on city streets, all fees shall be paid to the city or town involved. A permit will not be required from city or town authorities for a move involving a combination of city or town streets and state highways when the move through a city or town is being confined to the route of the state highway. When a move involves a combination of county roads and city streets the fee shall be paid to the county authorities, but the fee shall not be collected nor the county permit issued until valid permits are presented showing the city or town authorities approve of the move in question. When the movement involves only county roads the fees collected shall be paid to the county involved. Fees established shall be paid to the political body issuing the permit if the entire use of the vehicle during the period covered by the permit shall be confined to the roads, streets, or highways for which that political body is responsible.

If, pursuant to RCW 46.44.090, cities or counties issue additional tonnage permits similar to those provided for issuance by the state department of transportation in RCW 46.44.095, the state department of transportation shall authorize the use of the additional tonnage permits on state highways subject to the following conditions:

(1) The owner of the vehicle covered by such permit shall establish to the satisfaction of the state department of transportation that the primary use of the vehicle is on the streets or roads of the city or county issuing the additional tonnage permit;

(2) That the fees paid for the additional tonnage are not less than those established in RCW 46.44.095;

(3) That the city or county issuing the permit shall allow the use of permits issued by the state pursuant to RCW 46.44.095 on the streets or roads under its jurisdiction;

(4) That all of the provisions of RCW 46.44.042 and 46.44.041 shall be observed.

When the department of transportation is satisfied that the above conditions have been met, the department of transportation, by suitable endorsement on the permit, shall authorize its use on such highways as the department has authorized for such permits pursuant to RCW 46.44.095, and all such use of such highways is subject to whatever rules and regulations the state department of transportation has adopted for the permits. [1989 c 398 § 4; 1984 c 7 § 56; 1975-'76 2nd ex.s. c 64 § 18; 1971 ex.s. c 248 § 4; 1969 ex.s. c 281 § 31; 1961 c 12 § 46.44.096. Prior: 1955 c 185 § 2; 1951 c 269 § 40; prior: 1949 c 221 § 3, part; 1947 c 200 § 7, part; 1945 c 177 § 1, part; 1937 c 189 § 55, part; Rem. Supp. 1949 § 6360-55, part.]

Severability——1984 c 7: See note following RCW 47.01.141.

Effective dates——Severability——1975-'76 2nd ex.s. c 64: See notes following RCW 46.16.070.

RCW 46.44.100 Enforcement——Weighing and lightening. Any police officer is authorized to require the driver of any vehicle or combination of vehicles to stop and submit to a weighing of the same either by means of a portable or stationary scale and may require that such vehicle be driven to the nearest public scale.

Whenever a police officer, upon weighing a vehicle and load, as above provided, determines that the weight is unlawful, such officer may, in addition to any other penalty provided, require the driver to stop the vehicle in a suitable place and remain standing until such portion of the load is removed as may be necessary to reduce the gross weight of such vehicle to such limit as permitted under this chapter: *Provided*, That in the event such vehicle is loaded with grain or other perishable commodities, the driver shall be permitted to proceed without removing any of such load, unless the gross weight of the vehicle and load exceeds by more than ten percent the limit permitted by this chapter. All materials unloaded shall be cared for by the owner or operator of such vehicle at the risk of such owner or operator.

It shall be unlawful for any driver of a vehicle to fail or refuse to stop and submit the vehicle and load to a weighing, or to fail or refuse, when directed by an officer upon a weighing of the vehicle to stop the vehicle and otherwise comply with the provisions of this section. [1971 ex.s. c 148 § 2; 1967 c 32 § 52; 1961 c 12 § 46-.44.100. Prior: 1937 c 189 § 56; RRS § 6360-56.]

#includes RCW 46.44.105

RCW 46.44.120 Liability of owner, others, for violations. Whenever an act or omission is declared to be unlawful in chapter 46.44 RCW, the owner or lessee of

any motor vehicle involved in such act or omission is responsible therefor. Any person knowingly and intentionally participating in creating an unlawful condition of use, is also subject to the penalties provided in this chapter for such unlawful act or omission.

If the person operating the vehicle at the time of the unlawful act or omission is not the owner or lessee of the vehicle, such person is fully authorized to accept the citation and execute the promise to appear on behalf of the owner or lessee. [1980 c 104 § 2; 1971 ex.s. c 148 § 1; 1969 ex.s. c 69 § 1.]

RCW 46.44.130 Farm implements——Gross weight and size limitation exception——Penalty. The limitations of RCW 46.44.010, 46.44.020, 46.44.030, and 46.44.041 shall not apply to the movement of farm implements of less than forty-five thousand pounds gross weight, a total length of seventy feet or less, and a total outside width of fourteen feet or less when being moved while patrolled, flagged, lighted, signed, and at a time of day in accordance with rules hereby authorized to be adopted by the department of transportation and the statutes. Violation of a rule adopted by the department as authorized by this section or a term of this section is a traffic infraction. [1979 ex.s. c 136 § 76; 1975-'76 2nd ex.s. c 64 § 20; 1975 1st ex.s. c 168 § 3; 1973 1st ex.s. c 1 § 1.]

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

Effective dates——Severability——1975-'76 2nd ex.s. c 64: See notes following RCW 46.16.070.

Effective date——1975 1st ex.s. c 168: See note following RCW 46.44.091.

RCW 46.44.140 Farm implements——Special permits——Penalty. In addition to any other special permits authorized by law, special permits may be issued by the department of transportation for a quarterly or annual period upon such terms and conditions as it finds proper for the movement of (1) farm implements used for the cutting or threshing of mature crops; or (2) other farm implements that may be identified by rule of the department of transportation. Any farm implement moved under this section must have a gross weight less than forty-five thousand pounds and a total outside width of less than twenty feet while being moved, and such movement must be patrolled, flagged, lighted, signed, at a time of day, and otherwise in accordance with rules hereby authorized to be adopted by the department of transportation for the control of such movements.

Applications for and permits issued under this section shall provide for a description of the farm implements to be moved, the approximate dates of movement, and the routes of movement so far as they are reasonably known to the applicant at the time of application, but the permit shall not be limited to these circumstances but shall be general in its application except as limited by the statutes and rules adopted by the department of transportation.

A copy of the governing permit shall be carried on the farm implement being moved during the period of its movement. The department shall collect a fee as provided in RCW 46.44.0941.

Violation of a term or condition under which a permit was issued, of a rule adopted by the department of transportation as authorized by this section, or of a term of this section is a traffic infraction. [1984 c 7 § 60; 1979 ex.s. c 136 § 77; 1973 1st ex.s. c 1 § 2.]

Severability——1984 c 7: See note following RCW 47.01.141.

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

RCW 46.44.170 Mobile home movement special permit and decal——Certification of taxes paid——License plates——Rules. (1) Any person moving a mobile home as defined in RCW 46.04.302 upon public highways of the state must obtain a special permit from the department of transportation and local authorities pursuant to RCW 46.44.090 and 46.44.093 and shall pay the proper fee as prescribed by RCW 46.44.0941 and 46.44.096.

(2) A special permit issued as provided in subsection (1) of this section for the movement of any mobile home shall not be valid until the county treasurer of the county in which the mobile home is located shall endorse or attach thereto his certificate that all property taxes which are a lien or which are delinquent, or both, upon the mobile home being moved have been satisfied. Further, any mobile home required to have a special movement permit under this section shall display an easily recognizable decal: *Provided*, That endorsement or certification by the county treasurer and the display of said decal is not required when a mobile home is to enter the state or is being moved from a manufacturer or distributor to a retail sales outlet or directly to the purchaser's designated location or between retail and sales outlets. It shall be the responsibility of the owner of the mobile home or the agent to obtain such endorsement from the county treasurer and said decal.

(3) Nothing herein should be construed as prohibiting the issuance of vehicle license plates for a mobile home, but no such plates shall be issued unless the mobile home for which such plates are sought has been listed for property tax purposes in the county in which it is principally located and the appropriate fee for such license has been paid.

(4) The department of transportation and local authorities are authorized to adopt reasonable rules for implementing the provisions of this section. The department of transportation shall adopt rules specifying the design, reflective characteristics, annual coloration, and for the uniform implementation of the decal required by this section. [1986 c 211 § 4. Prior: 1985 c 395 § 1; 1985 c 22 § 1; 1980 c 152 § 1; 1977 ex.s. c 22 § 2.]

Severability——1977 ex.s. c 22: See note following RCW 46.04.302.

RCW 46.44.173 Notice to treasurer and assessor of county where mobile home to be located. (1) Upon validation of a special permit as provided in RCW 46.44.170, the county treasurer shall forward notice of movement of the mobile home to the treasurer's own county assessor and to the county assessor of the county in which the mobile home will be located.

(2) When a single trip special permit not requiring tax certification is issued, the department of transportation or the local authority shall notify the assessor of the county in which the mobile home is to be located. When a continuous trip special permit is used to transport a mobile home not requiring tax certification, the transporter shall notify the assessor of the county in which the mobile home is to be located. Notification is not necessary when the destination of a mobile home is a manufacturer, distributor, retailer, or location outside the state.

(3) A notification under this section shall state the specific, residential destination of the mobile home. [1984 c 7 § 61; 1977 ex.s. c 22 § 3.]

Severability——1984 c 7: See note following RCW 47.01.141.

Severability——1977 ex.s. c 22: See note following RCW 46.04.302.

amended Laws 1994, ch 301, §15

* **RCW 46.44.175 Penalties——Hearing.** Failure of any person or agent acting for a person who causes to be moved or moves a mobile home as defined in RCW 46-.04.302 upon public highways of this state and failure to comply with any of the provisions of RCW 46.44.170 and 46.44.173 is a traffic infraction for which a penalty of not less than one hundred dollars or more than five hundred dollars shall be assessed. In addition to the above penalty, the department of transportation or local authority may withhold issuance of a special permit or suspend a continuous special permit as provided by RCW 46.44.090 and 46.44.093 for a period of not less than thirty days.

Any person who shall alter or forge the decal required by RCW 46.44.170, or who shall display a decal knowing it to have been forged or altered, shall be guilty of a gross misdemeanor.

Any person or agent who is denied a special permit or whose special permit is suspended may upon request receive a hearing before the department of transportation or the local authority having jurisdiction. The department or the local authority after such hearing may revise its previous action. [1985 c 22 § 2; 1979 ex.s. c 136 § 78; 1977 ex.s. c 22 § 4.]

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

Severability——1977 ex.s. c 22: See note following RCW 46.04.302.

RCW 46.44.180 Operation of mobile home pilot vehicle without insurance unlawful——Amounts——Exception——Penalty. (1) It is unlawful for a person, other than an employee of a dealer or other principal licensed to transport mobile homes within this state acting within the course of employment with the principal, to operate a pilot vehicle accompanying a mobile home, as defined in RCW 46.04.302, being transported on the public highways of this state, without maintaining insurance for the pilot vehicle in the minimum amounts of:

(a) One hundred thousand dollars for bodily injury to or death of one person in any one accident;

(b) Three hundred thousand dollars for bodily injury to or death of two or more persons in any one accident; and

(c) Fifty thousand dollars for damage to or destruction of property of others in any one accident.

(2) Satisfactory evidence of the insurance shall be carried at all times by the operator of the pilot vehicle, which evidence shall be displayed upon demand by a police officer.

(3) Failure to maintain the insurance as required by this section is a gross misdemeanor. Failure to carry or disclose the evidence of the insurance is a misdemeanor. [1980 c 153 § 3.]

RCW 46.48.170 State patrol authority——Rules and regulations. The Washington state patrol acting by and through the chief of the Washington state patrol shall have the authority to adopt and enforce the regulations promulgated by the United States department of transportation, Title 49 CFR parts 100 through 199, transportation of hazardous materials, as these regulations apply to motor carriers. "Motor carrier" means any person engaged in the transportation of passengers or property operating interstate and intrastate upon the public highways of this state, except farmers. The chief of the Washington state patrol shall confer with the emergency management council under RCW 38.52.040 and may make rules and regulations pertaining thereto, sufficient to protect persons and property from unreasonable risk of harm or damage. The chief of the Washington state patrol shall establish such additional rules not inconsistent with Title 49 CFR parts 100 through 199, transportation of hazardous materials, which for compelling reasons make necessary the reduction of risk associated with the transportation of hazardous materials. No such rules may lessen a standard of care; however, the chief of the Washington state patrol may, after conferring with the emergency management council, establish a rule imposing a more stringent standard of care. The chief of the Washington state patrol shall appoint the necessary qualified personnel to carry out the provisions of RCW 46.48.170 through *46.48-.190. [1988 c 81 § 19; 1980 c 20 § 1; 1961 c 12 § 46-.48.170. Prior: 1951 c 102 § 1; 1949 c 101 § 1; Rem. Supp. 1949 § 6360-63a.]

***Reviser's note:** RCW 46.48.190 was repealed by 1988 c 81 § 20.

RCW 46.52.010 Duty on striking unattended car or other property——Penalty. The operator of any vehicle which collided with any other vehicle which is unattended shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle of the name and address of the operator and owner of the vehicle striking the unattended vehicle or shall leave in a conspicuous place in the vehicle struck a written notice, giving the name and address of the operator and of the owner of the vehicle striking such other vehicle.

The driver of any vehicle involved in an accident resulting only in damage to property fixed or placed upon or adjacent to any public highway shall take reasonable steps to locate and notify the owner or person in charge of such property of such fact and of the name and address of the operator and owner of the vehicle striking

such property, or shall leave in a conspicuous place upon the property struck a written notice, giving the name and address of the operator and of the owner of the vehicle so striking the property, and such person shall further make report of such accident as in the case of other accidents upon the public highways of this state. Any person violating the provisions of this section is guilty of a misdemeanor. [1979 ex.s. c 136 § 79; 1961 c 12 § 46-.52.010. Prior: 1937 c 189 § 133; RRS § 6360-133; 1927 c 309 § 50, part; RRS § 6362-50, part.]

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

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

Arrest of person violating duty on striking unattended vehicle or other property: RCW 10.31.100.

RCW 46.52.020 Duty in case of injury to or death of person or damage to attended vehicle or other property——Penalty. (1) A driver of any vehicle involved in an accident resulting in the injury to or death of any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall then forthwith return to, and in every event remain at, the scene of such accident until he has fulfilled the requirements of subsection (3) of this section; every such stop shall be made without obstructing traffic more than is necessary.

(2) The driver of any vehicle involved in an accident resulting only in damage to a vehicle which is driven or attended by any person or damage to other property shall immediately stop such vehicle at the scene of such accident or as close thereto as possible and shall forthwith return to, and in any event shall remain at, the scene of such accident until he has fulfilled the requirements of subsection (3) of this section; every such stop shall be made without obstructing traffic more than is necessary.

(3) Unless otherwise provided in subsection (7) of this section the driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person or damage to other property shall give his name, address, insurance company, insurance policy number, and vehicle license number and shall exhibit his vehicle driver's license to any person struck or injured or the driver or any occupant of, or any person attending, any such vehicle collided with and shall render to any person injured in such accident reasonable assistance, including the carrying or the making of arrangements for the carrying of such person to a physician or hospital for medical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person or on his behalf. Under no circumstances shall the rendering of assistance or other compliance with the provisions of this subsection be evidence of the liability of any driver for such accident.

(4) Any driver covered by the provisions of subsection (1) of this section failing to stop or comply with any of the requirements of subsection (3) of this section under said circumstances shall be guilty of a class C felony and, upon conviction, be punished pursuant to RCW 9A.20.020: *Provided*, That this provision shall not apply to any person injured or incapacitated by such accident to the extent of being physically incapable of complying herewith.

(5) Any driver covered by the provisions of subsection (2) of this section failing to stop or to comply with any of the requirements of subsection (3) of this section under said circumstances shall be guilty of a gross misdemeanor: *Provided*, That this provision shall not apply to any person injured or incapacitated by such accident to the extent of being physically incapable of complying herewith.

(6) The license or permit to drive or any nonresident privilege to drive of any person convicted under this section or any local ordinance consisting of substantially the same language as this section of failure to stop and give information or render aid following an accident with any vehicle driven or attended by any person shall be revoked by the department.

(7) If none of the persons specified are in condition to receive the information to which they otherwise would be entitled under subsection (3) of this section, and no police officer is present, the driver of any vehicle involved in such accident after fulfilling all other requirements of subsections (1) and (3) of this section insofar as possible on his part to be performed, shall forthwith report such accident to the nearest office of the duly authorized police authority and submit thereto the information specified in subsection (3) of this section. [1990 c 210 § 2; 1980 c 97 § 1; 1979 ex.s. c 136 § 80; 1975-'76 2nd ex.s. c 18 § 1. Prior: 1975 1st ex.s. c 210 § 1; 1975 c 62 § 14; 1967 c 32 § 53; 1961 c 12 § 46.52-.020; prior: 1937 c 189 § 134; RRS § 6360-134; 1927 c 309 § 50, part; RRS § 6362-50, part.]

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

Effective date——1980 c 97: "This 1980 act shall take effect on July 1, 1980." [1980 c 97 § 3.]

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

Severability——1975 c 62: See note following RCW 36.75.010.

Arrest of person violating duty in case of injury to or death of person or damage to attended vehicle: RCW 10.31.100.

RCW 46.52.030 Accident reports. (1) The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to the property of any one person to an apparent extent equal to or greater than the minimum amount established by rule adopted by the chief of the Washington state patrol in accordance with subsection (5) of this section, shall, within twenty-four hours after such accident, make a written report of such accident to the chief of police of the city or town if such accident occurred within an incorporated city or town or the county sheriff or state patrol if such accident occurred outside incorporated cities and towns. Nothing in this subsection prohibits accident reports from being filed by drivers where damage to property is less than the minimum amount.

(2) The original of such report shall be immediately forwarded by the authority receiving such report to the

chief of the Washington state patrol at Olympia, Washington, and the second copy of such report to be forwarded to the department of licensing at Olympia, Washington.

(3) Any law enforcement officer who investigates an accident for which a driver's report is required under subsection (1) of this section shall submit an investigator's report as required by RCW 46.52.070.

(4) The chief of the Washington state patrol may require any driver of any vehicle involved in an accident, of which report must be made as provided in this section, to file supplemental reports whenever the original report in his opinion is insufficient, and may likewise require witnesses of any such accident to render reports. For this purpose, the chief of the Washington state patrol shall prepare and, upon request, supply to any police department, coroner, sheriff, and any other suitable agency or individual, sample forms of accident reports required hereunder, which reports shall be upon a form devised by the chief of the Washington state patrol and shall call for sufficiently detailed information to disclose all material facts with reference to the accident to be reported thereon, including the location, the cause, the conditions then existing, the persons and vehicles involved, the insurance information required under RCW 46.30.030, personal injury or death, if any, the amounts of property damage claimed, the total number of vehicles involved, whether the vehicles were legally parked, legally standing, or moving, and whether such vehicles were occupied at the time of the accident. Every required accident report shall be made on a form prescribed by the chief of the Washington state patrol and each authority charged with the duty of receiving such reports shall provide sufficient report forms in compliance with the form devised. The report forms shall be designated so as to provide that a copy may be retained by the reporting person.

(5) The chief of the Washington state patrol shall adopt rules establishing the accident-reporting threshold for property damage accidents. Beginning October 1, 1987, the accident-reporting threshold for property damage accidents shall be five hundred dollars. The accident-reporting threshold for property damage accidents shall be revised when necessary, but not more frequently than every two years. The revisions shall only be for the purpose of recognizing economic changes as reflected by an inflationary index recommended by the office of financial management. The revisions shall be guided by the change in the index for the time period since the last revision. [1989 c 353 § 5; 1987 c 463 § 2; 1981 c 30 § 1; 1979 c 158 § 160; 1979 c 11 § 2. Prior: 1977 ex.s. c 369 § 2; 1977 ex.s. c 68 § 1; 1969 ex.s. c 40 § 2; 1967 c 32 § 54; 1965 ex.s. c 119 § 1; 1961 c 12 § 46.52.030; prior: 1943 c 154 § 1; 1937 c 189 § 135; RRS § 6360-135.]

Severability——Effective date——1989 c 353: See RCW 46.30.900 and 46.30.901.

RCW 46.52.040 Accident reports——Report when operator disabled. Whenever the driver of the vehicle involved in any accident, concerning which accident report is required, is physically incapable of making the required accident report and there is another occupant other than a passenger for hire therein, in the vehicle at the time of the accident capable of making a report, such occupant shall make or cause to be made such report. Upon recovery such driver shall make such report in the manner required by law. [1967 c 32 § 55; 1961 c 12 § 46.52.040. Prior: 1937 c 189 § 136; RRS § 6360-136.]

RCW 46.52.070 Police officer's report. Any police officer of the state of Washington or of any county, city, town or other political subdivision, present at the scene of any accident or in possession of any facts concerning any accident whether by way of official investigation or otherwise shall make report thereof in the same manner as required of the parties to such accident and as fully as the facts in his possession concerning such accident will permit. [1967 c 32 § 57; 1961 c 12 § 46.52.070. Prior: 1937 c 189 § 139; RRS § 6360-139.]

RCW 46.52.080 Confidentiality of reports——Information required to be disclosed——Evidence. All required accident reports and supplemental reports and copies thereof shall be without prejudice to the individual so reporting and shall be for the confidential use of the county prosecuting attorney and chief of police or county sheriff, as the case may be, and the director of licensing and the chief of the Washington state patrol, and other officer or commission as authorized by law, except that any such officer shall disclose the names and addresses of persons reported as involved in an accident or as witnesses thereto, the vehicle license plate numbers and descriptions of vehicles involved, and the date, time and location of an accident, to any person who may have a proper interest therein, including the driver or drivers involved, or the legal guardian thereof, the parent of a minor driver, any person injured therein, the owner of vehicles or property damaged thereby, or any authorized representative of such an interested party, or the attorney or insurer thereof. No such accident report or copy thereof shall be used as evidence in any trial, civil or criminal, arising out of an accident, except that any officer above named for receiving accident reports shall furnish, upon demand of any person who has, or who claims to have, made such a report, or, upon demand of any court, a certificate showing that a specified accident report has or has not been made to the chief of the Washington state patrol solely to prove a compliance or a failure to comply with the requirement that such a report be made in the manner required by law: *Provided*, That the reports may be used as evidence when necessary to prosecute charges filed in connection with a violation of RCW 46.52.088. [1979 c 158 § 162; 1975 c 62 § 15; 1967 c 32 § 58; 1965 ex.s. c 119 § 3; 1961 c 12 § 46.52.080. Prior: 1937 c 189 § 140; RRS § 6360-140.]

Severability——1975 c 62: See note following RCW 36.75.010.

RCW 46.52.088 Reports——False information. A person shall not give information in oral or written reports as required in chapter 46.52 RCW knowing that such information is false. [1975 c 62 § 16.]

Severability——1975 c 62: See note following RCW 36.75.010.

RCW 46.52.090 Reports of major repairs, etc.——Violations, penalties——Rules——Exceptions for older vehicles. Any person, firm, corporation, or association engaged in the business of repairs of any kind to vehicles or any person, firm, corporation, or association which may at any time engage in any kind of major repair, restoration, or substantial alteration to a vehicle required to be licensed or registered under this title shall maintain verifiable records regarding the source of used major component parts used in such repairs, restoration, or alteration. Satisfactory records include but are not limited to personal identification of the seller if such parts were acquired from other than a motor vehicle wrecker licensed under chapter 46.80 RCW, signed work orders, and bills of sale signed by the seller whose identity and address has been verified describing parts acquired, and the make, model, and vehicle identification number of a vehicle from which the following parts are removed: (1) Engines and short blocks, (2) frames, (3) transmissions and transfer cases, (4) cabs, (5) doors, (6) front or rear differentials, (7) front or rear clips, (8) quarter panels or fenders, (9) bumpers, (10) truck beds or boxes, (11) seats, and (12) hoods. Such records shall be kept for a period of four years and shall be made available for inspection by a law enforcement officer during ordinary business hours.

The acquisition of a part without a substantiating bill of sale or invoice from the parts supplier or failure to comply with any rules adopted under this section is a gross misdemeanor. Failure to obtain the vehicle identification number for those parts requiring that it be obtained is a gross misdemeanor. Failure to keep records for four years or to make such records available during normal business hours to a law enforcement officer is a gross misdemeanor.

The chief of the Washington state patrol shall adopt rules for the purpose of regulating record-keeping and parts acquisition by vehicle repairers, restorers, rebuilders, or those who perform substantial vehicle alterations. The provisions of this section do not apply to major repair, restoration, or alteration of a vehicle thirty years of age or older. [1983 c 142 § 1; 1967 c 32 § 59; 1961 c 12 § 46.52.090. Prior: 1937 c 189 § 141; RRS § 6360-141.]

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

amended Laws 1994, Ch 275, §15.

***RCW 46.52.100 Record of traffic charges——Reports of court——District court venue——Driving under influence of liquor or drugs.** Every district court, municipal court, and clerk of superior court shall keep or cause to be kept a record of every traffic complaint, traffic citation, notice of infraction, or other legal form of traffic charge deposited with or presented to the court or a traffic violations bureau, and shall keep a record of every official action by said court or its traffic violations bureau in reference thereto, including but not limited to a record of every conviction, forfeiture of bail, judgment of acquittal, finding that a traffic infraction has been committed, dismissal of a notice of infraction, and the amount of fine, forfeiture, or penalty resulting from every said traffic complaint, citation, or notice of infraction deposited with or presented to the district court, municipal court, superior court, or traffic violations bureau.

The Monday following the conviction, forfeiture of bail, or finding that a traffic infraction was committed for violation of any provisions of this chapter or other law regulating the operating of vehicles on highways, every said magistrate of the court or clerk of the court of record in which such conviction was had, bail was forfeited, or the finding made shall prepare and immediately forward to the director of licensing at Olympia an abstract of the record of said court covering the case, which abstract must be certified by the person so required to prepare the same to be true and correct. Report need not be made of any finding involving the illegal parking or standing of a vehicle.

Said abstract must be made upon a form furnished by the director and shall include the name and address of the party charged, the number, if any, of the party's driver's or chauffeur's license, the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the judgment, whether bail forfeited, whether the determination that a traffic infraction was committed was contested, and the amount of the fine, forfeiture, or penalty as the case may be.

Every court of record shall also forward a like report to the director upon the conviction of any person of manslaughter or other felony in the commission of which a vehicle was used.

The failure of any such judicial officer to comply with any of the requirements of this section shall constitute misconduct in office and shall be grounds for removal therefrom.

The director shall keep all abstracts received hereunder at the director's office in Olympia and the same shall be open to public inspection during reasonable business hours.

Venue in all district courts shall be before one of the two nearest district judges in incorporated cities and towns nearest to the point the violation allegedly occurred: *Provided*, That in counties of class A and of the first class such cases may be tried in the county seat at the request of the defendant.

It shall be the duty of the officer, prosecuting attorney, or city attorney signing the charge or information in any case involving a charge of driving under the influence of intoxicating liquor or any drug immediately to make request to the director for an abstract of convictions and forfeitures which the director shall furnish. [1987 c 3 § 18; 1985 c 302 § 6; 1983 c 2 § 12. Prior: 1979 ex.s. c 176 § 4; 1979 ex. sess. c 136 § 81; 1979 c 158 § 163; 1967 c 32 § 60; 1961 c 12 § 46.52.100; prior: 1955 c 393 § 2; 1949 c 196 § 15; 1937 c 189 § 142; Rem. Supp. 1949 § 6360-142.]

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

Severability——1987 c 3: See note following RCW 3.46.020.

Severability——1983 c 2: See note following RCW 18.71.030.

Severability——1979 ex.s. c 176: See note following RCW 46.61.502.

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

amended Laws 1994, ch 176, §1

***RCW 46.55.010 Definitions.** The definitions set forth in this section apply throughout this chapter:

(1) "Abandoned vehicle" means a vehicle that a registered tow truck operator has impounded and held in the operator's possession for ninety-six consecutive hours.

(2) "Abandoned vehicle report" means the document prescribed by the state that the towing operator forwards to the department after a vehicle has become abandoned.

(3) "Impound" means to take and hold a vehicle in legal custody. There are two types of impounds—public and private.

(a) "Public impound" means that the vehicle has been impounded at the direction of a law enforcement officer or by a public official having jurisdiction over the public property upon which the vehicle was located.

(b) "Private impound" means that the vehicle has been impounded at the direction of a person having control or possession of the private property upon which the vehicle was located.

(4) "Junk vehicle" means a vehicle certified under RCW 46.55.230 as meeting all the following requirements:

(a) Is three years old or older;

(b) Is extensively damaged, such damage including but not limited to any of the following: A broken window or windshield or missing wheels, tires, motor, or transmission;

(c) Is apparently inoperable;

(d) Is without a valid, current registration plate;

(e) Has a fair market value equal only to the value of the scrap in it.

(5) "Master log" means the document or an electronic facsimile prescribed by the department and the Washington state patrol in which an operator records transactions involving impounded vehicles.

(6) "Registered tow truck operator" or "operator" means any person who engages in the impounding, transporting, or storage of unauthorized vehicles or the disposal of abandoned vehicles.

(7) "Residential property" means property that has no more than four living units located on it.

(8) "Tow truck" means a motor vehicle that is equipped for and used in the business of towing vehicles with equipment as approved by the state patrol.

(9) "Tow truck number" means the number issued by the department to tow trucks used by a registered tow truck operator in the state of Washington.

(10) "Tow truck permit" means the permit issued annually by the department that has the classification of service the tow truck may provide stamped upon it.

(11) "Tow truck service" means the transporting upon the public streets and highways of this state of vehicles, together with personal effects and cargo, by a tow truck of a registered operator.

(12) "Unauthorized vehicle" means a vehicle that is subject to impoundment after being left unattended in one of the following public or private locations for the indicated period of time:

	Subject to removal after:
(a) Public locations:	
(i) Constituting an accident or a traffic hazard as defined in RCW 46.55.113	Immediately
(ii) On a highway and tagged as described in RCW 46.55.085	24 hours
(iii) In a publicly owned or controlled parking facility, properly posted under RCW 46.55.070	Immediately
(b) Private locations:	
(i) On residential property	Immediately
(ii) On private, nonresidential property, properly posted under RCW 46.55.070	Immediately
(iii) On private, nonresidential property, not posted	24 hours

[1989 c 111 § 1. Prior: 1987 c 330 § 739; 1987 c 311 § 1; 1985 c 377 § 1.]

Construction——**Application of rules**——**Severability**——1987 c 330: See notes following RCW 28B.12.050.

RCW 46.55.020 Registration required——Penalty. A person shall not engage in or offer to engage in the activities of a registered tow truck operator without a current registration certificate from the department of licensing authorizing him to engage in such activities. Any person engaging in or offering to engage in the activities of a registered tow truck operator without the registration certificate required by this chapter is guilty of a gross misdemeanor.

A registered operator who engages in a business practice that is prohibited under this chapter may be issued a notice of traffic infraction under chapter 46.63 RCW and is also subject to the civil penalties that may be imposed by the department under this chapter. A person found to have committed an offense that is a traffic infraction under this chapter is subject to a monetary penalty of at least two hundred fifty dollars. All traffic infractions issued under this chapter shall be under the jurisdiction of the district court in whose jurisdiction they were issued. [1989 c 111 § 2; 1985 c 377 § 2.]

RCW 46.55.030 Application——Contents, bond, insurance, fee, certificate. (1) Application for licensing as a registered tow truck operator shall be made on forms furnished by the department, shall be accompanied by an inspection certification from the Washington state patrol, shall be signed by the applicant or an agent, and shall include the following information:

(a) The name and address of the person, firm, partnership, association, or corporation under whose name the business is to be conducted;

(b) The names and addresses of all persons having an interest in the business, or if the owner is a corporation, the names and addresses of the officers of the corporation;

(c) The names and addresses of all employees who serve as tow truck drivers;

(d) Proof of minimum insurance required by subsection (3) of this section;

(e) The vehicle license and vehicle identification numbers of all tow trucks of which the applicant is the registered owner;

(f) Any other information the department may require; and

(g) A certificate of approval from the Washington state patrol certifying that:

(i) The applicant has an established place of business and that mail is received at the address shown on the application;

(ii) The address of any storage locations where vehicles may be stored is correctly stated on the application;

(iii) The place of business has an office area that is accessible to the public without entering the storage area; and

(iv) The place of business has adequate and secure storage facilities, as defined in this chapter and the rules of the department, where vehicles and their contents can be properly stored and protected.

(2) Before issuing a registration certificate to an applicant the department shall require the applicant to file with the department a surety bond in the amount of five thousand dollars running to the state and executed by a surety company authorized to do business in this state. The bond shall be approved as to form by the attorney general and conditioned that the operator shall conduct his business in conformity with the provisions of this chapter pertaining to abandoned or unauthorized vehicles, and to compensate any person, company, or the state for failure to comply with this chapter or the rules adopted hereunder, or for fraud, negligence, or misrepresentation in the handling of these vehicles. Any person injured by the tow truck operator's failure to fully perform duties imposed by this chapter and the rules adopted hereunder, or an ordinance or resolution adopted by a city, town, or county is entitled to recover actual damages, including reasonable attorney's fees against the surety and the tow truck operator. Successive recoveries against the bond shall be permitted, but the aggregate liability of the surety to all persons shall not exceed the amount of the bond. As a condition of authority to do business, the operator shall keep the bond in full force and effect. Failure to maintain the penalty value of the bond or cancellation of the bond by the surety automatically cancels the operator's registration.

(3) Before the department may issue a registration certificate to an applicant, the applicant shall provide proof of minimum insurance requirements of:

(a) One hundred thousand dollars for liability for bodily injury or property damage per occurrence; and

(b) Fifty thousand dollars of legal liability per occurrence, to protect against vehicle damage, including but not limited to fire and theft, from the time a vehicle comes into the custody of an operator until it is redeemed or sold.

Cancellation of or failure to maintain the insurance required by (a) and (b) of this subsection automatically cancels the operator's registration.

(4) The fee for each original registration and annual renewal is one hundred dollars per company, plus fifty dollars per truck. The department shall forward the registration fee to the state treasurer for deposit in the motor vehicle fund.

(5) The applicant must submit an inspection certificate from the state patrol before the department may issue or renew an operator's registration certificate or tow truck permits.

(6) Upon approval of the application, the department shall issue a registration certificate to the registered operator to be displayed prominently at the operator's place of business. [1989 c 111 § 3; 1987 c 311 § 2; 1985 c 377 § 3.]

#includes RCW 46.55.035 and .037

RCW 46.55.040 Permit required——Inspections of equipment and facilities. (1) A registered operator shall apply for and keep current a tow truck permit for each tow truck of which the operator is the registered owner. Application for a tow truck permit shall be accompanied by a report from the Washington state patrol covering a physical inspection of each tow truck capable of being used by the applicant.

(2) Upon receipt of the fee provided in RCW 46.55.030(4) and a satisfactory inspection report from the state patrol, the department shall issue each tow truck an annual tow truck permit or decal. The class of the tow truck, determined according to RCW 46.55.050, shall be stamped on the permit or decal. The permit or decal shall be displayed on the passenger side of the truck's front windshield.

(3) A tow truck number from the department shall be affixed in a permanent manner to each tow truck.

(4) The Washington state patrol shall conduct annual inspections of tow truck operators' equipment and facilities during the operators' normal business hours. Unscheduled inspections may be conducted without notice at the operator's place of business by an inspector to determine the fitness of a tow truck or facilities. At the time of the inspection, the operator shall provide a paper copy of the master log referred to in RCW 46.55.080.

(5) If at the time of the annual or subsequent inspections the equipment does not meet the requirements of this chapter, and the deficiency is a safety related deficiency, or the equipment is necessary to the truck's performance, the inspector shall cause the registered tow truck operator to remove that equipment from service as a tow truck until such time as the equipment has been satisfactorily repaired. A red tag shall be placed on the windshield of a tow truck taken out of service, and the tow truck shall not provide tow truck service until the Washington state patrol recertifies the truck and removes the tag. [1989 c 111 § 5; 1985 c 377 § 4.]

RCW 46.55.050 Classification of trucks——Marking requirements——Time and place of inspection——

Penalty. (1) Tow trucks shall be classified by towing capabilities, and shall meet or exceed all equipment standards set by the state patrol for the type of tow trucks to be used by an operator.

(2) All tow trucks shall display the firm's name, city of address, and telephone number. This information shall be painted on or permanently affixed to both sides of the vehicle in accordance with rules adopted by the department.

(3) Before a tow truck is put into tow truck service, or when the reinspection of a tow truck is necessary, the district commander of the state patrol shall designate a location and time for the inspection to be conducted. When practicable, the inspection or reinspection shall be made within three business days following the request by the operator.

(4) Failure to comply with any requirement of this section or rules adopted under it is a traffic infraction. [1987 c 330 § 740; 1985 c 377 § 5.]

Construction——Application of rules——Severability——1987 c 330: See notes following RCW 28B.12.050.

RCW 46.55.060 Business location——Requirements. (1) The address that the tow truck operator lists on his or her application shall be the business location of the firm where its files are kept. Each separate business location requires a separate registration under this chapter. The application shall also list all locations of secure areas for vehicle storage and redemption.

(2) Before an additional lot may be used for vehicle storage, it must be inspected and approved by the state patrol. The lot must also be inspected and approved on an annual basis for continued use.

(3) Each business location must have a sign displaying the firm's name that is readable from the street.

(4) At the business locations listed where vehicles may be redeemed, the registered operator shall post in a conspicuous and accessible location:

(a) All pertinent licenses and permits to operate as a registered tow truck operator;

(b) The current towing and storage charges itemized on a form approved by the department;

(c) The vehicle redemption procedure and rights;

(d) Information supplied by the department as to where complaints regarding either equipment or service are to be directed;

(e) Information concerning the acceptance of commercially reasonable tender as defined in RCW 46.55.120(1)(b).

(5) The department shall adopt rules concerning fencing and security requirements of storage areas, which may provide for modifications or exemptions where needed to achieve compliance with local zoning laws.

(6) On any day when the registered tow truck operator holds the towing services open for business, the business office shall remain open with personnel present who are able to release impounded vehicles in accordance with this chapter and the rules adopted under it. The normal business hours of a towing service shall be from 8:00 a.m. to 5:00 p.m. on weekdays, excluding Saturdays, Sundays, and holidays.

(7) A registered tow truck operator shall maintain personnel who can be contacted twenty-four hours a day to release impounded vehicles within a reasonable time.

(8) A registered operator shall provide access to a telephone for any person redeeming a vehicle, at the time of redemption. [1989 c 111 § 6; 1987 c 311 § 3; 1985 c 377 § 6.]

#includes 46.55.063

RCW 46.55.070 Posting requirements——Exception. (1) No person may impound, tow, or otherwise disturb any unauthorized vehicle standing on nonresidential private property or in a public parking facility for less than twenty-four hours unless a sign is posted near each entrance and on the property in a clearly conspicuous and visible location to all who park on such property that clearly indicates:

(a) The times a vehicle may be impounded as an unauthorized vehicle; and

(b) The name, telephone number, and address of the towing firm where the vehicle may be redeemed.

(2) The requirements of subsection (1) of this section do not apply to residential property. Any person having charge of such property may have an unauthorized vehicle impounded immediately upon giving written authorization.

(3) The department shall adopt rules relating to the size of the sign required by subsection (1) of this section, its lettering, placement, and the number required.

(4) This section applies to all new signs erected after July 1, 1986. All other signs must meet these requirements by July 1, 1989. [1987 c 311 § 4; 1985 c 377 § 7.]

RCW 46.55.080 Law enforcement impound, private impound——Master log——Certain associations restricted. (1) If a vehicle is in violation of the time restrictions of RCW 46.55.010(12), it may be impounded by a registered tow truck operator at the direction of a law enforcement officer or other public official with jurisdiction if the vehicle is on public property, or at the direction of the property owner or an agent if it is on private property. A law enforcement officer may also direct the impoundment of a vehicle pursuant to a writ or court order.

(2) The person requesting a private impound or a law enforcement officer or public official requesting a public impound shall provide a signed authorization for the impound at the time and place of the impound to the registered tow truck operator before the operator may proceed with the impound. A registered tow truck operator, employee, or his or her agent may not serve as an agent of a property owner for the purposes of signing an impound authorization or, independent of the property owner, identify a vehicle for impound.

(3) In the case of a private impound, the impound authorization shall include the following statement: "A person authorizing this impound, if the impound is found in violation of chapter 46.55 RCW, may be held liable for the costs incurred by the vehicle owner."

(4) A registered tow truck operator shall record and keep in the operator's files the date and time that a vehicle is put in the operator's custody and released. The

operator shall make an entry into a master log regarding transactions relating to impounded vehicles. The operator shall make this master log available, upon request, to representatives of the department or the state patrol.

(5) A person who engages in or offers to engage in the activities of a registered tow truck operator may not be associated in any way with a person or business whose main activity is authorizing the impounding of vehicles. [1989 c 111 § 8; 1987 c 311 § 5; 1985 c 377 § 8.]

amended laws 1993, ch 121, §1.

* **RCW 46.55.085 Law enforcement impound——Abandoned vehicle.** (1) A law enforcement officer discovering an apparently abandoned vehicle shall attach to the vehicle a readily visible notification sticker. The sticker shall contain the following information:

(a) The date and time the sticker was attached;

(b) The identity of the officer;

(c) A statement that if the vehicle is not removed within twenty-four hours from the time the sticker is attached, the vehicle may be taken into custody and stored at the owner's expense; and

(d) The address and telephone number where additional information may be obtained.

(2) If the vehicle has current Washington registration plates, the officer shall check the records to learn the identity of the last owner of record. The officer or his department shall make a reasonable effort to contact the owner by telephone in order to give the owner the information on the notification sticker.

(3) If the vehicle is not removed within twenty-four hours from the time the notification sticker is attached, the law enforcement officer may take custody of the vehicle and provide for the vehicle's removal to a place of safety.

(4) For the purposes of this section a place of safety includes the business location of a registered tow truck operator. [1987 c 311 § 6. Formerly RCW 46.52.170 and 46.52.180.]

RCW 46.55.090 Storage, return requirements——Personal belongings——Combination endorsement for tow truck drivers——Viewing impounded vehicle. (Effective until April 1, 1992.) (1) All vehicles impounded shall be taken to the nearest storage location that has been inspected and is listed on the application filed with the department.

(2) All vehicles shall be handled and returned in substantially the same condition as they existed before being towed.

(3) All personal belongings and contents in the vehicle shall be kept intact, and shall be returned to the vehicle's owner or agent during normal business hours upon request and presentation of a driver's license or other sufficient identification. Personal belongings shall not be sold at auction to fulfill a lien against the vehicle.

(4) All personal belongings not claimed before the auction shall be turned over to the local law enforcement agency to which the initial notification of impoundment was given. Such personal belongings shall be disposed of pursuant to chapter 63.32 or 63.40 RCW.

(5) Tow truck drivers shall have a Washington state driver's license endorsed for vehicle combinations under RCW 46.20.440 or the equivalent issued by another state.

(6) Any person who shows proof of ownership or written authorization from the impounded vehicle's registered or legal owner or the vehicle's insurer may view the vehicle without charge during normal business hours. [1987 c 311 § 7; 1985 c 377 § 9.]

RCW 46.55.090 Storage, return requirements——Personal belongings——Combination endorsement for tow truck drivers——Viewing impounded vehicle. (Effective April 1, 1992.) (1) All vehicles impounded shall be taken to the nearest storage location that has been inspected and is listed on the application filed with the department.

(2) All vehicles shall be handled and returned in substantially the same condition as they existed before being towed.

(3) All personal belongings and contents in the vehicle shall be kept intact, and shall be returned to the vehicle's owner or agent during normal business hours upon request and presentation of a driver's license or other sufficient identification. Personal belongings shall not be sold at auction to fulfill a lien against the vehicle.

(4) All personal belongings not claimed before the auction shall be turned over to the local law enforcement agency to which the initial notification of impoundment was given. Such personal belongings shall be disposed of pursuant to chapter 63.32 or 63.40 RCW.

(5) Tow truck drivers shall have a Washington state driver's license endorsed for the appropriate classification under chapter 46.25 RCW or the equivalent issued by another state.

(6) Any person who shows proof of ownership or written authorization from the impounded vehicle's registered or legal owner or the vehicle's insurer may view the vehicle without charge during normal business hours. [1989 c 178 § 25; 1987 c 311 § 7; 1985 c 377 § 9.]

Severability——Effective dates——1989 c 178: See RCW 46.25.900 and 46.25.901.

amended laws 1991, ch 20, §1.

* **RCW 46.55.100 Impound notice——Abandoned vehicle report——Owner information——Disposition report.** (1) At the time of impoundment the registered tow truck operator providing the towing service shall give immediate notification, by telephone or radio, to a law enforcement agency having jurisdiction who shall maintain a log of such reports. A law enforcement agency shall immediately provide to a requesting operator the name and address of the legal and registered owners of the vehicle, the vehicle identification number, and any other necessary, pertinent information. The initial notice of impoundment shall be followed by a written notice within twenty-four hours. In the case of a vehicle from another state, time requirements of this subsection do not apply until the requesting law enforcement agency in this state receives the information.

(2) The operator shall immediately send an abandoned vehicle report to the department for any vehicle in

the operator's possession after the ninety-six hour abandonment period. Such report need not be sent when the impoundment is pursuant to a writ, court order, or police hold. The owner notification and abandonment process shall be initiated by the registered tow truck operator immediately following notification by a court or law enforcement officer that the writ, court order, or police hold is no longer in effect.

(3) Following the submittal of an abandoned vehicle report, the department shall provide the registered tow truck operator with owner information within seventy-two hours.

(4) Within fifteen days of the sale of an abandoned vehicle at public auction, the towing operator shall send a copy of the abandoned vehicle report showing the disposition of the abandoned vehicle to the crime information center of the Washington state patrol.

(5) If the operator sends an abandoned vehicle report to the department and the department finds no owner information, an operator may proceed with an inspection of the vehicle to determine whether owner identification is within the vehicle.

(6) If the operator finds no owner identification, the operator shall immediately notify the appropriate law enforcement agency, which shall search the vehicle for the vehicle identification number and check the necessary records to determine the vehicle's owners. [1989 c 111 § 9; 1987 c 311 § 8; 1985 c 377 § 10.]

#includes 46.55.105

RCW 46.55.110 Notice to legal and registered owners. (1) When an unauthorized vehicle is impounded, the impounding towing operator shall notify the legal and registered owners of the impoundment of the unauthorized vehicle. The notification shall be sent by first-class mail within twenty-four hours after the impoundment to the last known registered and legal owners of the vehicle, as provided by the law enforcement agency, and shall inform the owners of the identity of the person or agency authorizing the impound. The notification shall include the name of the impounding tow firm, its address, and telephone number. The notice shall also include the location, time of the impound, and by whose authority the vehicle was impounded. The notice shall also include the written notice of the right of redemption and opportunity for a hearing to contest the validity of the impoundment pursuant to RCW 46.55.120.

(2) In the case of an abandoned vehicle, within twenty-four hours after receiving information on the vehicle owners from the department through the abandoned vehicle report, the tow truck operator shall send by certified mail, with return receipt requested, a notice of custody and sale to the legal and registered owners.

(3) No notices need be sent to the legal or registered owners of an impounded vehicle if the vehicle has been redeemed. [1989 c 111 § 10; 1987 c 311 § 9; 1985 c 377 § 11.]

amended Laws 1994, ch 275, §32

*** RCW 46.55.113 Removal by police officer, when.** A police officer may take custody of a vehicle and provide for its prompt removal to a place of safety under any of the following circumstances:

(1) Whenever a police officer finds a vehicle standing upon the roadway in violation of any of the provisions of RCW 46.61.560, the officer may provide for the removal of the vehicle or require the driver or other person in charge of the vehicle to move the vehicle to a position off the roadway;

(2) Whenever a police officer finds a vehicle unattended upon a highway where the vehicle constitutes an obstruction to traffic or jeopardizes public safety;

(3) Whenever a police officer finds an unattended vehicle at the scene of an accident or when the driver of a vehicle involved in an accident is physically or mentally incapable, or too intoxicated, to decide upon steps to be taken to protect his or her property;

(4) Whenever the driver of a vehicle is arrested and taken into custody by a police officer, and the driver, because of intoxication or otherwise, is mentally incapable of deciding upon steps to be taken to safeguard his or her property;

(5) Whenever a police officer discovers a vehicle that the officer determines to be a stolen vehicle;

(6) Whenever a vehicle without a special license plate, card, or decal indicating that the vehicle is being used to transport a disabled person under RCW 46.16.381 is parked in a stall or space clearly and conspicuously marked under RCW 46.61.581 which space is provided on private property without charge or on public property.

Nothing in this section may derogate from the powers of police officers under the common law. For the purposes of this section, a place of safety may include the business location of a registered tow truck operator. [1987 c 311 § 10. Formerly RCW 46.61.565.]

amended laws 1993, ch 21, §3.

*** RCW 46.55.120 Redemption of vehicles——Sale of unredeemed vehicles——Impoundment in violation of chapter.** (1) Vehicles impounded by registered tow truck operators pursuant to RCW 46.55.080, 46.55.085, or 46.55.113 may be redeemed only under the following circumstances:

(a) Only the legal owner, the registered owner, a person authorized in writing by the registered owner or the vehicle's insurer, a person who is determined and verified by the operator to have the permission of the registered owner of the vehicle, or one who has purchased a vehicle from the registered owner who produces proof of ownership or written authorization and signs a receipt therefor, may redeem an impounded vehicle.

(b) The vehicle shall be released upon the presentation to any person having custody of the vehicle of commercially reasonable tender sufficient to cover the costs of towing, storage, or other services rendered during the course of towing, removing, impounding, or storing any such vehicle. Commercially reasonable tender shall include, without limitation, cash, major bank credit cards, or personal checks drawn on in-state banks if accompanied by two pieces of valid identification, one of which may be required by the operator to have a photograph. Any person who stops payment on a personal check or credit card, or does not make restitution within ten days from the date a check becomes insufficient due to lack

of funds, to a towing firm that has provided a service pursuant to this section or in any other manner defrauds the towing firm in connection with services rendered pursuant to this section shall be liable for damages in the amount of twice the towing and storage fees, plus costs and reasonable attorney's fees.

(2) (a) The registered tow truck operator shall give to each person who seeks to redeem an impounded vehicle written notice of the right of redemption and opportunity for a hearing, which notice shall be accompanied by a form to be used for requesting a hearing, the name of the person or agency authorizing the impound, and a copy of the towing and storage invoice. The registered tow truck operator shall maintain a record evidenced by the redeeming person's signature that such notification was provided.

(b) Any person seeking to redeem an impounded vehicle under this section has a right to a hearing in the district court for the jurisdiction in which the vehicle was impounded to contest the validity of the impoundment or the amount of towing and storage charges. The district court has jurisdiction to determine the issues involving all impoundments including those authorized by the state or its agents. Any request for a hearing shall be made in writing on the form provided for that purpose and must be received by the district court within ten days of the date the opportunity was provided for in subsection (2)(a) of this section. If the hearing request is not received by the district court within the ten-day period, the right to a hearing is waived and the registered owner is liable for any towing, storage, or other impoundment charges permitted under this chapter. Upon receipt of a timely hearing request, the district court shall proceed to hear and determine the validity of the impoundment.

(3) (a) The district court, within five days after the request for a hearing, shall notify the registered tow truck operator, the person requesting the hearing if not the owner, the registered and legal owners of the vehicle, and the person or agency authorizing the impound in writing of the hearing date and time.

(b) At the hearing, the person or persons requesting the hearing may produce any relevant evidence to show that the impoundment, towing, or storage fees charged were not proper.

(c) At the conclusion of the hearing, the district court shall determine whether the impoundment was proper, whether the towing or storage fees charged were in compliance with the posted rates, and who is responsible for payment of the fees.

(d) If the impoundment is found proper, the impoundment, towing, and storage fees as permitted under this chapter together with court costs shall be assessed against the person or persons requesting the hearing, unless the operator did not have a signed and valid impoundment authorization from a private property owner or an authorized agent.

(e) If the impoundment is determined to be in violation of this chapter, then the registered and legal owners of the vehicle shall bear no impoundment, towing, or storage fees, and any bond or other security shall be returned or discharged as appropriate, and the person or agency who authorized the impoundment shall be liable for any towing, storage, or other impoundment fees permitted under this chapter. The court shall enter judgment against the person or agency authorizing the impound for the impoundment, towing, and storage fees paid. In addition, the court shall enter judgment for reasonable damages for loss of the use of the vehicle during the time the same was impounded, for not less than fifty dollars per day, against the person or agency authorizing the impound. If any judgment entered is not paid within fifteen days of notice in writing of its entry, the court shall award reasonable attorneys' fees and costs against the defendant in any action to enforce the judgment. Notice of entry of judgment may be made by registered or certified mail, and proof of mailing may be made by affidavit of the party mailing the notice. Notice of the entry of the judgment shall read essentially as follows:

TO: .....
YOU ARE HEREBY NOTIFIED JUDGMENT was entered against you in the ..... Court located at ..... in the sum of $....., in an action entitled ....., Case No. .... YOU ARE FURTHER NOTIFIED that attorneys fees and costs will be awarded against you under RCW ... if the judgment is not paid within 15 days of the date of this notice.
DATED this ... day of ..., 19 ....
Signature .....
Typed name and address of party mailing notice

(4) Any impounded abandoned vehicle not redeemed within fifteen days of mailing of the notice of custody and sale as required by RCW 46.55.110(2) shall be sold at public auction in accordance with all the provisions and subject to all the conditions of RCW 46.55.130. A vehicle may be redeemed at any time before the start of the auction upon payment of towing and storage fees. [1989 c 111 § 11; 1987 c 311 § 12; 1985 c 377 § 12.]

RCW 46.55.130 Notice requirements——Public auction——Accumulation of storage charges. (1) If, after the expiration of fifteen days from the date of mailing of notice of custody and sale required in RCW 46.55.110(2) to the registered and legal owners, the vehicle remains unclaimed and has not been listed as a stolen vehicle, then the registered tow truck operator having custody of the vehicle shall conduct a sale of the vehicle at public auction after having first published a notice of the date, place, and time of the auction in a newspaper of general circulation in the county in which the vehicle is located not less than three days and no more than ten days before the date of the auction. The notice shall contain a description of the vehicle including the make, model, year, and license number and a notification that a three-hour public viewing period will be available before the auction. The auction shall be held during daylight hours of a normal business day.

(2) The following procedures are required in any public auction of such abandoned vehicles:

(a) The auction shall be held in such a manner that all persons present are given an equal time and opportunity to bid;

(b) All bidders must be present at the time of auction unless they have submitted to the registered tow truck operator, who may or may not choose to use the preauction bid method, a written bid on a specific vehicle. Written bids may be submitted up to five days before the auction and shall clearly state which vehicle is being bid upon, the amount of the bid, and who is submitting the bid;

(c) The open bid process, including all written bids, shall be used so that everyone knows the dollar value that must be exceeded;

(d) The highest two bids received shall be recorded in written form and shall include the name, address, and telephone number of each such bidder;

(e) In case the high bidder defaults, the next bidder has the right to purchase the vehicle for the amount of his or her bid;

(f) The successful bidder shall apply for title within fifteen days;

(g) The registered tow truck operator shall post a copy of the auction procedure at the bidding site. If the bidding site is different from the licensed office location, the operator shall post a clearly visible sign at the office location that describes in detail where the auction will be held. At the bidding site a copy of the newspaper advertisement that lists the vehicles for sale shall be posted;

(h) All surplus moneys derived from the auction after satisfaction of the registered tow truck operator's lien shall be remitted within thirty days to the department for deposit in the state motor vehicle fund. A report identifying the vehicles resulting in any surplus shall accompany the remitted funds. If the director subsequently receives a valid claim from the registered vehicle owner of record as determined by the department within one year from the date of the auction, the surplus moneys shall be remitted to such owner;

(i) If an operator receives no bid, or if the operator is the successful bidder at auction, the operator shall, within thirty days sell the vehicle to a licensed vehicle wrecker, hulk hauler, or scrap processor by use of the abandoned vehicle report–affidavit of sale, or the operator shall apply for title to the vehicle.

(3) In no case may an operator hold a vehicle for longer than ninety days without holding an auction on the vehicle, except for vehicles that are under a police or judicial hold.

(4) (a) In no case may the accumulation of storage charges exceed fifteen days from the date of receipt of the information by the operator from the department as provided by RCW 46.55.110(2).

(b) The failure of the registered tow truck operator to comply with the time limits provided in this chapter limits the accumulation of storage charges to five days except where delay is unavoidable. Providing incorrect or incomplete identifying information to the department in the abandoned vehicle report shall be considered a failure to comply with these time limits if correct information is available. [1989 c 111 § 12; 1987 c 311 § 13; 1985 c 377 § 13.]

amended laws of 1992, ch 200, §1

* **RCW 46.55.140 Operator's lien, deficiency claim, liability.** (1) A registered tow truck operator who has a valid and signed impoundment authorization has a lien upon the impounded vehicle for services provided in the towing and storage of the vehicle, unless the impoundment is determined to have been invalid. The lien does not apply to personal property in or upon the vehicle that is not permanently attached to or is not an integral part of the vehicle. The registered tow truck operator also has a deficiency claim against the registered owner of the vehicle for services provided in the towing and storage of the vehicle not to exceed the sum of three hundred dollars less the amount bid at auction, and for vehicles of over ten thousand pounds gross vehicle weight, the operator has a deficiency claim of one thousand dollars less the amount bid at auction, unless the impound is determined to be invalid. In no case may the cost of the auction or a buyer's fee be added to the amount charged for the vehicle at the auction, the vehicle's lien, or the overage due. A registered owner who has completed and filed with the department the seller's report as provided for by RCW 46.12.101 is relieved of liability under this section.

(2) Any person who tows, removes, or otherwise disturbs any vehicle parked, stalled, or otherwise left on privately owned or controlled property, and any person owning or controlling the private property, or either of them, are liable to the owner or operator of a vehicle, or each of them, for consequential and incidental damages arising from any interference with the ownership or use of the vehicle which does not comply with the requirements of this chapter. [1989 c 111 § 13; 1987 c 311 § 14; 1985 c 377 § 14.]

RCW 46.55.150 Vehicle transaction file. The registered tow truck operator shall keep a transaction file on each vehicle. The transaction file shall contain as a minimum those of the following items that are required at the time the vehicle is redeemed or becomes abandoned and is sold at a public auction:

(1) A signed impoundment authorization as required by RCW 46.55.080;

(2) A record of the twenty-four hour written impound notice to a law enforcement agency;

(3) A copy of the impoundment notification to registered and legal owners, sent within twenty-four hours of impoundment, that advises the owners of the address of the impounding firm, a twenty-four hour telephone number, and the name of the person or agency under whose authority the vehicle was impounded;

(4) A copy of the abandoned vehicle report that was sent to and returned by the department;

(5) A copy and proof of mailing of the notice of custody and sale sent by the registered tow truck operator to the owners advising them they have fifteen days to redeem the vehicle before it is sold at public auction;

(6) A copy of the published notice of public auction;

(7) A copy of the affidavit of sale showing the sales date, purchaser, amount of the lien, and sale price;

(8) A record of the two highest bid offers on the vehicle, with the names, addresses, and telephone numbers of the two bidders;

(9) A copy of the notice of opportunity for hearing given to those who redeem vehicles;

(10) An itemized invoice of charges against the vehicle.

The transaction file shall be kept for a minimum of three years. [1989 c 111 § 14; 1987 c 311 § 15; 1985 c 377 § 15.]

RCW 46.55.160 Availability of records, equipment, and facilities for audit and inspection. Records, equipment, and facilities of a registered tow truck operator shall be available during normal business hours for audit or inspection by the department of licensing, the Washington state patrol, or any law enforcement agency having jurisdiction. [1985 c 377 § 16.]

RCW 46.55.170 Complaints, where forwarded. (1) All law enforcement agencies or local licensing agencies that receive complaints involving registered tow truck operators shall forward the complaints, along with any supporting documents including all results from local investigations, to the department.

(2) Complaints involving deficiencies of equipment shall be forwarded by the department to the state patrol. [1987 c 330 § 741; 1985 c 377 § 17.]

Construction——Application of rules——Severability——1987 c 330: See notes following RCW 28B.12.050.

amended Laws 1993, ch 292, §2

***RCW 46.55.230 Junk vehicles——Certification, notification, removal, sale.** (1) Notwithstanding any other provision of law, any law enforcement officer having jurisdiction or any person authorized by the director may inspect and certify that a vehicle meets the requirements of a junk vehicle. The person making the certification shall record the make and vehicle identification number or license number of the vehicle if available, and shall also describe in detail the damage or missing equipment to verify that the value of the junk vehicle is equivalent only to the value of the scrap in it.

(2) The law enforcement officer or department representative shall provide information on the vehicle's registered and legal owner to the landowner.

(3) Upon receiving information on the vehicle's registered and legal owner, the landowner shall obtain a junk vehicle notification form from the department. The landowner shall send by certified mail, notification to the registered and legal owners shown on the records of the department. The notification shall describe the redemption procedure and the right to contest the sale of a junk vehicle in a district court hearing.

(4) If the vehicle remains unclaimed more than fifteen days after the landowner has mailed notification to the registered and legal owner, the landowner may sign an affidavit of sale to be used as a title document.

(5) If no information on the vehicle's registered and legal owner is found in the records of the department, the landowner shall place a legal notice of custody and sale in a newspaper of general circulation in the county. The newspaper notice shall include (a) the description of the vehicle; (b) the address of the location of the junk vehicle; (c) the date by which the registered or legal owner must redeem the vehicle; and (d) a telephone number where the landowner can be reached. If the vehicle remains unclaimed more than twenty days after publication of the notice, the landowner may sign an affidavit of sale to be used as a title document.

(6) The landowner of the property upon which the junk vehicle is located is entitled to recover from the vehicle's registered owner any costs incurred in the removal of the junk vehicle.

(7) For the purposes of this section, the term "landowner" includes a legal owner of private property, a person with possession or control of private property, or a public official having jurisdiction over public property. [1987 c 311 § 19; 1985 c 377 § 23.]

amended Laws 1994, ch 176, §2.

*** RCW 46.55.240 Local ordinances——Requirements.** (1) A city, town, or county that adopts an ordinance or resolution concerning unauthorized, abandoned, or impounded vehicles shall include the applicable provisions of this chapter.

(a) A city, town, or county may, by ordinance, authorize other impound situations that may arise locally upon the public right-of-way or other publicly owned or controlled property.

(b) A city, town, or county ordinance shall contain language that establishes a written form of authorization to impound, which may include a law enforcement notice of infraction or citation, clearly denoting the agency's authorization to impound.

(c) A city, town, or county may, by ordinance, provide for release of an impounded vehicle by means of a promissory note in lieu of immediate payment, if at the time of redemption the legal or registered owner requests a hearing on the validity of the impoundment. If the municipal ordinance directs the release of an impounded vehicle before the payment of the impoundment charges, the municipality is responsible for the payment of those charges to the registered tow truck operator within thirty days of the hearing date.

(d) The hearing specified in RCW 46.55.120(2) and in this section may be conducted by an administrative hearings officer instead of in the district court. A decision made by an administrative hearing officer may be appealed to the district court for final judgment.

(2) A city, town, or county may adopt an ordinance establishing procedures for the abatement and removal as public nuisances of unauthorized junk vehicles or parts thereof from private property. Costs of removal may be assessed against the registered owner of the vehicle if the identity of the owner can be determined, unless the owner in the transfer of ownership of the vehicle has complied with RCW 46.12.101, or the costs may be assessed against the owner of the property on which the vehicle is stored.

(3) Ordinances pertaining to public nuisances shall contain:

(a) A provision requiring notice to the last registered owner of record and the property owner of record that a hearing may be requested and that if no hearing is requested, the vehicle will be removed;

(b) A provision requiring that if a request for a hearing is received, a notice giving the time, location, and date of the hearing on the question of abatement and removal of the vehicle or part thereof as a public nuisance shall be mailed, by certified mail, with a five-day return receipt requested, to the owner of the land as shown on the last equalized assessment roll and to the last registered and legal owner of record unless the vehicle is in such condition that identification numbers are not available to determine ownership;

(c) A provision that the ordinance shall not apply to (i) a vehicle or part thereof that is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property or (ii) a vehicle or part thereof that is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler or licensed vehicle dealer and is fenced according to RCW 46.80.130;

(d) A provision that the owner of the land on which the vehicle is located may appear in person at the hearing or present a written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land, with his reasons for the denial. If it is determined at the hearing that the vehicle was placed on the land without the consent of the landowner and that he has not subsequently acquiesced in its presence, then the local agency shall not assess costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect the cost from the owner;

(e) A provision that after notice has been given of the intent of the city, town, or county to dispose of the vehicle and after a hearing, if requested, has been held, the vehicle or part thereof shall be removed at the request of a law enforcement officer with notice to the Washington state patrol and the department of licensing that the vehicle has been wrecked. The city, town, or county may operate such a disposal site when its governing body determines that commercial channels of disposition are not available or are inadequate, and it may make final disposition of such vehicles or parts, or may transfer such vehicle or parts to another governmental body provided such disposal shall be only as scrap.

(4) A registered disposer under contract to a city or county for the impounding of vehicles shall comply with any administrative regulations adopted by the city or county on the handling and disposing of vehicles. [1989 c 111 § 17; 1987 c 311 § 20; 1985 c 377 § 24.]

#includes RCW 46.55.910

RCW 46.61.015 Obedience to police officers, flagmen, or fire fighters. No person shall wilfully fail or refuse to comply with any lawful order or direction of any duly authorized flagman or any police officer or fire fighter invested by law with authority to direct, control, or regulate traffic. [1975 c 62 § 17; 1965 ex.s. c 155 § 3.]

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

Severability——1975 c 62: See note following RCW 36.75.010.

RCW 46.61.020 Refusal to give information to or cooperate with officer. It is unlawful for any person while operating or in charge of any vehicle to refuse when requested by a police officer to give his name and address and the name and address of the owner of such vehicle, or for such person to give a false name and address, and it is likewise unlawful for any such person to refuse or neglect to stop when signaled to stop by any police officer or to refuse upon demand of such police officer to produce his certificate of license registration of such vehicle, his insurance identification card, or his vehicle driver's license or to refuse to permit such officer to take any such license, card, or certificate for the purpose of examination thereof or to refuse to permit the examination of any equipment of such vehicle or the weighing of such vehicle or to refuse or neglect to produce the certificate of license registration of such vehicle, insurance card, or his vehicle driver's license when requested by any court. Any police officer shall on request produce evidence of his authorization as such. [1989 c 353 § 6; 1967 c 32 § 65; 1961 c 12 § 46.56.190. Prior: 1937 c 189 § 126; RRS § 6360-126; 1927 c 309 § 38; RRS § 6362-38. Formerly RCW 46.56.190.]

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

Severability——Effective date——1989 c 353: See RCW 46.30.900 and 46.30.901.

RCW 46.61.021 Duty to obey law enforcement officer——Authority of officer. (1) Any person requested or signaled to stop by a law enforcement officer for a traffic infraction has a duty to stop.

(2) Whenever any person is stopped for a traffic infraction, the officer may detain that person for a reasonable period of time necessary to identify the person, check the status of the person's license, insurance identification card, and the vehicle's registration, and complete and issue a notice of traffic infraction.

(3) Any person requested to identify himself to a law enforcement officer pursuant to an investigation of a traffic infraction has a duty to identify himself, give his current address, and sign an acknowledgement of receipt of the notice of infraction. [1989 c 353 § 7; 1979 ex.s. c 136 § 4.]

Severability——Effective date——1989 c 353: See RCW 46.30.900 and 46.30.901.

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

RCW 46.61.022 Failure to obey officer——Penalty. Any person who wilfully fails to stop when requested or signaled to do so by a person reasonably identifiable as a law enforcement officer or to comply with RCW 46.61.021(3), is guilty of a misdemeanor. [1979 ex.s. c 136 § 5.]

#includes additions to Chapter 46.61 adopted in Laws 1994, Ch 141 §1, Ch 275, §4-9, 11-12, 45, 67, & 23.

#includes RCW 46.61.005

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

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

#includes 46.61.024

RCW 46.61.025 Persons riding animals or driving animal-drawn vehicles. Every person riding an animal or driving any animal-drawn vehicle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this chapter except those provisions of this chapter which by their very nature can have no application. [1965 ex.s. c 155 § 4.]

RCW 46.61.030 Persons working on highway right of way——Exceptions. Unless specifically made applicable, the provisions of this chapter except those contained in RCW 46.61.500 through 46.61.520 shall not apply to persons, motor vehicles and other equipment while engaged in work within the right of way of any highway but shall apply to such persons and vehicles when traveling to or from such work. [1969 c 76 § 1; 1965 ex.s. c 155 § 5.]

RCW 46.61.035 Authorized emergency vehicles. (1) The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.

(2) The driver of an authorized emergency vehicle may:

(a) Park or stand, irrespective of the provisions of this chapter;

(b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

(c) Exceed the maximum speed limits so long as he does not endanger life or property;

(d) Disregard regulations governing direction of movement or turning in specified directions.

(3) The exemptions herein granted to an authorized emergency vehicle shall apply only when such vehicle is making use of visual signals meeting the requirements of RCW 46.37.190, except that: (a) An authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle; (b) authorized emergency vehicles shall use audible signals when necessary to warn others of the emergency nature of the situation but in no case shall they be required to use audible signals while parked or standing.

(4) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others. [1969 c 23 § 1; 1965 ex.s. c 155 § 6.]

RCW 46.61.050 Obedience to and required traffic control devices. (1) The driver of any vehicle, every bicyclist, and every pedestrian shall obey the instructions of any official traffic control device applicable thereto placed in accordance with the provisions of this chapter, unless otherwise directed by a traffic or police officer, subject to the exception granted the driver of an authorized emergency vehicle in this chapter.

(2) No provision of this chapter for which official traffic control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible or visible to be seen by an ordinarily observant person. Whenever a particular section does not state that official traffic control devices are required, such section shall be effective even though no devices are erected or in place.

(3) Whenever official traffic control devices are placed in position approximately conforming to the requirements of this chapter, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.

(4) Any official traffic control device placed pursuant to the provisions of this chapter and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this chapter, unless the contrary shall be established by competent evidence. [1975 c 62 § 18; 1965 ex.s. c 155 § 7.]

Rules of court: Monetary penalty schedule——JTIR 6.2.

Severability——1975 c 62: See note following RCW 36.75.010.

amended Laws 1993 ch 152, §2.

*** RCW 46.61.055 Traffic control signal legend.** Whenever traffic is controlled by traffic control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors green, red and yellow shall be used, except for special pedestrian signals carrying a word or legend, and said lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

(1) Green indication

(a) Vehicle operators facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicle operators turning right or left shall stop to allow other vehicles or pedestrians lawfully within the intersection control area to complete their movements.

(b) Vehicle operators facing a green arrow signal, shown alone or in combination with another indication, may enter the intersection control area only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. The vehicle operators shall stop to allow other vehicles or pedestrians lawfully within the intersection control area to complete their movements.

(c) Unless otherwise directed by a pedestrian control signal, as provided in RCW 46.61.060 as now or hereafter amended, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed

across the roadway within any marked or unmarked crosswalk.

(2) Steady yellow indication

(a) Vehicle operators facing a steady circular yellow or yellow arrow signal are thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection.

(b) Pedestrians facing a steady circular yellow or yellow arrow signal, unless otherwise directed by a pedestrian control signal as provided in RCW 46.61.060 shall not enter the roadway, but if pedestrians have begun to cross before the display of either signal, vehicle operators shall stop to allow them to complete their movements.

(3) Steady red indication

(a) Vehicle operators facing a steady circular red signal alone shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection control area and shall remain standing until an indication to proceed is shown. However, the vehicle operators facing a steady circular red signal may, after stopping proceed to make a right turn from a one-way or two-way street into a two-way street or into a one-way street carrying traffic in the direction of the right turn; or a left turn from a one-way or two-way street into a one-way street carrying traffic in the direction of the left turn; unless a sign posted by competent authority prohibits such movement; but vehicle operators planning to make such turns shall remain stopped to allow other vehicles lawfully within or approaching the intersection control area, or approaching pedestrians lawfully within an adjacent crosswalk, to complete their movements.

(b) Unless otherwise directed by a pedestrian control signal as provided in RCW 46.61.060 as now or hereafter amended, pedestrians facing a steady circular red signal alone shall not enter the roadway.

(c) Vehicle operators facing a steady red arrow indication may not enter the intersection control area to make the movement indicated by such arrow, and unless entering the intersection control area to make such other movement as is permitted by other indications shown at the same time, shall stop at a clearly marked stop line, but if none, before entering a crosswalk on the near side of the intersection control area, or if none, then before entering the intersection control area and shall remain standing until an indication to make the movement indicated by such arrow is shown. However, the vehicle operators facing a steady red arrow indication may, after stopping proceed to make a right turn from a one-way or two-way street into a two-way street or into a one-way street carrying traffic in the direction of the right turn; or a left turn from a one-way street or two-way street into a one-way street carrying traffic in the direction of the left turn; unless a sign posted by competent authority prohibits such movement; but vehicle operators planning to make such turns shall remain stopped to allow other vehicles lawfully within or approaching the intersection control area, or approaching pedestrians lawfully within an adjacent crosswalk, to complete their movements.

(d) Unless otherwise directed by a pedestrian signal, pedestrians facing a steady red arrow signal indication shall not enter the roadway.

(4) If an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal. [1990 c 241 § 2; 1975 c 62 § 19; 1965 ex.s. c 155 § 8.]

Severability——1975 c 62: See note following RCW 36.75.010.

amended laws 1993, ch 153, §3.

* **RCW 46.61.060 Pedestrian control signals.** Whenever pedestrian control signals exhibiting the words "Walk" or the walking person symbol or "Don't Walk" or the hand symbol are operating, the signals shall indicate as follows:

(1) WALK or walking person symbol—Pedestrians facing such signal may cross the roadway in the direction of the signal. Pedestrians that begin to cross a roadway while facing such signal shall be granted the right to complete their crossing by all vehicle operators.

(2) Steady or flashing DON'T WALK or hand symbol—Pedestrians shall not enter the roadway, but if pedestrians have begun to cross before the display of either signal, vehicle operators shall stop to allow them to complete their movements.

(3) Pedestrian control signals having the "Wait" legend in use on August 6, 1965, shall be deemed authorized signals and shall indicate the same as the "Don't Walk" legend. Whenever such pedestrian control signals are replaced the legend "Wait" shall be replaced by the legend "Don't Walk". [1990 c 241 § 3; 1975 c 62 § 20; 1965 ex.s. c 155 § 9.]

Severability——1975 c 62: See note following RCW 36.75.010.

RCW 46.61.065 Flashing signals. (1) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal it shall require obedience by vehicular traffic as follows:

(a) FLASHING RED (STOP SIGNAL). When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop at a clearly marked stop line, but if none, before entering a marked crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(b) FLASHING YELLOW (CAUTION SIGNAL). When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

(2) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching

railroad grade crossings shall be governed by the rules as set forth in RCW 46.61.340. [1975 c 62 § 21; 1965 ex.s. c 155 § 10.]

Severability——1975 c 62: See note following RCW 36.75.010.

RCW 46.61.070 Lane-direction-control signals. When lane-direction-control signals are placed over the individual lanes of a street or highway, vehicular traffic may travel in any lane over which a green signal is shown, but shall not enter or travel in any lane over which a red signal is shown. [1965 ex.s. c 155 § 11.]

RCW 46.61.072 Special traffic control signals——Legend. Whenever special traffic control signals exhibit a downward green arrow, a yellow X, or a red X indication, such signal indication shall have the following meaning:

(1) A steady downward green arrow means that a driver is permitted to drive in the lane over which the arrow signal is located.

(2) A steady yellow X or flashing red X means that a driver should prepare to vacate, in a safe manner, the lane over which the signal is located because a lane control change is being made, and to avoid occupying that lane when a steady red X is displayed.

(3) A flashing yellow X means that a driver is permitted to use a lane over which the signal is located for a left turn, using proper caution.

(4) A steady red X means that a driver shall not drive in the lane over which the signal is located, and that this indication shall modify accordingly the meaning of all other traffic controls present. The driver shall obey all other traffic controls and follow normal safe driving practices. [1975 c 62 § 49.]

Severability——1975 c 62: See note following RCW 36.75.010.

RCW 46.61.075 Display of unauthorized signs, signals, or markings. (1) No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of an official traffic-control device or any railroad sign or signal.

(2) No person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising.

(3) This section shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.

(4) Every such prohibited sign, signal or marking is hereby declared to be a public nuisance and the authority having jurisdiction over the highway is hereby empowered to remove the same or cause it to be removed without notice. [1965 ex.s. c 155 § 12.]

RCW 46.61.080 Interference with official traffic-control devices or railroad signs or signals. No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down or remove any official traffic-control device or any railroad sign or signal or any inscription, shield or insignia thereon, or any other part thereof. [1965 ex.s. c 155 § 13.]

Interference with traffic-control signals or railroad signs or signals: RCW 47.36.130.

RCW 46.61.085 Traffic control signals or devices upon city streets forming part of state highways——Approval by department of transportation. No traffic control signal or device may be erected or maintained upon any city street designated as forming a part of the route of a primary state highway or secondary state highway unless first approved by the state department of transportation. [1984 c 7 § 62; 1965 ex.s. c 155 § 14.]

Severability——1984 c 7: See note following RCW 47.01.141.

Local authorities to provide stop signs at intersections with increased speed highways: RCW 46.61.435.

RCW 46.61.100 Keep right except when passing, etc. (1) Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:

(a) When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;

(b) When an obstruction exists making it necessary to drive to the left of the center of the highway; provided, any person so doing shall yield the right of way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;

(c) Upon a roadway divided into three marked lanes and providing for two-way movement traffic under the rules applicable thereon; or

(d) Upon a street or highway restricted to one-way traffic.

(2) Upon all roadways having two or more lanes for traffic moving in the same direction, all vehicles shall be driven in the right-hand lane then available for traffic, except (a) when overtaking and passing another vehicle proceeding in the same direction, (b) when traveling at a speed greater than the traffic flow, (c) when moving left to allow traffic to merge, or (d) when preparing for a left turn at an intersection, exit, or into a private road or driveway when such left turn is legally permitted. On any such roadway, a motor truck shall be driven only in the right-hand lane except under the conditions enumerated in (a) through (d) of this subsection.

(3) It is a traffic infraction to drive continuously in the left lane of a multilane roadway when it impedes the flow of other traffic.

(4) Upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, a vehicle shall not be driven to the left of the center line of the roadway except when authorized by official traffic control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use such lanes, or except as permitted under subsection (1)(b) of this section.

However, this subsection shall not be construed as prohibiting the crossing of the center line in making a left turn into or from an alley, private road or driveway. [1986 c 93 § 2; 1972 ex.s. c 33 § 1; 1969 ex.s. c 281 § 46; 1967 ex.s. c 145 § 58; 1965 ex.s. c 155 § 15.]

Rules of court: Monetary penalty schedule——JTIR 6.2.

Legislative intent——1986 c 93: "It is the intent of the legislature, in this 1985 [1986] amendment of RCW 46.61.100, that the left-hand lane on any state highway with two or more lanes in the same direction be used primarily as a passing lane." [1986 c 93 § 1.]

Information on proper use of left-hand lane: RCW 28A.220.050, 46-.20.095, 46.82.430, 47.36.260.

RCW 46.61.105 Passing vehicles proceeding in opposite directions. Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and upon roadways having width for not more than one line of traffic in each direction each driver shall give to the other at least one-half of the main-traveled portion of the roadway as nearly as possible. [1975 c 62 § 22; 1965 ex.s. c 155 § 16.]

Severability——1975 c 62: See note following RCW 36.75.010.

RCW 46.61.110 Overtaking a vehicle on the left. The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions and special rules hereinafter stated:

(1) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

(2) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle. [1965 ex.s. c 155 § 17.]

Rules of court: Monetary penalty schedule——JTIR 6.2.

RCW 46.61.115 When overtaking on the right is permitted. (1) The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

(a) When the vehicle overtaken is making or about to make a left turn;

(b) Upon a roadway with unobstructed pavement of sufficient width for two or more lines of vehicles moving lawfully in the direction being traveled by the overtaking vehicle.

(2) The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. Such movement shall not be made by driving off the roadway. [1975 c 62 § 23; 1965 ex.s. c 155 § 18.]

Rules of court: Monetary penalty schedule——JTIR 6.2.

Severability——1975 c 62: See note following RCW 36.75.010.

RCW 46.61.120 Limitations on overtaking on the left. No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless authorized by the provisions of RCW 46.61.100 through 46-.61.160 and unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to an authorized lane of travel as soon as practicable and in the event the passing movement involves the use of a lane authorized for vehicles approaching from the opposite direction, before coming within two hundred feet of any approaching vehicle. [1965 ex.s. c 155 § 19.]

Rules of court: Monetary penalty schedule——JTIR 6.2.

RCW 46.61.125 Further limitations on driving to left of center of roadway. (1) No vehicle shall be driven on the left side of the roadway under the following conditions:

(a) When approaching or upon the crest of a grade or a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction;

(b) When approaching within one hundred feet of or traversing any intersection or railroad grade crossing;

(c) When the view is obstructed upon approaching within one hundred feet of any bridge, viaduct or tunnel.

(2) The foregoing limitations shall not apply upon a one-way roadway, nor under the conditions described in RCW 46.61.100(1)(b), nor to the driver of a vehicle turning left into or from an alley, private road or driveway. [1972 ex.s. c 33 § 2; 1965 ex.s. c 155 § 20.]

Rules of court: Monetary penalty schedule—— JTIR 6.2.

RCW 46.61.130 No-passing zones. (1) The state department of transportation and the local authorities are authorized to determine those portions of any highway under their respective jurisdictions where overtaking and passing or driving to the left of the roadway would be especially hazardous and may by appropriate signs or markings on the roadway indicate the beginning and end of such zones. When such signs or markings are in place and clearly visible to an ordinarily observant person every driver of a vehicle shall obey the directions thereof.

(2) Where signs or markings are in place to define a no-passing zone as set forth in subsection (1) of this section, no driver may at any time drive on the left side of the roadway within the no-passing zone or on the left side of any pavement striping designed to mark the no-passing zone throughout its length.

(3) This section does not apply under the conditions described in RCW 46.61.100(1)(b), nor to the driver of a vehicle turning left into or from an alley, private road, or driveway. [1984 c 7 § 63; 1972 ex.s. c 33 § 3; 1965 ex.s. c 155 § 21.]

Rules of court: Monetary penalty schedule——JTIR 6.2.

Severability——1984 c 7: See note following RCW 47.01.141.

RCW 46.61.135 One-way roadways and rotary traffic islands. (1) The state department of transportation and the local authorities with respect to highways under their respective jurisdictions may designate any highway, roadway, part of a roadway, or specific lanes upon which vehicular traffic shall proceed in one direction at all or such times as shall be indicated by official traffic control devices.

(2) Upon a roadway so designated for one-way traffic, a vehicle shall be driven only in the direction designated at all or such times as shall be indicated by official traffic control devices.

(3) A vehicle passing around a rotary traffic island shall be driven only to the right of such island. [1984 c 7 § 64; 1975 c 62 § 24; 1965 ex.s. c 155 § 22.]

Rules of court: Monetary penalty schedule——JTIR 6.2.
Severability——1984 c 7: See note following RCW 47.01.141.
Severability——1975 c 62: See note following RCW 36.75.010.

RCW 46.61.140 Driving on roadways laned for traffic. Whenever any roadway has been divided into two or more clearly marked lanes for traffic the following rules in addition to all others consistent herewith shall apply:

(1) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

(2) Upon a roadway which is divided into three lanes and provides for two-way movement of traffic, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle traveling in the same direction when such center lane is clear of traffic within a safe distance, or in preparation for making a left turn or where such center lane is at the time allocated exclusively to traffic moving in the same direction that the vehicle is proceeding and such allocation is designated by official traffic-control devices.

(3) Official traffic-control devices may be erected directing slow moving or other specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway and drivers of vehicles shall obey the directions of every such device.

(4) Official traffic-control devices may be installed prohibiting the changing of lanes on sections of roadway and drivers of vehicles shall obey the directions of every such device. [1965 ex.s. c 155 § 23.]

Rules of court: Monetary penalty schedule——JTIR 6.2.

RCW 46.61.145 Following too closely. (1) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway.

(2) The driver of any motor truck or motor vehicle drawing another vehicle when traveling upon a roadway outside of a business or residence district and which is following another motor truck or motor vehicle drawing another vehicle shall, whenever conditions permit, leave sufficient space so that an overtaking vehicle may enter and occupy such space without danger, except that this shall not prevent a motor truck or motor vehicle drawing another vehicle from overtaking and passing any like vehicle or other vehicle.

(3) Motor vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade whether or not towing other vehicles shall be so operated as to allow sufficient space between each such vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy such space without danger. This provision shall not apply to funeral processions. [1965 ex.s. c 155 § 24.]

Rules of court: Monetary penalty schedule——JTIR 6.2.

RCW 46.61.150 Driving on divided highways. Whenever any highway has been divided into two or more roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section or by a median island not less than eighteen inches wide formed either by solid yellow pavement markings or by a yellow crosshatching between two solid yellow lines so installed as to control vehicular traffic, every vehicle shall be driven only upon the right-hand roadway unless directed or permitted to use another roadway by official traffic-control devices or police officers. No vehicle shall be driven over, across or within any such dividing space, barrier or section, or median island, except through an opening in such physical barrier or dividing section or space or median island, or at a crossover or intersection established by public authority. [1972 ex.s. c 33 § 4; 1965 ex.s. c 155 § 25.]

Rules of court: Monetary penalty schedule——JTIR 6.2.

RCW 46.61.155 Restricted access. No person shall drive a vehicle onto or from any limited access roadway except at such entrances and exits as are established by public authority. [1965 ex.s. c 155 § 26.]

Rules of court: Monetary penalty schedule——JTIR 6.2.

RCW 46.61.160 Restrictions on use of limited-access highway——Use by bicyclists. The department of transportation may by order, and local authorities may by ordinance or resolution, with respect to any limited access highway under their respective jurisdictions prohibit the use of any such highway by funeral processions, or by parades, pedestrians, bicycles or other nonmotorized traffic, or by any person operating a motor-driven cycle. Bicyclists may use the right shoulder of limited-access highways except where prohibited. The department of transportation may by order, and local authorities may by ordinance or resolution, with respect to any limited-access highway under their respective jurisdictions prohibit the use of the shoulders of any such highway by bicycles within urban areas or upon other sections of the highway where such use is deemed to be unsafe.

The department of transportation or the local authority adopting any such prohibitory regulation shall erect and maintain official traffic control devices on the limited access roadway on which such regulations are applicable, and when so erected no person may disobey the

restrictions stated on such devices. [1982 c 55 § 5; 1975 c 62 § 25; 1965 ex.s. c 155 § 27.]

Severability——1975 c 62: See note following RCW 36.75.010.

RCW 46.61.180 Vehicle approaching intersection. (1) When two vehicles approach or enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right of way to the vehicle on the right.

(2) The right of way rule declared in subsection (1) of this section is modified at arterial highways and otherwise as stated in this chapter. [1975 c 62 § 26; 1965 ex.s. c 155 § 28.]

Rules of court: Monetary penalty schedule——JTIR 6.2.
Severability——1975 c 62: See note following RCW 36.75.010.

RCW 46.61.185 Vehicle turning left. The driver of a vehicle intending to turn to the left within an intersection or into an alley, private road, or driveway shall yield the right of way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard. [1965 ex.s. c 155 § 29.]

RCW 46.61.190 Vehicle entering stop or yield intersection. (1) Preferential right of way may be indicated by stop signs or yield signs as authorized in RCW 47.36.110.

(2) Except when directed to proceed by a duly authorized flagman, or a police officer, or a fire fighter vested by law with authority to direct, control, or regulate traffic, every driver of a vehicle approaching a stop sign shall stop at a clearly marked stop line, but if none, before entering a marked crosswalk on the near side of the intersection or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the roadway, and after having stopped shall yield the right of way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time when such driver is moving across or within the intersection or junction of roadways.

(3) The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions and if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering a marked crosswalk on the near side of the intersection or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the roadway, and then after slowing or stopping, the driver shall yield the right of way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection or junction of roadways: *Provided*, That if such a driver is involved in a collision with a vehicle in the intersection or junction of roadways, after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of his failure to yield right of way. [1975 c 62 § 27; 1965 ex.s. c 155 § 30.]

Rules of court: Monetary penalty schedule——JTIR 6.2.
Severability——1975 c 62: See note following RCW 36.75.010.
Stop signs, "Yield" signs——Duties of persons using highway: RCW 47.36.110.

RCW 46.61.195 Arterial highways designated——Stopping on entering. All state highways are hereby declared to be arterial highways as respects all other public highways or private ways, except that the state department of transportation has the authority to designate any county road or city street as an arterial having preference over the traffic on the state highway if traffic conditions will be improved by such action.

Those city streets designated by the state department of transportation as forming a part of the routes of state highways through incorporated cities and towns are declared to be arterial highways as respects all other city streets or private ways.

The governing authorities of incorporated cities and towns may designate any street as an arterial having preference over the traffic on a state highway if the change is first approved in writing by the state department of transportation. The local authorities making such a change in arterial designation shall do so by proper ordinance or resolution and shall erect or cause to be erected and maintained standard stop signs, or "Yield" signs, to accomplish this change in arterial designation.

The operator of any vehicle entering upon any arterial highway from any other public highway or private way shall come to a complete stop before entering the arterial highway when stop signs are erected as provided by law. [1984 c 7 § 66; 1963 ex.s. c 3 § 48; 1961 c 12 § 46.60.330. Prior: 1955 c 146 § 5; 1947 c 200 § 14; 1937 c 189 § 105; Rem. Supp. 1947 § 6360–105. Formerly RCW 46.60.330.]

Severability——1984 c 7: See note following RCW 47.01.141.
City streets subject to increased speed, designation as arterials: RCW 46.61.435.
Stop signs, "Yield" signs——Duties of persons using highway: RCW 47.36.110.

RCW 46.61.200 Stop intersections other than arterial may be designated. In addition to the points of intersection of any public highway with any arterial public highway that is constituted by law or by any proper authorities of this state or any city or town of this state, the state department of transportation with respect to state highways, and the proper authorities with respect to any other public highways, have the power to determine and designate any particular intersection, or any particular highways, roads, or streets or portions thereof, at any intersection with which vehicles shall be required to stop before entering such intersection. Upon the determination and designation of such points at which vehicles will be required to come to a stop before entering the intersection, the proper authorities so determining and designating shall cause to be posted and maintained proper signs of the standard design adopted by the state

department of transportation indicating that the intersection has been so determined and designated and that vehicles entering it are required to stop. It is unlawful for any person operating any vehicle when entering any intersection determined, designated, and bearing the required sign to fail and neglect to bring the vehicle to a complete stop before entering the intersection. [1984 c 7 § 67; 1961 c 12 § 46.60.340. Prior: 1937 c 189 § 106; RRS § 6360-106; 1927 c 284 § 1; RRS § 6362-41a. Formerly RCW 46.60.340.]

Severability——1984 c 7: See note following RCW 47.01.141.

RCW 46.61.202 Stopping when traffic obstructed. No driver shall enter an intersection or a marked crosswalk or drive onto any railroad grade crossing unless there is sufficient space on the other side of the intersection, crosswalk, or railroad grade crossing to accommodate the vehicle he is operating without obstructing the passage of other vehicles, pedestrians, or railroad trains notwithstanding any traffic control signal indications to proceed. [1975 c 62 § 48.]

Severability——1975 c 62: See note following RCW 36.75.010.

RCW 46.61.205 Vehicle entering highway from private road or driveway. The driver of a vehicle about to enter or cross a highway from a private road or driveway shall yield the right of way to all vehicles lawfully approaching on said highway. [1990 c 250 § 88; 1965 ex.s. c 155 § 31.]

Rules of court: Monetary penalty schedule——JTIR 6.2.
Severability——1990 c 250: See note following RCW 46.16.301.

RCW 46.61.210 Operation of vehicles on approach of authorized emergency vehicles. (1) Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of RCW 46.37.190, or of a police vehicle properly and lawfully making use of an audible signal only the driver of every other vehicle shall yield the right of way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

(2) This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway. [1965 ex.s. c 155 § 32.]

Rules of court: Monetary penalty schedule——JTIR 6.2.

RCW 46.61.215 Highway construction and maintenance. (1) The driver of a vehicle shall yield the right of way to any authorized vehicle or pedestrian actually engaged in work upon a highway within any highway construction or maintenance area indicated by official traffic control devices.

(2) The driver of a vehicle shall yield the right of way to any authorized vehicle obviously and actually engaged in work upon a highway whenever such vehicle displays flashing lights meeting the requirements of RCW 46.37.300. [1975 c 62 § 40.]

Severability——1975 c 62: See note following RCW 36.75.010.

#includes RCW 46.61.220

RCW 46.61.230 Pedestrians subject to traffic regulations. Pedestrians shall be subject to traffic-control signals at intersections as provided in RCW 46.61.060, and at all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this chapter. [1965 ex.s. c 155 § 33.]

Rules of court: Monetary penalty schedule——JTIR 6.2.

* amended laws 1993, ch 153, §1

RCW 46.61.235 Stopping for pedestrians in crosswalks. (1) When traffic-control signals are not in place or not in operation, the operator of an approaching vehicle shall stop to allow a pedestrian to cross the roadway within an unmarked or marked crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is upon the opposite half of the roadway and moving toward the approaching vehicle.

(2) No pedestrian shall suddenly leave a curb or other place of safety and walk, run, or otherwise move into the path of a vehicle which is so close that it is impossible for the driver to stop.

(3) Subsection (1) of this section does not apply under the conditions stated in RCW 46.61.240(2).

(4) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle. [1990 c 241 § 4; 1965 ex.s. c 155 § 34.]

Rules of court: Monetary penalty schedule——JTIR 6.2.

RCW 46.61.240 Crossing at other than crosswalks. (1) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right of way to all vehicles upon the roadway.

(2) Where curb ramps exist at or adjacent to intersections or at marked crosswalks in other locations, disabled persons may enter the roadway from the curb ramps and cross the roadway within or as closely as practicable to the crosswalk. All other pedestrian rights and duties as defined elsewhere in this chapter remain applicable.

(3) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right of way to all vehicles upon the roadway.

(4) Between adjacent intersections at which traffic-control signals are in operation pedestrians shall not cross at any place except in a marked crosswalk.

(5) No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic-control devices; and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic-control devices pertaining to such crossing movements.

(6) No pedestrian shall cross a roadway at an unmarked crosswalk where an official sign prohibits such crossing. [1990 c 241 § 5; 1965 ex.s. c 155 § 35.]

Rules of court: Monetary penalty schedule---- JTIR 6.2.

RCW 46.61.245 Drivers to exercise care. Notwithstanding the foregoing provisions of this chapter every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any obviously confused or incapacitated person upon a roadway. [1965 ex.s. c 155 § 36.]

Rules of court: Monetary penalty schedule——JTIR 6.2.
Blind pedestrians: Chapter 70.84 RCW.

RCW 46.61.250 Pedestrians on roadways. (1) Where sidewalks are provided it is unlawful for any pedestrian to walk or otherwise move along and upon an adjacent roadway. Where sidewalks are provided but wheelchair access is not available, disabled persons who require such access may walk or otherwise move along and upon an adjacent roadway until they reach an access point in the sidewalk.

(2) Where sidewalks are not provided any pedestrian walking or otherwise moving along and upon a highway shall, when practicable, walk or move only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction and upon meeting an oncoming vehicle shall move clear of the roadway. [1990 c 241 § 6; 1965 ex.s. c 155 § 37.]

Rules of court: Monetary penalty schedule----JTIR 6.2.

RCW 46.61.255 Pedestrians soliciting rides or business. (1) No person shall stand in or on a public roadway or alongside thereof at any place where a motor vehicle cannot safely stop off the main traveled portion thereof for the purpose of soliciting a ride for himself or for another from the occupant of any vehicle.

(2) It shall be unlawful for any person to solicit a ride for himself or another from within the right of way of any limited access facility except in such areas where permission to do so is given and posted by the highway authority of the state, county, city or town having jurisdiction over the highway.

(3) The provisions of subsections (1) and (2) above shall not be construed to prevent a person upon a public highway from soliciting, or a driver of a vehicle from giving a ride where an emergency actually exists, nor to prevent a person from signaling or requesting transportation from a passenger carrier for the purpose of becoming a passenger thereon for hire.

(4) No person shall stand in a roadway for the purpose of soliciting employment or business from the occupant of any vehicle.

(5) No person shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.

(6) (a) Except as provided in (b) of this subsection, the state preempts the field of the regulation of hitchhiking in any form, and no county, city, or town shall take any action in conflict with the provisions of this section.

(b) A county, city, or town may regulate or prohibit hitchhiking in an area in which it has determined that prostitution is occurring and that regulating or prohibiting hitchhiking will help to reduce prostitution in the area. [1989 c 288 § 1; 1972 ex.s. c 38 § 1; 1965 ex.s. c 155 § 38.]

Rules of court: Monetary penalty schedule——JTIR 6.2.

RCW 46.61.260 Driving through safety zone prohibited. No vehicle shall at any time be driven through or within a safety zone. [1965 ex.s. c 155 § 39.]

RCW 46.61.261 Pedestrians' right of way on sidewalk. The driver of a vehicle shall yield the right of way to any pedestrian on a sidewalk. [1975 c 62 § 41.]

Rules of court: Monetary penalty schedule——JTIR 6.2.
Severability——1975 c 62: See note following RCW 36.75.010.

RCW 46.61.264 Pedestrians yield to emergency vehicles. (1) Upon the immediate approach of an authorized emergency vehicle making use of an audible signal meeting the requirements of RCW 46.37.380 subsection (4) and visual signals meeting the requirements of RCW 46.37.190, or of a police vehicle meeting the requirements of RCW 46.61.035 subsection (3), every pedestrian shall yield the right of way to the authorized emergency vehicle.

(2) This section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway nor from the duty to exercise due care to avoid colliding with any pedestrian. [1975 c 62 § 42.]

Rules of court: Monetary penalty schedule——JTIR 6.2.
Severability——1975 c 62: See note following RCW 36.75.010.

RCW 46.61.266 Pedestrians under the influence of alcohol or drugs. A law enforcement officer may offer to transport a pedestrian who appears to be under the influence of alcohol or any drug and who is walking or moving along or within the right of way of a public roadway, unless the pedestrian is to be taken into protective custody under RCW 70.96A.120.

The law enforcement officer offering to transport an intoxicated pedestrian under this section shall:

(1) Transport the intoxicated pedestrian to a safe place; or

(2) Release the intoxicated pedestrian to a competent person.

The law enforcement officer shall take no action if the pedestrian refuses this assistance. No suit or action may be commenced or prosecuted against the law enforcement officer, law enforcement agency, the state of Washington, or any political subdivision of the state for any act resulting from the refusal of the pedestrian to

accept this assistance. [1990 c 241 § 7; 1987 c 11 § 1; 1975 c 62 § 43.]

Rules of court: Monetary penalty schedule——JTIR 6.2.
Severability——1975 c 62: See note following RCW 36.75.010.

RCW 46.61.269 Passing beyond bridge or grade crossing barrier prohibited. (1) No pedestrian shall enter or remain upon any bridge or approach thereto beyond a bridge signal gate, or barrier indicating a bridge is closed to through traffic, after a bridge operation signal indication has been given.

(2) No pedestrian shall pass through, around, over, or under any crossing gate or barrier at a railroad grade crossing or bridge while such gate or barrier is closed or is being opened or closed. [1975 c 62 § 44.]

Rules of court: Monetary penalty schedule——JTIR 6.2.
Severability——1975 c 62: See note following RCW 36.75.010.

RCW 46.61.290 Required position and method of turning at intersections. The driver of a vehicle intending to turn shall do so as follows:

(1) Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

(2) Left turns. The driver of a vehicle intending to turn left shall approach the turn in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of the vehicle. Whenever practicable the left turn shall be made to the left of the center of the intersection and so as to leave the intersection or other location in the extreme left-hand lane lawfully available to traffic moving in the same direction as the vehicle on the roadway being entered.

(3) Two-way left turn lanes.

(a) The department of transportation and local authorities in their respective jurisdictions may designate a two-way left turn lane on a roadway. A two-way left turn lane is near the center of the roadway set aside for use by vehicles making left turns in either direction from or into the roadway.

(b) Two-way left turn lanes shall be designated by distinctive uniform roadway markings. The department of transportation shall determine and prescribe standards and specifications governing type, length, width, and positioning of the distinctive permanent markings. The standards and specifications developed shall be filed with the code reviser in accordance with the procedures set forth in the administrative procedure act, chapter 34.05 RCW. On and after July 1, 1971, permanent markings designating a two-way left turn lane shall conform to such standards and specifications.

(c) Upon a roadway where a center lane has been provided by distinctive pavement markings for the use of vehicles turning left from either direction, no vehicles may turn left from any other lane. A vehicle shall not be driven in this center lane for the purpose of overtaking or passing another vehicle proceeding in the same direction. A signal, either electric or manual, for indicating a left turn movement, shall be made at least one hundred feet before the actual left turn movement is made.

(4) The department of transportation and local authorities in their respective jurisdictions may cause official traffic-control devices to be placed and thereby require and direct that a different course from that specified in this section be traveled by turning vehicles, and when the devices are so placed no driver of a vehicle may turn a vehicle other than as directed and required by the devices. [1984 c 12 § 1; 1984 c 7 § 68; 1975 c 62 § 28; 1969 ex.s. c 281 § 61; 1965 ex.s. c 155 § 40.]

Rules of court: Monetary penalty schedule——JTIR 6.2.
Reviser's note: This section was amended by 1984 c 12 § 1 and by 1984 c 7 § 68, each without reference to the other. Both amendments are incorporated in the publication of this section pursuant to RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).
Severability——1984 c 7: See note following RCW 47.01.141.
Severability——1975 c 62: See note following RCW 36.75.010.

RCW 46.61.295 "U" turns. (1) The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction unless such movement can be made in safety and without interfering with other traffic.

(2) No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within five hundred feet. [1975 c 62 § 29; 1965 ex.s. c 155 § 41.]

Rules of court: Monetary penalty schedule——JTIR 6.2.
Severability——1975 c 62: See note following RCW 36.75.010.

RCW 46.61.300 Starting parked vehicle. No person shall start a vehicle which is stopped, standing or parked unless and until such movement can be made with reasonable safety. [1965 ex.s. c 155 § 42.]

Rules of court: Monetary penalty schedule——JTIR 6.2.

RCW 46.61.305 Turning, stopping, moving right or left——Signals required——Improper use prohibited. (1) No person shall turn a vehicle or move right or left upon a roadway unless and until such movement can be made with reasonable safety nor without giving an appropriate signal in the manner hereinafter provided.

(2) A signal of intention to turn or move right or left when required shall be given continuously during not less than the last one hundred feet traveled by the vehicle before turning.

(3) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

(4) The signals provided for in RCW 46.61.310 subsection (2), shall not be flashed on one side only on a disabled vehicle, flashed as a courtesy or "do pass" signal to operators of other vehicles approaching from the rear, nor be flashed on one side only of a parked vehicle except as may be necessary for compliance with this section. [1975 c 62 § 30; 1965 ex.s. c 155 § 43.]

Rules of court: Monetary penalty schedule——JTIR 6.2.
Severability——1975 c 62: See note following RCW 36.75.010.

RCW 46.61.310 Signals by hand and arm or signal lamps. (1) Any stop or turn signal when required herein shall be given either by means of the hand and arm or by signal lamps, except as otherwise provided in subsection (2) hereof.

(2) Any motor vehicle in use on a highway shall be equipped with, and required signal shall be given by, signal lamps when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load of such motor vehicle exceeds twenty-four inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds fourteen feet. The latter measurements shall apply to any single vehicle, also to any combination of vehicles. [1965 ex.s. c 155 § 44.]

Rules of court: Monetary penalty schedule——JTIR 6.2.

RCW 46.61.315 Method of giving hand and arm signals. All signals herein required given by hand and arm shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:

(1) Left turn. Hand and arm extended horizontally.

(2) Right turn. Hand and arm extended upward.

(3) Stop or decrease speed. Hand and arm extended downward. [1965 ex.s. c 155 § 45.]

RCW 46.61.340 Obedience to signal indicating approach of train. (1) Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of such vehicle shall stop within fifty feet but not less than fifteen feet from the nearest rail of such railroad, and shall not proceed until he can do so safely. The foregoing requirements shall apply when:

(a) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;

(b) A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train;

(c) An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.

(2) No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed. [1965 ex.s. c 155 § 46.]

RCW 46.61.345 All vehicles must stop at certain railroad grade crossings. The state department of transportation and local authorities within their respective jurisdictions are authorized to designate particularly dangerous highway grade crossings of railroads and to erect stop signs at those crossings. When such stop signs are erected the driver of any vehicle shall stop within fifty feet but not less than fifteen feet from the nearest rail of the railroad and shall proceed only upon exercising due care. [1984 c 7 § 69; 1965 ex.s. c 155 § 47.]

Severability——1984 c 7: See note following RCW 47.01.141.

RCW 46.61.350 Certain vehicles must stop at all railroad grade crossings——Exceptions. (1) The driver of any motor vehicle carrying passengers for hire, other than a passenger car, or of any school bus or private carrier bus carrying any school child or other passenger, or of any vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo, before crossing at grade any track or tracks of a railroad, shall stop such vehicle within fifty feet but not less than fifteen feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train, and for signals indicating the approach of a train, except as hereinafter provided, and shall not proceed until he can do so safely. After stopping as required herein and upon proceeding when it is safe to do so the driver of any said vehicle shall cross only in such gear of the vehicle that there will be no necessity for changing gears while traversing such crossing, and the driver shall not shift gears while crossing the track or tracks.

(2) This section shall not apply at:

(a) Any railroad grade crossing at which traffic is controlled by a police officer or a duly authorized flagman;

(b) Any railroad grade crossing at which traffic is regulated by a traffic control signal;

(c) Any railroad grade crossing protected by crossing gates or an alternately flashing light signal intended to give warning of the approach of a railroad train;

(d) Any railroad grade crossing at which an official traffic control device as designated by the utilities and transportation commission pursuant to RCW 81.53.060 gives notice that the stopping requirement imposed by this section does not apply. [1977 c 78 § 1; 1975 c 62 § 31; 1970 ex.s. c 100 § 7; 1965 ex.s. c 155 § 48.]

Severability——1975 c 62: See note following RCW 36.75.010.

RCW 46.61.355 Moving heavy equipment at railroad grade crossings——Notice of intended crossing. (1) No person shall operate or move any crawler-type tractor, steam shovel, derrick, roller, or any equipment or structure having a normal operating speed of ten or less miles per hour or a vertical body or load clearance of less than one-half inch per foot of the distance between any two adjacent axles or in any event of less than nine inches, measured above the level surface of a roadway, upon or across any tracks at a railroad grade crossing without first complying with this section.

(2) Notice of any such intended crossing shall be given to the station agent of such railroad located nearest the intended crossing sufficiently in advance to allow such railroad a reasonable time to prescribe proper protection for such crossing.

(3) Before making any such crossing the person operating or moving any such vehicle or equipment shall first stop the same not less than fifteen feet nor more than fifty feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train, and shall not proceed until the crossing can be made safely.

(4) No such crossing shall be made when warning is given by automatic signal or crossing gates or a flagman or otherwise of the immediate approach of a railroad train or car. If a flagman is provided by the railroad, movement over the crossing shall be under his direction. [1975 c 62 § 32; 1965 ex.s. c 155 § 49.]

Severability——1975 c 62: See note following RCW 36.75.010.

RCW 46.61.365 Emerging from alley, driveway, or building. The driver of a vehicle within a business or residence district emerging from an alley, driveway or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway or driveway, and shall yield the right of way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right of way to all vehicles approaching on said roadway. [1965 ex.s. c 155 § 51.]

Rules of court: Monetary penalty schedule——JTIR 6.2.

RCW 46.61.370 Overtaking or meeting school bus——Duties of bus driver. (1) The driver of a vehicle upon overtaking or meeting from either direction any school bus which has stopped on the roadway for the purpose of receiving or discharging any school children shall stop the vehicle before reaching such school bus when there is in operation on said school bus a visual signal as specified in RCW 46.37.190 and said driver shall not proceed until such school bus resumes motion or the visual signals are no longer activated.

(2) The driver of a vehicle upon a highway divided into separate roadways as provided in RCW 46.61.150 need not stop upon meeting a school bus which is proceeding in the opposite direction and is stopped for the purpose of receiving or discharging school children.

(3) The driver of a vehicle upon a highway with three or more marked traffic lanes need not stop upon meeting a school bus which is proceeding in the opposite direction and is stopped for the purpose of receiving or discharging school children.

(4) The driver of a school bus shall actuate the visual signals required by RCW 46.37.190 only when such bus is stopped on the roadway for the purpose of receiving or discharging school children.

(5) The driver of a school bus may stop completely off the roadway for the purpose of receiving or discharging school children only when the school children do not have to cross the roadway. The school bus driver shall actuate the hazard warning lamps as defined in RCW 46.37.215 before loading or unloading school children at such stops. [1990 c 241 § 8; 1965 ex.s. c 155 § 52.]

Rules of court: Monetary penalty schedule——JTIR 6.2.
Bus routes: RCW 28A.160.115.

#includes RCW 46.61.371 and .372

RCW 46.61.375 Overtaking or meeting private carrier bus——Duties of bus driver. (1) The driver of a vehicle upon overtaking or meeting from either direction any private carrier bus which has stopped on the roadway for the purpose of receiving or discharging any passenger shall stop the vehicle before reaching such private carrier bus when there is in operation on said bus a visual signal as specified in RCW 46.37.190 and said driver shall not proceed until such bus resumes motion or the visual signals are no longer activated.

(2) The driver of a vehicle upon a highway divided into separate roadways as provided in RCW 46.61.150 need not stop upon meeting a private carrier bus which is proceeding in the opposite direction and is stopped for the purpose of receiving or discharging passengers.

(3) The driver of a vehicle upon a highway with three or more lanes need not stop upon meeting a private carrier bus which is proceeding in the opposite direction and is stopped for the purpose of receiving or discharging passengers.

(4) The driver of a private carrier bus shall actuate the visual signals required by RCW 46.37.190 only when such bus is stopped on the roadway for the purpose of receiving or discharging passengers.

(5) The driver of a private carrier bus may stop a private carrier bus completely off the roadway for the purpose of receiving or discharging passengers only when the passengers do not have to cross the roadway. The private carrier bus driver shall actuate the hazard warning lamps as defined in RCW 46.37.215 before loading or unloading passengers at such stops. [1990 c 241 § 9; 1970 ex.s. c 100 § 8.]

RCW 46.61.385 School patrol——Appointment——Authority——Finance——Insurance. The superintendent of public instruction, through the superintendent of schools of any school district, or other officer or board performing like functions with respect to the schools of any other educational administrative district, may cause to be appointed voluntary adult recruits as supervisors and, from the student body of any public or private school or institution of learning, students, who shall be known as members of the "school patrol" and who shall serve without compensation and at the pleasure of the authority making the appointment.

The members of such school patrol shall wear an appropriate designation or insignia identifying them as members of the school patrol when in performance of their duties, and they may display "stop" or other proper traffic directional signs or signals at school crossings or other points where school children are crossing or about to cross a public highway, but members of the school patrol and their supervisors shall be subordinate to and obey the orders of any peace officer present and having jurisdiction.

School districts, at their discretion, may hire sufficient numbers of adults to serve as supervisors. Such adults shall be subordinate to and obey the orders of any peace officer present and having jurisdiction.

Any school district having a school patrol may purchase uniforms and other appropriate insignia, traffic signs and other appropriate materials, all to be used by members of such school patrol while in performance of their duties, and may pay for the same out of the general fund of the district.

It shall be unlawful for the operator of any vehicle to fail to stop his vehicle when directed to do so by a school

patrol sign or signal displayed by a member of the school patrol engaged in the performance of his duty and wearing or displaying appropriate insignia, and it shall further be unlawful for the operator of a vehicle to disregard any other reasonable directions of a member of the school patrol when acting in performance of his duties as such.

School districts may expend funds from the general fund of the district to pay premiums for life and accident policies covering the members of the school patrol in their district while engaged in the performance of their school patrol duties.

Members of the school patrol shall be considered as employees for the purposes of RCW 28A.400.370. [1990 c 33 § 585; 1974 ex.s. c 47 § 1; 1961 c 12 § 46.48.160. Prior: 1953 c 278 § 1; 1937 c 189 § 130; RRS § 6360-130; 1927 c 309 § 42; RRS § 6362-42. Formerly RCW 46.48.160.]

Rules of court: Monetary penalty schedule——JTIR 6.2.

Purpose——Statutory references——Severability——1990 c 33: See RCW 28A.900.100 through 28A.900.102.

RCW 46.61.400 Basic rule and maximum limits. (1) No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.

(2) Except when a special hazard exists that requires lower speed for compliance with subsection (1) of this section, the limits specified in this section or established as hereinafter authorized shall be maximum lawful speeds, and no person shall drive a vehicle on a highway at a speed in excess of such maximum limits.

(a) Twenty-five miles per hour on city and town streets;

(b) Fifty miles per hour on county roads;

(c) Sixty miles per hour on state highways.

The maximum speed limits set forth in this section may be altered as authorized in RCW 46.61.405, 46.61-.410, and 46.61.415.

(3) The driver of every vehicle shall, consistent with the requirements of subsection (1) of this section, drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, and when special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions. [1965 ex.s. c 155 § 54; 1963 c 16 § 1. Formerly RCW 46.48.011.]

Rules of court: Monetary penalty schedule——JTIR 6.2.

Saving of existing orders, etc., establishing speed limits——1963 c 16: "This act shall not repeal or invalidate existing orders and resolutions of the state highway commission or existing resolutions and ordinances of local authorities establishing speed limits within their respective jurisdictions." [1963 c 16 § 7. Formerly RCW 46.48.016.] "This act" [1963 c 16], as amended, is codified as RCW 46.61.400 through 46.61.415, 46.61.425, and 46.61.440.

RCW 46.61.415 When local authorities may alter maximum limits. (1) Whenever local authorities in their respective jurisdictions determine on the basis of an engineering and traffic investigation that the maximum speed permitted under RCW 46.61.400 or 46.61.440 is greater or less than is reasonable and safe under the conditions found to exist upon a highway or part of a highway, the local authority may determine and declare a reasonable and safe maximum limit thereon which

(a) Decreases the limit at intersections; or

(b) Increases the limit but not to more than sixty miles per hour; or

(c) Decreases the limit but not to less than twenty miles per hour.

(2) Local authorities in their respective jurisdictions shall determine by an engineering and traffic investigation the proper maximum speed for all arterial streets and shall declare a reasonable and safe maximum limit thereon which may be greater or less than the maximum speed permitted under RCW 46.61.400(2) but shall not exceed sixty miles per hour.

(3) The secretary of transportation is authorized to establish speed limits on county roads and city and town streets as shall be necessary to conform with any federal requirements which are a prescribed condition for the allocation of federal funds to the state.

(4) Any altered limit established as hereinbefore authorized shall be effective when appropriate signs giving notice thereof are erected. Such maximum speed limit may be declared to be effective at all times or at such times as are indicated upon such signs; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective when posted upon appropriate fixed or variable signs.

(5) Any alteration of maximum limits on state highways within incorporated cities or towns by local authorities shall not be effective until such alteration has been approved by the secretary of transportation. [1977 ex.s. c 151 § 36; 1974 ex.s. c 103 § 3; 1963 c 16 § 4. Formerly RCW 46.48.014.]

Federal requirements——Severability——1977 ex.s. c 151: See RCW 47.98.070 and 47.98.080.

RCW 46.61.425 Minimum speed regulation——Passing slow moving vehicle. (1) No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law: *Provided*, That a person following a vehicle driving at less than the legal maximum speed and desiring to pass such vehicle may exceed the speed limit, subject to the provisions of RCW 46.61.120 on highways having only one lane of traffic in each direction, at only such a speed and for only such a distance as is necessary to complete the pass with a reasonable margin of safety.

(2) Whenever the secretary of transportation or local authorities within their respective jurisdictions determine on the basis of an engineering and traffic investigation

that slow speeds on any part of a highway unreasonably impede the normal movement of traffic, the secretary or such local authority may determine and declare a minimum speed limit thereat which shall be effective when appropriate signs giving notice thereof are erected. No person shall drive a vehicle slower than such minimum speed limit except when necessary for safe operation or in compliance with law. [1977 ex.s. c 151 § 37; 1969 c 135 § 1; 1967 c 25 § 2; 1963 c 16 § 6. Formerly RCW 46.48.015.]

Rules of court: Monetary penalty schedule——JTIR 6.2.

Federal requirements——Severability——1977 ex.s. c 151: See RCW 47.98.070 and 47.98.080.

RCW 46.61.427 Slow moving vehicle to pull off roadway. On a two-lane highway where passing is unsafe because of traffic in the opposite direction or other conditions, a slow moving vehicle, behind which five or more vehicles are formed in a line, shall turn off the roadway wherever sufficient area for a safe turn-out exists, in order to permit the vehicles following to proceed. As used in this section a slow moving vehicle is one which is proceeding at a rate of speed less than the normal flow of traffic at the particular time and place. [1973 c 88 § 1.]

RCW 46.61.428 Slow-moving vehicle permitted to drive on improved shoulders, when. (1) The state department of transportation and local authorities are authorized to determine those portions of any two-lane highways under their respective jurisdictions on which drivers of slow-moving vehicles may safely drive onto improved shoulders for the purpose of allowing overtaking vehicles to pass and may by appropriate signs indicate the beginning and end of such zones.

(2) Where signs are in place to define a driving-on-shoulder zone as set forth in subsection (1) of this section, the driver of a slow-moving vehicle may drive onto and along the shoulder within the zone but only for the purpose of allowing overtaking vehicles to pass and then shall return to the roadway.

(3) Signs erected to define a driving-on-shoulder zone take precedence over pavement markings for the purpose of allowing the movements described in subsection (2) of this section. [1984 c 7 § 71; 1977 ex.s. c 39 § 1.]

Severability——1984 c 7: See note following RCW 47.01.141.

RCW 46.61.435 Local authorities to provide "stop" or "yield" signs at intersections with increased speed highways——Designated as arterials. The governing body or authority of any such city or town or political subdivision shall place and maintain upon each and every highway intersecting a highway where an increased speed is permitted, as provided in this chapter, appropriate stop or yield signs, sufficient to be read at any time by any person upon approaching and entering the highway upon which such increased speed is permitted and such city street or such portion thereof as is subject to the increased speed shall be an arterial highway. [1975 c 62 § 33; 1961 c 12 § 46.48.046. Prior: 1951 c 28 § 4; prior: 1937 c 189 § 66, part; RRS § 6360-66, part; 1927 c 309 § 5, part; 1921 c 96 § 41, part; 1919 c 59 § 13, part; 1917 c 155 § 20, part; 1915 c 142 § 34, part; RRS § 6362-5, part. Formerly RCW 46.48.046.]

Severability——1975 c 62: See note following RCW 36.75.010.

Designation of city streets as arterials, stopping on entering: RCW 46.61.195.

Traffic control signals or devices upon city streets forming part of state highways: RCW 46.61.085.

RCW 46.61.440 Maximum speed limit when passing school or playground crosswalks. Subject to RCW 46.61.400(1), and except in those instances where a lower maximum lawful speed is provided by this chapter or otherwise, it shall be unlawful for the operator of any vehicle to operate the same at a speed in excess of twenty miles per hour when operating any vehicle upon a highway either inside or outside an incorporated city or town when passing any marked school or playground crosswalk when such marked crosswalk is fully posted with standard school speed limit signs or standard playground speed limit signs. The speed zone at the crosswalk shall extend three hundred feet in either direction from the marked crosswalk. [1975 c 62 § 34; 1963 c 16 § 5; 1961 c 12 § 46.48.023. Prior: 1951 c 28 § 9; 1949 c 196 § 6, part; 1947 c 200 § 8, part; 1937 c 189 § 64, part; Rem. Supp. 1949 § 6360-64, part; 1927 c 309 § 3, part; 1923 c 181 § 6, part; 1921 c 96 § 27, part; 1917 c 155 § 16, part; 1915 c 142 § 24, part; RRS § 6362-3, part; 1909 c 249 § 279, part; Rem. & Bal. § 2531, part. Formerly RCW 46.48.023.]

Severability——1975 c 62: See note following RCW 36.75.010.

RCW 46.61.445 Due care required. Compliance with speed requirements of this chapter under the circumstances hereinabove set forth shall not relieve the operator of any vehicle from the further exercise of due care and caution as further circumstances shall require. [1961 c 12 § 46.48.025. Prior: 1951 c 28 § 11; 1949 c 196 § 6, part; 1947 c 200 § 8, part; 1937 c 189 § 64, part; Rem. Supp. 1949 § 6360-64, part; 1927 c 309 § 3, part; 1923 c 181 § 6, part; 1921 c 96 § 27, part; 1917 c 155 § 16, part; 1915 c 142 § 24, part; RRS § 6362-3, part; 1909 c 249 § 279, part; Rem. & Bal. 2531, part. Formerly RCW 46.48.025.]

Duty to use due care: RCW 46.61.400(1).

RCW 46.61.450 Maximum speed, weight, or size in traversing bridges, elevated structures, tunnels, underpasses——Posting limits. It shall be unlawful for any person to operate a vehicle or any combination of vehicles over any bridge or other elevated structure or through any tunnel or underpass constituting a part of any public highway at a rate of speed or with a gross weight or of a size which is greater at any time than the maximum speed or maximum weight or size which can be maintained or carried with safety over any such bridge or structure or through any such tunnel or underpass when such bridge, structure, tunnel, or underpass is sign posted as hereinafter provided. The secretary of transportation, if it be a bridge, structure, tunnel, or underpass upon a state highway, or the governing body

or authorities of any county, city, or town, if it be upon roads or streets under their jurisdiction, may restrict the speed which may be maintained or the gross weight or size which may be operated upon or over any such bridge or elevated structure or through any such tunnel or underpass with safety thereto. The secretary or the governing body or authorities of any county, city, or town having jurisdiction shall determine and declare the maximum speed or maximum gross weight or size which such bridge, elevated structure, tunnel, or underpass can withstand or accommodate and shall cause suitable signs stating such maximum speed or maximum gross weight, or size, or either, to be erected and maintained on the right hand side of such highway, road, or street and at a distance of not less than one hundred feet from each end of such bridge, structure, tunnel, or underpass and on the approach thereto: *Provided*, That in the event that any such bridge, elevated structure, tunnel, or underpass is upon a city street designated by the transportation commission as forming a part of the route of any state highway through any such incorporated city or town the determination of any maximum speed or maximum gross weight or size which such bridge, elevated structure, tunnel, or underpass can withstand or accommodate shall not be enforceable at any speed, weight, or size less than the maximum allowed by law, unless with the approval in writing of the secretary. Upon the trial of any person charged with a violation of this section, proof of either violation of maximum speed or maximum weight, or size, or either, and the distance and location of such signs as are required, shall constitute conclusive evidence of the maximum speed or maximum weight, or size, or either, which can be maintained or carried with safety over such bridge or elevated structure or through such tunnel or underpass. [1977 ex.s. c 151 § 39; 1961 c 12 § 46.48.080. Prior: 1937 c 189 § 70; RRS § 6360-70. Formerly RCW 46.48.080.]

Federal requirements——Severability——1977 ex.s. c 151: See RCW 47.98.070 and 47.98.080.

RCW 46.61.455 Vehicles with solid or hollow cushion tires. Except for vehicles equipped with temporary-use spare tires that meet federal standards, it shall be unlawful to operate any vehicle equipped or partly equipped with solid rubber tires or hollow center cushion tires, or to operate any combination of vehicles any part of which is equipped or partly equipped with solid rubber tires or hollow center cushion tires, so long as solid rubber tires or hollow center cushion tires may be used under the provisions of this title, upon any public highway of this state at a greater rate of speed than ten miles per hour: *Provided*, That the temporary-use spare tires are installed and used in accordance with the manufacturer's instructions. [1990 c 105 § 3; 1961 c 12 § 46.48.110. Prior: 1947 c 200 § 11; 1937 c 189 § 73; Rem. Supp. 1947 § 6360-73. Formerly RCW 46.48.110.]

RCW 46.61.460 Special speed limitation on motor-driven cycle. No person shall operate any motor-driven cycle at any time mentioned in RCW 46.37.020 at a speed greater than thirty-five miles per hour unless such motor-driven cycle is equipped with a head lamp or lamps which are adequate to reveal a person or vehicle at a distance of three hundred feet ahead. [1965 ex.s. c 155 § 57.]

RCW 46.61.465 Exceeding speed limit evidence of reckless driving. The unlawful operation of a vehicle in excess of the maximum lawful speeds provided in this chapter at the point of operation and under the circumstances described shall be prima facie evidence of the operation of a motor vehicle in a reckless manner by the operator thereof. [1961 c 12 § 46.48.026. Prior: 1951 c 28 § 12; 1949 c 196 § 6, part; 1947 c 200 § 8, part; 1937 c 189 § 64, part; Rem. Supp. 1949 § 6360-64, part; 1927 c 309 § 3, part; 1923 c 181 § 6, part; 1921 c 96 § 27, part; 1917 c 155 § 16, part; 1915 c 142 § 24, part; RRS § 6362-3, part; 1909 c 249 § 279, part; Rem. & Bal. § 2531, part. Formerly RCW 46.48.026.]

RCW 46.61.470 Speed traps defined, certain types permitted——Measured courses, speed measuring devices, timing from aircraft. (1) No evidence as to the speed of any vehicle operated upon a public highway by any person arrested for violation of any of the laws of this state regarding speed or of any orders, rules, or regulations of any city or town or other political subdivision relating thereto shall be admitted in evidence in any court at a subsequent trial of such person in case such evidence relates to or is based upon the maintenance or use of a speed trap except as provided in subsection (2) of this section. A "speed trap," within the meaning of this section, is a particular section of or distance on any public highway, the length of which has been or is measured off or otherwise designated or determined, and the limits of which are within the vision of any officer or officers who calculate the speed of a vehicle passing through such speed trap by using the lapsed time during which such vehicle travels between the entrance and exit of such speed trap.

(2) Evidence shall be admissible against any person arrested or issued a notice of a traffic infraction for violation of any of the laws of this state or of any orders, rules, or regulations of any city or town or other political subdivision regarding speed if the same is determined by a particular section of or distance on a public highway, the length of which has been accurately measured off or otherwise designated or determined and either: (a) The limits of which are controlled by a mechanical, electrical, or other device capable of measuring or recording the speed of a vehicle passing within such limits; or (b) a timing device is operated from an aircraft, which timing device when used to measure the elapsed time of a vehicle passing over such a particular section of or distance upon a public highway indicates the speed of a vehicle.

(3) The exceptions of subsection (2) of this section are limited to devices or observations with a maximum error of not to exceed five percent using the lapsed time during which such vehicle travels between such limits, and such limits shall not be closer than one-fourth mile. [1981 c 105 § 1; 1961 c 12 § 46.48.120. Prior: 1937 c

189 § 74; RRS § 6360-74; 1927 c 309 § 7; RRS § 6362-7. Formerly RCW 46.48.120.]

RCW 46.61.475 Charging violations of speed regulations. (1) In every charge of violation of any speed regulation in this chapter the complaint, also the summons or notice to appear, shall specify the approximate speed at which the defendant is alleged to have driven, also the maximum speed applicable within the district or at the location. [1965 ex.s. c 155 § 58.]

RCW 46.61.500 Reckless driving——Penalty. (1) Any person who drives any vehicle in willful or wanton disregard for the safety of persons or property is guilty of reckless driving. Violation of the provisions of this section is a gross misdemeanor punishable by imprisonment of not more than one year and by a fine of not more than five thousand dollars.

(2) The license or permit to drive or any nonresident privilege of any person convicted of reckless driving shall be suspended by the department for not less than thirty days. [1990 c 291 § 1; 1979 ex.s. c 136 § 85; 1967 c 32 § 67; 1965 ex.s. c 155 § 59.]

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

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

Arrest of person involved in reckless driving: RCW 10.31.100.

Embracing another while driving as reckless driving: RCW 46.61.665.

Excess speed as prima facie evidence of reckless driving: RCW 46.61.465.

Racing of vehicles on public highways, reckless driving: RCW 46.61.530.

Revocation of license, reckless driving: RCW 46.20.285.

amended Laws 1994 Ch 275, §2.

* **RCW 46.61.502 Driving while under influence of intoxicating liquor or drug——What constitutes.** A person is guilty of driving while under the influence of intoxicating liquor or any drug if the person drives a vehicle within this state while:

(1) The person has 0.10 grams or more of alcohol per two hundred ten liters of breath, as shown by analysis of the person's breath made under RCW 46.61.506; or

(2) The person has 0.10 percent or more by weight of alcohol in the person's blood as shown by analysis of the person's blood made under RCW 46.61.506; or

(3) The person is under the influence of or affected by intoxicating liquor or any drug; or

(4) The person is under the combined influence of or affected by intoxicating liquor and any drug.

The fact that any person charged with a violation of this section is or has been entitled to use such drug under the laws of this state shall not constitute a defense against any charge of violating this section. [1987 c 373 § 2; 1986 c 153 § 2; 1979 ex.s. c 176 § 1.]

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

Legislative finding, purpose——1987 c 373: "The legislature finds the existing statutes that establish the criteria for determining when a person is guilty of driving a motor vehicle under the influence of intoxicating liquor or drugs are constitutional and do not require any additional criteria to ensure their legality. The purpose of this act is to provide an additional method of defining the crime of driving while intoxicated. This act is not an acknowledgement that the existing breath alcohol standard is legally improper or invalid." [1987 c 373 § 1.]

Severability——1987 c 373: "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." [1987 c 373 § 8.]

Severability——1979 ex.s. c 176: "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." [1979 ex.s. c 176 § 8.]

Business operation of vessel or vehicle while intoxicated: RCW 9.91.020.

Operating aircraft recklessly or under influence of intoxicants or drugs: RCW 47.68.220.

Use of vessel in negligent manner or while under influence of alcohol or drugs prohibited: RCW 88.02.095.

amended Laws 1994, ch 275, §3.

* **RCW 46.61.504 Actual physical control of motor vehicle while under influence of intoxicating liquor or drug——What constitutes——Defenses.** A person is guilty of being in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug if the person has actual physical control of a vehicle within this state while:

(1) The person has 0.10 grams or more of alcohol per two hundred ten liters of breath, as shown by analysis of the person's breath made under RCW 46.61.506; or

(2) The person has 0.10 percent or more by weight of alcohol in the person's blood as shown by analysis of the person's blood made under RCW 46.61.506; or

(3) The person is under the influence of or affected by intoxicating liquor or any drug; or

(4) The person is under the combined influence of or affected by intoxicating liquor and any drug.

The fact that any person charged with a violation of this section is or has been entitled to use such drug under the laws of this state shall not constitute a defense against any charge of violating this section. No person may be convicted under this section if, prior to being pursued by a law enforcement officer, the person has moved the vehicle safely off the roadway. [1987 c 373 § 3; 1986 c 153 § 3; 1979 ex.s. c 176 § 2.]

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

Legislative finding, purpose——Severability——1987 c 373: See notes following RCW 46.61.502.

Severability——1979 ex.s. c 176: See note following RCW 46.61.502.

amended Laws 1994, Ch 275, §26

* **RCW 46.61.506 Persons under influence of intoxicating liquor or drug——Evidence——Tests——Information concerning tests.** (1) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person while driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or any drug, if the amount of alcohol in the person's blood or breath at the time alleged as shown by analysis of his blood or breath is less than 0.10 percent by weight of alcohol in his blood or 0.10 grams of alcohol per two hundred ten liters of the person's breath, it is evidence that may be considered with other competent evidence in determining

whether the person was under the influence of intoxicating liquor or any drug.

(2) The breath analysis shall be based upon grams of alcohol per two hundred ten liters of breath. The foregoing provisions of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether the person was under the influence of intoxicating liquor or any drug.

(3) Analysis of the person's blood or breath to be considered valid under the provisions of this section or RCW 46.61.502 or 46.61.504 shall have been performed according to methods approved by the state toxicologist and by an individual possessing a valid permit issued by the state toxicologist for this purpose. The state toxicologist is directed to approve satisfactory techniques or methods, to supervise the examination of individuals to ascertain their qualifications and competence to conduct such analyses, and to issue permits which shall be subject to termination or revocation at the discretion of the state toxicologist.

(4) When a blood test is administered under the provisions of RCW 46.20.308, the withdrawal of blood for the purpose of determining its alcoholic content may be performed only by a physician, a registered nurse, or a qualified technician. This limitation shall not apply to the taking of breath specimens.

(5) The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person of his own choosing administer one or more tests in addition to any administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test or tests taken at the direction of a law enforcement officer.

(6) Upon the request of the person who shall submit to a test or tests at the request of a law enforcement officer, full information concerning the test or tests shall be made available to him or his attorney. [1987 c 373 § 4; 1986 c 153 § 4; 1979 ex.s. c 176 § 5; 1975 1st ex.s. c 287 § 1; 1969 c 1 § 3 (Initiative Measure No. 242, approved November 5, 1968).]

Rules of court: Evidence of Breathalyzer, BAC Verifier, simulator solution tests——CrRLJ 6.13.

Legislative finding, purpose——Severability——1987 c 373: See notes following RCW 46.61.502.

Severability——1979 ex.s. c 176: See note following RCW 46.61.502.

Severability, implied consent law——1969 c 1: See RCW 46.20.911.

Arrest of driver under influence of intoxicating liquor or drugs: RCW 10.31.100.

RCW 46.61.515 Driving or being in physical control of motor vehicle while under the influence of intoxicating liquor or drugs——Penalties——Alcohol or drug problem, treatment——Suspension or revocation of license——Appeal. (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 less than two hundred fifty dollars and not more than one thousand dollars. Unless the judge finds the person to be indigent, two hundred fifty dollars of the fine shall not be suspended or deferred. 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 34.05 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 less than five hundred dollars and not more than two thousand dollars. District courts and courts organized under chapter 35.20 RCW are authorized to impose such fine. Unless the judge finds the person to be indigent, five hundred dollars of the fine shall not be suspended or deferred. 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) 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 offense, be suspended by the department until the person reaches age nineteen or for ninety days, 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 revoked by the department for 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 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.

(4) 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. [1985 c 352 § 1; 1984 c 258 § 328; 1983 c 165 § 21; 1983 c 150 § 1; 1982 1st ex.s. c 47 § 27; 1979 ex.s. c 176 § 6; 1977 ex.s. c 3 § 3; 1975 1st ex.s. c 287 § 2; 1974 ex.s. c 130 § 1; 1971 ex.s. c 284 § 1; 1967 c 32 § 68; 1965 ex.s. c 155 § 62.]

*Reviser's note: The term "treatment facility" was changed to "treatment program" by 1990 c 151.

Effective date——1985 c 352 § 1: "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 immediately except for section 1 of this act, which shall take effect July 1, 1985." [1985 c 352 § 23.]

Severability——1985 c 352: See note following RCW 10.05.010.

Court Improvement Act of 1984——Effective dates——Severability——Short title——1984 c 258: See notes following RCW 3.30.010.

Intent——1984 c 258: See note following RCW 3.46.120.

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

Severability——1982 1st ex.s. c 47: See note following RCW 9.41.190.

Severability——1979 ex.s. c 176: See note following RCW 46.61.502.

Severability——1971 ex.s. c 284: See note following RCW 46.65.010.

Cities and towns, penalties for driving while intoxicated: RCW 35.21.165.

Counties, penalties for driving while intoxicated: RCW 36.32.127.

Juvenile driving privileges, alcohol or drug violations: RCW 66.44.365, 69.50.420.

Operating railroad, steamboat, vehicle, etc., while intoxicated: RCW 9.91.020. #RCW 46.61.5152 is included Lws 1994

Revocation of license for driving under the influence of intoxicating liquor or drugs: RCW 46.20.285. Lws 1994 ch 275 §39

#RCW 46.61.5151 is included §40

RCW 46.61.519 Alcoholic beverages——Drinking or open container in vehicle on highway——Exceptions. (Effective until April 1, 1992.) (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, or to a privately-owned vehicle operated by a person possessing a valid operator's license with a special endorsement issued under RCW 46.20.440 in the course of his usual employment transporting passengers at the employer's direction: *Provided*, That nothing in this subsection shall be construed to authorize possession or consumption of an alcoholic beverage by the operator of any vehicle while upon a highway. [1984 c 274 § 1; 1983 c 165 § 28.]

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

RCW 46.61.519 Alcoholic beverages——Drinking or open container in vehicle on highway——Exceptions. (Effective April 1, 1992.) (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, or to a privately-owned vehicle operated by a person possessing a valid operator's license endorsed for the appropriate classification under chapter 46.25 RCW in the course of his usual employment transporting passengers at the employer's direction: *Provided*, That nothing in this subsection shall be construed to authorize possession or consumption of an alcoholic beverage by the operator of any vehicle while upon a highway. [1989 c 178 § 26; 1984 c 274 § 1; 1983 c 165 § 28.]

Severability——Effective dates——1989 c 178: See RCW 46.25.900 and 46.25.901.

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

RCW 46.61.5191 Local ordinances not prohibited. Nothing in RCW 46.61.519 or RCW 46.61.5191 prohibits any city or town from enacting a local ordinance that proscribes the acts proscribed by those sections and that provides penalties equal to or greater than the penalties provided in those sections. [1984 c 274 § 2.]

RCW 46.61.5195 Disguising alcoholic beverage container. (1) It is a traffic infraction to incorrectly label the original container of an alcoholic beverage and to then violate RCW 46.61.519.

(2) It is a traffic infraction to place an alcoholic beverage in a container specifically labeled by the manufacturer of the container as containing a nonalcoholic beverage and to then violate RCW 46.61.519. [1984 c 274 § 3.]

RCW 46.61.525 Operating motor vehicle in a negligent manner——Penalty——Exception. It shall be unlawful for any person to operate a motor vehicle in a negligent manner. For the purpose of this section to "operate in a negligent manner" shall be construed to mean the operation of a vehicle in such a manner as to endanger or be likely to endanger any persons or property: *Provided however*, That any person operating a motor vehicle on private property with the consent of the owner in a manner consistent with the owner's consent shall not be guilty of negligent driving.

The offense of operating a vehicle in a negligent manner shall be considered to be a lesser offense than, but included in, the offense of operating a vehicle in a reckless manner, and any person charged with operating a vehicle in a reckless manner may be convicted of the lesser offense of operating a vehicle in a negligent manner. Any person violating the provisions of this section will be guilty of a misdemeanor: *Provided*, That the director may not revoke any license under this section, and such offense is not punishable by imprisonment or by a fine exceeding two hundred fifty dollars. [1979 ex.s. c 136 § 86; 1967 c 32 § 69; 1961 c 12 § 46.56.030. Prior: 1939 c 154 § 1; RRS § 6360-118 1/2. Formerly RCW 46.56.030.]

Rules of court: Negligent driving cases——CrRLJ 3.2.

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

Arrest of person involved in negligent driving: RCW 10.31.100.

Use of vessel in negligent manner or while under influence of alcohol or drugs prohibited: RCW 88.02.095.

RCW 46.61.530 Racing of vehicles on highways——Reckless driving——Exception. No person or persons may race any motor vehicle or motor vehicles upon any public highway of this state. Any person or persons who wilfully compare or contest relative speeds by operation of one or more motor vehicles shall be guilty of racing, which shall constitute reckless driving under RCW 46.61.500, whether or not such speed is in excess of the maximum speed prescribed by law: *Provided however*, That any comparison or contest of the accuracy with which motor vehicles may be operated in terms of relative speeds not in excess of the posted maximum speed does not constitute racing. [1979 ex.s. c 136 § 87; 1961 c 12 § 46.48.050. Prior: 1937 c 189 § 67; RRS § 6360-67; 1921 c 96 § 32; 1915 c 142 § 25; RRS § 6344. Formerly RCW 46.48.050.]

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

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

Arrest of person involved in racing of vehicles: RCW 10.31.100.

RCW 46.61.535 Advertising of unlawful speed attained——Reckless driving. It shall be unlawful for any manufacturer, dealer, distributor, or any person, firm, or corporation to publish or advertise or offer for publication or advertisement, or to consent or cause to be published or advertised, the time consumed or speed attained by a vehicle between given points or over given or designated distances upon any public highways of this

state when such published or advertised time consumed or speed attained shall indicate an average rate of speed between given points or over a given or designated distance in excess of the maximum rate of speed allowed between such points or at a rate of speed which would constitute reckless driving between such points. Violation of any of the provisions of this section shall be prima facie evidence of reckless driving and shall subject such person, firm, or corporation to the penalties in such cases provided. [1979 ex.s. c 136 § 88; 1961 c 12 § 46.48.060. Prior: 1937 c 189 § 68; RRS § 6360-68. Formerly RCW 46.48.060.]

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

RCW 46.61.540 "Drugs," what included. The word "drugs", as used in RCW 46.61.500 through 46.61.535, shall include but not be limited to those drugs and substances regulated by chapters 69.41 and 69.50 RCW. [1975 1st ex.s. c 287 § 5.]

* amended Laws 1991, ch 319, §408

RCW 46.61.560 Stopping, standing, or parking outside business or residence districts. (1) Outside of incorporated cities and towns no person may stop, park, or leave standing any vehicle, whether attended or unattended, upon the roadway.

(2) Subsection (1) of this section and RCW 46.61.570 and 46.61.575 do not apply to the driver of any vehicle that is disabled in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the vehicle in such position. The driver shall nonetheless arrange for the prompt removal of the vehicle as required by RCW 46.61.590.

(3) Subsection (1) of this section does not apply to the driver of a public transit vehicle who temporarily stops the vehicle upon the roadway for the purpose of and while actually engaged in receiving or discharging passengers at a marked transit vehicle stop zone approved by the state department of transportation or a county upon highways under their respective jurisdictions. [1984 c 7 § 72; 1979 ex.s. c 178 § 20; 1977 c 24 § 2; 1965 ex.s. c 155 § 64.]

Rules of court: Monetary penalty schedule——JTIR 6.2.

Severability——1984 c 7: See note following RCW 47.01.141.

Severability——1979 ex.s. c 178: See note following RCW 46.61.590.

Unattended motor vehicles: RCW 46.61.600.

RCW 46.61.570 Stopping, standing, or parking prohibited in specified places——Reserving portion of highway prohibited. (1) Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic control device, no person shall:

(a) Stop, stand, or park a vehicle:

(i) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

(ii) On a sidewalk or street planting strip;

(iii) Within an intersection;

(iv) On a crosswalk;

(v) Between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the ends of a safety zone, unless official signs or markings indicate a different no-parking area opposite the ends of a safety zone;

(vi) Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;

(vii) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;

(viii) On any railroad tracks;

(ix) In the area between roadways of a divided highway including crossovers; or

(x) At any place where official signs prohibit stopping.

(b) Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:

(i) In front of a public or private driveway or within five feet of the end of the curb radius leading thereto;

(ii) Within fifteen feet of a fire hydrant;

(iii) Within twenty feet of a crosswalk;

(iv) Within thirty feet upon the approach to any flashing signal, stop sign, yield sign, or traffic control signal located at the side of a roadway;

(v) Within twenty feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five feet of said entrance when properly signposted; or

(vi) At any place where official signs prohibit standing.

(c) Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading property or passengers:

(i) Within fifty feet of the nearest rail of a railroad crossing; or

(ii) At any place where official signs prohibit parking.

(2) Parking or standing shall be permitted in the manner provided by law at all other places except a time limit may be imposed or parking restricted at other places but such limitation and restriction shall be by city ordinance or county resolution or order of the secretary of transportation upon highways under their respective jurisdictions.

(3) No person shall move a vehicle not lawfully under his or her control into any such prohibited area or away from a curb such a distance as is unlawful.

(4) It shall be unlawful for any person to reserve or attempt to reserve any portion of a highway for the purpose of stopping, standing, or parking to the exclusion of any other like person, nor shall any person be granted such right. [1977 ex.s. c 151 § 40; 1975 c 62 § 35; 1965 ex.s. c 155 § 66.]

Rules of court: Monetary penalty schedule——JTIR 6.2.

Federal requirements——Severability——1977 ex.s. c 151: See RCW 47.98.070 and 47.98.080.

Severability——1975 c 62: See note following RCW 36.75.010.

RCW 46.61.575 Additional parking regulations. (1) Except as otherwise provided in this section, every vehicle stopped or parked upon a two-way roadway shall be

so stopped or parked with the right-hand wheels parallel to and within twelve inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder.

(2) Except when otherwise provided by local ordinance, every vehicle stopped or parked upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with its right-hand wheels within twelve inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder, or with its left-hand wheels within twelve inches of the left-hand curb or as close as practicable to the left edge of the left-hand shoulder.

(3) Local authorities may by ordinance or resolution permit angle parking on any roadway, except that angle parking shall not be permitted on any federal-aid or state highway unless the secretary of transportation has determined by order that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

(4) The secretary with respect to highways under his or her jurisdiction may place official traffic control devices prohibiting, limiting, or restricting the stopping, standing, or parking of vehicles on any highway where the secretary has determined by order, such stopping, standing, or parking is dangerous to those using the highway or where the stopping, standing, or parking of vehicles would unduly interfere with the free movement of traffic thereon. No person shall stop, stand, or park any vehicle in violation of the restrictions indicated by such devices. [1977 ex.s. c 151 § 41; 1975 c 62 § 36; 1965 ex.s. c 155 § 67.]

Rules of court: Monetary penalty schedule— --JTIR 6.2.

Federal requirements——Severability——1977 ex.s. c 151: See RCW 47.98.070 and 47.98.080.

Severability——1975 c 62: See note following RCW 36.75.010.

RCW 46.61.581 Indication of parking space for disabled persons——Failure, penalty. A parking space or stall for a disabled person shall be indicated by a vertical sign, between thirty-six and eighty-four inches off the ground, with the international symbol of access, whose colors are white on a blue background, described under RCW 70.92.120 and the notice "State disabled parking permit required."

Failure of the person owning or controlling the property where required parking spaces are located to erect and maintain the sign is a class 4 civil infraction under chapter 7.80 RCW for each parking space that should be so designated. [1988 c 74 § 1; 1984 c 154 § 4.]

Intent——Application——Severability——1984 c 154: See notes following RCW 46.16.381.

amended Laws 1991, ch 339, §25

* **RCW 46.61.582 Free parking by disabled persons.** Any person who meets the criteria for special parking privileges under RCW 46.16.381 shall be allowed free of charge to park a vehicle being used to transport that person for unlimited periods of time in parking zones or areas including zones or areas with parking meters which are otherwise restricted as to the length of time parking is permitted. This section does not apply to those zones or areas in which the stopping, parking, or standing of all vehicles is prohibited or which are reserved for special types of vehicles. The person shall obtain and display a special card, decal, or license plate under RCW 46.16.381 to be eligible for the privileges under this section. [1984 c 154 § 5.]

Intent——Application——Severability——1984 c 154: See notes following RCW 46.16.381.

amended Laws 1991, ch 339, §26.

* **RCW 46.61.583 Special plate, card, or decal issued by another jurisdiction.** A special license plate, card, or decal issued by another state or country that indicates an occupant of the vehicle is disabled, entitles the vehicle on or in which it is displayed and being used to transport the disabled person to the same overtime parking privileges granted under this chapter to a vehicle with a similar special license plate, card, or decal issued by this state. [1984 c 51 § 2.]

RCW 46.61.590 Unattended motor vehicle——Removal from highway. It is unlawful for the operator of a vehicle to leave the vehicle unattended within the limits of any highway unless the operator of the vehicle arranges for the prompt removal of the vehicle. [1979 ex.s. c 178 § 1.]

Severability——1979 ex.s. c 178: "If any provision of this 1979 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." [1979 ex.s. c 178 § 23.]

RCW 46.61.600 Unattended motor vehicle. (1) No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key and effectively setting the brake thereon and, when standing upon any perceptible grade, turning the front wheels to the curb or side of the highway.

(2) The most recent driver of a motor vehicle which the driver has left standing unattended, who learns that the vehicle has become set in motion and has struck another vehicle or property, or has caused injury to any person, shall comply with the requirements of:

(a) RCW 46.52.010 if his vehicle strikes an unattended vehicle or property adjacent to a public highway; or

(b) RCW 46.52.020 if his vehicle causes damage to an attended vehicle or other property or injury to any person.

(3) Any person failing to comply with subsection (2)(b) of this section shall be subject to the sanctions set forth in RCW 46.52.020. [1980 c 97 § 2; 1965 ex.s. c 155 § 68.]

Effective date——1980 c 97: See note following RCW 46.52.020.

RCW 46.61.605 Limitations on backing. (1) The driver of a vehicle shall not back the same unless such movement can be made with safety and without interfering with other traffic.

(2) The driver of a vehicle shall not back the same upon any shoulder or roadway of any limited access highway. [1965 ex.s. c 155 § 69.]

Rules of court: Monetary penalty schedule——JTIR 6.2.

RCW 46.61.606 Driving on sidewalk prohibited——Exception. No person shall drive any vehicle upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway. [1975 c 62 § 45.]

Severability——1975 c 62: See note following RCW 36.75.010.

RCW 46.61.608 Operating motorcycles on roadways laned for traffic. (1) All motorcycles are entitled to full use of a lane and no motor vehicle shall be driven in such a manner as to deprive any motorcycle of the full use of a lane. This subsection shall not apply to motorcycles operated two abreast in a single lane.

(2) The operator of a motorcycle shall not overtake and pass in the same lane occupied by the vehicle being overtaken.

(3) No person shall operate a motorcycle between lanes of traffic or between adjacent lines or rows of vehicles.

(4) Motorcycles shall not be operated more than two abreast in a single lane.

(5) Subsections (2) and (3) of this section shall not apply to police officers in the performance of their official duties. [1975 c 62 § 46.]

Rules of court: Monetary penalty schedule——JTIR 6.2.
Severability——1975 c 62: See note following RCW 36.75.010.

RCW 46.61.610 Riding on motorcycles. A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the motorcycle at the rear or side of the operator: *Provided, however,* That the motorcycle must contain foot pegs, of a type approved by the equipment commission, for each person such motorcycle is designed to carry. [1975 c 62 § 37; 1967 c 232 § 5; 1965 ex.s. c 155 § 70.]

Rules of court: Monetary penalty schedule——JTIR 6.2.
Severability——1975 c 62: See note following RCW 36.75.010.
Equipment regulations for motorcycles, motor-driven cycles, or mopeds: RCW 46.37.530, 46.37.535.
Mopeds: RCW 46.16.630, 46.61.710, 46.61.720.

RCW 46.61.611 Riding on motorcycles——Maximum height for handlebars. No person shall operate on a public highway a motorcycle in which the handlebars or grips are more than fifteen inches higher than the seat or saddle for the operator. [1967 c 232 § 6.]

Rules of court: Monetary penalty schedule——JTIR 6.2.

RCW 46.61.612 Riding on motorcycles——Both feet not to be on same side. No person shall ride a motorcycle in a position where both feet are placed on the same side of the motorcycle. [1967 c 232 § 7.]

Rules of court: Monetary penalty schedule——JTIR 6.2.

RCW 46.61.614 Riding on motorcycles——Clinging to other vehicles. No person riding upon a motorcycle shall attach himself or the motorcycle to any other vehicle on a roadway. [1975 c 62 § 47.]

Rules of court: Monetary penalty schedule——JTIR 6.2.
Severability——1975 c 62: See note following RCW 36.75.010.

RCW 46.61.615 Obstructions to driver's view or driving mechanism. (1) No person shall drive a vehicle when it is so loaded, or when there are in the front seat such a number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

(2) No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with his control over the driving mechanism of the vehicle. [1965 ex.s. c 155 § 71.]

Rules of court: Monetary penalty schedule——JTIR 6.2.

RCW 46.61.620 Opening and closing vehicle doors. No person shall open the door of a motor vehicle on the side adjacent to moving traffic unless and until it is reasonably safe to do so, and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on the side of a vehicle adjacent to moving traffic for a period of time longer than necessary to load or unload passengers. [1965 ex.s. c 155 § 72.]

RCW 46.61.625 Riding in trailers. No person or persons shall occupy any trailer while it is being moved upon a public highway, except a person occupying a proper position for steering a trailer designed to be steered from a rear-end position. [1965 ex.s. c 155 § 73.]

RCW 46.61.630 Coasting prohibited. (1) The driver of any motor vehicle when traveling upon a down grade shall not coast with the gears of such vehicle in neutral.

(2) The driver of a commercial motor vehicle when traveling upon a down grade shall not coast with the clutch disengaged. [1965 ex.s. c 155 § 74.]

RCW 46.61.635 Following fire apparatus prohibited. The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred feet or stop such vehicle within five hundred feet of any fire apparatus stopped in answer to a fire alarm. [1975 c 62 § 38; 1965 ex.s. c 155 § 75.]

Rules of court: Monetary penalty schedule——JTIR 6.2.
Severability——1975 c 62: See note following RCW 36.75.010.

RCW 46.61.640 Crossing fire hose. No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street, or private driveway, to be used at any fire or alarm of fire, without the consent of the fire department official in command. [1965 ex.s. c 155 § 76.]

RCW 46.61.645 Throwing or depositing glass, etc., on highway prohibited——Removal. (1) No person shall throw or deposit upon any highway any glass bottle, glass, nails, tacks, wire, cans or any other substance likely to injure any person, animal or vehicle upon such highway.

(2) Any person who drops, or permits to be dropped or thrown, upon any highway any destructive or injurious material shall immediately remove the same or cause it to be removed.

(3) Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle. [1965 ex.s. c 155 § 77.]

Rules of court: Monetary penalty schedule——JTIR 6.2.

RCW 46.61.655 Permitting escape of load materials. (1) No vehicle shall be driven or moved on any public highway unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking, or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction. 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.

(2) No person may operate on any public highway any vehicle with any load unless the load and such covering as required thereon by subsection (3) of this section is securely fastened to prevent the covering or load from becoming loose, detached, or in any manner a hazard to other users of the highway.

(3) Any vehicle operating on a paved public highway with a load of dirt, sand, or gravel susceptible to being dropped, spilled, leaked, or otherwise escaping therefrom shall be covered so as to prevent spillage. Covering of such loads is not required if six inches of freeboard is maintained within the bed.

(4) Any vehicle with deposits of mud, rocks, or other debris on the vehicle's body, fenders, frame, undercarriage, wheels, or tires shall be cleaned of such material before the operation of the vehicle on a paved public highway.

(5) The state patrol may make necessary rules to carry into effect the provisions of this section, applying such provisions to specific conditions and loads and prescribing means, methods, and practices to effectuate such provisions.

(6) Nothing in this section may be construed to prohibit a public maintenance vehicle from dropping sand on a highway to enhance traction, or sprinkling water or other substances to clean or maintain a highway. [1990 c 250 § 56; 1986 c 89 § 1; 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——1990 c 250: See note following RCW 46.16.301.
Severability——1971 ex.s. c 307: See RCW 70.93.900.

RCW 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.]

RCW 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.

RCW 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.]

RCW 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.]

RCW 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.

RCW 46.61.685 Leaving children unattended in standing vehicle with motor running——Penalty. It is unlawful for any person, while operating or in charge of a vehicle, to park or willfully 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 in the vehicle.

Any person violating the provisions of this section is guilty of a misdemeanor. Upon a second or subsequent conviction for a violation of this section, the department shall revoke the operator's license of such person. [1990 c 250 § 57; 1961 c 151 § 2. Formerly RCW 46.56.230.]

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

Severability——1990 c 250: See note following RCW 46.16.301.

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

*amended Laws 1994, ch 100, §1

RCW 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 patrol. 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. [1987 c 330 § 745; 1983 c 215 § 2.]

Construction——Application of rules——Severability——1987 c 330: See notes following RCW 28B.12.050.

Severability——1983 c 215: See note following RCW 46.37.505.

Standards for child passenger restraint systems: RCW 46.37.505.

RCW 46.61.688 Safety belts, use required——Penalties——Exemptions. (1) For the purposes of this section, the term "motor vehicle" includes:

(a) "Buses," meaning motor vehicles with motive power, except trailers, designed to carry more than ten passengers;

(b) "Multipurpose passenger vehicles," meaning motor vehicles with motive power, except trailers, designed to carry ten persons or less that are constructed either on a truck chassis or with special features for occasional off-road operation;

(c) "Passenger cars," meaning motor vehicles with motive power, except multipurpose passenger vehicles, motorcycles, or trailers, designed for carrying ten passengers or less; and

(d) "Trucks," meaning motor vehicles with motive power, except trailers, designed primarily for the transportation of property.

(2) This section only applies to motor vehicles that meet the manual seat belt safety standards as set forth in federal motor vehicle safety standard 208. This section does not apply to a vehicle occupant for whom no safety belt is available when all designated seating positions as required by federal motor vehicle safety standard 208 are occupied.

(3) Every person sixteen years of age or older operating or riding in a motor vehicle shall wear the safety belt assembly in a properly adjusted and securely fastened manner.

(4) No person may operate a motor vehicle unless all passengers under the age of sixteen years are either wearing a safety belt assembly or are securely fastened into an approved child restraint device.

(5) A person violating this section shall be issued a notice of traffic infraction under chapter 46.63 RCW. A finding that a person has committed a traffic infraction under this section shall be contained in the driver's abstract but shall not be available to insurance companies or employers.

(6) Failure to comply with the requirements of this section does not constitute negligence, nor may failure to wear a safety belt assembly be admissible as evidence of negligence in any civil action.

(7) Enforcement of this section by law enforcement officers may be accomplished only as a secondary action when a driver of a motor vehicle has been detained for a suspected violation of Title 46 RCW or an equivalent local ordinance or some other offense.

(8) This section does not apply to an operator or passenger who possesses written verification from a licensed physician that the operator or passenger is unable to wear a safety belt for physical or medical reasons.

(9) The state patrol may adopt rules exempting operators or occupants of farm vehicles, construction equipment, and vehicles that are required to make frequent stops from the requirement of wearing safety belts. [1990 c 250 § 58; 1986 c 152 § 1.]

Severability——1990 c 250: See note following RCW 46.16.301.

Study of effectiveness——1986 c 152: "The traffic safety commission shall undertake a study of the effectiveness of section 1 of this act and shall report its finding to the legislative transportation committee by January 1, 1989." [1986 c 152 § 3.]

Physicians——Immunity from liability regarding safety belts: RCW 4.24.235.

Seat belts and shoulder harnesses, required equipment: RCW 46.37.510.

RCW 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.]

RCW 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.

RCW 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.]

RCW 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.

RCW 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.

RCW 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.

RCW 46.61.755 Traffic laws apply to persons riding bicycles. Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by

this chapter, except as to special regulations in RCW 46.61.750 through 46.61.780 and except as to those provisions of this chapter which by their nature can have no application. [1965 ex.s. c 155 § 80.]

Rules of court: Monetary penalty schedule——JTIR 6.2.

#includes RCW 46.61.758

RCW 46.61.760 Riding on bicycles. (1) A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto.

(2) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped. [1965 ex.s. c 155 § 81.]

Rules of court: Monetary penalty schedule——JTIR 6.2.

RCW 46.61.765 Clinging to vehicles. No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any vehicle upon a roadway. [1965 ex.s. c 155 § 82.]

Rules of court: Monetary penalty schedule——JTIR 6.2.

RCW 46.61.770 Riding on roadways and bicycle paths. (1) Every person operating a bicycle upon a roadway at a rate of speed less than the normal flow of traffic at the particular time and place shall ride as near to the right side of the right through lane as is safe except as may be appropriate while preparing to make or while making turning movements, or while overtaking and passing another bicycle or vehicle proceeding in the same direction. A person operating a bicycle upon a roadway or highway other than a limited-access highway, which roadway or highway carries traffic in one direction only and has two or more marked traffic lanes, may ride as near to the left side of the left through lane as is safe. A person operating a bicycle upon a roadway may use the shoulder of the roadway or any specially designated bicycle lane if such exists.

(2) Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles. [1982 c 55 § 7; 1974 ex.s. c 141 § 14; 1965 ex.s. c 155 § 83.]

Rules of court: Monetary penalty schedule——JTIR 6.2.
Use of bicycles on limited-access highways: RCW 46.61.160.

RCW 46.61.775 Carrying articles. No person operating a bicycle shall carry any package, bundle or article which prevents the driver from keeping at least one hand upon the handle bars. [1965 ex.s. c 155 § 84.]

Rules of court: Monetary penalty schedule——JTIR 6.2.

RCW 46.61.780 Lamps and other equipment on bicycles. (1) Every bicycle when in use during the hours of darkness as defined in RCW 46.37.020 shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred feet to the front and with a red reflector on the rear of a type approved by the state patrol which shall be visible from all distances from one hundred feet to six hundred feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred feet to the rear may be used in addition to the red reflector.

(2) Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement. [1987 c 330 § 746; 1975 c 62 § 39; 1965 ex.s. c 155 § 85.]

Rules of court: Monetary penalty schedule——JTIR 6.2.

Construction——Application of rules——Severability——1987 c 330: See notes following RCW 28B.12.050.

Severability——1975 c 62: See note following RCW 36.75.010.

RCW 46.63.010 Legislative intent. It is the legislative intent in the adoption of this chapter in decriminalizing certain traffic offenses to promote the public safety and welfare on public highways and to facilitate the implementation of a uniform and expeditious system for the disposition of traffic infractions. [1979 ex.s. c 136 § 1.]

Effective date——1979 ex.s. c 136: "The provisions of chapter 136, Laws of 1979 ex. sess. and this 1980 act shall take effect on January 1, 1981, and shall apply to violations of the traffic laws committed on or after January 1, 1981." [1980 c 128 § 9; 1979 ex.s. c 136 § 111.]

Severability——1979 ex.s. c 136: "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." [1979 ex.s. c 136 § 110.] ch 275, §33 :

*amended Laws 1994, ch 141, §2,

RCW 46.63.020 Violations as traffic infractions——Exceptions. Failure to perform any act required or the performance of any act prohibited by this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution relating to traffic including parking, standing, stopping, and pedestrian offenses, is designated as a traffic infraction and may not be classified as a criminal offense, except for an offense contained in the following provisions of this title or a violation of an equivalent administrative regulation or local law, ordinance, regulation, or resolution:

(1) RCW 46.09.120(2) relating to the operation of a nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance;

(2) RCW 46.09.130 relating to operation of nonhighway vehicles;

(3) RCW 46.10.090(2) relating to the operation of a snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs or in a manner endangering the person of another;

(4) RCW 46.10.130 relating to the operation of snowmobiles;

(5) Chapter 46.12 RCW relating to certificates of ownership and registration;

(6) RCW 46.16.010 relating to initial registration of motor vehicles;

(7) RCW 46.16.011 relating to permitting unauthorized persons to drive;

(8) RCW 46.16.160 relating to vehicle trip permits;

(9) RCW 46.16.381(8) relating to unauthorized acquisition of a special decal, license plate, or card for disabled persons' parking;

(10) RCW 46.20.021 relating to driving without a valid driver's license;

(11) RCW 46.20.336 relating to the unlawful possession and use of a driver's license;

(12) RCW 46.20.342 relating to driving with a suspended or revoked license or status;

(13) RCW 46.20.410 relating to the violation of restrictions of an occupational driver's license;

(14) RCW 46.20.420 relating to the operation of a motor vehicle with a suspended or revoked license;

(15) RCW 46.20.750 relating to assisting another person to start a vehicle equipped with an ignition interlock device;

(16) RCW 46.25.170 relating to commercial driver's licenses;

(17) Chapter 46.29 RCW relating to financial responsibility;

(18) RCW 46.30.040 relating to providing false evidence of financial responsibility;

(19) RCW 46.37.435 relating to wrongful installation of sunscreening material;

(20) RCW 46.44.180 relating to operation of mobile home pilot vehicles;

(21) RCW 46.48.175 relating to the transportation of dangerous articles;

(22) RCW 46.52.010 relating to duty on striking an unattended car or other property;

(23) RCW 46.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(24) RCW 46.52.090 relating to reports by repairmen, storagemen, and appraisers;

(25) RCW 46.52.100 relating to driving under the influence of liquor or drugs;

(26) RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company, an employer, and an alcohol/drug assessment or treatment agency;

(27) RCW 46.55.020 relating to engaging in the activities of a registered tow truck operator without a registration certificate;

(28) RCW 46.55.035 relating to prohibited practices by tow truck operators;

(29) RCW 46.61.015 relating to obedience to police officers, flagmen, or fire fighters;

(30) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;

(31) RCW 46.61.022 relating to failure to stop and give identification to an officer;

(32) RCW 46.61.024 relating to attempting to elude pursuing police vehicles;

(33) RCW 46.61.500 relating to reckless driving;

(34) RCW 46.61.502 and 46.61.504 relating to persons under the influence of intoxicating liquor or drugs;

(35) RCW 46.61.520 relating to vehicular homicide by motor vehicle;

(36) RCW 46.61.522 relating to vehicular assault;

(37) RCW 46.61.525 relating to negligent driving;

(38) RCW 46.61.530 relating to racing of vehicles on highways;

(39) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;

(40) RCW 46.64.010 relating to unlawful cancellation of or attempt to cancel a traffic citation;

(41) RCW 46.64.020 relating to nonappearance after a written promise;

(42) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;

(43) Chapter 46.65 RCW relating to habitual traffic offenders;

(44) Chapter 46.70 RCW relating to unfair motor vehicle business practices, except where that chapter provides for the assessment of monetary penalties of a civil nature;

(45) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;

(46) Chapter 46.80 RCW relating to motor vehicle wreckers;

(47) Chapter 46.82 RCW relating to driver's training schools;

(48) RCW 46.87.260 relating to alteration or forgery of a cab card, letter of authority, or other temporary authority issued under chapter 46.87 RCW;

(49) RCW 46.87.290 relating to operation of an unregistered or unlicensed vehicle under chapter 46.87 RCW. [1990 c 250 § 59; 1990 c 95 § 3. Prior: 1989 c 353 § 8; 1989 c 178 § 27; 1989 c 111 § 20; prior: 1987 c 388 § 11; 1987 c 247 § 6; 1987 c 244 § 55; 1987 c 181 § 2; 1986 c 186 § 3; prior: 1985 c 377 § 28; 1985 c 353 § 2; 1985 c 302 § 7; 1983 c 164 § 6; 1982 c 10 § 12; prior: 1981 c 318 § 2; 1981 c 19 § 1; 1980 c 148 § 7; 1979 ex.s. c 136 § 2.]

Reviser's note: This section was amended by 1990 c 95 § 3 and by 1990 c 250 § 59, each without reference to the other. Both amendments are incorporated in the publication of this section pursuant to RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Severability——1990 c 250: See note following RCW 46.16.301.

Severability——Effective date——1989 c 353: See RCW 46.30.900 and 46.30.901.

Severability——Effective dates——1989 c 178: See RCW 46.25.900 and 46.25.901.

Severability——1987 c 388: See note following RCW 46.16.710.

Effective dates——1987 c 244: See note following RCW 46.12.020.

Severability——Effective date——1985 c 377: See RCW 46.55.900 and 46.55.902.

Severability——1982 c 10: See note following RCW 6.13.080.

Severability——1981 c 19: "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." [1981 c 19 § 7.]

Effective date——1980 c 148: See note following RCW 46.10.090.

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

Allowing unauthorized persons to drive: RCW 46.20.344.

amended Laws 1994, ch 176, §3

*** RCW 46.63.030 Notice of traffic infraction——Issuance.** (1) A law enforcement officer has the authority to issue a notice of traffic infraction:

(a) When the infraction is committed in the officer's presence;

(b) When the officer is acting upon the request of a law enforcement officer in whose presence the traffic infraction was committed; or

(c) If an officer investigating at the scene of a motor vehicle accident has reasonable cause to believe that the

driver of a motor vehicle involved in the accident has committed a traffic infraction.

(2) A court may issue a notice of traffic infraction upon receipt of a written statement of the officer that there is reasonable cause to believe that an infraction was committed.

(3) If any motor vehicle without a driver is found parked, standing, or stopped in violation of this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution, the officer finding the 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 the vehicle a notice of traffic infraction. [1987 c 66 § 2; 1980 c 128 § 10; 1979 ex.s. c 136 § 3.]

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

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

RCW 46.63.040 Jurisdiction of courts——Jurisdiction of college and university governing bodies. (1) All violations of state law, local law, ordinance, regulation, or resolution designated as traffic infractions in RCW 46.63.020 may be heard and determined by a district court, except as otherwise provided in this section.

(2) Any municipal court has the authority to hear and determine traffic infractions pursuant to this chapter.

(3) Any city or town with a municipal court may contract with the county to have traffic infractions committed within the city or town adjudicated by a district court.

(4) District court commissioners have the authority to hear and determine traffic infractions pursuant to this chapter.

(5) The boards of regents of the state universities, and the boards of trustees of the regional universities and of The Evergreen State College have the authority to hear and determine traffic infractions under RCW 28B.10-.560. [1984 c 258 § 137; 1983 c 221 § 2; 1979 ex.s. c 136 § 6.]

Court Improvement Act of 1984——Effective dates——Severability——Short title——1984 c 258: See notes following RCW 3.30.010.

Application——1984 c 258 §§ 101-139: See note following RCW 3.50.005.

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

amended Laws 1993, ch 501, §9

***RCW 46.63.060 Notice of traffic infraction——Determination final unless contested——Form.** (1) A notice of traffic infraction represents a determination that an infraction has been committed. The determination will be final unless contested as provided in this chapter.

(2) The form for the notice of traffic infraction shall be prescribed by rule of the supreme court and shall include the following:

(a) A statement that the notice represents a determination that a traffic infraction has been committed by the person named in the notice and that the determination shall be final unless contested as provided in this chapter;

(b) A statement that a traffic infraction is a noncriminal offense for which imprisonment may not be imposed as a sanction; that the penalty for a traffic infraction may include sanctions against the person's driver's license including suspension, revocation, or denial; that the penalty for a traffic infraction related to standing, stopping, or parking may include nonrenewal of the vehicle license;

(c) A statement of the specific traffic infraction for which the notice was issued;

(d) A statement of the monetary penalty established for the traffic infraction;

(e) A statement of the options provided in this chapter for responding to the notice and the procedures necessary to exercise these options;

(f) A statement that at any hearing to contest the determination the state has the burden of proving, by a preponderance of the evidence, that the infraction was committed; and that the person may subpoena witnesses including the officer who issued the notice of infraction;

(g) A statement that at any hearing requested for the purpose of explaining mitigating circumstances surrounding the commission of the infraction the person will be deemed to have committed the infraction and may not subpoena witnesses;

(h) A statement that the person must respond to the notice as provided in this chapter within fifteen days or the person's driver's license will not be renewed by the department until any penalties imposed pursuant to this chapter have been satisfied;

(i) A statement that failure to appear at a hearing requested for the purpose of contesting the determination or for the purpose of explaining mitigating circumstances will result in the refusal of the department to renew the person's driver's license, or in the case of a standing, stopping, or parking violation the vehicle license, until any penalties imposed pursuant to this chapter have been satisfied;

(j) A statement, which the person shall sign, that the person promises to respond to the notice of infraction in one of the ways provided in this chapter;

(k) A statement that failure to respond to a notice of infraction as promised is a misdemeanor and may be punished by a fine or imprisonment in jail. [1984 c 224 § 2; 1982 1st ex.s. c 14 § 2; 1980 c 128 § 1; 1979 ex.s. c 136 § 8.]

Severability——Effective date——1984 c 224: See notes following RCW 46.16.216.

Effective date——1982 1st ex.s. c 14: "This act shall take effect on July 1, 1984, and shall apply to violations of traffic laws committed on or after July 1, 1984." [1982 1st ex.s. c 14 § 7.]

Severability——1982 1st ex.s. c 14: "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." [1982 1st ex.s. c 14 § 6.]

Effective date——1980 c 128: "Sections 1 through 8 and 10 through 16 of this act shall take effect on January 1, 1981, and shall apply to violations of the traffic laws committed on or after January 1, 1981. Section 9 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 immediately." [1980 c 128 § 18.]

Severability——1980 c 128: "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." [1980 c 128 § 17.]

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

amended Laws 1993, ch 501, §10

* **RCW 46.63.070 Response to notice——Contesting determination——Hearing——Failure to respond or appear.** (1) Any person who receives a notice of traffic infraction shall respond to such notice as provided in this section within fifteen days of the date of the notice.

(2) If the person determined to have committed the infraction does not contest the determination the person shall respond by completing the appropriate portion of the notice of infraction and submitting it, either by mail or in person, to the court specified on the notice. A check or money order in the amount of the penalty prescribed for the infraction must be submitted with the response. When a response which does not contest the determination is received, an appropriate order shall be entered in the court's records, and a record of the response and order shall be furnished to the department in accordance with RCW 46.20.270.

(3) If the person determined to have committed the infraction wishes to contest the determination the person shall respond by completing the portion of the notice of infraction requesting a hearing and submitting it, either by mail or in person, to the court specified on the notice. The court shall notify the person in writing of the time, place, and date of the hearing, and that date shall not be sooner than seven days from the date of the notice, except by agreement.

(4) If the person determined to have committed the infraction does not contest the determination but wishes to explain mitigating circumstances surrounding the infraction the person shall respond by completing the portion of the notice of infraction requesting a hearing for that purpose and submitting it, either by mail or in person, to the court specified on the notice. The court shall notify the person in writing of the time, place, and date of the hearing.

(5) (a) If any person issued a notice of traffic infraction:

(i) Fails to respond to the notice of traffic infraction as provided in subsection (2) of this section; or

(ii) Fails to appear at a hearing requested pursuant to subsection (3) or (4) of this section;

the court shall enter an appropriate order assessing the monetary penalty prescribed for the traffic infraction and any other penalty authorized by this chapter and shall notify the department in accordance with RCW 46.20.270, of the failure to respond to the notice of infraction or to appear at a requested hearing.

(b) The department may not renew the driver's license, or in the case of a standing, stopping, or parking violation the vehicle license, of any person for whom the court has entered an order pursuant to (a) of this subsection until any penalties imposed pursuant to this chapter have been satisfied. For purposes of driver's license nonrenewal only, the lessee of a vehicle shall be considered to be the person to whom a notice of a standing, stopping, or parking violation has been issued for such violations of the vehicle incurred while the vehicle was leased or rented under a bona fide commercial lease or rental agreement between a lessor engaged in the business of leasing vehicles and a lessee who is not the vehicle's registered owner, if the lease agreement contains a provision prohibiting anyone other than the lessee from operating the vehicle. Such a lessor shall, upon the request of the municipality issuing the notice of infraction, supply the municipality with the name and driver's license number of the person leasing the vehicle at the time of the infraction. [1984 c 224 § 3; 1982 1st ex.s. c 14 § 3; 1980 c 128 § 2; 1979 ex.s. c 136 § 9.]

Severability——Effective date——1984 c 224: See notes following RCW 46.16.216.

Effective date——Severability——1982 1st ex.s. c 14: See notes following RCW 46.63.060.

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

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

RCW 46.63.080 Hearings——Rules of procedure——Counsel. (1) Procedures for the conduct of all hearings provided for in this chapter may be established by rule of the supreme court.

(2) Any person subject to proceedings under this chapter may be represented by counsel.

(3) The attorney representing the state, county, city, or town may appear in any proceedings under this chapter but need not appear, notwithstanding any statute or rule of court to the contrary. [1981 c 19 § 2; 1979 ex.s. c 136 § 10.]

Severability——1981 c 19: See note following RCW 46.63.020.

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

RCW 46.63.090 Hearings——Contesting determination that infraction committed——Appeal. (1) A hearing held for the purpose of contesting the determination that an infraction has been committed shall be without a jury.

(2) The court may consider the notice of traffic infraction and any other written report made under oath submitted by the officer who issued the notice or whose written statement was the basis for the issuance of the notice in lieu of the officer's personal appearance at the hearing. The person named in the notice may subpoena witnesses, including the officer, and has the right to present evidence and examine witnesses present in court.

(3) The burden of proof is upon the state to establish the commission of the infraction by a preponderance of the evidence.

(4) After consideration of the evidence and argument the court shall determine whether the infraction was committed. Where it has not been established that the infraction was committed an order dismissing the notice shall be entered in the court's records. Where it has been established that the infraction was committed an appropriate order shall be entered in the court's records. A record of the court's determination and order shall be

furnished to the department in accordance with RCW 46.20.270 as now or hereafter amended.

(5) An appeal from the court's determination or order shall be to the superior court. The decision of the superior court is subject only to discretionary review pursuant to Rule 2.3 of the Rules of Appellate Procedure. [1980 c 128 § 3; 1979 ex.s. c 136 § 11.]

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

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

RCW 46.63.100 Hearings——Explanation of mitigating circumstances. (1) A hearing held for the purpose of allowing a person to explain mitigating circumstances surrounding the commission of an infraction shall be an informal proceeding. The person may not subpoena witnesses. The determination that an infraction has been committed may not be contested at a hearing held for the purpose of explaining mitigating circumstances.

(2) After the court has heard the explanation of the circumstances surrounding the commission of the infraction an appropriate order shall be entered in the court's records. A record of the court's determination and order shall be furnished to the department in accordance with RCW 46.20.270 as now or hereafter amended.

(3) There may be no appeal from the court's determination or order. [1979 ex.s. c 136 § 12.]

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

amended Laws 1993, ch 501, §11

* **RCW 46.63.110 Monetary penalties.** (1) A person found to have committed a traffic infraction shall be assessed a monetary penalty. No penalty may exceed two hundred and fifty dollars for each offense unless authorized by this chapter or title.

(2) The supreme court shall prescribe by rule a schedule of monetary penalties for designated traffic infractions. This rule shall also specify the conditions under which local courts may exercise discretion in assessing fines and penalties for traffic infractions. The legislature respectfully requests the supreme court to adjust this schedule every two years for inflation.

(3) There shall be a penalty of twenty-five dollars for failure to respond to a notice of traffic infraction except where the infraction relates to parking as defined by local law, ordinance, regulation, or resolution or failure to pay a monetary penalty imposed pursuant to this chapter. A local legislative body may set a monetary penalty not to exceed twenty-five dollars for failure to respond to a notice of traffic infraction relating to parking as defined by local law, ordinance, regulation, or resolution. The local court, whether a municipal, police, or district court, shall impose the monetary penalty set by the local legislative body.

(4) Monetary penalties provided for in chapter 46.70 RCW which are civil in nature and penalties which may be assessed for violations of chapter 46.44 RCW relating to size, weight, and load of motor vehicles are not subject to the limitation on the amount of monetary penalties which may be imposed pursuant to this chapter.

(5) Whenever a monetary penalty is imposed by a court under this chapter it is immediately payable. If the person is unable to pay at that time the court may, in its discretion, grant an extension of the period in which the penalty may be paid. If the penalty is not paid on or before the time established for payment the court shall notify the department of the failure to pay the penalty, and the department may not renew the person's driver's license until the penalty has been paid and the penalty provided in subsection (3) of this section has been paid. [1986 c 213 § 2; 1984 c 258 § 330. Prior: 1982 1st ex.s. c 14 § 4; 1982 1st ex.s. c 12 § 1; 1982 c 10 § 13; prior: 1981 c 330 § 7; 1981 c 19 § 6; 1980 c 128 § 4; 1979 ex.s. c 136 § 13.]

Rules of court: Monetary penalty schedule——JTIR 6.2.

Court Improvement Act of 1984——Effective dates——Severability——Short title——1984 c 258: See notes following RCW 3.30.010.

Intent——1984 c 258: See note following RCW 3.46.120.

Effective date——Severability——1982 1st ex.s. c 14: See notes following RCW 46.63.060.

Severability——1982 c 10: See note following RCW 6.13.080.

Severability——1981 c 330: See note following RCW 3.62.060.

Severability——1981 c 19: See note following RCW 46.63.020.

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

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

RCW 46.63.120 Order of court——Civil nature——Waiver, reduction, suspension of penalty——Community service. (1) An order entered after the receipt of a response which does not contest the determination, or after it has been established at a hearing that the infraction was committed, or after a hearing for the purpose of explaining mitigating circumstances is civil in nature.

(2) The court may include in the order the imposition of any penalty authorized by the provisions of this chapter for the commission of an infraction. The court may, in its discretion, waive, reduce, or suspend the monetary penalty prescribed for the infraction. At the person's request the court may order performance of a number of hours of community service in lieu of a monetary penalty, at the rate of the then state minimum wage per hour. [1979 ex.s. c 136 § 14.]

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

RCW 46.63.130 Issue of process by court of limited jurisdiction. Notwithstanding any other provisions of law governing service of process in civil cases, a court of limited jurisdiction having jurisdiction over an alleged traffic infraction may issue process anywhere within the state. [1980 c 128 § 5.]

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

RCW 46.63.140 Presumption regarding stopped, standing, or parked vehicles. (1) In any traffic infraction case involving a violation of this title or equivalent administrative regulation or local law, ordinance, regulation, or resolution relating to the stopping, standing, or parking of a vehicle, proof that the particular vehicle

described in the notice of traffic infraction was stopping, standing, or parking in violation of any such provision of this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution, together with proof that the person named in the notice of traffic infraction was at the time of the violation the registered owner of the vehicle, shall constitute in evidence a prima facie presumption that the registered owner of the vehicle was the person who parked or placed the vehicle at the point where, and for the time during which, the violation occurred.

(2) The foregoing stated presumption shall apply only when the procedure prescribed in RCW 46.63.030(3) has been followed. [1980 c 128 § 11.]

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

amended Laws 1991, Sp S., ch 25, §3

*RCW 46.63.151 Costs and attorney fees. Each party to a traffic infraction case is responsible for costs incurred by that party. No costs or attorney fees may be awarded to either party in a traffic infraction case. [1981 c 19 § 4.]

Severability——1981 c 19: See note following RCW 46.63.020.

RCW 46.64.010 Traffic citations——Record of——Cancellation prohibited——Penalty——Citation audit. Every traffic enforcement agency in this state shall provide in appropriate form traffic citations containing notices to appear which shall be issued in books with citations in quadruplicate and meeting the requirements of this section.

The chief administrative officer of every such traffic enforcement agency shall be responsible for the issuance of such books and shall maintain a record of every such book and each citation contained therein issued to individual members of the traffic enforcement agency and shall require and retain a receipt for every book so issued.

Every traffic enforcement officer upon issuing a traffic citation to an alleged violator of any provision of the motor vehicle laws of this state or of any traffic ordinance of any city or town shall deposit the original or a copy of such traffic citation with a court having competent jurisdiction over the alleged offense or with its traffic violations bureau.

Upon the deposit of the original or a copy of such traffic citation with a court having competent jurisdiction over the alleged offense or with its traffic violations bureau as aforesaid, said original or copy of such traffic citation may be disposed of only by trial in said court or other official action by a judge of said court, including forfeiture of the bail or by the deposit of sufficient bail with or payment of a fine to said traffic violations bureau by the person to whom such traffic citation has been issued by the traffic enforcement officer.

It shall be unlawful and official misconduct for any traffic enforcement officer or other officer or public employee to dispose of a traffic citation or copies thereof or of the record of the issuance of the same in a manner other than as required herein.

The chief administrative officer of every traffic enforcement agency shall require the return to him of a copy of every traffic citation issued by an officer under his supervision to an alleged violator of any traffic law or ordinance and of all copies of every traffic citation which has been spoiled or upon which any entry has been made and not issued to an alleged violator.

Such chief administrative officer shall also maintain or cause to be maintained in connection with every traffic citation issued by an officer under his supervision a record of the disposition of the charge by the court or its traffic violations bureau in which the original or copy of the traffic citation was deposited.

Any person who cancels or solicits the cancellation of any traffic citation, in any manner other than as provided in this section, shall be guilty of a misdemeanor.

Every record of traffic citations required in this section shall be audited monthly by the appropriate fiscal officer of the government agency to which the traffic enforcement agency is responsible. [1961 c 12 § 46.64-.010. Prior: 1949 c 196 § 16; 1937 c 189 § 145; Rem. Supp. 1949 § 6360-145.]

RCW 46.64.015 Citation and notice to appear in court——Issuance——Contents——Written promise——Arrest——Detention. Whenever any person is arrested for any violation of the traffic laws or regulations which is punishable as a misdemeanor or by imposition of a fine, the arresting officer may serve upon him or her a traffic citation and notice to appear in court. Such citation and notice shall conform to the requirements of RCW 46.64.010, and in addition, shall include spaces for the name and address of the person arrested, the license number of the vehicle involved, the driver's license number of such person, if any, the offense or violation charged, the time and place where such person shall appear in court, and a place where the person arrested may sign. Such spaces shall be filled with the appropriate information by the arresting officer. The arrested person, in order to secure release, and when permitted by the arresting officer, must give his or her written promise to appear in court as required by the citation and notice by signing in the appropriate place the written citation and notice served by the arresting officer, and if the arrested person is a nonresident of the state, shall also post a bond, cash security, or bail as required under RCW 46.64.035. An officer may not serve or issue any traffic citation or notice for any offense or violation except either when the offense or violation is committed in his or her presence or when a person may be arrested pursuant to RCW 10.31.100, as now or hereafter amended. The detention arising from an arrest under this section may not be for a period of time longer than is reasonably necessary to issue and serve a citation and notice, except that the time limitation does not apply under any of the following circumstances:

(1) Where the arrested person refuses to sign a written promise to appear in court as required by the citation and notice provisions of this section;

(2) Where the arresting officer has probable cause to believe that the arrested person has committed any of

the offenses enumerated in RCW 10.31.100(3), as now or hereafter amended;

(3) When the arrested person is a nonresident and is being detained for a hearing under RCW 46.64.035. [1987 c 345 § 2; 1985 c 303 § 11; 1979 ex.s. c 28 § 2; 1975–'76 2nd ex.s. c 95 § 2; 1975 c 56 § 1; 1967 c 32 § 70; 1961 c 12 § 46.64.015. Prior: 1951 c 175 § 1.]

RCW 46.64.020 Nonappearance after written promise——Penalty——Response by mail, when——Arrest, when. (1) The legislature finds that:

(a) Traffic laws are necessary for the safe and expeditious flow of motor vehicle traffic.

(b) For traffic laws to be effective, they must be judiciously and fairly enforced. This enforcement includes the issuance of notices of infraction and citations and the assessment of fines and penalties.

(c) The adjudication of notices of infraction through a written and signed promise to respond, and of citations through a written and signed promise to appear, as provided in this title is an integral and important part of the traffic law system.

(d) Approximately twenty percent of all people issued notices of infraction and citations violate their written and signed promise to respond or appear and obtain notices of failure to respond or appear on their driving records. Through their actions, these people are destroying the effectiveness of the traffic law system and undermining the department of licensing regulatory control of drivers' licenses.

(e) Notices of failure to respond or appear accumulated on a person's driving record shall be considered if they were issued after July 25, 1987.

(2) Any person violating his or her written and signed promise to appear in court or his or her written and signed promise to respond to a notice of traffic infraction, as provided in this title, is guilty of a misdemeanor regardless of the disposition of the charge upon which he or she was originally arrested or the disposition of the notice of infraction: *Provided*, That a written promise to appear in court or a written promise to respond to a notice of traffic infraction may be complied with by an appearance by counsel: *Provided further*, That a person charged under RCW 46.20.021 with driving with an expired driver's license may respond by mailing to the court within fifteen days of the violation, a copy of the person's currently valid driver's license. Any person who has been issued a notice of infraction pursuant to RCW 46.63.030(3) and who fails to respond as provided in this title is guilty of a misdemeanor regardless of the disposition of the notice of infraction.

(3) Any person who drives a motor vehicle within the state and has accumulated two or more notices of failure to appear or respond on his or her driving record maintained by the department of licensing in any five-year period as a result of noncompliance with the traffic laws in any jurisdiction or court within Washington, or in any jurisdiction or court within other states which are signatories with Washington in a nonresident violator compact or reciprocal agreement under chapter 46.23 RCW, shall be guilty of failure to comply, a gross misdemeanor. A person is not subject to this subsection for failure to pay a fine for any pedestrian, bicycling, or parking offense.

Probable cause for arrest under this subsection is established by the officer obtaining, orally or in writing, information from the department of licensing that two or more notices of failure to appear or respond are on the person's driving record. For purposes of this chapter, failure to satisfy any penalties imposed under this title is considered equivalent to failure to appear or respond.

Venue for prosecution shall be in the court with jurisdiction in the area of apprehension. [1990 c 250 § 61; 1990 c 210 § 1; 1988 c 38 § 1; 1987 c 345 § 1; 1986 c 213 § 1; 1980 c 128 § 8; 1961 c 12 § 46.64.020. Prior: 1937 c 189 § 146; RRS § 6360–146.]

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

Severability——1990 c 250: See note following RCW 46.16.301.

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

RCW 46.64.025 Nonappearance after written promise——Notice to department. Whenever any person has for a period of fifteen or more days violated his written promise to appear in court, the court in which the defendant so promised to appear shall forthwith give notice of such fact to the department of licensing. Whenever thereafter the case in which such promise was given is adjudicated the court hearing the case shall file with the department a certificate showing that the case has been adjudicated. [1979 c 158 § 175; 1967 c 32 § 71; 1965 ex.s. c 121 § 23.]

Severability——1965 ex.s. c 121: See RCW 46.20.910.

Purpose——Construction——1965 ex.s. c 121: See note following RCW 46.20.021.

RCW 46.64.030 Procedure governing arrest and prosecution. The provisions of this title with regard to the apprehension and arrest of persons violating this title shall govern all police officers in making arrests without a warrant for violations of this title for offenses either committed in their presence or believed to have been committed based on probable cause pursuant to RCW 10.31.100, but the procedure prescribed herein shall not otherwise be exclusive of any other method prescribed by law for the arrest and prosecution of a person for other like offenses. [1979 ex.s. c 28 § 3; 1975 c 56 § 2; 1967 c 32 § 72; 1961 c 12 § 46.64.030. Prior: 1937 c 189 § 147; RRS § 6360–147.]

RCW 46.64.035 Posting of security or bail by nonresident——Penalty. Any nonresident of the state of Washington who is issued a notice of infraction or a citation for a traffic offense may be required to post either a bond or cash security in the amount of the infraction penalty or to post bail. The court shall by January 1, 1990, accept, in lieu of bond or cash security, valid major credit cards issued by a bank or other financial institution or automobile club card guaranteed by an insurance company licensed to conduct business in the

state. If payment is made by credit card the court is authorized to impose, in addition to any penalty or fine, an amount equal to the charge to the court for accepting such cards. If the person cannot post the bond, cash security, or bail, he or she shall be taken to a magistrate or judge for a hearing at the first possible working time of the court. If the person refuses to comply with this section, he or she shall be guilty of a misdemeanor. This section does not apply to residents of states that have entered into a reciprocal agreement as outlined in RCW 46.23.020. [1987 c 345 § 3.]

RCW 46.64.048 Attempting, aiding, abetting, coercing, committing violations, punishable. Every person who commits, attempts to commit, conspires to commit, or aids or abets in the commission of any act declared by this title to be a traffic infraction or a crime, whether individually or in connection with one or more other persons or as principal, agent, or accessory, shall be guilty of such offense, and every person who falsely, fraudulently, forcefully, or willfully induces, causes, coerces, requires, permits or directs others to violate any provisions of this title is likewise guilty of such offense. [1990 c 250 § 60; 1961 c 12 § 46.56.210. Prior: 1937 c 189 § 149; RRS § 6360-149. Formerly RCW 46.61.695.]

#includes RCW 46.64.050

Severability——1990 c 250: See note following RCW 46.16.301.

RCW 46.65.090 Unlawful operation of motor vehicle by habitual offender——Penalty. (1) It is unlawful for any person to operate a motor vehicle in this state while the order of revocation remains in effect. Any person found to be an habitual offender under the provisions of this chapter who is convicted of operating a motor vehicle in this state while the order of revocation prohibiting such operation is in effect is guilty of a gross misdemeanor. Upon the first conviction for a violation of this section, a person shall be punished by imprisonment for not less than ten days nor more than six months. Upon the second conviction, the person shall be punished by imprisonment for not less than ninety days nor more than one year. Upon the third or subsequent conviction, the person shall be punished by imprisonment for not less than one year. The minimum sentence of confinement required shall not be suspended or deferred.

(2) Any person convicted for a first violation of subsection (1) of this section who is also convicted of the offense defined in RCW 46.61.502 or 46.61.504, when both convictions arise from the same event, shall be punished in the same way as provided in subsection (1) of this section except that the minimum sentence of confinement shall be not less than ninety days and shall not be suspended or deferred. [1990 c 210 § 7; 1985 c 302 § 8; 1979 c 62 § 6; 1977 ex.s. c 138 § 1; 1971 ex.s. c 284 § 11.]

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

Severability——1979 c 62: See note following RCW 46.65.020.

Severability——1971 ex.s. c 284: See note following RCW 46.65.010.

#includes RCW 46.79.010

License plates and registration, confiscation and marking: RCW 46.16.710.

RCW 46.79.120 Unlicensed hulk hauling or scrap processing——Penalty. Any hulk hauler or scrap processor who engages in the business of hulk hauling or scrap processing without holding a current license issued by the department for authorization to do so, or, holding such a license, exceeds the authority granted by that license, is guilty of a gross misdemeanor. [1983 c 142 § 8.]

RCW 46.80.010 Definitions. (1) "Motor vehicle wrecker," whenever used in this chapter, shall mean every person, firm, partnership, association, or corporation engaged in the business of buying, selling, or dealing in vehicles of a type required to be licensed under the laws of this state, for the purpose of wrecking, dismantling, disassembling, or substantially changing the form of any motor vehicle, or who buys or sells integral second-hand parts of component material thereof, in whole or in part, or who deals in second-hand motor vehicle parts.

(2) "Established place of business," whenever used in this chapter, shall mean a building or enclosure which the motor vehicle wrecker occupies either continuously or at regular periods and where his books and records are kept and business is transacted and which must conform with zoning regulations.

(3) "Major component part", whenever used in this chapter, shall include at least each of the following vehicle parts: (a) Engines and short blocks; (b) frame; (c) transmission and/or transfer case; (d) cab; (e) door; (f) front or rear differential; (g) front or rear clip; (h) quarter panel; (i) truck bed or box; (j) seat; (k) hood; and (l) bumper. The director may supplement this list by rule.

(4) "Wrecked vehicle", whenever used in this chapter, shall mean a vehicle which is disassembled or dismantled or a vehicle which is acquired with the intent to dismantle or disassemble and never again to operate as a vehicle, or a vehicle which has sustained such damage that its cost to repair exceeds the fair market value of a like vehicle which has not sustained such damage, or a damaged vehicle whose salvage value plus cost to repair equals or exceeds its fair market value, if repaired, or a vehicle which has sustained such damage or deterioration that it may not lawfully operate upon the highways of this state for which the salvage value plus cost to repair exceeds its fair market value, if repaired; further, it is presumed that a vehicle is a wreck if it has sustained such damage or deterioration that it may not lawfully operate upon the highways of this state. [1977 ex.s. c 253 § 2; 1961 c 12 § 46.80.010. Prior: 1947 c 262 § 1; Rem. Supp. 1947 § 8326-40.]

Severability——1977 ex.s. c 253: See note following RCW 46.80.005.

#includes RCW 46.87.023

RCW 46.98.020 Provisions to be construed in pari materia. The provisions of this title shall be construed in pari materia even though as a matter of prior legislative history they were not originally enacted in the same

statute. The provisions of this title shall also be construed in pari materia with the provisions of Title 47 RCW, and with other laws relating to highways, roads, streets, bridges, ferries and vehicles. This section shall not operate retroactively. [1961 c 12 § 46.98.020.]

RCW 46.98.030 Title, chapter, section headings not part of law. Title headings, chapter headings, and section or subsection headings, as used in this title do not constitute any part of the law. [1961 c 12 § 46.98.030.]

RCW 46.98.040 Invalidity of part of title not to affect remainder. If any provision of this title or its application to any person or circumstance is held invalid, the remainder of the title, or the application of the provision to other persons or circumstances is not affected. [1961 c 12 § 46.98.040.]

RCW 47.36.060 Traffic devices on county roads and city streets. Local authorities in their respective jurisdictions shall place and maintain such traffic devices upon public highways under their jurisdiction as are necessary to carry out the provisions of the law or local traffic ordinances or to regulate, warn, or guide traffic. Cities and towns, which as used in this section mean cities and towns having a population of over fifteen thousand according to the latest federal census, shall adequately equip with traffic devices, streets that are designated as forming a part of the route of a primary or secondary state highway and streets which constitute connecting roads and secondary state highways to such cities and towns. The traffic devices, signs, signals, and markers shall comply with the uniform state standard for the manufacture, display, direction, and location thereof as designated by the department. The design, location, erection, and operation of traffic devices and traffic control signals upon such city or town streets constituting either the route of a primary or secondary state highway to the city or town or connecting streets to the primary or secondary state highways through the city or town shall be under the direction of the department, and if the city or town fails to comply with any such directions, the department shall provide for the design, location, erection, or operation thereof, and any cost incurred therefor shall be charged to and paid from any funds in the motor vehicle fund of the state that have accrued or may accrue to the credit of the city or town, and the state treasurer shall issue warrants therefor upon vouchers submitted and approved by the department. [1984 c 7 § 192; 1961 c 13 § 47.36.060. Prior: 1955 c 179 § 4; 1939 c 81 § 1; 1937 c 53 § 52; RRS § 6400-52.]

Severability——1984 c 7: See note following RCW 47.01.141.

RCW 47.36.110 Stop signs, "Yield" signs——Duties of persons using highway. In order to provide safety at intersections on the state highway system, the department may require persons traveling upon any portion of such highway to stop before entering the intersection. For this purpose there may be erected a standard stop sign as prescribed in the state department of transportation's "Manual on Uniform Traffic Control Devices for Streets and Highways." All persons traveling upon the highway shall come to a complete stop at such a sign, and the appearance of any sign so located is sufficient warning to a person that he is required to stop. A person stopping at such a sign shall proceed through that portion of the highway in a careful manner and at a reasonable rate of speed not to exceed twenty miles per hour. It is unlawful to fail to comply with the directions of any such stop sign. When the findings of a traffic engineering study show that the condition of an intersection is such that vehicles may safely enter the major artery without stopping, the department or local authorities in their respective jurisdictions shall install and maintain a "Yield" sign. [1984 c 7 § 199; 1963 ex.s. c 3 § 49; 1961 c 13 § 47.36.110. Prior: 1955 c 146 § 6; 1937 c 53 § 59; RRS § 6400-59.]

Severability——1984 c 7: See note following RCW 47.01.141.

Arterial highways designated——Stopping on entering: RCW 46.61.195.

RCW 47.36.180 Forbidden devices——Penalty. It is unlawful to erect or maintain at or near a city street, county road, or state highway any structure, sign, or device:

(1) Visible from a city street, county road, or state highway and simulating any directional, warning, or danger sign or light likely to be mistaken for such a sign or bearing any such words as "danger," "stop," "slow," "turn," or similar words, figures, or directions likely to be construed as giving warning to traffic;

(2) Visible from a city street, county road, or state highway and displaying any red, green, blue, or yellow light or intermittent or blinking light or rotating light identical or similar in size, shape, and color to that used on any emergency vehicle or road equipment or any light otherwise likely to be mistaken for a warning, danger, directional, or traffic control signal or sign;

(3) Visible from a city street, county road, or state highway and displaying any lights tending to blind persons operating vehicles upon the highway, city street, or county road, or any glaring light, or any light likely to be mistaken for a vehicle upon the highway or otherwise to be so mistaken as to constitute a danger; or

(4) Visible from a city street, county road, or state highway and flooding or intending to flood or directed across the roadway of the highway with a directed beam or diffused light, whether or not the flood light is shielded against directing its flood beam toward approaching traffic on the highway, city street, or county road.

Any structure or device erected or maintained contrary to the provisions of this section is a public nuisance, and the department, the chief of the Washington state patrol, the county sheriff, or the chief of police of any city or town shall notify the owner thereof that it constitutes a public nuisance and must be removed, and if the owner fails to do so, the department, the chief of the Washington state patrol, the county sheriff, or the chief of police of any city or town may abate the nuisance.

If the owner fails to remove any such structure or device within fifteen days after being notified to remove the structure or device, he is guilty of a misdemeanor. [1984 c 7 § 201; 1961 c 13 § 47.36.180. Prior: 1957 c 204 § 1; 1937 c 53 § 62; RRS § 6400-62.]

Severability——1984 c 7: See note following RCW 47.01.141.

RCW 47.36.200 Signs or flagmen at thoroughfare work sites. When construction, repair, or maintenance work is conducted on or adjacent to a public highway, county road, street, bridge, or other thoroughfare commonly traveled and when the work interferes with the normal and established mode of travel on the highway, county road, street, bridge, or thoroughfare, the location shall be properly posted by prominently displayed signs or flagmen or both. Signs used for posting in such an area shall be consistent with the provisions found in the state of Washington "Manual on Uniform Traffic Control Devices for Streets and Highways" obtainable from the department of transportation. [1984 c 7 § 202; 1961 c 13 § 47.36.200. Prior: 1957 c 95 § 1.]

Severability——1984 c 7: See note following RCW 47.01.141.

RCW 47.36.220 Signs or flagmen at thoroughfare work sites——Drivers of vehicles engaged in work must obey signs or flagmen. Each driver of a motor vehicle used in connection with such construction, repair, or maintenance work shall obey traffic signs posted for, and flagman stationed at such location in the same manner and under the same restrictions as is required for the driver of any other vehicle. [1961 c 13 § 47.36.220. Prior: 1957 c 95 § 3.]

RCW 47.52.010 "Limited access facility" defined. For the purposes of this chapter, a "limited access facility" is defined as a highway or street especially designed or designated for through traffic, and over, from, or to which owners or occupants of abutting land, or other persons, have no right or easement, or only a limited right or easement of access, light, air, or view by reason of the fact that their property abuts upon such limited access facility, or for any other reason to accomplish the purpose of a limited access facility. Such highways or streets may be parkways, from which vehicles forming part of an urban public transportation system, trucks, buses, or other commercial vehicles may be excluded; or they may be freeways open to use by all customary forms of street and highway traffic, including vehicles forming a part of an urban public transportation system. [1967 c 108 § 10; 1961 c 13 § 47.52.010. Prior: 1951 c 167 § 2; 1947 c 202 § 1; Rem. Supp. 1947 § 6402-60.]

Urban public transportation system defined: RCW 47.04.082.

RCW 47.52.011 "Existing highway" defined. For the purposes of this chapter, the term "existing highway" shall include all highways, roads and streets duly established, constructed, and in use. It shall not include new highways, roads or streets, or relocated highways, roads or streets, or portions of existing highways, roads or streets which are relocated. [1961 c 13 § 47.52.011. Prior: 1951 c 167 § 3.]

RCW 47.52.040 Design——Ingress and egress restricted——Closure of intersecting roads. The highway authorities of the state, counties and incorporated cities and towns may so design any limited access facility and so regulate, restrict, or prohibit access as to best serve the traffic for which such facility is intended; and the determination of design by such authority shall be conclusive and final. In this connection such highway authorities may divide and separate any limited access facility into separate roadways by the construction of raised curbings, central dividing sections, or other physical separations, or by designating such separate roadways by signs, markers, stripes, and the proper lane for such traffic by appropriate signs, markers, stripes and other devices. No person shall have any right of ingress or egress to, from, or across limited access facilities to or from abutting lands, except at designated points at which access may be permitted by the highway authorities upon such terms and conditions as may be specified from time to time: *Provided*, That any intersecting streets, roads or highways, not made a part of such facility, shall be deemed closed at the right of way line by the designation and construction of said facility and without the consent of any other party or the necessity of any other legal proceeding for such closing, notwithstanding any laws to the contrary. [1961 c 13 § 47.52.040. Prior: 1955 c 75 § 1; 1947 c 202 § 3; Rem. Supp. 1947 § 6402-62.]

RCW 47.52.110 Marking of facility with signs. After the opening of any new and additional limited access highway facility, or after the designation and establishment of any existing street or highway, as included the particular highways and streets or those portions thereof designated and established, shall be physically marked and indicated as follows: By the erection and maintenance of such signs as in the opinion of the respective authorities may be deemed proper, indicating to drivers of vehicles that they are entering a limited access area and that they are leaving a limited access area. [1961 c 13 § 47.52.110. Prior: 1947 c 202 § 10; Rem. Supp. 1947 § 6402-69.]

RCW 47.52.120 Violations specified——Exceptions——Penalty. After the opening of any limited access highway facility, it shall be unlawful for any person (1) to drive a vehicle over, upon, or across any curb, central dividing section, or other separation or dividing line on limited access facilities; (2) to make a left turn or semicircular or U-turn except through an opening provided for that purpose in the dividing curb section, separation, or line; (3) to drive any vehicle except in the proper lane provided for that purpose and in the proper direction and to the right of the central dividing curb, separation section, or line; (4) to drive any vehicle into the limited access facility from a local service road except through an opening provided for that purpose in the dividing curb, dividing section, or dividing line which

separates such service road from the limited access facility proper; (5) to stop or park any vehicle or equipment within the right of way of such facility, including the shoulders thereof, except at points specially provided therefor, and to make only such use of such specially provided stopping or parking points as is permitted by the designation thereof: *Provided*, That this subsection shall not apply to authorized emergency vehicles, law enforcement vehicles, assistance vans, or to vehicles stopped for emergency causes or equipment failures; (6) to travel to or from such facility at any point other than a point designated by the establishing authority as an approach to the facility or to use an approach to such facility for any use in excess of that specified by the establishing authority. For the purposes of this section, an assistance van is a vehicle rendering aid free of charge to vehicles with equipment or fuel problems. The state patrol shall establish by rule additional standards and operating procedures, as needed, for assistance vans.

Any person who violates any of the provisions of this section is guilty of a misdemeanor and upon arrest and conviction therefor shall be punished by a fine of not less than five dollars nor more than one hundred dollars, or by imprisonment in the city or county jail for not less than five days nor more than ninety days, or by both fine and imprisonment. Nothing contained in this section prevents the highway authority from proceeding to enforce the prohibitions or limitations of access to such facilities by injunction or as otherwise provided by law. [1987 c 330 § 748; 1985 c 149 § 1; 1961 c 13 § 47.52-.120. Prior: 1959 c 167 § 1; 1947 c 202 § 11; Rem. Supp. 1947 § 6402-70.]

Construction——Application of rules——Severability——1987 c 330: See notes following RCW 28B.12.050.

RCW 66.44.240 Drinking in public conveyance——Penalty against carrier——Exception. Every person engaged wholly or in part in the business of carrying passengers for hire, and every agent, servant, or employee of such person, who knowingly permits any person to drink any intoxicating liquor in any public conveyance, except in the compartment where such liquor is sold or served under the authority of a license lawfully issued, is guilty of a misdemeanor. This section does not apply to a public conveyance that is commercially chartered for group use or a for-hire vehicle licensed under city, county, or state law. [1983 c 165 § 29; 1909 c 249 § 442; RRS § 2694.]

Reviser's note: Caption for 1909 c 249 § 442 reads as follows: "*Sec. 442. Common Carrier Not to Permit Drinking in Public Conveyance.*"

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

Alcoholic beverages, drinking or open container in vehicle on highway, exceptions: RCW 46.61.519.

RCW 66.44.250 Drinking in public conveyance——Penalty against individual——Restricted application. Every person who drinks any intoxicating liquor in any public conveyance, except in a compartment or place where sold or served under the authority of a license lawfully issued, is guilty of a misdemeanor. With respect to a public conveyance that is commercially chartered for group use and with respect to a for-hire vehicle licensed under city, county, or state law, this section applies only to the driver of the vehicle. [1983 c 165 § 30; 1909 c 249 § 441; RRS § 2693.]

Reviser's note: Caption for 1909 c 249 § 441 reads as follows: "*Sec. 441. Prohibiting Drinking in Public Conveyances.*"

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

Alcoholic beverages, drinking or open container in vehicle on highway, exceptions: RCW 46.61.519.

RCW 70.84.020 "Guide dog" defined. For the purpose of this chapter, the term "guide dog" shall mean a dog which is in working harness and is trained or approved by an accredited school engaged in training dogs for the purpose of guiding blind persons or a dog which is trained or approved by an accredited school engaged in training dogs for the purpose of assisting hearing impaired persons. [1980 c 109 § 2; 1969 c 141 § 2.]

RCW 70.84.040 Precautions for drivers of motor vehicles approaching pedestrian who is carrying white cane or using guide or service dog. The driver of a vehicle approaching a totally or partially blind pedestrian who is carrying a cane predominantly white in color (with or without a red tip), a totally or partially blind or hearing impaired pedestrian using a guide dog, or an otherwise physically disabled person using a service dog shall take all necessary precautions to avoid injury to such pedestrian. Any driver who fails to take such precaution shall be liable in damages for any injury caused such pedestrian. It shall be unlawful for the operator of any vehicle to drive into or upon any crosswalk while there is on such crosswalk, such pedestrian, crossing or attempting to cross the roadway, if such pedestrian indicates his intention to cross or of continuing on, with a timely warning by holding up or waving a white cane, using a guide dog, or using a service dog. The failure of any such pedestrian so to signal shall not deprive him of the right of way accorded him by other laws. [1985 c 90 § 3; 1980 c 109 § 4; 1971 ex.s. c 77 § 1; 1969 c 141 § 4.]

amended laws 1993, ch 292, §1

*** RCW 70.93.060 Littering prohibited——Penalties.** No person shall throw, drop, deposit, discard, or otherwise dispose of litter upon any public property in the state or upon private property in this state not owned by him or in the waters of this state whether from a vehicle or otherwise including but not limited to any public highway, public park, beach, campground, forest land, recreational area, trailer park, highway, road, street, or alley except:

(1) When such property is designated by the state or by any of its agencies or political subdivisions for the disposal of garbage and refuse, and such person is authorized to use such property for such purpose;

(2) Into a litter receptacle in such a manner that the litter will be prevented from being carried away or deposited by the elements upon any part of said private or public property or waters.

Any person violating the provisions of this section shall be guilty of a misdemeanor and the fine for such

violation shall not be less than fifty dollars for each offense. In addition thereto, except where infirmity or age or other circumstance would create a hardship, such person shall be directed by the court in which conviction is obtained to pick up and remove litter from public property and/or private property, with prior permission of the legal owner, for not less than eight hours nor more than sixteen hours for each separate offense. The court shall schedule the time to be spent on such activities in such a manner that it does not interfere with the person's employment and does not interfere substantially with the person's family responsibilities. [1983 c 277 § 1; 1979 ex.s. c 39 § 1; 1971 ex.s. c 307 § 6.]

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Notes of Decisions

[redacted] where unmarked portion of roadway on [redacted] ould accommo- ing to right of line of [redacted] lanes of traffic. in [redacted] p. [redacted] 17 [redacted]

* 46.04.302. Mobile home, manufactured home

"Mobile home" or "manufactured home" means a structure, designed and constructed to be transportable in one or more sections, and is built on a permanent chassis, and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities that include plumbing, heating, and electrical systems contained therein. The structure must comply with the national mobile home construction and safety standards act of 1974 as adopted by chapter 43.22 RCW if applicable. Manufactured home does not include a modular home. A structure which met the definition of a "manufactured home" at the time of manufacture is still considered to meet this definition notwithstanding that it is no longer transportable.

Amended by Laws 1989, ch. 337, § 1; Laws 1989, ch. 343, § 24, eff. March 1, 1990; Laws 1993, ch. 154, § 1.

Historical and Statutory Notes

Severability—Effective date—Laws 1989, ch. 343: See §§ 65.20.940 and 65.20.950.

[redacted]303. Modular home

[redacted] home" means a factory-assembled structure designed [redacted] for [redacted] dwelling when connected to the required utilities th[redacted] [redacted] must be mounted on a permanen[redacted] ndation. A modular home [redacted] clude a mobile home or manufac[redacted] home.

Amended by Laws [redacted] 990, ch[redacted] § 17.

Histori[redacted] Statutory [redacted]

[redacted] Laws 1990, ch. 250: See [redacted] section. [redacted] 01.

46.04.304. Moped

"Moped" means a motorized [redacted] designed [redacted] ravel with not more than three sixteen-inch or larger [redacted] ter wheels [redacted] ntact with the ground [redacted] or a liquid fuel motor wi[redacted] cylinder displacement [redacted] centimeters which prod[redacted] no more than two gross bra[redacted] orsepower (developed by a prime mo[redacted] s measured by a brake applied [redacted] e driving shaft) that is capable of [redacted] ling the device at not more than thi[redacted] miles per hour on level ground [redacted]

The Was[redacted] n state patrol may approve of and define as [redacted] moped" a [redacted] these [redacted] ific criteria.

Am[redacted] by Laws 1987, ch. 330, § 702; Laws 1990, ch. [redacted] 0, § 18.

Historical and

1987 Legislation

Laws 1987, ch. 330, § 702, at the beginning of the second paragraph, substituted "The state patrol" for "The state commission on equipment".

1990 Legislation

Laws 1990, ch. 250, § 18, rewrote the section, which formerly read:

"'Moped' means any two-wheeled or three-wheeled device having fully operative pedals for propulsion by human power and a motor with a cylinder displacement not exceeding fifty cubic centimeters which produces no more than two gross brake horsepower (developed by a prime mover, as measured by a brake applied to the driving shaft) and is capable of propel-

46.04.305. Motor homes

"Motor homes" means motor vehicle permanently altered to provide faciliti lodging and cooking or sewage dispos shell with the vehicle, but excludes a ca ly and affixed to a motor vehicle.

Amended by Laws 1990, ch. 250, § 19.

Historical and S

1990 Legislation

Laws 1990, ch. 250, § 19, added that portion beginning ", which include".

46.04.320. Motor vehicle

Notes of I

1. In general

Vehicle and traffic laws concern only land-based transportation, rather than motorboats. State v. Martin (Wash.App.

46.04.330. Motorcycle

"Motorcycle" means a motor vehicle three wheels in contact with the ground motor unit or power train and is design excluding a farm tractor and a moped.

The Washington state patrol may app motor vehicle that fails to meet these s similar in performance and application specific criteria.

Amended by Laws 1990, ch. 250, § 20.

Historical and S

1990 Legislation

Laws 1990, ch. 250, § 20, rewrote the section.

auth[illegible] enter upon private property without permission of the [illegible]perty owner.

Enacted by [illegible]971, Ex.Sess., ch. 47, § 6. Amended by Laws 197[illegible]x.Sess., ch. 153, § 2, eff. [illegible]27, 1972.

Historical Note

Laws 1972, Ex.Sess. [illegible]53, § 2, in the second sentence subs[illegible]chapter 43.09 RCW, RCW 67.32.0[illegible]2.080, 67.32.100, 67.32.130 or 67.[illegible] for "this 1971 amendatory act".

Purpose—Laws 1972, Ex.Ses[illegible] 153: See § 67.32.080.

Reviser's Note: Throughout chapt[illegible] 46.09 RCW, with the exception of RCW 46.09.010 and 46.09.900, the phrase "this 1971 amendatory act" has been changed to "this chapter." This 1971 amendato[illegible] act [Laws 1971, Ex.Sess., ch. 47] cons[illegible] of the enactment of chapter 46.09 [illegible] and RCW 67.32.130 and 67.32.1[illegible]d the amendment of RCW 67.32.[illegible]67, 32.080, and 67.32.100.

Appropriations—Laws 19[illegible].Sess., ch. 153: "To carry out the [illegible]sions of this 1972 amendatory act [illegible]e is appropriated to the interage[illegible]mmittee for outdoor recreation [illegible] the outdoor recreation account[illegible]e moneys as provided from ATV [illegible]hip fees and dealer permit and tag [illegible], in the sum of one million doll[illegible]such lesser amounts of the all-[illegible]vehicle use permit fees and dea[illegible]ermit and tag fees collected by th[illegible]artment, or so much thereof as ma[illegible]e necessary.

"To carry out [illegible] provisions of this 1972 amen[illegible]ato[illegible]t there is appropriated to the inter[illegible]ncy committee for outdoor r[illegible]reat[illegible]rom the outdoor recreation a[illegible]cou[illegible]hose moneys as provided from AT[illegible]el tax refunds, in the sum of on[illegible]n dollars, of such lesser [illegible] as represents the refund of tax [illegible]or vehicle fuel which has been [illegible]mined to be a tax on all-terrain [illegible]fuel, or so much thereof as may [illegible]ary.

"To [illegible] out the provisions of this 1972 am[illegible]ory act, there is appropriated to th[illegible]artment from the motor vehicle fu[illegible] sum of twenty thousand dollars, [illegible]much thereof as may be necessary." [illegible]s 1972, Ex.Sess., ch. 153, § 26; Laws [illegible] Ex.Sess., ch. 47, § 27.]

Appropriations—Law[illegible]72, Ex.Sess., ch. 153—Reviser's Not[illegible] this 1972 amendatory act" [Laws 197[illegible], c 153] consists of the amendments t[illegible]W 46.09.010–46.09.120, 46.09.150–[illegible]810, 46.10.040, 46.10.070, 46.10.080, [illegible]0-110, and 46.10.120, and to RCW [illegible]220, 46.09.230, and 46.10.185, and the repeal of RCW 46.09.100.

Library References

Trespass ⇐11, 12.
C.J.S. Trespass §§ 12, 13, 28, 29.

* 46.09.020. Definitions

As used in this chapter the following words and phrases have the designated meanings unless a different meaning is expressly provided or the context otherwise clearly indicates:

"Person" means any individual, firm, partnership, association, or corporation.

"Nonhighway vehicle" means any motorized vehicle when used for recreation travel on trails and nonhighway roads or for recreation cross-country travel on any one of the following or a combination thereof: Land, water, snow, ice, marsh, swampland, and other natural terrain. Such vehicles include but are not limited to, off-road vehicles, two, three, or four-wheel

0-341[illegible]
OFF-ROAD AND

vehicles, motorcycl[illegible]
vehicles, ground ef[illegible]
land transportation[illegible]
muscle or wind.

Nonhighway vehi[illegible]

(1) Any vehicle [illegible]

(2) Snowmobiles

(3) Any vehicle e[illegible]
under chapter 82.3[illegible]
exemption includes[illegible]
vehicles.

"Off-road vehicle[illegible]
for cross-country t[illegible]
combination thereo[illegible]
natural terrain.

"ORV use permit[illegible]
vehicle under this [illegible]

"ORV trail" mean[illegible]
recreational travel[illegible]
travel by conventio[illegible]
by the managing[illegible]
permitting ORV tra[illegible]

"ORV use area"[illegible]
camping and appro[illegible]
use in accordance [illegible]

"ORV recreation[illegible]

"Owner" means t[illegible]
in or title to a non[illegible]
thereof.

"Operator" mean[illegible]
any nonhighway ve[illegible]

"Dealer" means [illegible]
gaged in the busin[illegible]
this state.

"Department" me[illegible]

"Hunt" means an[illegible]
wild animal or wil[illegible]

"Nonhighway ro[illegible]
agency, or any priv[illegible]
easement for publ[illegible]
capable of travel b[illegible]
during most of the[illegible]
maintained with ap[illegible]

vehicles, motorcycles, four-wheel drive vehicles, dune buggies, amphibious vehicles, ground effects or air cushion vehicles, and any other means of land transportation deriving motive power from any source other than muscle or wind.

Nonhighway vehicle does not include:

(1) Any vehicle designed primarily for travel on, over, or in the water;

(2) Snowmobiles or any military vehicles; or

(3) Any vehicle eligible for a motor vehicle fuel tax exemption or rebate under chapter 82.36 RCW while an exemption or rebate is claimed. This exemption includes but is not limited to farm, construction, and logging vehicles.

"Off-road vehicle" or "ORV" means any nonhighway vehicle when used for cross-country travel on trails or on any one of the following or a combination thereof: Land, water, snow, ice, marsh, swampland and other natural terrain.

"ORV use permit" means a permit issued for operation of an off-road vehicle under this chapter.

"ORV trail" means a multiple-use corridor designated and maintained for recreational travel by off-road vehicles that is not normally suitable for travel by conventional two-wheel drive vehicles and is posted or designated by the managing authority of the property that the trail traverses as permitting ORV travel.

"ORV use area" means the entire area of a parcel of land except for camping and approved buffer areas that is posted or designated for ORV use in accordance with rules adopted by the managing authority.

"ORV recreation facility" includes ORV trails and ORV use areas.

"Owner" means the person other than the lienholder, having an interest in or title to a nonhighway vehicle, and entitled to the use or possession thereof.

"Operator" means each person who operates, or is in physical control of, any nonhighway vehicle.

"Dealer" means a person, partnership, association, or corporation engaged in the business of selling off-road vehicles at wholesale or retail in this state.

"Department" means the department of licensing.

"Hunt" means any effort to kill, injure, capture, or purposely disturb a wild animal or wild bird.

"Nonhighway road" means any road owned or managed by a public agency, or any private road for which the owner has granted a permanent easement for public use of the road, other than a highway generally capable of travel by a conventional two-wheel drive passenger automobile during most of the year and in use by such vehicles and that is not built or maintained with appropriations from the motor vehicle fund.

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"Highway," for the purpose of this chapter only, means the entire width between the boundary lines of every way publicly maintained by the state department of transportation or any county or city when any part thereof is generally open to the use of the public for purposes of vehicular travel as a matter of right.

"Organized competitive event" means any competition, advertised in advance through written notice to organized clubs or published in local newspapers, sponsored by recognized clubs, and conducted at a predetermined time and place.

Enacted by Laws 1971, Ex.Sess., ch. 47, § 7. Amended by Laws 1972, Ex.Sess., ch. 153, § 3, eff. Feb. 27, 1972; Laws 1977, Ex.Sess., ch. 220, § 1; Laws 1979, ch. 158, § 129, eff. March 30, 1979; Laws 1986, ch. 206, § 1, eff. June 30, 1986.

Historical Note

[illegible]enacted, this section read:

[illegible]ed in this 1971 amendatory act the [illegible]ing words and phrases shall have [illegible]ignated meanings unless a differen[illegible]ing is expressly provided or the co[illegible]otherwise clearly indicates:

"'Person' sha[illegible] any individual, firm, partnership, [illegible]ion or corporation.

"'All-terrain vehicle' [illegible]an any self-propelled vehicle cap[illegible] cross-country travel on or imme[illegible]over any one of the following or a[illegible]a-tion thereof: Land, water, sn[illegible] marsh, swampland, and other [illegible] terrain. Such vehicles shall include [illegible] are not limited to, four-wheeled vehicle[illegible] motorcycles, amphibious vehicl[illegible] ground effects or air cushion vehi[illegible] and any other means of land tran[illegible] tion deriving motive power fr[illegible] source other than muscle or [illegible] cept any vehicle designed p[illegible] travel on, over, or in th[illegible] vehicles, logging vehicl[illegible] tary or law enforceme[illegible]

"'ATV registratio[illegible]tra-tion of an all-t[illegible] this state, pursuant [illegible]datory act.

"'Trail' [illegible] this 1971 amenda[illegible] a corridor design[illegible] for recreation[illegible]ver mode of tr[illegible]imal, or vehic[illegible] auth[illegible]e managing au-[illegible]ity of [illegible]y that the trail tra-[illegible]rses.

"'Owner' shall mean the perso[illegible]er than the lienholder, having an [illegible] in or title to an all-terrain vehic[illegible]enti-tled to the use or posse[illegible]ereof.

"'Operator' means e[illegible]son who operates, or is in phys[illegible]rol of, any all-terrain vehicle.

"'Dealer' mea[illegible]n, partnership, association, o[illegible]tion engaged in the business[illegible]ng all-terrain vehicles at w[illegible]r retail in this state.

"'Dep[illegible]hall mean the department [illegible]ehicles.

"[illegible]hall mean the director of th[illegible]nt of motor vehicles.

[illegible]ittee' shall mean the inter-[illegible]ommittee for outdoor recrea-[illegible]

[illegible]nt' shall mean any effort to kill, [illegible]capture, or purposely disturb a [illegible]al or wild bird.

"'[illegible]y', for purposes of this 1971 amen[illegible]act, shall mean any roads general[illegible]ble of being traveled on by conve[illegible] two-wheel drive passenger autom[illegible] It shall not include, private r[illegible]abandoned railway grades, skids, [illegible]milar routes generally incapable o[illegible]raveled by conventional two-whe[illegible] vehicles.

"'Organized co[illegible]e event' shall mean any compet[illegible]ertised in advance, sponsored [illegible]nized clubs, and conducted at a [illegible]ined time and place."

Laws 1972, Ex.Sess., c[illegible]53, § 3, rewrote the section to read:

The remaining funds shall be de- the outdoor recreation ac- general fund to be distribut- ragency committee to de- le government, to coun- icipalities on a basis mount of present or r areas on which The interagency committee s cribe methods, rules, and stand hich such de- partments, coun nicipalities may apply for and eys from the outdoor recreatio for de- fraying expenses and co ning, development, acquisition, ge- ment of ATV recreational trails and the committee shall for applicable federal matchin *Provided*, That agencies construct terrain vehicle trails, campgrounds, recreational areas and facilities, sh consider the possibility of contract with the state parks and recreation c mission, the department of natur sources or other agencies to emp youth development and con corps or other youth crews t uct or assist in construction of -ter- rain vehicle trails, cam s and recreational areas and f

"The department of resources may use up to five of the use permit fees for a tion cost and for implementi apter."

Laws 1977 ch. 220, § 9, re- wrote the s ead:

"The m llected by the depart- ment a e permit fees shall be distrib time to time but at least onc in the following manner:

department shall retain c money to cover expenses in- n the administration of this chapter: *Provided*, That such retention shall never exceed eighteen nt of fees collected.

"(2) Twenty percent o moneys shall be placed in th account, which is hereby esta n the gen- eral fund and shal inistered by the department o resources as ORV moneys. rtment of natu- ral resources these moneys to develop a s program of ORV user educa information. Any portion o moneys not used to de- velop a er education and infor- matio m shall be deposited in the ecreation account and shall be ed by the interagency com- outdoor recreation under sec- of this 1977 amendatory act.

The remaining moneys shall be ted to the outdoor recreation ac- of the general fund as ORV mon- shall be distributed by the inter- committee for outdoor recrea- cified in RCW 46.09.240."

ch. 57, § 60, in subsecs. (2) and tituted "state treasury" for "gene and added a last sen- tence . (2) and subsec. (3) which re

"All ear investments of bal- ances in the ount shall be credit- ed to the gen "

Laws 1986, 6, rewrote the section to read appears.

Effective date— 86, ch. 206: See Historical Not § 46.09.- 020.

Effective date—Laws 7: See Historical Note following 20.

Purpose—Laws 1972, ch. 153: See § 67.32.080.

Library References

Automobiles ⇐49.
C.J.S. Motor Vehicles § 143 et seq.

46.09.120. Operating violations

(1) It is a traffic infraction for any person to operate any nonhighway vehicle:

(a) In such a manner as to endanger the property of another;

(b) On lands not owned by the operator or owner of the nonhighway vehicle without a lighted headlight and taillight between the hours of dusk

OFF-ROAD A

and dawn, or w ownership;

(c) On lands vehicle without the safety of ot

(d) Without resources;

(e) Without a ly limits vehicl at fifty feet as r procedure J 33 five decibels o exhaust outlet Automotive En

(i) At a forty exhaust outlet;

(ii) With the equal to one-h engine speed speed is not kr sixty percent c and

(iii) With th one-half way t plane, and in t the outlet of th

(f) On lands vehicle upon th or highway, or

(g) On land vehicle in any underlying soi destroy trees,

(h) On land vehicle or on a or animal trav

(i) On any agency admin

(2) It is a vehicle while substance.

Enacted by Law 153, § 12, eff. F ch. 136, § 41, e

and dawn, or when otherwise required for the safety of others regardless of ownership;

(c) On lands not owned by the operator or owner of the nonhighway vehicle without an adequate braking device or when otherwise required for the safety of others regardless of ownership;

(d) Without a spark arrester approved by the department of natural resources;

(e) Without an adequate, and operating, muffling device which effectively limits vehicle noise to no more than eighty-six decibels on the "A" scale at fifty feet as measured by the Society of Automotive Engineers (SAE) test procedure J 331a, except that a maximum noise level of one hundred and five decibels on the "A" scale at a distance of twenty inches from the exhaust outlet shall be an acceptable substitute in lieu of the Society of Automotive Engineers test procedure J 331a when measured:

(i) At a forty-five degree angle at a distance of twenty inches from the exhaust outlet;

(ii) With the vehicle stationary and the engine running at a steady speed equal to one-half of the manufacturer's maximum allowable ("red line") engine speed or where the manufacturer's maximum allowable engine speed is not known the test speed in revolutions per minute calculated as sixty percent of the speed at which maximum horsepower is developed; and

(iii) With the microphone placed ten inches from the side of the vehicle, one-half way between the lowest part of the vehicle body and the ground plane, and in the same lateral plane as the rearmost exhaust outlet where the outlet of the exhaust pipe is under the vehicle;

(f) On lands not owned by the operator or owner of the nonhighway vehicle upon the shoulder or inside bank or slope of any nonhighway road or highway, or upon the median of any divided highway;

(g) On lands not owned by the operator or owner of the nonhighway vehicle in any area or in such a manner so as to unreasonably expose the underlying soil, or to create an erosion condition, or to injure, damage, or destroy trees, growing crops, or other vegetation;

(h) On lands not owned by the operator or owner of the nonhighway vehicle or on any nonhighway road or trail which is restricted to pedestrian or animal travel; and

(i) On any public lands in violation of rules and regulations of the agency administering such lands.

(2) It is a misdemeanor for any person to operate any nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance.

Enacted by Laws 1971, Ex.Sess., ch. 47, § 17. Amended by Laws 1972, Ex.Sess., ch. 153, § 12, eff. Feb. 27, 1972; Laws 1977, Ex.Sess., ch. 220, § 10; Laws 1979, Ex.Sess., ch. 136, § 41, eff. Jan. 1, 1981.

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rmined by the director. However,
he local market rate of comparable

sibility for the collection of parking
it when cost-effective.

§ 901, eff. March 26, 1988; Laws 1991,
1991, Sp.Sess., ch. 31, § 12, eff. July 11,
ch. 394, § 4.

tutory Notes

Effective dates—Severability—Laws
91, Sp.Sess., ch. 13: See Historical and
atutory Notes following § 70.39.170.

le References

NONHIGHWAY VEHICLES

Fees

ce of use permits for off-road
ees and issuing permits. The
gistration the actual cost of the
able replacement decals for a fee.
The provisions of RCW 46.01.130
ermits for off-road vehicles as they
e appointment of agents and the

utory Notes

everability—Laws 1990, ch. 250: See
torical and Statutory Notes following
6.16.301.

Fees—Number plates—Title

state who does not have a current
chapter 46.70 RCW shall obtain an
such manner and upon such forms
ceipt of an application for an ORV
(2) of this section, the dealer shall
mber assigned.

l be twenty-five dollars per year
ned by a dealer and not rented,
ercial basis by a dealer shall have

each dealer may purchase,
V dealer number plates of a
nt, that contain the dealer
h off-road vehicle operated.

dealer representative, or prospective customer for poses of
monstration shall display such number plates a pursuant
ermit provisions in chapter 46.70 RCW o ection, in a
manner d by the department.

(4) No ler representative, or prospective r shall use such
number pla purpose other than the pur cribed in subsec-
tion (3) of th

(5) ORV dea umbers shall be no able.

(6) It is unlawf dealer to sell any vehicle at wholesale or
retail or to test or any off-roa within the state unless he
has a motor vehicle de se pursu apter 46.70 RCW or an ORV
dealer permit number ce wi ection.

(7) When an ORV is so dealer shall apply for title in the
purchaser's name within fift ing the sale.

Amended by Laws 1990, ch. 250,

Histo tutory Notes

1990 Legislation

Laws 1990, ch. 250, § 24 (3), r"; rewrote subsec. (4); and added
the first sentence, subs for (7).
"shall"; in the second serted bility—Laws 1990, ch. 250: See
dealer representativ ive cus- and Statutory Notes following
§

46.09.130. A violations—Penal mended Laws of 19 1994

No person ate a nonhighway vehicle way as to endanger
human life on shall operate a nonhighway n such a way as to
run down any wildlife or animal, nor carry, t, or convey any
loaded or upon, nor hunt from, any nonhi hicle except by
permi the director of wildlife under RCW 77. *rovided*, That
it sh unlawful to carry, transport, or convey a lo in or upon
y vehicle if the person complies with the term ditions of
l RCW.

on of this section is a gross misdemeanor.

d by Laws 1989, ch. 297, § 3.

Historical and Statutory Notes

1989 Legislation

Laws 1989, ch. 297, § 3, divided the first sentence; and, in the resulting second sentence, inserted the exception.

46.09.140. Accident reports

The operator of any nonhighway vehicle involved in any accident resulting in injury to or death of any person, or property damage to another to an apparent extent equal to or greater than the minimum amount established by rule adopted by the chief of the Washington state patrol in accordance with chapter 46.52 RCW, or a person acting for the operator shall submit such reports as are required under chapter 46.52 RCW, and the provisions of chapter 46.52 RCW applies to the reports when submitted.

Amended by Laws 1990, ch. 250, § 25.

[illegible] 158, § 130, in subsec. (1), su[illegible]irector of licensing" for "direct[illegible]partment of motor vehicles".

Laws 1986, ch. [illegible] wrote the section to read as it [illegible]

Effective date—Laws [illegible]06: See Historical Note follow[illegible] 020.

Licenses ⇐33.
C.J.S. Licenses § 5[illegible]

Effective date[illegible] Ex. Sess., ch. 34: "T[illegible] ...atory act is necessary [illegible] ...te preservation of th[illegible] ...ealth, and safety, the [illegible] ...state government and [illegible] ...blic institutions, and [illegible] ...July 1, 1975." [Laws [illegible] ...Sess., ch. 34, § 4.]

[illegible]e—Laws 1972, Ex.Sess., ch. [illegible]ee § 67.32.080.

[illegible]ces

46.09.[illegible] [illegible]epealed by Laws 1977, Ex.Sess., [illegible]0, § 22

Historical Note

[illegible]epealed § 46.09.175, providing [illegible]transferred funds may be used for administration and coordination, was derived from Laws 197[illegible]Ex.Sess., ch. 34, § 2.

* 46.09.180. Local political subdivisions or state agencies may regulate operation of nonhighway vehicles

Notwithstanding any of the provisions of this chapter, any city, county, or other political subdivision of this state, or any state agency, may regulate the operation of nonhighway vehicles on public lands, waters, and other properties under its jurisdiction, and on streets or highways within its boundaries by adopting regulations or ordinances of its governing body, provided such regulations are not less stringent than the provisions of this chapter.

Enacted by Laws 1971, Ex.Sess., ch. 47, § 23. Amended by Laws 1977, Ex.Sess., ch. 220, § 15.

Historical Note

Laws 1977, Ex.Sess., ch. 220, § 15, substituted "nonhighway vehicles" for "all-terrain vehicles".

Administrative Code References

Use of managed lands and roads, see WAC 332-52-010 et seq.

Library References

Automobiles ⇐5(1), 7, 8, 9.
C.J.S. Motor Vehicles §§ 14 et seq.

46.09.190.

(1) Except
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Enacted by Law
153, § 16, eff. F
ch. 136, § 2, ef

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"(1) Except as
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Automobiles ⇐
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, Sp.Sess., ch. 13, § 2, eff. July

SNOWMOBILES

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sell any snowmobile wholesale or
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ions of this section.

atutory Notes

or testing" for "enum d in subsection
(2) of this section"; i sec. (5), substi-
tuted "are" for "shall and, in subsec.
6), substituted "is" fo all be".

Severability—Laws 0, ch. 250: See
Historical and Statut Notes following
§ 46.16.301.

De its—Approp ions, use

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a fixed for the administration of the registration a rovisions
of ter shall be deposited in the snowmobil d shall be
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adminis d coordination of this chapter.

Amended by Sp.Sess., ch. 13, § 9, eff. J

torical and Sta es

Effective dates— —Laws
1991, Sp.Sess., ch. 13: and
Statutory Notes following

46.10.130. Additional vi enalty

No person shall operate uch a way as to endanger human life. No person shall o such a way as to run down or harass deer, elk, or a any imal, nor shall he carry any loaded weapon upo rom, any except by permit issued by the director der RCW 77. y person violating the provisions of ecti all be guilty of a g emeanor.

Amended by 19 297, § 4.

Historical and Statutory Note

Legisla
s 1989 97, § 4, divided the first
sentence; in the resulting second
sentence ted the exception.

46.10.140. Accident reports

The operator of any snowmobile involved in any accident resulting in injury to or death of any person, or property damage to an apparent extent equal to or greater than the minimum amount established by rule adopted by the Washington state patrol in accordance with chapter 46.52 RCW, or a person acting for the operator, or the owner of the snowmobile having knowledge of the accident, if the operator of the snowmobile is unknown, shall submit such reports as are required under chapter 46.52 RCW, and the provisions of chapter 46.52 RCW applies to the reports when submitted.

Amended by Laws 1990, ch. 250, § 27.

Historical and Statutory Notes

1990 Legislation

Laws 1990, ch. 250, § 27, rewrote the section.

Severability—Laws 1990, ch. 250: See Historical and Statutory Notes following § 46.16.301.

6.10. Proportion of motor vehicle fuel ta nd wmobile f x—Repo Cost of

rom tim time, t least each fou ars, th par t shall
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Amended by 1990, ch. § 117, ef 0; Law 03, ch. § 7.

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16—VEHICLE L[illegible]NSES

Section
46.16.335. [illegible]al license plates and em-
person [illegible]ms—Rules.
46.16.350. [illegible]teur radio operator
—Spe- [illegible]ates—Expiration of revo-
misde- [illegible]ion of radio license—
[illegible]nalty.
h for- 46.16.371. S[illegible]al plates for honorary
[illegible]sul, foreign government
anent [illegible]resentative.
46.16.625. R[illegible]aled.
rance 46.16.670. B[illegible] trailers—Fee for fresh-
[illegible]er aquatic weeds ac-
—Au- [illegible]nt.
46.16.710. D[illegible]g without valid li-
-Con- [illegible]se—Confiscation and
ues— [illegible]rking of registration
nt is- [illegible] license plates.
46.16.720. D[illegible]g without valid li-
Appli- [illegible]se—Cancellation of reg-
[illegible]ration and license
Fees. [illegible]es.
46.16.730. D[illegible]g without valid li-
[illegible]se—Opportunity for
[illegible]ring on cancellation—
[illegible]ice and request.
46.16.740. D[illegible]g without valid li-
edu- [illegible]se—Hearing on cancel-
em- [illegible]n—Procedures.
46.16.750. D[illegible]g without valid li-
—Ma- [illegible]e—Registration can-
quire- [illegible]tion—Court review.
46.16.760. D[illegible]g without valid li-
ms— [illegible]—Registration can-
[illegible]ion—Administration,
[illegible]cement.

oss References

clude Free license p[illegible]s, surviving spouse of
see prisoner of war, [illegible] § 73.04.115.

Electronic Researc[illegible]

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ar" defined—Regi[illegible]tion months—
e month"

" for the purposes of [illegible]pters 46.16, 82.44,
ve period of a vehicle [illegible]nse issued by the
es at 12:01 a.m. on th[illegible]e of the calendar
t and ends at 12:01 a.m[illegible] the same date of
r. [illegible] a vehicle license [illegible]viously issued in
/e[illegible]ith a different re[illegible]red owner, a new
n[illegible]ce upon the date [illegible]expired license is
d[illegible]nse be useable fo[illegible]ull twelve-month

[illegible]registration year may be divided into [illegible]registration months. Each [illegible]month commences on the day [illegible]rically corresponding to the day of the [illegible]on which [illegible]gistration year begins, and terminates on the numeri[illegible]g day of the next succeeding calendar month.

(3) Where the term "last day [illegible]mon[illegible]ed in chapters 46.16, 82.44, and 82.50 RCW in lieu of a [illegible]d day of any [illegible]dar month it means the last day of such calend[illegible]th or months irre[illegible]e of the numerical designation of that d[illegible]

(4) If the fin[illegible] of a registration year or month f[illegible] a Saturday, Sunday, or [illegible]oliday, such period extends through the [illegible] of the next busines[illegible]

A[illegible]y Laws 1992, ch. 222, § 1.

***46.16.010. Licenses and plates required—Penalties—Exceptions**

(1) It is unlawful for a person to operate any vehicle over and along a public highway of this state without first having obtained and having in full force and effect a current and proper vehicle license and display vehicle license number plates therefor as by this chapter provided. Failure to make initial registration before operation on the highways of this state is a misdemeanor, and any person convicted thereof shall be punished by a fine of no less than three hundred thirty dollars, no part of which may be suspended or deferred. Failure to renew an expired registration before operation on the highways of this state is a traffic infraction.

(2) The licensing of a vehicle in another state by a resident of this state, as defined in RCW 46.16.028, evading the payment of any tax or license fee imposed in connection with registration, is a gross misdemeanor punishable as follows:

(a) For a first offense, up to one year in the county jail and a fine equal to twice the amount of delinquent taxes and fees, no part of which may be suspended or deferred;

(b) For a second or subsequent offense, up to one year in the county jail and a fine equal to three times the amount of delinquent taxes and fees, no part of which may be suspended or deferred.

(3) These provisions shall not apply to farm vehicle[s] as defined in RCW 46.04.181 if operated within a radius of fifteen miles of the farm where principally used or garaged, farm tractors and farm implements including trailers designed as cook or bunk houses used exclusively for animal herding temporarily operating or drawn upon the public highways, and trailers used exclusively to transport farm implements from one farm to another during the daylight hours or at night when such equipment has lights that comply with the law: *Provided further*, That these provisions shall not apply to spray or fertilizer applicator rigs designed and used exclusively for spraying or fertilization in the conduct of agricultural operations and not primarily for the purpose of transportation, and nurse rigs or equipment auxiliary to the use of and designed or modified for the fueling, repairing or loading of spray and fertilizer applicator rigs and not used, designed or modified primarily for the purpose of transportation: *Provided further*, That these provisions shall not apply to fork lifts operated during daylight hours on public highways adjacent to and within five hundred feet of the warehouses which they serve: *Provided further*, That these provisions shall not apply to equipment defined as follows:

"Special highway construction equipment" is any vehicle which is designed and used primarily for grading of highways, paving of highways, earth moving, and other construction work on highways and which is not designed or used

primarily for the transportation of persons or property on a public highway and which is only incidentally operated or moved over the highway. It includes, but is not limited to, road construction and maintenance machinery so designed and used such as portable air compressors, air drills, asphalt spreaders, bituminous mixers, bucket loaders, track laying tractors, ditchers, leveling graders, finishing machines, motor graders, paving mixers, road rollers, scarifiers, earth moving scrapers and carryalls, lighting plants, welders, pumps, power shovels and draglines, self-propelled and tractor-drawn earth moving equipment and machinery, including dump trucks and tractor-dump trailer combinations which either (1) are in excess of the legal width or (2) which, because of their length, height or unladen weight, may not be moved on a public highway without the permit specified in RCW 46.44.090 and which are not operated laden except within the boundaries of the project limits as defined by the contract, and other similar types of construction equipment, or (3) which are driven or moved upon a public highway only for the purpose of crossing such highway from one property to another, provided such movement does not exceed five hundred feet and the vehicle is equipped with wheels or pads which will not damage the roadway surface.

Exclusions:

"Special highway construction equipment" does not include any of the following:

Dump trucks originally designed to comply with the legal size and weight provisions of this code notwithstanding any subsequent modification which would require a permit, as specified in RCW 46.44.090, to operate such vehicles on a public highway, including trailers, truck-mounted transit mixers, cranes and shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached.

(4) The following vehicles, whether operated solo or in combination, are exempt from license registration and displaying license plates as required by this chapter:

(a) A converter gear used to convert a semitrailer into a trailer or a two-axle truck or tractor into a three or more axle truck or tractor or used in any other manner to increase the number of axles of a vehicle. Converter gear includes an auxiliary axle, booster axle, dolly, and jeep axle.

(b) A tow dolly that is used for towing a motor vehicle behind another motor vehicle. The front or rear wheels of the towed vehicle are secured to and rest on the tow dolly that is attached to the towing vehicle by a tow bar.

Amended by Laws 1989, ch. 192, § 2, eff. Sept. 1, 1989; Laws 1991, ch. 163, § 1; Laws 1993, ch. 238, § 1.

Historical and Statutory Notes

[illegible] date—Laws 1989, ch. 192: September 1, 1989." [illegible] 1989, ch. 192, "Section [illegible] act shall take effect § 3.]

46.16.0101. Rental cars

Rental cars shall be [illegible] as provided in chapter 46.87 RCW.

Enacted by Laws 1992, ch. 1[illegible] 1, 1993.

[illegible] Historical and Statutory Notes

Effectiv[illegible] Laws 1992, ch. 194: See Historical and Statutory Notes following [illegible].466.

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Rental car business[illegible] see § 46.87.023.

46.16.011. Allow[illegible] unauthoriz[illegible]

It is unlawful f[illegible]ny person in knowingly to permi[illegible]ther person to is not authorized t[illegible] so under the section is a misdem[illegible]or.

Enacted by Laws 19[illegible]. 388, § 10.

[illegible]istorical and

Severability—Laws[illegible]7, ch. 388: See Historical Note follow[illegible] 46.16.710.

Cross R

Unlawful to allow u[illegible]horized person to drive, see § 46.20.3[illegible]

46.16.015. Emiss[illegible] control in[illegible] Edu[illegible]ional inform[illegible]

(1) Neither the d[illegible]tment of licens motor vehicle licen[illegible]or any vehicle licensed vehicle, for[illegible] vehicle that is 70.120 RCW, unless[illegible]e application fo nied by a valid cer[illegible]ate of compliar issued pursuant to [illegible]pter 70.120 RC ment pursuant to s[illegible]ection (2) of this date of validation v[illegible]n is within six m vehicle license or li[illegible]se renewal. Cer vehicles may have[illegible]date of validatior assigned license r[illegible]val date.

(2) Subsection [illegible]of this section do

(a) New motor[illegible]hicles whose eq transferred to a p[illegible]on who in good f other than resale;

(b) Motor vehic[illegible]with a model yea

(c) Motor vehic[illegible]hat use propulsio ty;

(d) Motor vehic[illegible] fueled by propa petroleum gas, un[illegible] it is determined as a result of this[illegible]emption;

(e) Motorcycles[illegible] defined in RCW defined in RCW [illegible]4.332;

(f) Farm vehic[illegible]s defined in RCW

(g) Used vehic[illegible] which are offere licensed under ch[illegible]er 46.70 RCW; or

(h) Motor vehi[illegible] exempted by the

The provisions [illegible]ubparagraph (a) o as exempting fro[illegible]e provisions of su for the renewal o[illegible]censes for motor

***46.16.022. Exemptions—Vehicles owned by Indian tribes—Conditions**

(1) The provisions of this chapter relating to licensing of vehicles by this state, including the display of vehicle license number plates and license registration certificates, do not apply to vehicles owned or leased by the governing body of an Indian tribe located within this state and recognized as a governmental entity by the United States department of the interior, only when:

(a) The vehicle is used exclusively in tribal government service; and

(b) The vehicle has been licensed and registered under a law adopted by such tribal government; and

(c) Vehicle license number plates issued by the tribe showing the initial or abbreviation of the name of the tribe are displayed on the vehicle substantially as provided therefor in this state; and

(d) The tribe has not elected to receive any Washington state license plates for tribal government service vehicles pursuant to RCW 46.16.020; and

(e) If required by the department, the tribe provides the department with vehicle description and ownership information similar to that required for vehicles registered in this state, which may include the model year, make, model series, body type, type of power (gasoline, diesel, or other), VIN, and the license plate number assigned to each government service vehicle licensed by that tribe.

(2) The provisions of this section are operative as to a vehicle owned or leased by an Indian tribe located within this state and used exclusively in tribal government service only to the extent that under the laws of the tribe like exemptions and privileges are granted to all vehicles duly licensed under the laws of this state for operation of such vehicles on all tribal roads within the tribe's reservation. If under the laws of the tribe, persons operating vehicles licensed by this state are required to pay a license or registration fee or to carry or display vehicle license number plates or a registration certificate issued by the tribe, the tribal government shall comply with the provisions of this state's laws relating to the licensing and registration of vehicles operating on the highways of this state.

Enacted by Laws 1986, ch. 30, § 2.

46.16.025. Identification device for [illegible] vehicle—Application for—Content[illegible]

Before any "farm [illegible]" defined in RCW 46.[illegible], shall operate on or move along a [illegible]. There shall be displayed upon [illegible] conspicuous [illegible] decal of [illegible] may be prescribed by the director licensing and issued by the department of licensing which shall [illegible] in some manner the vehicle and identify it as a vehicle exempt from the licensing requirements of this chapter. Application for such identifying devices shall be made to the department on a form furnished for that purpose by the director. Such application shall be made by the

*46.16.023. Ride-sharing vehicles—Special plates—Gross misdemeanor

(1) Every owner or lessee of a vehicle seeking to apply for an excise tax exemption under RCW 82.08.0287, 82.12.0282, or 82.44.015 shall apply to the director for, and upon satisfactory showing of eligibility, receive in lieu of the regular motor vehicle license plates for that vehicle, special plates of a distinguishing separate numerical series or design, as the director shall prescribe. In addition to paying all other initial fees required by law, each applicant for the special license plates shall pay an additional license fee of twenty-five dollars upon the issuance of such plates. The special fee shall be deposited in the motor vehicle fund. Application for renewal of the license plates shall be as prescribed for the renewal of other vehicle licenses. No renewal is required for vehicles exempted under RCW 46.16.020.

(2) Whenever the ownership of a vehicle receiving special plates under subsection (1) of this section is transferred or assigned, the plates shall be removed from the motor vehicle, and if another vehicle qualifying for special plates is acquired, the plates shall be transferred to that vehicle for a fee of five dollars, and the director shall be immediately notified of the transfer of the plates. Otherwise the removed plates shall be immediately forwarded to the director to be canceled. Whenever the owner or lessee of a vehicle receiving special plates under subsection (1) of this section is for any reason relieved of the tax-exempt status, the special plates shall immediately be forwarded to the director along with an application for replacement plates and the required fee. Upon receipt the director shall issue the license plates that are otherwise provided by law.

(3) Any person who knowingly makes any false statement of a material fact in the application for a special plate under subsection (1) of this section is guilty of a gross misdemeanor.

Enacted by Laws 1987, ch. 175, § 2, eff. Jan. 1, 1988. Amended by Laws 1993, ch. 488, § 5.

Historical and Statutory Notes

. Finding—Annual recertification rule—Report—Laws 1993, ch. 488: See Historical and Statutory Notes following § 82.08.0287.

Effective date—Laws 1987, ch. 175, § 2: "Section 2 of this act shall take effect on January 1, 1988." [Laws 1987, ch. 175, § 4.]

Cross References

Abuse of tax exemptions, annual recertification to discourage abuse, see § 82.08.0287 and Historical and Statutory Notes following.

[redacted]

w[illegible] more than fifty percent of the combined costs of benefits [illegible] administra[illegible]e paid from state funds. Programs which are not inc[illegible] within the term [illegible]ington public assistance programs" pursuant to [illegible]bove criteria include, [illegible]e not limited to the food stamp program u[illegible]he federal food stamp act [illegible]4; programs under the child nutrition [illegible]f 1966, 42 U.S.C. Secs. 1771 t[illegible]h 1788; and aid to families wit[illegible]ndent children, 42 U.S.C. Secs. 60[illegible]ough 606.

(3) A resident [illegible] state shall register u[illegible] chapters 46.12 and 46.16 RCW a vehicle to be [illegible]ated on the highwa[illegible] the state. New Washington residents shall be allow[illegible]hirty days fro[illegible] date they become residents as defined in this section t[illegible]cure Wash[illegible]n registration for their vehicles. This thirty-day period sh[illegible]ot be [illegible]mbined with any other period of reciprocity provided for in th[illegible]a[illegible] or chapter 46.85 RCW.

Amended by Laws 1987, ch. 142, §

Histor[illegible]tutory Notes

1987 Legislation

Laws 1987, ch. 142, § [illegible]rote the section.

46.16.029. Purc[illegible]ng vehicle with forei[illegible]lates

It is unlawful [illegible]urchase a vehicle bearing for[illegible]license plates without removing and [illegible]oying the plates unless (1) the out[illegible]te vehicle is sold to a Washingto[illegible]dent by a resident of a jurisdiction w[illegible] the license plates follow the[illegible]er or (2) the out-of-state plates may [illegible]eturned to the jurisdicti[illegible] issuance by the owner for refund purposes o[illegible]or such other reason[illegible] the department may deem appropriate by rule.

Enacte[illegible]by Laws 1987, ch. 142, § 2.

* 46.16.030. Nonresident exemption—Reciprocity

Except as is herein provided for foreign businesses, the provisions relative to the licensing of vehicles and display of vehicle license number plates and license registration certificates shall not apply to any vehicles owned by nonresidents of this state if the owner thereof has complied with the law requiring the licensing of vehicles in the names of the owners thereof in force in the state, foreign country, territory or federal district of his or her residence; and the vehicle license number plate showing the initial or abbreviation of the name of such state, foreign country, territory or federal district, is displayed on such vehicle substantially as is provided therefor in this state. The provisions of this section shall be operative as to a vehicle owned by a nonresident of this state only to the extent that under the laws of the state, foreign country, territory or federal district of his or her residence, like exemptions and privileges are granted to vehicles duly licensed under the laws of and owned by residents of this state. If under the laws of such state, foreign country, territory or federal district, vehicles owned by residents of this state, operating upon the highways of such state, foreign country, territory or federal district, are required to pay the license fee and carry the vehicle license number plates of such state, foreign country, territory or federal district, the vehicles owned by residents of such state, foreign country, territory or federal district, and operating upon the highways of this state, shall comply with the provisions of this state relating to the licensing of vehicles. Foreign businesses owning, maintaining, or operating places of business in this state and using vehicles in connection with such places of business, shall comply with the provisions relating to the licensing of vehicles insofar as vehicles used in connection with such places of business are

concerned. [illegible]er provisions of the inte[illegible] motor vehicle[illegible] member and nonmem[illegible] based and lice[illegible]d in such jurisdictions as[illegible] provided in R[illegible]V 46.87.070(2). The di[illegible] enforce rules [illegible] regulations for the lice[illegible] reciprocal bas[illegible]nd with respect to a[illegible]

Amended by La[illegible]990, ch. 42, § 110, eff. [illegible]

Historical and Sta[illegible]

Purpose—Hea[illegible]a—Severability—[illegible] to Effective date[illegible]pplication—Imple- § mentation—Law[illegible]0, ch. 42: See His-

46.16.035. Ex[illegible]ptions—Private sch[illegible]

Any bus or v[illegible]cle owned and operat[illegible] meeting the rec[illegible]ements of RCW 28A.1[illegible] schools primaril[illegible] transport children t[illegible] children in conne[illegible]n with school activities[illegible] of license fees fo[illegible]e licensing thereof as [illegible] issued by the d[illegible]rtment for such bus exempt license u[illegible]r RCW 82.44.010.

Amended by Laws[illegible]0, ch. 33, § 584.

Historical and Stat[illegible]

1990 Legislation[illegible] I

Laws 1990, ch. 33[illegible]584, changed inter- era nal references to co[illegible]pond with the re- §§ codification of title[illegible]by § 4.

46.16.040. Form[illegible]f application—Con[illegible]

Application for [illegible]inal vehicle license sh[illegible] for the purpose b[illegible]e department. Such owner of the vehic[illegible]r duly authorized agen[illegible] or agent, and the a[illegible]cant shall certify that the best of the app[illegible]nt's knowledge. The

(1) Name and a[illegible]ess of the owner of [illegible] subject to a securit[illegible]greement, the name [illegible]

(2) Trade name [illegible]e vehicle, model, yea[illegible] number thereof;

(3) The power to[illegible] used—whether elec[illegible]

(4) The purpose [illegible]which said vehicle is [illegible] license required;

(5) The licensed g[illegible] weight for such veh[illegible] vehicles and auto st[illegible] with seating capaci[illegible] adult seating capacit[illegible]ereof, including the o[illegible] 46.16.111. In the c[illegible] of motor trucks, tr[illegible] licensed gross weigh[illegible]hall be the gross w[illegible] pursuant to the prov[illegible]ns of RCW 46.16.111;

(6) The unladen w[illegible]t of such vehicle, if which shall be the [illegible]ping weight thereof thereof unless anothe[illegible]eight is shown by w[illegible] weighmaster, which s[illegible]shall be attached to t[illegible]

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he combined costs [redacted] enefits and adminis-
Programs which ar[redacted]t included within the
e programs" pursu[redacted] to the above criteria
food stamp progra[redacted]nder the federal food
r the child nutriti[redacted]ct of 1966, 42 U.S.C.
d to families with [redacted]pendent children, 42

ll register under c[redacted]ters 46.12 and 46.16
he highways of the [redacted]e. New Washington
ays from the date [redacted] become residents as
Washington regis[redacted]on for their vehicles,
be combined wi[redacted]ny other period of
apter or chapter 4[redacted] RCW.

and Statutory No[redacted]

the

l[redacted]ith foreign [redacted]es

e[redacted] bearing fore[redacted] license plates without
e[redacted] less (1) the ou[redacted]-state vehicle is sold t
le[redacted] of a jurisdictio[redacted]here the license plates
ut-of-state plates [redacted]y be returned to the
ner for refund pur[redacted]s or (3) for such other
deem appropriate [redacted]ule.

nption—Reciproc[redacted]y

for foreign busines[redacted] the provisions relative
display of vehicle [redacted]se number plates and
shall not apply t[redacted]ny vehicles owned by
e owner thereof h[redacted]omplied with the law
s in the names of t[redacted]owners thereof in force
territory or feder[redacted]district of his or her
e number plate sho[redacted]g the initial or abbrevi-
foreign country, ter[redacted]y or federal district, is
antially as is provi[redacted] therefor in this state,
hall be operative a[redacted] a vehicle owned by a
) the extent that u[redacted] the laws of the state,
ederal district of [redacted]or her residence, like
anted to vehicles d[redacted]icensed under the laws
this state. If und[redacted]he laws of such state,
deral district, vehic[redacted]owned by residents of
ighways of such sta[redacted]oreign country, territo-
ed to pay the licens[redacted]e and carry the vehicle
state, foreign cou[redacted], territory or federal
y residents of suc[redacted]ate, foreign country,
d[redacted]erating upon th[redacted]ighways of this state,
n[redacted]f this state re[redacted]g to the licensing of
c[redacted]ng, maintaining[redacted] operating places of
g[redacted]hicles in connec[redacted] with such places of
provisions relating t[redacted]e licensing of vehicles
onnection with such [redacted]aces of business are

concerned. Under provisions of the international registration plan, the non-motor vehicles of member and nonmember jurisdictions which are properly based and licensed in such jurisdictions are granted reciprocity in this state as provided in RCW 46.87.070(2). The director is empowered to make and enforce rules and regulations for the licensing of nonresident vehicles upon a reciprocal basis and with respect to any character or class of operation.

Amended by Laws 1990, ch. 42, § 110, eff. Sept. 1, 1990; Laws 1991, ch. 163, § 2.

Historical and Statutory Notes

Purpose—Headings—Severability—Effective dates—Application—Implementation—Laws 1990, ch. 42: See Historical and Statutory Notes following § 82.36.025.

46.1[redacted]5. Exemptions—Private school buses

Any [redacted]or vehicle owned and operated by a private schoo[redacted] schools meeting [redacted]requirements of RCW 28A.195.010 and used by t[redacted]school or schools pri[redacted]ly to transport children to and from school [redacted]transport children in co[redacted]ction with school activities shall be exempt f[redacted]e payment *of license fees* [redacted]*he licensing thereof as in this chapter pr*[redacted]. A license issued by the d[redacted]tment for such bus or vehicle shall [redacted]considered an exempt license un[redacted]RCW 82.44.010.

Amended by Laws 199[redacted]33, § 584.

[redacted]orical and Statutory N[redacted]

1990 Legislation

Laws 1990, ch. 33, § 584, cl[redacted]d inter-nal references to correspond w[redacted]he re-codification of title 28A by § 4.

Purpos[redacted]atutory references—Sev-erabilit[redacted]ws 1990, ch. 33: See §§ 28A[redacted]00 to 28A.900.102.

46.16.040. Form of applica[redacted]—C[redacted]nts

Application for original vehicle [redacted]s[redacted]ll be made on [a] form furnished for the purpose by the departmen[redacted] application shall be made by the owner of the vehicle or duly authoriz[redacted]ent over the signature of such owner *or agent, and the applicant shall cer*[redacted]*t the statements therein are true to* the best of the applicant's knowle[redacted]application must show:

(1) Name and address of th[redacted]ner o[redacted]vehicle and, if the vehicle is subject to a security agreeme[redacted]e name a[redacted]ddress of the secured party;

(2) Trade name of the veh[redacted]model, year, [redacted]of body, the identification number thereof;

(3) The power to be [redacted]—whether electric, st[redacted]gas or other power;

(4) The purpose for [redacted]n said vehicle is to be us[redacted]d the nature of the license required;

(5) The licensed [redacted]weight for such vehicle which in [redacted]case of for hire vehicles and auto [redacted]s with seating capacity of more tha[redacted] shall be the adult seating cap[redacted]thereof, including the operator, as prov[redacted]for in RCW 46.16.111. In [redacted]case of motor trucks, tractors, and truc[redacted]ctors, the licensed gross [redacted]ght shall be the gross weight declared by [redacted]applicant pursuant to [redacted]rovisions of RCW 46.16.111;

(6) The [redacted]en weight of such vehicle, if it be a motor truck o[redacted]iler, which sh[redacted]e the shipping weight thereof as given by the manu[redacted]rer thereof [redacted]s another weight is shown by weight slip verified by a ce[redacted]d weighm[redacted]r, which slip shall be attached to the original application;

* **46.16.048. Temporary letter of authority for movement of unlicensed vehicle for special community event**

The department in its discretion may issue a temporary letter of authority authorizing the movement of an unlicensed vehicle or the temporary usage of a special plate for the purpose of promoting or participating in an event such as a parade, pageant, fair, convention, or other special community activity. The letter of authority may not be issued to or used by anyone for personal gain, but public identification of the sponsor or owner of the donated vehicle shall not be considered to be personal gain.

Enacted by Laws 1977, ch. 25, § 2.

Library References

Automobiles ⇐52.
C.J.S. Motor Vehicles § 119 et seq.

46.16.060. License fee, general—Distribution of proceeds—House-moving dollies

(1) Except for vehicles already so taxed in RCW 46.16.070 and 46.16.085 or as otherwise specifically provided by law for the licensing of vehicles, there shall be paid and collected annually for each registration year or fractional part thereof and upon each vehicle a license fee of twenty-three dollars or, if the vehicle was previously licensed in this state and has not been registered in another jurisdiction in the intervening period, a renewal license fee of nineteen dollars. The proceeds of such fees shall be distributed in accordance with RCW 46.68.030. The fee for licensing each house-moving dolly which is used exclusively for moving buildings or homes on the highway under special permit as provided for in chapter 46.44 RCW shall be twenty-five dollars, and no other fee shall be charged for the load carried thereon.

(2) The department of licensing, county auditors, and other authorized agents shall collect for a registration year any increase in the fees authorized by this section for the months of that registration year in which any such increase is effective in the same manner and at the same time as such fees for that registration year would otherwise be collected as provided by law.

Enacted by Laws 1961, ch. 12, § 46.16.060, eff. Feb. 9, 1961. Amended by Laws 1961, Ex.Sess., ch. 7, § 9, eff. April 1, 1961; Laws 1965, ch. 25, § 1, eff. Jan. 1, 1966; Laws 1969, ch. 99, § 5, eff. July 1, 1969; Laws 1969, Ex.Sess., ch. 170, § 3; Laws 1975, 1st Ex.Sess., ch. 118, § 3, eff. Jan. 1, 1977; Laws 1981, ch. 178, § 8, eff. July 1, 1981; Laws 1981, ch. 380, § 13.

Historical Note

Laws 1961, Ex.Sess., ch. 7, § 9, increased the vehicle license fee from $6.00 to $6.90.

Laws 1965, ch. 25, § 1, increased the vehicle license fee from $6.90 to $8.00.

Laws 1969, ch. 99, § 5, increased the vehicle license fee from $8.00 to $10.

Laws 1969, Ex.Sess., ch. 170, § 3, at the end of what is now designated subsec. (1), added "and no other fee shall be charged for the load carried thereon".

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Historical and Statutory Notes

Effective dates—Laws 1990, ch. 250, §§ 1 to 13: See Historical and Statutory Notes following § 46.16.301.

Severability—Laws 1990, ch. 250: See Historical and Statutory Notes following § 46.16.301.

46.16.309. Special license plates—Application for

Persons applying to the department for special license plates shall apply on forms obtained from the department and in accordance with RCW 46.16.040. The applicant shall provide all information as is required by the department in order to determine the applicant's eligibility for such special license plates and for administration of RCW 46.16.301 through 46.16.325.

Enacted by Laws 1990, ch. 250, § 2, eff. Jan. 1, 1991.

Historical and Statutory Notes

Effective dates—Laws 1990, ch. 250, §§ 1 to 13: See Historical and Statutory Notes following § 46.16.301.

Severability—Laws 1990, ch. 250: See Historical and Statutory Notes following § 46.16.301.

46.16.310. Repealed by Laws 1990, ch. 250, § 12, eff. Jan. 1, 1991

Historical and Statutory Notes

Prior to repeal, § 46.16.310 was amended by Laws 1988, ch. 15, § 1.

46.16.311. Repealed by Laws 1990, ch. 250, § 12, eff. Jan. 1, 1991

46.16.313. Special license plates—Fees

The department may establish a fee for the issuance of each type of special license plate or plates in an amount calculated to recover the cost of production of the special license plate or plates and the administration of this program. The fee shall not exceed thirty-five dollars and is in addition to all other fees required to register and license the vehicle for which the plates have been requested. All fees for additional special license plates collected by the department shall be deposited in the state treasury and credited to the motor vehicle fund.

Enacted by Laws 1990, ch. 250, § 4, eff. Jan. 1, 1991.

Historical and Statutory Notes

Effective dates—Laws 1990, ch. 250, §§ 1 to 13: See Historical and Statutory Notes following § 46.16.301.

Severability—Laws 1990, ch. 250: See Historical and Statutory Notes following § 46.16.301.

46.16.315. Repealed by Laws 1990, ch. 250, § 12, eff. Jan. 1, 1991

46.16.316. Special license plates—Transfer of vehicle—Replacement plates

Except as provided in RCW 46.16.305:

(1) When a person who has been issued a special license plate or plates under RCW 46.16.301 sells, trades, or otherwise transfers or releases ownership of the vehicle upon which the special license plate or plates have been displayed, he or she shall immediately report the transfer of such plate or plates to an acquired vehicle or vehicle eligible for such plates pursuant to departmental rule, or he or she shall surrender such plates to the department

immediately if such surrender is required by departmental rule. If a person applies for a transfer of the plate or plates to another eligible vehicle, a transfer fee of five dollars shall be charged in addition to all other applicable fees. Such transfer fees shall be deposited in the motor vehicle fund. Failure to surrender the plates when required is a traffic infraction.

(2) If the special license plate or plates issued by the department become lost, defaced, damaged, or destroyed, application for a replacement special license plate or plates shall be made and fees paid as provided by law for the replacement of regular license plates.

Enacted by Laws 1990, ch. 250, § 5, eff. Jan. 1, 1991.

Historical and Statutory Notes

Effective dates—Laws 1990, ch. 250, §§ 1 to 13: See Historical and Statutory Notes following § 46.16.301.

Severability—Laws 1990, ch. 250: See Historical and Statutory Notes following § 46.16.301.

46.16.[illegible]. Veterans and military personnel—Remembrance emblems

(1) The department shall issue upon payment of a fee and proof from an honorably discharged veteran, veterans with honorable military service, or military personnel on active duty in the armed services a remembrance emblem depicting a tribute or message and the American flag.

(2) Veterans and military personnel who served in the nation's wars and conflicts can, upon request and payment of a fee and proof of service, receive a remembrance emblem depicting the campaign ribbons they were awarded. The following campaign ribbon remembrance emblems will be available: World War I victory medal; Asiatic-Pacific campaign medal, WWII; European-African-Middle East campaign medal, WWII; American campaign medal, WWII; Korean service medal; Vietnam service medal; Armed Forces Expeditionary, after 1958. The director may approve additional campaign ribbon remembrance emblems by rule.

(3) The remembrance emblem will be displayed upon vehicle license plates in the manner prescribed by the department.

(4) A veteran or military personnel requesting a remembrance emblem from the department shall provide a copy of his or her discharge papers (DD-214) or military orders indicating their military status and campaign ribbon awarded along with payment of the fee. A veteran or military personnel requesting a remembrance emblem must be the legal or registered owner of the vehicle on which remembrance emblems are to be displayed.

Enacted by Laws 1990, ch. 250, § 6, eff. Jan. 1, 1991. Amended by Laws 1991, ch. 339, § 11.

Historical and Statutory Notes

Effective dates—Laws 1990, ch. 250, §§ 1 to 13: See Historical and Statutory Notes following § 46.16.301.

Severability—Laws 1990, ch. 250: See Historical and Statutory Notes following § 46.16.301.

46.16.320. Repealed by Laws 1990, ch. 250, § 12, eff. Jan. 1, 1991

46.16.323. Institutions of higher education—Special plates—Emblems

Any institution of higher education as defined in RCW 28B.10.016 may petition the department to create, design, and issue to that institution a vehicle

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§§ 1 to 13: See
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arview mirror the card m be displayed on
ed to transport the disable erson. Instead
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son's name. Disabled pe ns who are not
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served for mobility dis d persons. The
ding for the issuance of cial placards and
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ate nonprofit agencies efined in chapter
sport disabled persons have been deter-
g privileges provided un this section. The
e plates for a vehicle reg red in the name of
rity, nursing home, bo ng homes, senior
ofit agency if the vehicl primarily used to
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s, boarding homes, seni itizen centers, and
responsible for insuring the special plac
t used improperly and a esponsible for all
r use.

r transfers or assigns or her interest in
l shall be removed f the motor vehicle.
b e disabled person the vehicle owner
plate shall be attached e vehicle, and the
otified of the transfer of plate. If another
disabled person, the r ved plate shall be
e director.

shall be renewed in the s manner and at the
of regular motor vehicl ense plates under
se plate may be issue a person who is
on who has a condition pected to improve
ued a temporary placar or a period not to
ctor may issue a sec temporary placard
by the person who is t orarily disabled. If
onths a new temporary card shall be issued
ion from the disabled on's physician. The
erson shall be renewe hen required by the
of the right to continu se of the privileges.

be charged for the uance of the special
ay be charged for th suance of the special
r motor vehicle regis ion fee and any other
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ith a monetary pe of fifty dollars for any
parking place p d on private property
p reserved fo sically disabled persons
placard. If son is charged with a
e rmined to ha mmitted an infraction if
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t section. A local jurisdiction providing on-

street parking s reserved for physi sons m oso by
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(8) The on of a penal u bsection of this section
that is r d by a local juri CW 3.46.1 0.100, 3.62.0
3.62.040 5.20.220 shall by t exclusively fo
enforc t. The cou also an addit penalty suffi to
reim the local ction fo costs it ma e incurred i oval
and age of th operly d vehicle.

It is a meano any person to y obtain a al license
pla or d in a r other than th tablished u this section.

Amen Laws h. 24, § 1; Laws 199 39, § 21; Law 992, ch. 148, § 1;
La 3, ch. 1.

*46.16.390. Special plate or card issued by another jurisdiction

A special license plate or card issued by another state or country that indicates an occupant of the vehicle is disabled, entitles the vehicle on or in which it is displayed and being used to transport the disabled person to lawfully park in a parking place reserved for physically disabled persons pursuant to chapter 70.92 RCW or authority implemental thereof.

Amended by Laws 1991, ch. 339, § 22.

46.16.6 Personalized license plates—Disposition of Costs

All reve derived from the fees provided for in RCW 46 5 shall be forwarded to state treasurer and be deposited to the c of the state wildlife fund t used for the preservation, protection, etuation, and enhancement of ame species of wildlife including bu limited to song birds, raptors, pr d wildlife, rare and endangere dlife, aquatic life, and specialized-habi ypes, both terrestrial and tic, as well as all unclassified marine fi ellfish, and marine inver tes.

Administrative costs ed by the departm of licensing as a direct result of RCW 46.16.560 th 46.16.605 and 170 shall be appropriated by the legislature from the wildlife fu om those funds deposited therein resulting from the sal personali license plates. If the actual costs incurred by the departme licen are less than that which has been appropriated by the legislatu ainder shall revert to the state wildlife fund.

Amended by Laws 1988, ch. 36, § 27.

Historical statuto tes

1988 Legislation

Laws 1988, ch. 36, § 27, thr es substituted "wildlife" for "game"

46.16.606. Personali ense plates—Additiona

In addition to the mposed in RCW 46.16.585 for ication and renewal of personali ense plates an additional fee of ten d shall be charged. The reve rom the additional fee shall be deposited e state wildlife fund and for the management of resources associate h the nonconsumpti of wildlife.

Enacted by L 1991, Sp.Sess., ch. 7, § 13, eff. July 1, 1991.

*46.16.595. Personalized license plates—Transfer or surrender of plates upon sale or release of vehicle ownership—Penalty

When any person who has been issued personalized license plates sells, trades, or otherwise releases ownership of the vehicle upon which the personalized license plates have been displayed, he shall immediately report the transfer of such plates to an acquired vehicle or camper eligible for personalized license plates, pursuant to RCW 46.16.590, or he shall surrender such plates to the department forthwith and release his priority to the letters or numbers, or combination thereof, displayed on the personalized license plates. Failure to surrender such plates is a traffic infraction.

Enacted by Laws 1973, 1st Ex.Sess., ch. 200, § 9. Amended by Laws 1975, ch. 59, § 6; Laws 1979, Ex.Sess., ch. 136, § 52, eff. Jan. 1, 1981.

Historical Note

Laws 1975, ch. 59, § 6, following "plates to an acquired" substituted "vehicle or camper eligible for personalized license plates" for "passenger motor vehicle"; and added the last sentence.

Laws 1979, Ex.Sess., ch. 136, § 52, at the end of the section, substituted "is a traffic infraction" for "shall constitute a misdemeanor".

Effective date—Severability—Laws 1979, Ex.Sess., ch. 136: See Historical Note following § 46.63.010.

Library References

Automobiles ⇐54.
C.J.S. Motor Vehicles § 123 et seq.

[redacted]6.600. Personalized license plates—Rules and regulations

The [redacted]or of licensing may establish such rules and regulati[redacted]ay be neces[redacted] carry out the purposes of RCW 46.16.560 thro[redacted]6.595.

Enacted by La[redacted] 1st Ex.Sess., ch. 200, § 10. Amended by [redacted]9, ch. 158, § 143, eff. March [redacted]29.

Historical Note

Laws 1979, ch. 158, § 143, s[redacted]d "director of licensing" for "dire[redacted] motor vehicles".

Library

Automobiles ⇐41.
C.J.S. Motor Vehicles § 106 et [redacted]

46.16.605. Perso[redacted]ense plates—Disposition [redacted]—Costs

All revenue de[redacted]he fees provided for in RCW 46.16[redacted]ll be forwarded to [redacted]easurer and be deposited to the credit of [redacted] game fun[redacted] for the preservation, protection, perpetuation, enhan[redacted]game species of wildlife including but not limited t[redacted]

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RIVERS' LICEN —IDENTICARDS

Section
46.20.289 uspension for failure to r spond, appear, etc.
46.20.338 splay or possession of ca celed, revoked, suspended cense or identicard.
46.20.710 nition interlocks—Legisl ive finding.
46.20.720 nition interlocks—Driver convicted of alcohol o enses.
46.20.730 ition interlock device—De nition.
46.20.740 ition interlocks—Notati n driver's license.
46.20.750 ition interlocks—Assistin nother in starting or ope ing—Penalty.

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Cross References

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ter, see § 4 010.
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46.20.011. Repealed by Laws 1987, ch. 463, § 4

46.20.021. Driver's license required—Penalty—Surrender of other license—Local license not required

(1) No person, except as expressly exempted by this chapter, may drive any motor vehicle upon a highway in this state unless the person has a valid driver's license issued to Washington residents under the provisions of this chapter. A violation of this subsection is a misdemeanor and is a lesser included offense within the offenses described in RCW 46.20.342(1) or 46.20.420.

(2) For the purposes of obtaining a valid driver's license, a resident is a person who manifests an intent to live or be located in this state on more than a temporary or transient basis. Evidence of residency includes but is not limited to:

(a) Becoming a registered voter in this state; or

(b) Receiving benefits under one of the Washington public assistance programs; or

(c) Declaring that he or she is a resident for the purpose of obtaining a state license or tuition fees at resident rates.

(3) The term "Washington public assistance programs" referred to in subsection (2)(b) of this section includes only public assistance programs for which more than fifty percent of the combined costs of benefits and administration are paid from state funds. Programs which are not included within the term "Washington public assistance programs" pursuant to the above criteria include, but are not limited to the food stamp program under the federal food stamp act of 1964;[1] programs under the child nutrition act of 1966, 42 U.S.C. Secs. 1771 through 1788; and aid to families with dependent children, 42 U.S.C. Secs. 601 through 606.

(4) No person shall receive a driver's license unless and until he or she surrenders to the department all valid driver's licenses in his or her possession issued to him or her by any other jurisdiction. The department shall establish a procedure to invalidate the surrendered photograph license and return it to the person. The invalidated license, along with the valid temporary Washington driver's license provided for in RCW 46.20.055(3), shall be accepted as proper identification. The department shall notify the issuing department that the licensee is now licensed in a new jurisdiction. No person shall be permitted to have more than one valid driver's license at any time.

(5) New Washington residents are allowed thirty days from the date they become residents as defined in this section to procure a valid Washington driver's license.

(6) Any person licensed as a driver under this chapter may exercise the privilege thereby granted upon all streets and highways in this state and shall not be required to obtain any other license to exercise such privilege by any county, municipal or local board, or body having authority to adopt local police regulations.

Amended by Laws 1988, ch. 88, § 1; Laws 1990, ch. 250, § 33; Laws 1991, ch. 73, § 1; Laws 1991, ch. 293, § 3.

[1] 7 U.S.C.A. § 2011 et seq.

Historical and Statutory Notes

Reviser's Note: (1) This section was amended by 1991 c 73 § 1 and by 1991 c 293 § 3, each without reference to the other. Both amendments are incorporated in the publication of this section pursuant to RCW 1.12.025(2). For rule of con-

struction, see § 1.12.025(1). (2) Throughout chapter 46.20 RCW the phrases "this 1965 amendatory act" and "this act" have been changed to "this chapter." The 1965 amendatory act [1965 ex.s. c 121] consisted of RCW 46.20.021 through 46.20.055, 46.20.081 through 46.20.161 through 46.20.181, 46.20.205 through 20.207, 46.20.215, 46.20.285, 46.20.291 through 20.305 through 46.20.315, 46.20.322 through 46.20.336, 46.20.342 through 46.20.344, 46.20.900, 46.20.910, and 46.04.025, the 1965 amendments to RCW 46.20.102 through 46.20.10[illegible]20.120 through 46.20.140, 46.20.[illegible]20.200, 46.20.270, and 46.20.340 by 1965 ex.s. c 121 § 1, footnoted after 46.20.021.

Severability—Laws 1990, ch. 250: See Historical and Statutory Notes following § 46.16.3[illegible]

Cross References

Bail in criminal traffic offense cases, mandatory appearance, see CrRLJ 3.2.

Impoundment of vehicle for driver's license violations, release, when, court hearing, see § 46.20.435.

License plates and registration, confiscation and marking, see § 46.16.710.

Sentencing, notice of registration requirements to persons surrendering out-of-state license under this section, see § 9.94A.187.

Notes of Decisions

Penalty 6

1. Validity

Driver's license requirement did not unconstitutionally impinge upon motorists' rights of freedom of movement, although motorists had freedom to travel, their ability to do so by operating motor vehicle was privilege subject to licensing. State v. Clifford (1990) 57 Wash.App. 127, 787 P.2d 571.

Driver's license requirement did not constitute impermissible violation of freedom of religion as to members of religious organization members, even though members claimed that licensing requirement placed State on same level with God and imposition of requirement prevented them from attending services; licensing could be applied to them because of compelling state need to ensure safety of highways and lack of less restrictive method of satisfying State objectives. State v. Clifford (1990) 57 Wash.App. 127, 787 P.2d 571.

3. Arrest

Officer was not justified in arresting motorist, who had skidded out of control on icy roadway, solely because he did not have driver's license in his possession; accordingly, pat-down search of motorist could not be justified as incident to lawful arrest. State v. Ba[illegible] (1990) 57 Wash. App. 556, 789 P.2d 3[illegible]

6. Penalty

Impoundment of automobile for continued violation of driver's license requirement was warranted where officer had previously arrested defendant for driving without a license and stopped defendant for that offense and also for operating unregistered vehicle. State v. [illegible]ord (1990) 57 Wash.App. 124, 787 P.2[illegible]6.

* **46.20.025. Persons exempt from licensing requirement**

The following persons are exempt from license hereunder:

(1) Any person in the service of the army, navy, air force, marine corps, or coast guard of the United States, or in the service of the national guard of this state or any other state, when furnished with a driver's license by such service when operating an official motor vehicle in such service;

(2) A nonresident who is at least sixteen years of age and who has in his or her immediate possession a valid driver's license issued to him or her in his or her home state or is at least fifteen years of age with a valid instruction permit issued to him or her in his or her home state, and when accompanied by a licensed driver who has had at least five years of driving experience and is occupying a seat beside the driver;

(3) A nonresident who is at least sixteen years of age and who has in his or her immediate possession a valid driver's license issued to him or her in his or

her home country may operate a motor vehicle exceed one year;

(4) Any person operating special highway con in RCW 46.16.010;

(5) Any person while ing or operating an husbandry which is o incidentally operate

(6) Any person while erating a locomotive on a railroad crossing a public highway; a to display a driver's lic e to any law enforcer the operation of a loco ive or train within th

Amended by Laws 1993, 48, § 1.

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1993 Legislation

Laws 1993, ch. 148, § subsec. (2) added "or is at least fifte ears of age with a valid instruction p it issued to him or her in his or her e state, and

when ac who has experien the drive neutral.

46.20.031. Persons igible to be licens

The department sha t issue a driver's lice

(1) To any person w s under the age of six

(2) To any person v e license has been su sion, nor to any perso ose license has been r RCW 46.20.311;

(3) To any person has been evaluated by department of social health services as bei alcohol abuser and/or g abuser: *Provided*, Th the department dete es that such person h prosecution, pursuant chapter 10.05 RCW, or in or has successfully pleted an alcohol or dr approved by the dep ent of social and health control of his or her hol and/or drug abuse p

(4) To any person has previously been ad insane, or to be incor ent due to any mental d has not at the time o lication been restored to provided by law: *Pr ded, however*, That no p denied a license for cause if the superior c operate a motor vehi with safety upon the hig tency;

(5) To any person is required by this cha unless such person s have successfully passed

(6) To any person is required under the proof of financial res ibility and who has not

(7) To any person the department has g to reasonably conclu hat such person by re disability would not b le to operate a motor v highways; subject to w by a court of compe

Amended by Laws 1993, 01, § 2.

(1). (2) 46.20.33 6.20.342 through 46.20.344, CW the 46.20.90 6.20.910, and 46.64.025, the act" and 1965 dments to RCW 46.20.102 to "this through 6.20.106, 46.20.120 through act [1965 46.20.1 6.20.190, 46.20.200, 46.20.270, 46.20.021 and 46 40 and 1965 ex.s. c 121 § 1, 46.20.161 footnot fter RCW 46.20.021. 46.20.207, Seve lity—Laws 1990, ch. 250: See 46.20.305 Histor and Statutory Notes following through § 46.1 .

Cross Referenc

use cases, Sex nders, notice of registration re- LJ 3.2. quiren to persons surrendering out- iriver's li- of-stat ense under this section, see ourt hear- § 46.2 .

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Notes of Decisio

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3. Ar

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t did not on of free- 6. Pena us organi- Impou nt of automobile for contin- members ued viola of driver's license require- ent placed ment wa rranted where officer had nd impos- previously ested defendant for driving them from without a nse and stopped defendant uld be ap- for that se and also for operating elling state unregister ehicle. State v. Clifford ways and (1990) 57 h.App. 124, 787 P.2d 575.

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e exempt from license under:

vice of the army, navy force, marine corps, or ates, or in the service e national guard of this en furnished with a driv license by such service motor vehicle in such se e;

at least sixteen years of and who has in his or valid driver's license issu o him or her in his or fi n years of age with alid instruction permit d er home state, and en accompanied by a least five years of ng experience and is r;

at least sixteen years of a nd who has in his or valid driver's license issue him or her in his or

her home country may operate a motor vehicle in this state for a period not to exceed one year;

(4) Any person operating special highway construction equipment as defined in RCW 46.16.010;

(5) Any person while driving or operating any farm tractor or implement of husbandry which is only incidentally operated or moved over a highway;

(6) Any person while operating a locomotive upon rails, including operation on a railroad crossing over a public highway; and such person is not required to display a driver's license to any law enforcement officer in connection with the operation of a locomotive or train within this state.

Amended by Laws 1993, ch. 148, § 1.

Historical and Statutory Notes

1993 Legislation

Laws 1993, ch. 148, § 1, in subsec. (2) added "or is at least fifteen years of age with a valid instruction permit issued to him or her in his or her home state, and when accompanied by a licensed driver who has had a least five years of driving experience and is occupying a seat beside the driver"; and made the section gender neutral.

*46.20.031. Persons ineligible to be licensed

The department shall not issue a driver's license hereunder:

(1) To any person who is under the age of sixteen years;

(2) To any person whose license has been suspended during such suspension, nor to any person whose license has been revoked, except as provided in RCW 46.20.311;

(3) To any person who has been evaluated by a program approved by the department of social and health services as being an alcoholic, drug addict, alcohol abuser and/or drug abuser: *Provided*, That a license may be issued if the department determines that such person has been granted a deferred prosecution, pursuant to chapter 10.05 RCW, or is satisfactorily participating in or has successfully completed an alcohol or drug abuse treatment program approved by the department of social and health services and has established control of his or her alcohol and/or drug abuse problem;

(4) To any person who has previously been adjudged to be mentally ill or insane, or to be incompetent due to any mental disability or disease, and who has not at the time of application been restored to competency by the methods provided by law: *Provided, however*, That no person so adjudged shall be denied a license for such cause if the superior court should find him able to operate a motor vehicle with safety upon the highways during such incompetency;

(5) To any person who is required by this chapter to take an examination, unless such person shall have successfully passed such examination;

(6) To any person who is required under the laws of this state to deposit proof of financial responsibility and who has not deposited such proof;

(7) To any person when the department has good and substantial evidence to reasonably conclude that such person by reason of physical or mental disability would not be able to operate a motor vehicle with safety upon the highways; subject to review by a court of competent jurisdiction.

Amended by Laws 1993, ch. 501, § 2.

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Notes of Decisio

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sworn rt; copy of sworn report itse was c tent evidence of its existenc even t h it did not contain certificatio by le custodian of Department's re ords. rtinez v. Department of Licen ing (1 70 Wash.App. 398, 854 P.2d 4

:ense for re- sustained, li- novo in supe- tment of Li- 253, 832 P.2d

5. P mptions and burden of pro

De ment of Licensing has burden de n rial of license revocation action prod competent evidence showing th revo n proceedings under implied co sent tute were properly institute Mar v. Department of Licensin (199 0 Wash.App. 398, 854 P.2d 4

ng officer tment of Li- cation under novo trial is tment of Li- novo trial to contained in of sworn re- erequisite to s. Martinez g (1993) 70

6. ings of fact

Su ntial evidence supported tri cour nding of fact that police offic atte d to clarify implied consent righ to m st by advising her that she wou "prob " lose her license if she refuse to ta lood test, where officer testifie that ld motorist that she would prob ably her license if she refused subm blood test after motorist e press ck of understanding of implie conse arnings read to her by office althou officer could not recall exa words d to explain warning. Mairs Depar t of Licensing (1993) 70 Wash App. 5 854 P.2d 665.

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tious name in any lication for a driver's license y make a false stat nt or to knowingly conceal a commit a fraud in such application;

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or and Statut Notes

and, in sec. (1), following "any" deleted "cance revoked, suspended,".

u t the l nges;

* **46.20.338. Display or possession of canceled, revoked, suspended license or identicard**

It is a traffic infraction for any person to display or cause or permit to be displayed or have in his or her possession any canceled, revoked, or suspended driver's license or identicard.

Enacted by Laws 1990, ch. 210, § 4.

* **46.20.342. Driving while license suspended or revoked—Penalties—Extension of suspension or revocation**

(1) It is unlawful for any person to drive a motor vehicle in this state while that person is in a suspended or revoked status or when his or her privilege to drive is suspended or revoked in this or any other state. Any person who has a valid Washington driver's license is not guilty of a violation of this section.

(a) A person found to be an habitual offender under chapter 46.65 RCW, who violates this section while an order of revocation issued under chapter 46.65 RCW prohibiting such operation is in effect, is guilty of driving while license suspended or revoked in the first degree, a gross misdemeanor. Upon the first such conviction, the person shall be punished by imprisonment for not less than ten days. Upon the second conviction, the person shall be punished by imprisonment for not less than ninety days. Upon the third or subsequent conviction, the person shall be punished by imprisonment for not less than one hundred eighty days. If the person is also convicted of the offense defined in RCW 46.61.502 or 46.61.504, when both convictions arise from the same event, the minimum sentence of confinement shall be not less than ninety days. The minimum sentence of confinement required shall not be suspended or deferred. A conviction under this subsection does not prevent a person from petitioning for reinstatement as provided by RCW 46.65.080.

(b) A person who violates this section while an order of suspension or revocation prohibiting such operation is in effect and while the person is not eligible to reinstate his or her driver's license or driving privilege, other than for a suspension for the reasons described in (c) of this subsection, is guilty of driving while license suspended or revoked in the second degree, a gross misdemeanor. This subsection applies when a person's driver's license or driving privilege has been suspended or revoked by reason of:

(i) A conviction of a felony in the commission of which a motor vehicle was used;

(ii) A previous conviction under this section;

(iii) A notice received by the department from a court or diversion unit as provided by RCW 46.20.265, relating to a minor who has committed, or who has entered a diversion unit concerning an offense relating to alcohol, legend drugs, controlled substances, or imitation controlled substances;

(iv) A conviction of RCW 46.20.410, relating to the violation of restrictions of an occupational driver's license;

(v) A conviction of RCW 46.20.420, relating to the operation of a motor vehicle with a suspended or revoked license;

(vi) A conviction of RCW 46.52.020, relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(vii) A conviction of RCW 46.61.024, relating to attempting to elude pursuing police vehicles;

(viii) A conviction of RCW 46.61.500, relating to reckless driving;

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(ix) A conviction of RCW 46.61.502 or 46.61.504, relating to a person under the influence of intoxicating liquor or drugs;

(x) A conviction of RCW 46.61.520, relating to vehicular homicide;

(xi) A conviction of RCW 46.61.522, relating to vehicular assault;

(xii) A conviction of RCW 46.61.530, relating to racing of vehicles on highways;

(xiii) A conviction of RCW 46.61.685, relating to leaving children in an unattended vehicle with motor running;

(xiv) A conviction of RCW 46.64.048, relating to attempting, aiding, abetting, coercing, and committing crimes; or

(xv) An administrative action taken by the department under chapter 46.20 RCW.

(c) A person who violates this section when his or her driver's license or driving privilege is, at the time of the violation, suspended or revoked solely because (i) the person must furnish proof of satisfactory progress in a required alcoholism or drug treatment program, (ii) the person must furnish proof of financial responsibility for the future as provided by chapter 46.29 RCW, (iii) the person has failed to comply with the provisions of chapter 46.20 RCW relating to uninsured accidents, (iv) the person has failed to respond to a notice of traffic infraction, failed to appear at a requested hearing, violated a written promise to appear in court, or has failed to comply with the terms of a notice of traffic infraction or citation, as provided in RCW 46.20.289, (v) the person has committed an offense in another state that, if committed in this state, would not be grounds for the suspension or revocation of the person's driver's license, or (vi) the person has been suspended or revoked by reason of one or more of the items listed in (b) of this subsection, but was eligible to reinstate his or her driver's license or driving privilege at the time of the violation, or any combination of (i) through (vi), is guilty of driving while license suspended or revoked in the third degree, a misdemeanor.

(2) Upon receiving a record of conviction of any person or upon receiving an order by any juvenile court or any duly authorized court officer of the conviction of any juvenile under this section, the department shall:

(a) For a conviction of driving while suspended or revoked in the first degree, as provided by subsection (1)(a) of this section, extend the period of administrative revocation imposed under chapter 46.65 RCW for an additional period of one year from and after the date the person would otherwise have been entitled to apply for a new license or have his or her driving privilege restored; or

(b) For a conviction of driving while suspended or revoked in the second degree, as provided by subsection (1)(b) of this section, not issue a new license or restore the driving privilege for an additional period of one year from and after the date the person would otherwise have been entitled to apply for a new license or have his or her driving privilege restored; or

(c) Not extend the period of suspension or revocation if the conviction was under subsection (1)(c) of this section. If the conviction was under subsection (1)(a) or (b) of this section and the court recommends against the extension and the convicted person has obtained a valid driver's license, the period of suspension or revocation shall not be extended.

Amended by Laws 1987, ch. 388, § 1, eff. July 1, 1988; Laws 1990, ch. 210, § 5; Laws 1990, ch. 250, § 47. Reenacted and amended by Laws 1991, ch. 293, § 6. Amended by Laws 1992, ch. 130, § 1, eff. March 31, 1992; Laws 1993, ch. 501, § 6.

Historical and Statutor

1987 Legisla
Laws 1987, c 8, § 1, inserted gender references, thro out; in subsec. (1), in the first sente inserted "while that person is in a su ded or revoked status of"; and substit "title" for "chapter".

1990 Legislati
Laws 1990, ch. § 5, in subsec. (1), in the first senter substituted "in" for "on any public hig y of"; and deleted the former second rd, and fourth sentences, which pert to penalties.

1990 Legislatio
Laws 1990, ch. 2 47, in subsec. (1), at the end of the fi entence, added the exception for a n having a valid Washington driver ense; and, in subsec. (2), in the firs ntence of the introductory paragraph the phrase "while the license or pri e of the person is under suspension" rted "or privilege"; following "shall no ue a new license" inserted "or restor driving privilege"; and, at the end of entence, added "or have his or her dri privilege restored".

1991 Legislatio
Laws 1991, ch. § 6, rewrote the section, which prev y read:

"(1) Any person o drives a motor vehicle in this state e that person is in a suspended or rev status or when his or her privilege so o is suspended or revoked in this or a ther state or when his or her policy surance or bond, when required und his title, has been canceled or termina is guilty of a gross misdemeanor, excep at any person who has a valid Washin driver's license is not guilty of a vio n of this section.

"(2) Except as o wise provided in this subsection, upon eiving a record of conviction of any per or upon receiving an order by any juve court or any duly authorized court off of the conviction of any juvenile unde s section upon a charge of driving a cle while the license or privilege o person is under suspension, the dep ent shall extend the period of the su sion for an addi-

Cross References

Impoundment of v e for driver's license violations, rel court hearing, see § 46.20.435.

46.20.391. Occu ional driver's license ty— estrictions—Cancellati

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Section
46.25.120. Test for alcohol or drugs—Disqualification for refusal of test or positive test.
46.25.[illegible] Report of violation by nonresident.
46.25.[illegible] Rules.
46.25.150. Agreements to carry out chapter.
46.25.160. Licenses issued by other states.
46.25.170. Civil and criminal penalties.
46.25.900. Severability—1989 c 178.
46.25.901. Effective date—1989 c 178.

Administrative Code References

Adjudicative procedures, see WAC 308-08-005 et [illegible]

WESTLAW Electronic Research

See WESTLAW Electronic Research Guide following the [illegible]

46.25.001. Short title

This chapter may be cited as the Uniform Commercial Driver License Act.

Enacted by Laws 1989, ch. 178, § 1, eff. Oct. 1, 1989.

46.25.005. Purpose—Construction

(1) The purpose of this chapter is to implement the federal Commercial Motor Vehicle Safety Act of 1986 (CMVSA), Title XII, P.L. 99-570,[1] and reduce or prevent commercial motor vehicle accidents, fatalities, and injuries by:

(a) Permitting commercial drivers to hold only one license;

(b) Disqualifying commercial drivers who have committed certain serious traffic violations, or specified offenses;

(c) Strengthening licensing and testing standards.

(2) This chapter is a remedial law and shall be liberally construed to promote public health, safety, and welfare. To the extent that this chapter conflicts with general driver licensing provisions, this chapter prevails. Where this chapter is silent, the general driver licensing provisions apply.

Enacted by Laws 1989, ch. 178, § 2, eff. Oct. 1, 1989.

[1] 49 U.S.C.A. § 2701 et seq.

* 46.25.010. Definitions

The definitions set forth in this section apply throughout this chapter.

(1) "Alcohol" means any substance containing any form of alcohol, including but not limited to ethanol, methanol, propanol, and isopropanol.

(2) "Alcohol concentration" means:

(a) The number of grams of alcohol per one hundred milliliters of blood; or

(b) The number of grams of alcohol per two hundred ten liters of breath.

(3) "Commercial driver's license" (CDL) means a license issued in accordance with the requirements of this chapter to an individual that authorizes the individual to drive a class of commercial motor vehicle.

(4) The "commercial driver's license information system" (CDLIS) is the information system established pursuant to the CMVSA to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers.

(5) "Commercial driver's instruction permit" means a permit issued under RCW 46.25.060(4).

(6) "Commercial motor vehicle" means a motor vehicle designed or used to transport passengers or property:

(a) If the vehicle has a gross weight rating of 26,001 or more pounds;

(b) If the vehicle is designed to transport sixteen or more passengers, including the driver;

(c) If the vehicle is transporting hazardous materials and is required to be identified by a placard in accordance with 49 C.F.R. part 172, subpart F; or

(d) If the vehicle is a school bus as defined in RCW 46.04.521 regardless of weight or size.

(7) "Conviction" has the definition set forth in RCW 46.20.270.

(8) "Disqualification" means a prohibition against driving a commercial motor vehicle.

(9) "Drive" means to drive, operate, or be in physical control of a motor vehicle in any place open to the general public for purposes of vehicular traffic. For purposes of RCW 46.25.100, 46.25.110, and 46.25.120, "drive" includes operation or physical control of a motor vehicle anywhere in the state.

(10) "Drugs" are those substances as defined by RCW 69.04.009.

(11) "Employer" means any person, including the United States, a state, or a political subdivision of a state, who owns or leases a commercial motor vehicle, or assigns a person to drive a commercial motor vehicle.

(12) "Gross vehicle weight rating" (GVWR) means the value specified by the manufacturer as the maximum loaded weight of a single or a combination or articulated vehicle, or the registered gross weight, whichever is greater. The GVWR of a combination or articulated vehicle, commonly referred to as the "gross combined weight rating" or GCWR, is the GVWR of the power unit plus the GVWR of the towed unit or units.

(13) "Hazardous materials" has the same meaning found in Section 103 of the Hazardous Materials Transportation Act (49 App.U.S.C. 1801 et seq.).

(14) "Motor vehicle" means a vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power used on highways, or any other vehicle required to be registered under the laws of this state, but does not include a vehicle, machine, tractor, trailer, or semitrailer operated exclusively on a rail.

(15) "Out-of-service order" means a temporary prohibition against driving a commercial motor vehicle.

(16) "Serious traffic violation" means:

(a) Excessive speeding, defined as fifteen miles per hour or more in excess of the posted limit;

(b) Reckless driving, as defined under state or local law;

(c) A violation of a state or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with an accident or collision resulting in death to any person; and

(d) Any other violation of a state or local law relating to motor vehicle traffic control, other than a parking violation, that the department determines by rule to be serious.

(17) "State" means a state of the United States and the District of Columbia.

(18) "Tank vehicle" means a vehicle that is designed to transport a liquid or gaseous material within a tank that is either permanently or temporarily

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attached to the vehicle or the chassis. Tank vehicles include, but are not limited to cargo tanks and portable tanks. However, this definition does not include portable tanks having a rated capacity under one thousand gallons.

(19) "United States" means the fifty states and the District of Columbia.

Enacted by Laws 1989, ch. 178, § 3, eff. Oct. 1, 1989.

* 46.25.020. One license limit

No person who drives a commercial motor vehicle may have more than one driver's license.

Enacted by Laws 1989, ch. 178, § 4, eff. Oct. 1, 1989.

* 46.25.030. Duties of driver—Notice to department and employer

(1)(a) A driver of a commercial motor vehicle holding a driver's license issued by this state who is convicted of violating a state law or local ordinance relating to motor vehicle traffic control, in any other state or federal, provincial, territorial, or municipal laws of Canada, other than parking violations, shall notify the department in the manner specified by rule of the department within thirty days of the date of conviction.

(b) A driver of a commercial motor vehicle holding a driver's license issued by this state who is convicted of violating a state law or local ordinance relating to motor vehicle traffic control in this or any other state or federal, provincial, territorial, or municipal laws of Canada, other than parking violations, shall notify his or her employer in writing of the conviction within thirty days of the date of conviction.

(c) The notification requirements contained in (a) and (b) of this subsection as they relate to the federal, provincial, territorial, or municipal laws of Canada become effective only when the federal law or federal rules are changed to require the notification or a bilateral or multilateral agreement is entered into between the state of Washington and any Canadian province implementing essentially the same standards of regulation and penalties of all parties as encompassed in this chapter.

(2) A driver whose driver's license is suspended, revoked, or cancelled by a state, who loses the privilege to drive a commercial motor vehicle in a state for any period, or who is disqualified from driving a commercial motor vehicle for any period, shall notify his or her employer of that fact before the end of the business day following the day the driver received notice of that fact.

(3) A person who applies to be a commercial motor vehicle driver shall provide the employer, at the time of the application, with the following information for the ten years preceding the date of application:

(a) A list of the names and addresses of the applicant's previous employers for which the applicant was a driver of a commercial motor vehicle;

(b) The dates between which the applicant drove for each employer; and

(c) The reason for leaving that employer.

The applicant shall certify that all information furnished is true and complete. An employer may require an applicant to provide additional information.

Enacted by Laws 1989, ch. 178, § 5, eff. Oct. 1, 1989.

* 46.25.040. Duties of employer

(1) An employer shall require the applicant to provide the information specified in RCW 46.25.030(3).

(2) No employer may knowingly allow, permit, or authorize a driver to drive a commercial motor vehicle during any period:

(a) In which the driver has a driver's license suspended, revoked, or canceled by a state, has lost the privilege to drive a commercial motor vehicle in a state, or has been disqualified from driving a commercial motor vehicle; or

(b) In which the driver has more than one driver's license.

Enacted by Laws 1989, ch. 178, § 6, eff. Oct. 1, 1989.

* 46.25.050. Commercial driver's license required—Exceptions, restrictions

(1) Drivers of commercial motor vehicles shall obtain a commercial driver's license as required under this chapter by April 1, 1992. The director shall establish a program to convert all qualified commercial motor vehicle drivers by that date. After April 1, 1992, except when driving under a commercial driver's instruction permit and a valid automobile or classified license and accompanied by the holder of a commercial driver's license valid for the vehicle being driven, no person may drive a commercial motor vehicle unless the person holds and is in immediate possession of a commercial driver's license and applicable endorsements valid for the vehicle they are driving. However, this requirement does not apply to any person:

(a) Who is the operator of a farm vehicle, and the vehicle is:

(i) Controlled and operated by a farmer;

(ii) Used to transport either agricultural products, farm machinery, farm supplies, or any combination of those materials to or from a farm;

(iii) Not used in the operations of a common or contract motor carrier; and

(iv) Used within one hundred fifty miles of the person's farm; or

(b) Who is a fire fighter or law enforcement officer operating emergency equipment, and:

(i) The fire fighter or law enforcement officer has successfully completed a driver training course approved by the director; and

(ii) The fire fighter or law enforcement officer carries a certificate attesting to the successful completion of the approved training course; or

(c) Who is operating a recreational vehicle for noncommercial purposes. As used in this section, "recreational vehicle" includes a vehicle towing a horse trailer for a noncommercial purpose.

(2) No person may drive a commercial motor vehicle while his or her driving privilege is suspended, revoked, or canceled, while subject to disqualification, or in violation of an out-of-service order. Violations of this subsection shall be punished in the same way as violations of RCW 46.20.342(1).

Enacted by Laws 1989, ch. 178, § 7, eff. Oct. 1, 1989. Amended by Laws 1990, ch. 56, § 1.

Historical and Statutory Notes

1990 Legislation

Laws 1990, ch. 56, § 1, in subsec. (1), deleted a former subd. (a)(v), which read: "Not transporting hazardous materials required to be identified by a placard;" in subd. (b), in three places, inserted "or law enforcement officer"; and, in subd. (c), added the second sentence defining "recreational vehicle".

*46.25.110. Driving with alcohol in system

(1) Not withstanding any other provision of Title 46 RCW, a person may not drive, operate, or be in physical control of a commercial motor vehicle while having alcohol in his or her system.

(2) Law enforcement or appropriate officials shall issue an out-of-service order valid for twenty-four hours against a person who drives, operates, or is in physical control of a commercial motor vehicle while having alcohol in his or her system or who refuses to take a test to determine his or her alcohol content as provided by RCW 46.25.120.

Enacted by Laws 1989, ch. 178, § 13, eff. Oct. 1, 1989.

*46.25.120. Test for alcohol or drugs—Disqualification for refusal of test or positive test

(1) A person who drives a commercial motor vehicle within this state is deemed to have given consent, subject to RCW 46.61.506, to take a test or tests of that person's blood or breath for the purpose of determining that person's alcohol concentration or the presence of other drugs.

(2) A test or tests may be administered at the direction of a law enforcement officer, who after stopping or detaining the commercial motor vehicle driver, has probable cause to believe that driver was driving a commercial motor vehicle while having alcohol in his or her system.

(3) The law enforcement officer requesting the test under subsection (1) of this section shall warn the person requested to submit to the test that a refusal to submit will result in that person being disqualified from operating a commercial motor vehicle under RCW 46.25.090.

(4) If the person refuses testing, or submits to a test that discloses an alcohol concentration of 0.04 or more, the law enforcement officer shall submit a sworn report to the department certifying that the test was requested pursuant to subsection (1) of this section and that the person refused to submit to testing, or submitted to a test that disclosed an alcohol concentration of 0.04 or more.

(5) Upon receipt of the sworn report of a law enforcement officer under subsection (4) of this section, the department shall disqualify the driver from driving a commercial motor vehicle under RCW 46.25.090, subject to the hearing provisions of RCW 46.20.329 and 46.20.332. The hearing shall be conducted in the county of the arrest. For the purposes of this section, the hearing shall cover the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving or was in actual physical control of a commercial motor vehicle within this state while having alcohol in the person's system, whether the person refused to submit to the test or tests upon request of the officer after having been informed that the refusal would result in the disqualification of the person from driving a commercial motor vehicle, and, if the test was administered, whether the results indicated an alcoholic concentration in that person's blood of 0.04 percent or more. The department shall order that the disqualification of the person either be rescinded or sustained. Any decision by the department disqualifying a person from driving a commercial motor vehicle is stayed and does not take effect while a formal hearing is pending under this section or during the pendency of a subsequent appeal to superior court so long as there is no conviction for a moving violation or no finding that the person has committed a traffic infraction that is a moving violation during the pendency of the hearing and appeal. If the disqualification of the person is sustained after the hearing, the person who is disqualified may file a petition in the superior

court of the county of arrest to review the final order of disqualification by the department in the manner provided in RCW 46.20.334.

Enacted by Laws 1989, ch. 178, § 14, eff. Oct. 1, 1989. Amended by Laws 1990, ch. 250, § 50.

Historical and Statutory Notes

1990 Legislation

Laws 1990, ch. 250, § 50, in subsec. (5), in the third sentence, substituted "having alcohol in the person's system" for "under the influence of alcohol or any drug, whether the person was placed under arrest".

Severability—Laws 1990, ch. 250: See Historical and Statutory Notes following § 46.16.301.

46.25.130. Report of violation by nonresident

Within ten days after receiving a report of the conviction in this state of any nonresident holder of a commercial driver's license for any violation of state law or local ordinance relating to motor vehicle traffic control other than parking violations, committed in a commercial motor vehicle, the department shall notify the driver licensing authority in the licensing state of the conviction.

Enacted by Laws 1989, ch. 178, § 15, eff. Oct. 1, 1989.

46.25.140. Rules

The department may adopt rules necessary to carry out this chapter.

Enacted by Laws 1989, ch. 178, § 16, eff. Oct. 1, 1989.

46.25.150. Agreements to carry out chapter

The department may enter into or make agreements, arrangements, or declarations to carry out this chapter.

Enacted by Laws 1989, ch. 178, § 17, eff. Oct. 1, 1989.

46.25.160. Licenses issued by other states

Notwithstanding any law to the contrary, a person may operate a commercial motor vehicle if the person has a commercial driver's license, commercial driver's instruction permit issued by any state in accordance with the minimum federal standards for the issuance of commercial motor vehicle driver's licenses or permits, if the person's license or permit is not suspended, revoked, or canceled, and if the person is not disqualified from driving a commercial motor vehicle or is subject to an out-of-service order.

Enacted by Laws 1989, ch. 178, § 18, eff. Oct. 1, 1989.

* 46.25.170. Civil and criminal penalties

(1) A person subject to RCW 81.04.405 who is determined by the utilities and transportation commission, after notice, to have committed an act that is in violation of RCW 46.25.020, 46.25.030, 46.25.040, 46.25.050, or 46.25.110 is liable to Washington state for the civil penalties provided for in RCW 81.04.405.

(2) A person who violates or fails to comply with, or who procures, aids, or abets in the violation of any provision of RCW 46.25.020, 46.25.030, 46.25.040, 46.25.050, or 46.25.110 is guilty of a gross misdemeanor.

Enacted by Laws 1989, ch. 178, § 19, eff. Oct. 1, 1989.

...t any peace officer to secure possession ...f and to return the same to the ...nt"; and made other nonsubstan... ...nges.

Se... ...ty—L... ch. 250: See ...l and ...y Notes following ...16.30...

46.29.0... ...led b... ...s 1991 ...293, § 10

46.29.630. Se...

...f Decisions

Co... 1

1. Certif...

Ma... ...sue of fact, as to whether co... which owned truck which struck ...lled insured was self-insured under ...plicable state and federal law, precluded ...mmary judgment against widow on ... for uninsured motorist benefits; ... under language of policy, insurer was ...ired to provide state certificate ... ...urance for company to prove th... ...ny was self-insured. Miller v. Ae... ... Cas. Co. (1993) 70 Wash.App. 192, ... 1253.

CHAPTER 46.30—MANDATORY LIABILITY INSURANCE

Section		Section	
46.30.010.	Legislative intent.	46.30.040.	Display of identification card or proof of financial responsibility—Penalty for falsification.
46.30.020.	Liability insurance or other financial responsibility required—Violations—Exceptions.	46.30.900.	Severability—1989 c 353.
46.30.030.	Insurance identification card.	46.30.901.	Effective date—1989 c 353.

Administrative Code References

Insurance identification card, see WAC 308-106-010 et seq.

WESTLAW Electronic Research

See WESTLAW Electronic Research Guide following the Preface.

* 46.30.010. Legislative intent

It is a privilege granted by the state to operate a motor vehicle upon the highways of this state. The legislature recognizes the threat that uninsured drivers are to the people of the state. In order to alleviate the threat posed by uninsured drivers it is the intent of the legislature to require that all persons driving vehicles registered in this state satisfy the financial responsibility requirements of this chapter. By enactment of this chapter it is not the intent of the legislature to modify, amend, or invalidate existing insurance contract terms, conditions, limitations, or exclusions or to preclude insurance companies from using similar terms, conditions, limitations, or exclusions in future contracts.

Enacted by Laws 1989, ch. 353, § 1, eff. Jan. 1, 1990.

Historical and Statutory Notes

Report on uninsured motorists: "The director of licensing shall compile records on uninsured motorists and file a report with the legislature after accumulating data for twelve months after January 1, 1990." [Laws 1989, ch. 353, § 9.]

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MOTOR VEH...LES

46.30.020. L...lity insu... ...uired—V...

(1)(a) No pe... may oper... chapter 46.16 ... in this st... vehicle liability ...cy with li... RCW 46.29.090, ...elf-insure... certificate of de...t in confo... liability bond o... least the ... proof of financi...sponsibili... on the request ...aw enforc... 46.30.030.

(b) A person ... drives a ... another state t... requires ... maintain insura... or financi... enforcement of..., provide e... is required by ... laws of ...

(c) When as... to do so by ... insurance ide...ation card ... presumption t...he person ...

(d) Failure ...rovide proof ... and is subject ...enalties as ... or community ...vice.

(2) If a per... cited for a ... in person bef...he court an... person was c... he or she w... requirements ...subsection (1... In lieu of per...l appearanc... of this sectio...ay, before t... before the co... submit by m... the person w...ted, he or sh... bility require...ts of subsect... shall be dis...ed without ... administrativ...sts of twenty...

(3) The pr...ons of this c...

(a) The op...ion of a mot... governed by ...W 46.16.020, ... transportatio...mmission as ...

(b) The op...ion of a mot... driven cycle ...defined in R... 46.04.304.

(4) RCW 4...490 shall not ... policies requ... by this cha... stated in cha... 46.29 RCW.

Enacted by La...989, ch. 353, § ... § 24; Laws 19... Sp.Sess., ch. 25.

Histori...

1991 Legisl...

Laws 199... 339, § 24, in ... subsec. (4)... (3)(a)], sub... "46.16.305(1)" ...16.16.310 or 46... and following ...16.020," insert...

Laws 1991, ...Sess., ch. 25, ... wrote the sec... which former...

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*46.30.020. Liability insurance or other financial responsibility required—Violations—Exceptions

(1)(a) No person may operate a motor vehicle subject to registration under chapter 46.16 RCW in this state unless the person is insured under a motor vehicle liability policy with liability limits of at least the amounts provided in RCW 46.29.090, is self-insured as provided in RCW 46.29.630, is covered by a certificate of deposit in conformance with RCW 46.29.550, or is covered by a liability bond of at least the amounts provided in RCW 46.29.090. Written proof of financial responsibility for motor vehicle operation must be provided on the request of a law enforcement officer in the format specified under RCW 46.30.030.

(b) A person who drives a motor vehicle that is required to be registered in another state that requires drivers and owners of vehicles in that state to maintain insurance or financial responsibility shall, when requested by a law enforcement officer, provide evidence of financial responsibility or insurance as is required by the laws of the state in which the vehicle is registered.

(c) When asked to do so by a law enforcement officer, failure to display an insurance identification card as specified under RCW 46.30.030 creates a presumption that the person does not have motor vehicle insurance.

(d) Failure to provide proof of motor vehicle insurance is a traffic infraction and is subject to penalties as set by the supreme court under RCW 46.63.110 or community service.

(2) If a person cited for a violation of subsection (1) of this section appears in person before the court and provides written evidence that at the time the person was cited, he or she was in compliance with the financial responsibility requirements of subsection (1) of this section, the citation shall be dismissed. In lieu of personal appearance, a person cited for a violation of subsection (1) of this section may, before the date scheduled for the person's appearance before the court, submit by mail to the court written evidence that at the time the person was cited, he or she was in compliance with the financial responsibility requirements of subsection (1) of this section, in which case the citation shall be dismissed without cost, except that the court may assess court administrative costs of twenty-five dollars at the time of dismissal.

(3) The provisions of this chapter shall not govern:

(a) The operation of a motor vehicle registered under RCW 46.16.305(1), governed by RCW 46.16.020, or registered with the Washington utilities and transportation commission as common or contract carriers; or

(b) The operation of a motorcycle as defined in RCW 46.04.330, a motor-driven cycle as defined in RCW 46.04.332, or a moped as defined in RCW 46.04.304.

(4) RCW 46.29.490 shall not be deemed to govern all motor vehicle liability policies required by this chapter but only those certified for the purposes stated in chapter 46.29 RCW.

Enacted by Laws 1989, ch. 353, § 2, eff. Jan. 1, 1990. Amended by Laws 1991, ch. 339, § 24; Laws 1991, Sp.Sess., ch. 25, § 1.

Historical and Statutory Notes

1991 Legislation

Laws 1991, ch. 339, § 24, in former subsec. (4)(a)[now (3)(a)], substituted "46.16.305(1)" for "46.16.310 or 46.16.315", and following "46.16.020," inserted "or".

Laws 1991, Sp.Sess., ch. 25, § 1, rewrote the section, which formerly read:

"(1) No person may operate a motor vehicle subject to registration under chapter 46.16 RCW in this state unless the person is insured under a motor vehicle liability policy with liability limits of at least the amounts provided in RCW

.090, is self-insured as provided in 16.29.630, is covered by a certificate of it in conformance with RCW 46.29 r is covered by a liability bond of at le amounts provided in RCW 46.29.090.

"(2) A vio of this section constitutes a traffic i ion punishable by a fine of two hundr fifty dollars unless a court determine in the int of justice the fine should lu lieu of the fine, a court ma the defendant to perform comm ice designated by the court.

"(3) If a person cited Violatio this section appears i son before th court and provides en evidence that at the time the p was cited, he or she was in compl with this section, the citation sh dismissed. In lieu of personal arance, a person cited for a viol this section may, before the cheduled for the person's appearance before urt, submit by mail to the court evidence that at the time the per as cited, he or she was in compli with this section, in which case the n shall be dismissed.

"(4) The provisions of this chapter shall govern:

"(a) The operation of a motor vehicle registered under RCW 46.16.310 or 46.16.315, governed by RCW 46.16.020, registered with the Washington utilities and transportation commission as common or contract carriers; or

"(b) The operation of a motorcycle as defined in RCW 46.04.330, a motor-driven as defined in RCW 46.04.332, or a as defined in RCW 46.04.304.

" W 46.29.490 shall not be deem vern all motor vehicle liability polici ired by this chapter but only those d for the purposes stated in chapter RCW."

Cross References

Notice of liability insurance requirement, see § 46.16.212.

* **46.30.030. Insurance identification card**

(1) Whenever an insurance company issues or renews a motor vehicle liability insurance policy, the company shall provide the policyholder with an identification card as specified by the department of licensing. At the policyholder's request, the insurer shall provide the policyholder a card for each vehicle covered under the policy.

(2) The department of licensing shall adopt rules specifying the type, style, and content of insurance identification cards to be used for proof of compliance with RCW 46.30.020, including the method for issuance of such identification cards by persons or organizations providing proof of compliance through self-insurance, certificate of deposit, or bond. In adopting such rules the department shall consider the guidelines for insurance identification cards developed by the insurance industry committee on motor vehicle administration.

Enacted by Laws 1989, ch. 353, § 3, eff. Jan. 1, 1990.

* **46.30.040. Providing false evidence of financial responsibility—Penalty**

Any person who knowingly provides false evidence of financial responsibility to a law enforcement officer or to a court, including an expired or canceled insurance policy, bond, or certificate of deposit is guilty of a misdemeanor.

Enacted by Laws 1989, ch. 353, § 4, eff. Jan. 1, 1990. Amended by Laws 1991, Sp.Sess., ch. 25, § 2.

Historical and Statutory Notes

1991 Legislation

Laws 1991, Sp.Sess., ch. 25, § 2, rewrote the section, which formerly read:

"(1) Whenever a person operates a motor vehicle subject to registration under chapter 46.16 RCW, the person shall have in his or her possession an identification

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trol—Additional powers and duties

powers and duties elsewhere granted, the chief of t
ol shall have the power and the duty to adopt, appl
nable rules and regulations (1) relating to proper typ
ations thereof for hauling passengers, commoditi
2) relating to vehicle equipment, and (3) relating to t
visions of this title with regard to vehicle equipment,
ary for the public welfare and safety in addition to b
ie provisions of this title.

shington state patrol is authorized to adopt by regul
; relating to motor vehicles and vehicle equipmen
National Traffic and Motor Vehicle Safety Act of 196
aid act, notwithstanding any provision in Title 46 RC
tandards. Federal standards adopted pursuant to th
able only to vehicles manufactured in a model ye
of such standards.

h. , § 706.

Hi ical and Statutory Notes

706, deleted a
ear the begin-
paragraph, fol-
ranted" substi-
ashington state
ns of this title
uipment"; and,

at the beginning of the second paragrap
substituted "The chief of the Washingt
state patrol" for "The state commission
equipment".

Construction—Application of rules
Severability—Laws 1987, ch. 330: S
Historical Note following § 28B.12.050.

l effect of regulations—General penalty

tion for any person to drive or move or for the own
permit to be driven or moved on any highway a
of vehicles which is in such unsafe condition as
which does not contain those parts or is not at a
lamps and other equipment in proper condition a
n this chapter or in regulations issued by the chief
rol, or which is equipped in any manner in violation
patrol's regulations, or for any person to do any ac
rm any act required under this chapter or the sta

in this chapter or the state patrol's regulations sha
the use of additional parts and accessories on a
ith the provisions of this chapter or the state patrol

the chapter and the state patrol's regulations wit
vehicles shall not apply to implements of husbandry
e or farm tractors except as herein made applica

a of a farm tractor, self-propelled unit of farm
o sbandry shall be guilty of a crime or subject t
CW 46.37.160 as now or hereafter amended unles
public highway.

(5) a traffic infraction for any person to or offer for sale cle equipme hich is required to be approved by state patrol as p bed in RCW 4 005 unless it has been approved the state patrol.

(6) The pr ions of this chapter with res to equipment uired on vehicles shall n pply to motorcycles or mot riven cycles e as herein made applicable.

(7) Notices of t c infraction issued commercial ers under the provisions of this ch r with respect to e pment re d on commercial motor vehicles shall n considered for r impr ent purposes under chapter 46.20 RCW.

(8) Whenever a traffic ction is ch able e owner or lessee of a vehicle under subsection (1) his sectio he d shall not be arrested or issued a notice of traffic in tion u s t vehicle is registered in a jurisdiction other than Washi st on ess the infraction is for an offense that is clearly within the of the driver.

(9) Whenever the owner or les d a notice of traffic infraction under this section the court may, o uest of the owner or lessee, take appropriate steps to make the driv e vehicle, or any other person who directs the loading, maintenance, o n of the vehicle, a codefendant. If the codefendant is held solely re ol is found to have committed the traffic infraction, the court may ss the ice against the owner or lessee.

Amended by Laws 1987, ch. 330 07; Laws ch. 178, § 22, eff. Oct. 1, 1989.

His and Statuto tes

1987 Legislation

Laws 1987, ch. 330, § 7 bsec. (1), substituted "chief of th gton state patrol" for "state c on equipment"; and, throu section, substituted "state pa ommission on equipment" an atrol's regulations" for "co egulations".

1989 Legi

Laws 19 § 22, added subsecs. (7), (8), a

Severab —Effective dates—Laws 1989, ch. See §§ 46.25.900 and 46.25.901.

Construction— lic tion of rules—Severability—Law ch. 330: See Historical Note follo § 28B.12.050.

46.37.070. Stop lamps and turn signals required

Notes of Decisions

Negligence 1

1. Negligence

Jury could find that driver of truck and trailers was liable on negligence theory to driver of automobile proceeding behind trailers; automobile driver testified that truck had begun a right turn without displaying brake lights or turn signals, permitting inference that truck driver had failed to exercise reasonable care, and that his actions were cause of accident, as driver could have avoided truck had brake and signal indicators been displayed. Smith v. Fourre (1993) 71 Wash.App. 304, 858 P.2d 276.

46.37.100. Color of clearance lamps, side marker lamps, back-up lamps, and reflectors

(1) Front clearance lamps and those marker lamps and reflectors mounted on the front or on the side near the front of a vehicle shall display or reflect an amber color.

(2) Rear clearance lamps and those marker lamps and reflectors mounted on the rear or on the sides near the rear of a vehicle shall display or reflect a red color.

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(3) All lighting devices and reflectors mounted on the rear of any vehicle shall display or reflect a red color, except the stop lamp or other signal device which may be red, amber, or yellow, and except that on any vehicle forty or more years old, the taillight may also contain a blue or purple insert of not more than one inch in diameter, and except that the light illuminating the license plate shall be white and the light emitted by a back-up lamp shall be white or amber.

Amended by Laws 1992, ch. 46, § 1.

46.37.160. Hazard warning lights and reflectors [illegible] farm equipment—Slow-moving vehicle emblem

(1) [illegible] farm tractor and every self-propelled unit [illegible] farm equipment or implement [illegible] husbandry manufactured or assembled [illegible] January 1, 1970 shall be e[illegible]ed with vehicular hazard warning lights [illegible] type described in RCW 46.37[illegible] visible from a distance of not less [illegible] one thousand feet to the front and [illegible] in normal sunlight, which shall [illegible] displayed whenever any such vehicle is [illegible]ted upon a highway.

(2) Every self-p[illegible]lled unit of farm equipme[illegible] implement of husbandry manufactured or as[illegible]led after January 1, 19[illegible] shall at all times, and every other motor vehicle s[illegible] at times mentioned [illegible] RCW 46.37.020, be equipped with lamps and reflect[illegible]s follows:

(a) At least two head[illegible]s meeting th[illegible]quirements of RCW 46.37.220, 46.37.240, or 46.37.260;

(b) At least one red lamp [illegible]ible whe[illegible]ghted from a distance of not less than one thousand feet to t[illegible]ear m[illegible]ed as far to the left of center of vehicle as practicable;

(c) At least two red reflectors [illegible] from all distances within six hundred to one hundred feet to the rear w[illegible]ectly in front of lawful lower beams of headlamps.

(3) Every combination of farm [illegible] and towed farm equipment or towed implement of husbandry shall [illegible]es mentioned in RCW 46.37.020 be equipped with lamps and refl[illegible]s as [illegible]ows:

(a) The farm tractor eleme[illegible] every [illegible] combination shall be equipped as required in subsections (1) [illegible] (2) of this [illegible]tion;

(b) The towed unit of fa[illegible] equipment o[illegible]plement of husbandry elements of such combination shall [illegible] equipped on th[illegible]ar with two red lamps visible when lighted from a dist[illegible] of not less tha[illegible] thousand feet to the rear and two red reflectors v[illegible] to the rear from [illegible]istances within six hundred feet to one hundred fe[illegible] the rear when dir[illegible] in front of lawful upper beams of head lamps [illegible]ne reflector shall be [illegible]ositioned to indicate, as nearly as practicable [illegible] extreme left projection [illegible]he towed unit;

(c) If the towed [illegible] or its load obscures eit[illegible] of the vehicle hazard warning lights on [illegible] tractor, the towed unit shall [illegible] equipped with vehicle hazard warning [illegible]s described in subsection (1) of [illegible] section.

(4) The two [illegible]amps and the two red reflectors re[illegible]ed in the foregoing subsections of [illegible]s section on a self-propelled unit o[illegible]rm equipment or implement o[illegible]sbandry or combination of farm trac[illegible] and towed farm equipment [illegible] be so positioned as to show from the [illegible]r as nearly as practicable [illegible] extreme width of the vehicle or combinat[illegible] carrying them. *Provided*, [illegible] if all other requirements are met, reflective [illegible] or paint may be used [illegible]u of reflectors required by subsection (3) [illegible] this section.

(5) Af[illegible]nuary 1, 1970, every farm tractor and every sel[illegible]pelled unit of farm equipment or implement of husbandry designed fo[illegible]eration [illegible]

speeds not in exc[illegible] of twenty-five mil[illegible] equipped with a sl[illegible] moving vehicle eml[illegible] provided in subsec[illegible] (6) of this section.

(6) After Janua[illegible], 1970, every comb[illegible] farm equipment [illegible]owed implement of speeds not in ex[illegible] of twenty-five mil[illegible] equipped with a s[illegible] moving vehicle emb[illegible]

(a) Where the [illegible]d unit is sufficiently vehicle emblem o[illegible]e farm tractor, the t[illegible] slow moving vehi[illegible] emblem. In such c[illegible] display the emble[illegible]

(b) Where the [illegible] moving vehicle emb[illegible] obscured by the [illegible]d unit, then either [illegible] required emblem [illegible] it shall be sufficient

(7) The emblem [illegible]quired by subsection [illegible] comply with cur[illegible] standards and spec[illegible] Washington state [illegible]rol.

Amended by Laws [illegible], ch. 330, § 708.

Historical and Stat[illegible]

1987 Legislation [illegible] Laws 1987, ch. 33[illegible] 708, in subsec. (7), substituted "Washi[illegible]n state patrol" for "state commission [illegible]quipment".

C[illegible] Sev[illegible] Hist[illegible]

46.37.185. Gre[illegible]light on firemen's p[illegible]

Firemen, when [illegible]proved by the chief of [illegible] authorized to use [illegible] green light on the fro[illegible] emergency duty [illegible] Such green light sha[illegible] hundred feet und[illegible] normal atmospheric con[illegible] mounting approv[illegible]y the Washington stat[illegible] light shall only [illegible]or the purpose of iden[illegible] vehicle so equip[illegible] shall not be entitled to [illegible] RCW 46.61.035 f[illegible]e operators of authoriz[illegible]

Amended by Laws [illegible], ch. 330, § 709.

Historical and Statut[illegible]

1987 Legislation [illegible] Laws 1987, ch. 3[illegible] 709, at the end of the second sentenc[illegible] substituted "Washington state patrol [illegible] "commission on equipment".

Co[illegible] Sever[illegible] Histo[illegible]

46.37.190. War[illegible] devices on vehicle sto[illegible]

(1) Every autho[illegible]d emergency vehicle s[illegible] equipment and dist[illegible]ve marking required by at least one lamp [illegible]ble of displaying a red hundred feet in nor[illegible] sunlight and a siren cap[illegible]

(2) Every school [illegible] and private carrier bus equipment and disti[illegible]e markings required by a "stop" signal upon [illegible] background not less th[illegible] displaying the word [illegible]p" in letters of distin[illegible]

es and reflectors mounted he rear of any vehicl
red color, except the stop l or other signal device
ber, or yellow, and except th n any vehicle forty
dlight may also contain a bl r purple insert of no
diameter, and except that light illuminating th
white and the light emitted by back-up lamp shall

ch. 46, § 1.

**warning lights and reflec s on farm equip
—Slow-moving vehicle emb n**

tor and every self-propelled u f farm equipment
ry manufactured or assemble ter January 1, 19
vehicular hazard warning light the type described
from a distance of not less th one thousand feet
normal sunlight, which shall be played whenever a
ed upon a highway.

alled unit of farm equipment or lement of husband
nbled after January 1, 1970, sha all times, and eve
hall at times mentioned in RCW .37.020, be equipp
as follows:

mps meeting the requirem of RCW 46.37.2
);

p visible when lighted fro distance of not l
eet to the rear mounted as far he left of center

d reflectors visible from all dista within six hund
o the rear when directly in front wful lower beama

tion of farm tractor and towed fa equipment or tow
dry shall at all times mentione RCW 46.37.020
and reflectors as follows:

or element of every such combina shall be equipped
ons (1) and (2) of this section;

t of farm equipment or implemer husbandry eleme
shall be equipped on the rear wi wo red lamps visi
distance of not less than one th nd feet to the re
rs visible to the rear from all dista s within six hund
feet to the rear when directly i ont of lawful up
ps. One reflector shall be so p oned to indicate,
, the extreme left projection of t owed unit;

unit or its load obscures either the vehicle haz
ne tractor, the towed unit shall b uipped with veh
ts described in subsection (1) of t section.

amps and the two red reflectors re red in the forego
section on a self-propelled unit farm equipment
andry or combination of farm tr r and towed fa
positioned as to show from rear as nearly
en width of the vehicle or comb ion carrying the
l c requirements are met, reflec tape or paint
ectors required by subsectio) of this sect
1, 1970, every farm tractor and ev self-propelled u
or implement of husbandry desig for operation

speed t in excess of twenty-five miles per hour shall at all times be
equipp ith a slow moving vehicle emblem mounted on the rear except as
provided ubsection (6) of this section.

(6) After nuary 1, 1970, every combination of farm tractor and towe
farm equipm or towed implement of husbandry normally operating
speeds not e cess of twenty-five miles per hour shall at all time
equipped with ow moving vehicle emblem as follows:

(a) Where the ed unit is sufficiently large to obscure the slo ving
vehicle emblem e farm tractor, the towed unit shall be equi with a
slow moving vehi emblem. In such cases, the towing veh eed not
display the emblem

(b) Where the slo oving vehicle emblem on the farm or unit is not
obscured by the towi nit, then either or both may be pped with the
required emblem but all be sufficient if either has

(7) The emblem req by subsections (5) and of this section shall
comply with current st rds and specifications promulgated by the
Washington state patrol.

Amended by Laws 1987, ch. 33 708.

Historical and Statutory Notes

1987 Legislation

Laws 1987, ch. 330, § 708, in subsec stitution—Application of rules—
substituted "Washington state patrol" erability—Laws 1987, ch. 330: See
"state commission on equipment". storical Note following § 28B.12.050.

46.37.185. Green light on private cars

Firemen, when approved e chief their respective service, shall be authorized to use a green t on the f of their private cars when on emergency duty only. S green light sha e visible for a distance of two hundred feet under no atmospheric cond s and shall be of a type and mounting approved e Washington state rol. The use of the green light shall only b the purpose of identifi n and the operator of a vehicle so equip all not be entitled to any e privileges provided in RCW 46.61.035 the operators of authorized em ency vehicles.

Amended by 1987, ch. 330, § 709.

Historical and Statutory Notes

1987 Legislation

Laws 1987, ch. 330, § 709, at the end of Construction—Application of rules—
second sentence, substituted "Wash- Severability—Laws ch. 330: See
ington state patrol" for "commission on Historical Note following 28B.12.050.
equipment".

46.37.190. Warning devices on vehicles—Other drivers yield and stop

(1) Every authorized emergency vehicle shall, in addition to any other equipment and distinctive marking required by this chapter, be equipped with at least one lamp capable of displaying a red light visible from at least five hundred feet in normal sunlight and a siren capable of giving an audible signal.

(2) Every school bus and private carrier bus shall, in addition to any other equipment and distinctive markings required by this chapter, be equipped with a "stop" signal upon a background not less than fourteen by eighteen inches displaying the word "stop" in letters of distinctly contrasting colors not less

than eight inches high, and shall further be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, which shall be capable of displaying to the front two alternately flashing red lights located at the same level and to the rear two alternately flashing red lights located at the same level and these lights shall have sufficient intensity to be visible at five hundred feet in normal sunlight.

(3) Vehicles operated by public agencies whose law enforcement duties include the authority to stop and detain motor vehicles on the public highways of the state may be equipped with a siren and lights of a color and type designated by the state patrol for that purpose. The state patrol may prohibit the use of these sirens and lights on vehicles other than the vehicles described in this subsection.

(4) The lights described in this section shall not be mounted nor used on any vehicle other than a school bus, a private carrier bus, or an authorized emergency or law enforcement vehicle. Optical strobe light devices shall not be installed or used on any vehicle other than an emergency vehicle authorized by the state patrol, a publicly owned law enforcement or emergency vehicle, a department of transportation, city, or county maintenance vehicle, or a public transit vehicle.

(a) An "optical strobe light device" used by emergency vehicles means a strobe light device which emits an optical signal at a specific frequency to a traffic control light enabling the emergency vehicle in which the strobe light device is used to obtain the right of way at intersections.

(b) An "optical strobe light device" used by department of transportation, city, or county maintenance vehicles means a strobe light device that emits an optical signal at a specific frequency to a traffic control light enabling the department of transportation maintenance vehicle in which the strobe light device is used to perform maintenance tests.

(c) An "optical strobe light device" used by public transit vehicles means a strobe light device that emits an optical signal at a specific frequency to a traffic control light enabling the public transit vehicle in which the strobe light device is used to accelerate the cycle of the traffic control light. For the purposes of this section, "public transit vehicle" means vehicles, owned by a governmental entity, with a seating capacity for twenty-five or more persons and used to provide mass transportation. Public transit vehicles operating an optical strobe light will have second degree priority to emergency vehicles when simultaneously approaching the same traffic control light.

(5) The use of the signal equipment described herein, except the optical strobe light devices used by public transit vehicles and department of transportation, city, or county maintenance vehicles that are not used in conjunction with emergency equipment, shall impose upon drivers of other vehicles the obligation to yield right of way and stop as prescribed in RCW 46.61.210, 46.61.370, and 46.61.350.

Amended by Laws 1987, ch. 330, § 710; Laws 1993, ch. 401, § 2.

Historical and Statutory Notes

Construction—Application of rules—Severability—Laws 1987, ch. 330: See Historical Note following § 28B.12.050.

Cross References

Infraction rules for courts of limited jurisdiction, monetary penalty schedule, see IRLJ 6.2.

0-3415

Notes of Decision

Duty of car essary f duty; of statutory safe oper Rose, 19 925, reco

3. Duty of School as opera as matte death of disputed or flash dent at until sh permitte crossing tory or vich v. P.2d 92

Laws gove school bus operators establish unif guidelines that do not vary accordin age of student, his or her familiarity surroundings, or other individual facto such factors are only to be considered idence of contributory negligence and ot impact on statutorily imposed stan of care. Yurkovich v. Rose, 1993, 68 h.App. 643, 847 P.2d 925, reconsidera filed.

School bus d and school districts, as operators of ol bus, owed student passenger highe ndard of care consistent with practi peration of bus, including time stud left bus and completed crossing high when that was nec-

46.37.191. Im menting rules

The state pat hall adopt rules to implem

Enacted by Laws , ch. 401, § 3.

46.37.193. Sig on buses

Every school b nd private carrier bus, in a or distinctive ma gs required by this chapter rear thereof, abo he windows thereof, plainl the words "scho us" on a school bus and o bus" on a private rier bus in letters not less t in addition shall equipped with visual signal RCW 46.37.190.

Enacted by Laws ch. 241, § 10.

46.37.194. Aut ized emergency vehicl b ate patrol

The state pat may make rules and regu emergency vehic nd shall test and approve lamps to be used such vehicles.

Amended by Laws , ch. 330, § 711.

Historical and Statutor

1987 Legislation Cons Laws 1987, ch. 3 § 711, substituted Several "state patrol" for e commission on Historic equipment".

46.37.195. Sale emergency vehicle ligh

A public agency ll not sell or give emerge or other equipme a person who may not equipment or othe uipment on the public st

Enacted by Laws 19 h. 94, § 2.

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vehicle in which the strobe light
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cle" means vehicles, owned by a
for twenty-five or more persons
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on drivers of other vehicles the
ıs prescribed in RCW 46.61.210,

93, ch. 401, § 2.

tory Notes

Notes of Decisions

Duty of care 3

3. Duty of care

Laws governing school bus operators establish uniform guidelines that do not vary according to a particular student, his or her familiarity with surroundings, or other individual factors; such laws are only to be considered as evidence of contributory negligence and do not impact statutorily imposed standard of care. Yurkovich v. Rose, 1993, 68 Wash.App. 643, 847 P.2d 925, reconsideration filed.

School bus driver and school districts, as operators of school bus, owed student passenger highest standard of care consistent with practical operation, including time student left vehicle completed crossing highway that was necessary for student to reach her home; duty of care included compliance with statutory and regulatory requirements for safe operation of school bus. Yurkovich v. Rose, 1993, 68 Wash.App. 643, 847 P.2d 925, reconsideration filed.

School bus driver and school districts, as operators of school bus, were negligent as matter of law and thus liable for traffic death of 13-year-old student; it was undisputed driver did not use stop sign or flashing lights when discharging student at dusk, did not keep child in his view until she was safely across street, and permitted her to go to back of bus before crossing highway, all in violation of statutory or regulatory requirements. Yurkovich v. Rose, 1993, 68 Wash.App. 643, 847 P.2d [illegible] reconsideration filed.

46.37.191 Implementing rules

The state patrol shall adopt rules to implement RCW 46.37.190.

Amended by Laws 1993, ch. 401, § 3.

*46.37.193. Signs on buses

Every school bus and private carrier bus, in addition to any other equipment or distinctive markings required by this chapter, shall bear upon the front and rear thereof, above the windows thereof, plainly visible signs containing only the words "school bus" on a school bus and only the words "private carrier bus" on a private carrier bus in letters not less than eight inches in height, and in addition shall be equipped with visual signals meeting the requirements of RCW 46.37.190.

Enacted by Laws 1990, ch. 241, § 10.

46.37.194. Authorized emergency vehicles—Rules, tests, approval by state patrol

The state patrol may make rules and regulations relating to authorized emergency vehicles. It shall test and approve sirens and emergency vehicle lamps to be used on authorized vehicles.

Amended by Laws 1987, ch. 330, § 711.

Historical and Statutory Notes

1987 Legislation
Laws 1987, ch. 330, § 711, substituted "state patrol" for "state commission on equipment".

Construction—Application of Laws 1987, ch. 330—Severability—Laws 1987, ch. 330, See Historical Note following § 28B.12[illegible]

46.37.195 Sale of emergency vehicle lighting equipment restricted

A public agency shall not sell an exclusive emergency vehicle lighting equipment or other equipment to a person who may not lawfully operate the lighting equipment on public streets and highways.

Enacted by Laws 1990, ch. 94, § 2.

Former §§ 46.36.100, 46.36.120.
Laws 1955, ch. 269, § 42.

Cross References

Dangerous road conditions requiring special tires, chains, metal studs, see § 47.36.250.
Motorcycles and motor-driven cycles, additional requirements and limitations, see § 46.37.539.

Library References

Automobiles ⇐5(2), 115.
C.J.S. Motor Vehicles §§ 26, 44, 56.

* **46.37.423. Pneumatic passenger car tires—Standards—Exception for off-highway use—Penalty**

No person, firm, or corporation shall sell or offer for sale for use on the public highways of this state any new pneumatic passenger car tire which does not meet the standards established by federal motor vehicle safety standard No. 109, as promulgated by the United States department of transportation under authority of the National Traffic and Motor Vehicle Safety Act of 1966 (80 Stat. 719, 728; 15 U.S.C. 1392, 1407).

The applicable standard shall be the version of standard No. 109 in effect at the time of manufacture of the tire.

It is a traffic infraction for any person, firm, or corporation to sell or offer for sale any new pneumatic passenger car tire which does not meet the standards prescribed in this section unless such tires are sold for off-highway use, as evidenced by a statement signed by the purchaser at the time of sale certifying that he is not purchasing such tires for use on the public highways of this state.

Enacted by Laws 1971, ch. 77, § 1. Amended by Laws 1979, Ex.Sess., ch. 136, § 71, eff. Jan. 1, 1981.

Historical Note

Laws 1979, Ex.Sess., ch. 136, § 71, at the beginning of the last paragraph, inserted "It is a traffic infraction for"; following "prescribed in this section" deleted "shall be guilty of a misdemeanor"; and made nonsubstantive punctuation and grammatical changes throughout the section.

Effective Date—Severability—Laws 1979, Ex.Sess., ch. 136: See Historical Note following § 46.63.010.

Library References

Automobiles ⇐5(2).
C.J.S. Motor Vehicles § 26.

* **46.37.424. Regrooved tires—Standards—Exception for off-highway use—Penalty**

No person, firm, or corporation shall sell or offer for sale any regrooved tire or shall regroove any tire for use on the public highways of this state

which does not meet the standard established by federal motor vehicle standard part 569—regrooved tires, as promulgated by the United States department of transportation under authority of the National Traffic and Motor Vehicle Safety Act of 1966 (80 Stat. 719, 728; 15 U.S.C. 1392, 1407).

The applicable standard shall be the version of the federal regrooved tire standard in effect at the time of regrooving.

It is a traffic infraction for any person, firm, or corporation to sell or offer for sale any regrooved tire or shall regroove any tire which does not meet the standards prescribed in this section unless such tires are sold or regrooved for off-highway use, as evidenced by a statement signed by the purchaser or regroover at the time of sale or regrooving certifying that he is not purchasing or regrooving such tires for use on the public highways of this state.

Enacted by Laws 1971, ch. 77, § 2. Amended by Laws 1977, Ex.Sess., ch. 355, § 36; Laws 1979, Ex.Sess., ch. 136, § 72, eff. Jan. 1, 1981.

Historical Note

Laws 1977, Ex.Sess., ch. 355, § 36, in the first paragraph, following "motor vehicle standard part" substituted "569" for "369".

Laws 1979, Ex.Sess., ch. 136, § 72, at the beginning of the last paragraph, inserted "It is a traffic infraction for"; following "prescribed in this section" deleted "shall be guilty of a misdemeanor"; and made a nonsubstantive grammatical change.

Effective date—Severability—Laws 1979, Ex.Sess., ch. 136: See Historical Note following § 46.63.010.

Severability—Laws 1977, Ex.Sess., ch. 355: See Historical Note following § 46.37.010.

Library References

Automobiles ⇐5(2).
C.J.S. Motor Vehicles § 26.

[redacted] Authority of state commission on equipment wi[redacted]er-[redacted]ence to tires—Rules and regulations—Penal[redacted]

No person [redacted]ve or move or cause to be driven [redacted]oved any vehicle, the tires [redacted] have contact with the driving su[redacted] of the road, subject to registrati[redacted] state, upon the public hi[redacted]ys of this state unless such vehicle is [redacted] with tires in safe [redacted]ing condition in accordance with require[redacted]blished by thi[redacted]ion or by the state commission on equipment.

The state commission on equ[redacted]ll[redacted]mulgate rules and regulations setting forth requirements of [redacted]ng condition of tires capable of being employed by a law enforce[redacted]icer by visual inspection of tires mounted on vehicles including [redacted]ison with simple measuring gauges. These rules shall i[redacted] effe[redacted]ad wear and depth of tread.

A tire shall be consider[redacted]safe if it has:

(1) Any ply or cord [redacted]osed either to the naked [redacted]when cuts or abrasions on the ti[redacted] probed; or

unsafe ... is wor... he point that the tread wear ind... rs contact the road in any tw... ior ... rooves at three locations ... y spaced around the circumferen... the ... or

(5) A legend ... ch ... tes the tire is no... ended for use on public highways such a... t ... ghway use" or ... racing purposes only"; or

(6) Such condition ... may ... reasonably ... onstrated to render it unsafe; or

(7) If not matched in ... size ... n, construction, and profile to the other tire and/or tires on ... am... except for temporary-use spare tires that meet federal standards ... an... lled and used in accordance with the manufacturer's instructions.

No person, firm, or corporat... all ... ny vehicle for use on the public highways of this state unles... icle ... quipped with tires that are in compliance with the provisi... of th... ... f the tires are found to be in violation of the provision... this se... t... erson, firm, or corporation selling the vehicle shall ... e such tires ... oved from the vehicle and shall equip the vehicle ... tires that are i... ce with the provisions of this section.

It is a traffic i... tion for any person to o... vehicle on the public highways of th... te, or to sell a vehicle for us... public highways of this state, wh... equipped with a tire or tires in v... f the provisions of this sectio... the rules and regulations promulga... he state patrol hereunde... *rovided, however,* That if the violation re... ems (1) to (7) inclusi... this section then the condition or defect must ... hat it can be dete... by a visual inspection of tires mounted on vehicl... ding visual co... ison with simple measuring gauges.

...ded by Laws 1987, ch. 330, § 722; Laws 1990, ch. 105, § 2.

Historical and Statutory Notes

1987 Legislation

Laws 1987, ch. 330, § 722, throughout the section, substituted "state patrol" for "state commission on equipment".

1990 Legislation

Laws 1990, ch. 105, § 2, in subsec. (7), in the first paragraph, added the exception.

Construction—Application of rules—Severability—Laws 1987, ch. 330: See Historical Note following § 28B.12.050.

* 46.37.430. Safety glazing—Sunscreening or coloring

(1) No person may sell any new motor vehicle as specified in this title, nor may any new motor vehicle as specified in this title be registered unless such vehicle is equipped with safety glazing material of a type that meets or exceeds federal standards, or if there are none, standards approved by the Washington state patrol. The foregoing provisions apply to all passenger-type motor vehicles, including passenger buses and school buses, but in respect to trucks, including truck tractors, the requirements as to safety glazing material apply to all glazing material used in doors, windows, and windshields in the drivers' compartments of such vehicles except as provided by subsection (4) of this section.

(2) The term "safety glazing materials" means glazing materials so constructed, treated, or combined with other materials as to reduce substantially, in comparison with ordinary sheet glass or plate glass, the likelihood of injury to persons by objects from exterior sources or by these safety glazing materials when they may be cracked or broken.

(3) The director ... licensing shall not r... subject to the pro... ns of this section unl... type of safety glaz... material, and he or s... any motor vehicle ... subject to this sectio... equipped until it ... made to conform to ...

(4) No person ... sell or offer for sa... motor vehicle re... red in this state wh... manufactured af... ay 23, 1969, unless s... glazing material ... type conforming to ... wherever glazin... erials are used in out...

(5) No film s... eening or coloring ma... tance to any d... e may be applied to ... material in a m... vehicle unless it meet... material:

(a) The maxi... level of film sunscreei... window, except ... windshield, shall have ... percent or less, ... or minus three percent. ... five percent or ... re, plus or minus three ... clear glass resu... g in a minimum of twen... on AS-2 glazin... here the vehicle is equip... on both the rig... and left. Installation of ... sunscreening m... rial to any window is proh... of film sunscre... material may be applied t... and left of the ... ver on limousines and p... persons for con... sation and vehicles identi... use, multipurpo... or other similar designati... driver on such ... icles may have film sunsc... less than thirt... e percent light transmit... thirty-five perc... or less and the vehicle i... mirrors on both ... e right and left. A perso... profit who tint... ndows within restricted ... supply a sticke... be affixed to the driver's ... the manufactur... identification tag. Instal... the glazing app... tion meets this chapter's ... reflectance, and ... acement requirements. S... three-quarters ... n inch by one and one-ha... inches by two a... one-half inches. The stic... to endure expos... to harsh climate conditio... tax identification ... mber of the installer mus...

(b) A greater ... ee of light reduction is ... top six inches ... indshields of a vehicle ... passenger a per... who possesses a writt... physician that th... erator or passenger mus... sunlight for phys... or medical reasons.

(c) Windshield ... lication. A greater degr... on the top six-in... area of a vehicle's winds... material that red... or eliminates ultraviole... shields.

(d) When film s... creening material is ap... windshield, outside ... rrors on both the left an... as to reflect to th... river a view of the ro... distance of at least ... hundred feet to the r...

(e) The following ... es of film sunscreeni...

(i) Mirror finish p... ucts;

int that the tread wear indi rs contact the road
ves at three locations equ spaced around the
r

ates the tire is not inten for use on public
highway use" or "for raci urposes only"; or
be reasonably demonstrat o render it unsafe;

size designation, construc and profile to the
e same axle, except for ten ary-use spare tires
that are installed and used ccordance with the

ration shall sell any vehic r use on the public
ss the vehicle is equipped h tires that are in
ons of this section. If the s are found to be in
of this section, the perso rm, or corporation
se such tires to be remov om the vehicle and
tires that are in complian ith the provisions of

for any person to operate ehicle on the public
to sell a vehicle for use on public highways of
d with a tire or tires in viol n of the provisions of
regulations promulga by the state patrol
That if the violation r s to items (1) to (7)
condition or defect mu e such that it can be
of tires mounted on v les, including visual
easuring gauges.

30, § 722; Laws 1990, ch. 105

orical and Statutory Note

Construction pplication of rules—
throughout Severability—L 1987, ch. 330; See
patrol" for Historical Note owing § 28B.12.050.
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subsec. (7),
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ing—Sunscreening or c ring

any new motor vehicle as fied in this title, nor
e as specified in this title b gistered unless such
safety glazing material o type that meets or
, or if there are none, sta ds approved by the
The foregoing provisions ap o all passenger-type
passenger buses and school es, but in respect to
ctors, the requirements as t fety glazing material
ial used in doors, windows d windshields in the
such vehicles except as prov by subsection (4) of

l g materials" means g g materials so con-
i with other materials a reduce substantially,
r eet glass or plate glas e likelihood of injury
d exterior sources or these safety glazing
be cracked or broken.

(3) The director of licensing shall not register any motor vehicle which is subject to the provisions of this section unless it is equipped with an approved type of safety glazing material, and he or she shall suspend the registration of any motor vehicle so subject to this section which the director finds is not so equipped until it is made to conform to the requirements of this section.

(4) No person may sell or offer for sale, nor may any person operate a motor vehicle registered in this state which is equipped with, any camper manufactured after May 23, 1969, unless such camper is equipped with safety glazing material of a type conforming to rules adopted by the state patrol wherever glazing materials are used in outside windows and doors.

(5) No film sunscreening or coloring material that reduces light transmittance to any degree may be applied to the surface of the safety glazing material in a motor vehicle unless it meets the following standards for such material:

(a) The maximum level of film sunscreening material to be applied to any window, except the windshield, shall have a total reflectance of thirty-five percent or less, plus or minus three percent, and a light transmission of thirty-five percent or more, plus or minus three percent, when measured against clear glass resulting in a minimum of twenty-four percent light transmission on AS–2 glazing where the vehicle is equipped with outside rearview mirrors on both the right and left. Installation of more than a single sheet of film sunscreening material to any window is prohibited. The same maximum levels of film sunscreen material may be applied to windows to the immediate right and left of the driver on limousines and passenger buses used to transport persons for compensation and vehicles identified by the manufacturer as multi-use, multipurpose, or other similar designation. All windows to the rear of the driver on such vehicles may have film sunscreening material applied that has less than thirty-five percent light transmittance, if the light reflectance is thirty-five percent or less and the vehicle is equipped with outside rearview mirrors on both the right and left. A person or business tinting windows for profit who tints windows within restricted areas of the glazing system shall supply a sticker to be affixed to the driver's door post, in the area adjacent to the manufacturer's identification tag. Installation of this sticker certifies that the glazing application meets this chapter's standards for light transmission, reflectance, and placement requirements. Stickers must be no smaller than three-quarters of an inch by one and one-half inches, and no larger than two inches by two and one-half inches. The stickers must be of sufficient quality to endure exposure to harsh climate conditions. The business name and state tax identification number of the installer must be clearly visible on the sticker.

(b) A greater degree of light reduction is permitted on all windows and the top six inches of windshields of a vehicle operated by or carrying as a passenger a person who possesses a written verification from a licensed physician that the operator or passenger must be protected from exposure to sunlight for physical or medical reasons.

(c) Windshield application. A greater degree of light reduction is permitted on the top six-inch area of a vehicle's windshield. Clear film sunscreening material that reduces or eliminates ultraviolet light may be applied to windshields.

(d) When film sunscreening material is applied to any window except the windshield, outside mirrors on both the left and right sides shall be located so as to reflect to the driver a view of the roadway, through each mirror, a distance of at least two hundred feet to the rear of the vehicle.

(e) The following types of film sunscreening material are not permitted:

(i) Mirror finish products;

(ii) Red, gold, yellow, or black material; or

(iii) Film sunscreening material that is in liquid preapplication form and brushed or sprayed on.

Nothing in this section prohibits the use of shaded or heat-absorbing safety glazing material in which the shading or heat-absorbing characteristics have been applied at the time of manufacture of the safety glazing material and which meet federal standards and the standards of the state patrol for such safety glazing materials.

(6) It is a traffic infraction for any person to operate a vehicle for use on the public highways of this state, if the vehicle is equipped with film sunscreening or coloring material in violation of this section.

(7) Owners of vehicles with film sunscreening material applied to windows to the rear of the driver, prior to June 7, 1990, must comply with the requirements of this section and RCW 46.37.435 by July 1, 1993.

Amended by Laws 1987, ch. 330, § 723; Laws 1989, ch. 210, § 1; Laws 1990, ch. 95, § 1; Laws 1993, ch. 384, § 1.

Historical and Statutory Notes

Construction—Application of rules—Severability—Laws 1987, ch. 330: See Historical Note following § 28B.12.050.

*46.37.435. Sunscreening, unlawful installation, penalty

From June 7, 1990, a person who installs safety glazing or film sunscreening material in violation of RCW 46.37.430 is guilty of unlawful installation of safety glazing or film sunscreening materials. Unlawful installation is a misdemeanor.

Enacted by Laws 1990, ch. 95, § 2.

46.37.440. Flares or other warning devices required on certain vehicles

(1) No person may operate any motor truck, passenger bus, truck tractor, motor home, or trailer over eighty inches in overall width upon any highway outside the incorporate limits of municipalities at any time unless there is carried in such vehicle the following equipment except as provided in subsection (2) of this section:

(a) At least three flares, three red electric lanterns or three portable red emergency reflectors, each of which shall be capable of being seen and distinguished at a distance of five hundred feet under normal atmospheric conditions at nighttime;

No flare, fusee, electric lantern, or warning flag may be used for the purpose of compliance with this section unless such equipment is of a type which has been submitted to the state patrol and conforms to rules adopted by it. No portable reflector may be used for the purpose of compliance with the requirements of this section unless it is so designed and constructed as to be capable of projecting a red light clearly visible at all distances within six hundred feet to five hundred feet under normal atmospheric conditions at night when directly in front of lawful upper beams of headlamps, and unless it is of a type which has been submitted to the state patrol and conforms to rules adopted by it;

(b) At least three red-burning fusees unless red electric lanterns or red portable emergency reflectors are carried;

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(c) At least two red-cloth standards to support such flares.

(2) No person may operate subsection (1) of this section explosives, argo tank trucks liquids or compressed gases compressed gas as a fuel unless electric lantern or three portable requirements of subsection (1) any said vehicle any flares, fusees

Amended by Laws 1987, ch. 330,

Historical

1987 Legislation

Laws 1987, ch. 330, § 724, throughout the section, substituted "state patrol" "state commission equipment".

46.37.450. Disabled vehicles

(1) Whenever any motor truck inches in overall width, trailer, traveled portion of any highway ity at any time when lighted lamps vehicle shall display the following the time the vehicle is so disabled subsection (2) of this section:

(a) A lighted fusee, a lighted emergency reflector shall be placed vehicle in the direction of the nearest

(b) As soon thereafter as possible period of the full (fifteen minutes) flares (pot torch), three lighted emergency reflectors on the traveled order:

(i) One, approximately one hundred center of the lane occupied by such that lane.

(ii) One, approximately one hundred disabled vehicle in the center

(iii) One at the traffic side of rearward or forward thereof in the If a lighted red electric lantern or placed at the traffic side of the vehicle this subsection, may be used for

(2) Whenever any vehicle referred hundred feet of a curve, hillcrest, signal in that direction shall be so users of the highway, but in no disabled vehicle

(3) Whenever a vehicle of a upon any roadway of a divided required, the appropriate warning of this section shall be placed as for

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roximately two hundred f from the vehicle in the
ed by the stopped vehic nd in the direction of
at lane; one at a dista of approximately one
icle, in the center of the l occupied by the vehicle
ffic approaching in that ; and one at the traffic
roximately ten feet from vehicle in the direction
g traffic.

cle of a type referred to this section is disabled
of a highway or the sh ler thereof outside any
when the display of es, flares, red electric
emergency reflectors is required, the driver of
wo red flags upon the ro ay in the lane of traffic
l vehicle, one at a dista of approximately one
f the vehicle, and one at a tance of approximately
rear of the vehicle.

or vehicle used in the tran rtation of explosives or
ed for the transportation ny flammable liquid or
as, or any motor vehicle g compressed gas as a
ighway of this state at any e or place mentioned in
ection, the driver of such icle shall immediately
ning devices: One red elec lantern or portable red
ed on the roadway at the ffic side of the vehicle
te or portable red refle s, one placed approx
et the front and one ed approximately on
o s disabled vehicle in th nter of the traffic lane
. ares, fusees, or signal oduced by flame shall
devices for disabled vehicles the type mentioned in

hicle, other than those descr in subsection (1) of
upon the traveled portion of highway or shoulder
nicipality, the state patrol or county sheriff shall
sabled vehicle, place a reflect ed warning device of
g device and its placement sh be in accordance with
te patrol. Neither the standa for, placement or use
ment or use of a warning de under this subsection
bility on the part of the state Washington, the state
ny law enforcement agency fficer.

, red electric lanterns, portal red emergency reflec
splayed as required in this s on shall conform with
W 46.37.440 applicable there

h. 226, § 1; Laws 1987, ch. 330, 6.

Historical and Statutory No

Reviser's e: This section wa
1, in the first amended by c 226 § 1 and by 1987 c
llowing "outside 330 § 725, ea without reference to the
d "at any time other. Both ndments are incorporat
d on vehicles"; ed in the pub ion of this section pursu
tence, substitut- ant to RCW .025(2). For rule of con
"o near the struction, see W 1.12.025(1).

the end of Construct Application of rules—
(6), substi- Severability— ws 1987, ch. 330: See
mission on Historical No llowing § 28B.12.050.

Notes of Decisions

Curves and oth tructions to view 9

9. Curves and other obstruc view

Fog did not constitute "ot struc tion to view," within m statute providing that when icle in traveled portion of di ghway is disabled within 500 fe ve, hillcrest, or "oth- er obstruc view," warning signal in that di shall be so placed as to affo le warning to other users of h , but in no case less than 500 feet disabled vehicle. Douglas v. Cropley (199 sh.App. 665, 810 P.2d 47, r ed 117 Wash.2d 1024, 820 P.2d

Only stationary obstructions are contemplated by statute providing that whenever vehicle in traveled portion of divided way is disabled within 500 feet of cu llcrest, or other obstruction to view, signal in that direction shall be placed so ford ample warning to other users of hi but in no case less than 500 feet fro vehicle. Douglas v. Cropley (1991) sh.App. 665, 810 P.2d 47, review 117 Wash.2d 1024, 820 P.2d 510.

*

46.37.470. Air-conditioning equipment

(1) The term "air-conditioning equipment" as used or referred to in this section shall mean mechanical vapor compression refrigeration equipment which is used to cool the driver's or passenger compartment of any motor vehicle.

(2) Such equipment shall be manufactured, installed and maintained with due regard for the safety of the occupants of the vehicle and the public and shall not contain any refrigerant which is toxic to persons or which is flammable.

(3) The state patrol may adopt and enforce safety requirements, regulations and specifications consistent with the requirements of this section applicable to such equipment which shall correlate with and, so far as possible, conform to the current recommended practice or standard applicable to such equipment approved by the society of automotive engineers.

(4) No person shall have for sale, offer for sale, sell or equip any motor vehicle with any such equipment unless it complies with the requirements of this section.

(5) No person shall operate on any highway any motor vehicle equipped with any air-conditioning equipment unless said equipment complies with the requirements of this section.

Amended by Laws 1987, ch. 330, § 726.

Historical and Statutory Notes

1987 Legislation

Laws 1987, ch. 330, § 726, at the beginning of subsec. (3), substituted "The state patrol" for "The state commission on equipment".

Construction—Application of rules—Severability—Laws 1987, ch. 330: See Historical Note following § 28B.12.050.

*

46.37.480. Television viewers—Earphones

(1) No person shall drive any motor vehicle equipped with any television viewer, screen, or other means of visually receiving a television broadcast which is located in the motor vehicle at any point forward of the back of the driver's seat, or which is visible to the driver while operating the motor vehicle.

(2) No person shall operate any motor vehicle on a public highway while wearing any headset or earphones connected to any electronic device capable

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of receiving a radio broadcast or playing a sound recording for the purpose of transmitting a sound to the human auditory senses and which headset or earphones muffle or exclude other sounds. This subsection does not apply to students and instructors participating in a Washington state motorcycle safety program.

(3) This section does not apply to authorized emergency vehicles or to motorcyclists wearing a helmet with built-in headsets or earphones as approved by the Washington state patrol.

Amended by Laws 1987, ch. 176, § 1; Laws 1988, ch. 227, § 6, eff. March 23, 1988; Laws 1991, ch. 95, § 1.

Historical and Statutory Notes

Severability—Laws 1988, ch. 227: See § 46.81A.900.

[illegible].490. Safety load chains and devices requir[illegible]

[illegible]ll be unlawful to operate any vehicle upon the [illegible]ghways of this stat[illegible]hout having the load thereon securely fas[illegible]nd protected by safety [illegible]s or other device. The chief of the W[illegible]ton state patrol is hereby [illegible]rized to adopt and enforce reasonabl[illegible]nd regulations as to what sha[illegible]stitute adequate and safe chai[illegible]other devices for the fastening a[illegible]rotection of loads upon vehicle[illegible]

Amended by [illegible] 1987, ch. 330, § 727.

Historical and St[illegible] Notes

1987 Legislation [illegible]struction—Application of rules—

Laws 1987, ch. 330, [illegible]7, at the beginning of the second se[illegible], substitute[illegible]rability—Laws 1987, ch. 330: See "The chief of the Washi[illegible]state patr[illegible]storical Note following § 28B.12.050. for "The state commission[illegible]quipm[illegible]

46.37.500. Fenders or [illegible]rons

(1) Except as authorized [illegible]bsection (2) of this section, no person may operate any motor vehic[illegible] or semitrailer that is not equipped with fenders, covers, flaps, o[illegible]ons adequate for minimizing the spray or splash of water or mu[illegible]e [illegible]way to the rear of the vehicle. All such devices shall be as [illegible] the [illegible] behind which they are mounted and extend downward [illegible] the ce[illegible] of the axle.

(2) A motor [illegible] is not less [illegible]n forty years old and is owned and operated prim[illegible] collector's ite[illegible]ed not be equipped with fenders when the ve[illegible] is [illegible]d and driven du[illegible] fair weather on well-maintained, hard-surfac[illegible]

Amended [illegible], ch. 15, § 2.

Historical and Statuto[illegible]otes

198[illegible]gi[illegible]n

L[illegible]198[illegible]. 15, § 2, designated subse[illegible] in subsec. (1), added the e[illegible]d added subsec. (2).

[illegible]5. Child passenger restraint systems

[illegible] state patrol shall adopt standards for the per[illegible]ance, design, and i[illegible]lation of passenger restraint systems for children le[illegible]an five years old [illegible] shall approve those systems which meet its standard[illegible]

Amended by Laws 1987, ch. 330, § 728.

Historical and St[illegible]

1987 Legislatio[illegible]

Laws 1987, ch. [illegible] § 728, deleted "By October 1, 1983," [illegible] the beginning of the section and su[illegible]uted "state patrol" for "state commissi[illegible]n equipment".

S
F

46.37.510. Sea[illegible]lts and shoulder

(1) No person [illegible]y sell any automobil[illegible] January 1, 1964[illegible]r may any owner c[illegible] thereafter under [illegible] provisions of chapte[illegible] or automobile is [illegible]ipped with automobil[illegible] front seats there[illegible]hich are of a type and rules adopted by [illegible] state patrol. Where out-of-state licen[illegible] the applicant shall b[illegible] issuing agent an[illegible]s thirty days to compl[illegible] enforce standard[illegible]s to what constitutes a[illegible] the fastening a[illegible]nstallation of them. [illegible] those specified [illegible] minimum requiremen[illegible] Engineers on Ju[illegible]13, 1963.

(2) Every pas[illegible]er car manufactured o[illegible] shall be equippe[illegible]th at least two lap-typ[illegible] the front seating [illegible]sitions.

(3) Every pas[illegible]er car manufactured o[illegible] shall be equippe[illegible]ith a lap-type safety [illegible] passenger seatin[illegible]osition. This requirem[illegible]cles.

(4) Every pass[illegible]er car manufactured o[illegible] shall be equippe[illegible]th at least two should[illegible]blies for use in t[illegible]ront seating positions.

(5) The state p[illegible]l shall excuse specified positions within a[illegible]motor vehicle from the tions (1), (2), and [illegible] of this section when

(6) No person [illegible] distribute, have for sa[illegible] belt or shoulder [illegible]ness for use in motor minimum standar[illegible]and specifications con[illegible] state patrol or th[illegible]nited States departme[illegible]

Amended by Laws [illegible] ch. 330, § 729.

Historical and Statu[illegible]

1987 Legislation [illegible]

Laws 1987, ch. 3[illegible] 729, throughout the section, substitu[illegible] "state patrol" for "state commission o[illegible]ipment" or "commission".

C[illegible]
Seve[illegible]
Hist[illegible]

46.37.520. Beac[illegible]vehicles with soft spe[illegible]on and approval re[illegible]

It shall be unlaw[illegible]for any person to lease vehicle with soft t[illegible] commonly used upon dune buggy unless [illegible]h vehicle has been in[illegible] state patrol, which [illegible]y charge a reasonable [illegible] vehicle fund.

Amended by Laws 19[illegible]ch. 330, § 730.

Historical and Statutory Notes

1987 Legislation

Laws 1987, ch. 330, § 734, in the first sentence, substituted "state patrol" for "commission on equipment".

Construction—Application of rules—Severability—Laws 1987, ch. 330: See Historical Note following § 28B.12.050.

46.37.620. School buses—Crossing arms

Effective September 1, 1992, every school bus shall, in addition to any other equipment required by this chapter, be equipped with a crossing arm mounted to the bus that, when extended, will require students who are crossing in front of the bus to walk more than five feet from the front of the bus.

Enacted by Laws 1991, ch. 166, § 1.

CHAPTER 46.38—VEHICLE EQUIPMENT SAFETY COMPACT

WESTLAW Electronic Research

See WESTLAW Electronic Research Guide following the Preface.

46.38.010. Compact enacted—Provisions

Historical and Statutory Notes

Complementary Legislation:

Ariz.—A.R.S. §§ 28-1601 to 28-1618.
Ark.—A.C.A. §§ 27-[illegible] to 27-33-109.
Colo.—West's C.R.S.A. §§ 24-[illegible]01 to 24-60-912.
Fla.—West's F.S.A. §§ 325.01 to [illegible].
Ga.—O.C.G.A. §§ 40-8-280 to 40-8-[illegible].
Hawaii—HRS 286A-1, 286A-2.
Ind.—West's A.I.C. 9-28-6-1 to 9-28-6-8.
Iowa—I.C.A. §§ 321D.1, 321D.2.
Mass.—M.G.L.A. c. 90 App. §§ 1-1 to 1-8.
Mo.—V.A.M.S. §§ 307.250 to [illegible].
Mont.—MCA 61-2-201 to 61-[illegible].
N.J.—N.J.S.A. 32:26-1 to 32:26-20.
N.M.—N.M.S.A. 1978, §§ 66-3-876 to 66-[illegible].
N.Y.—McKinney's Vehicle & Traffic Law § 384.
N.C.—G.S. §§ 20-183.13 to 20-183.21.
N.D.—NDCC 39-23-01 to 39-23-10.
Ohio—R.C. §§ 4513.51 to 4513.58.
R.I.—Gen.Laws 1956, §§ 31-23.1-1 to 31-23.1-11.
S.D.—U.C.A.1953, 41-15-1 to 41-15-12.
Va.—V.S.A. §§ 1801 to 1828.
Wash.—West's RCWA 46.38.010 to 46.[illegible].

46.38.020. Legislative findings

The legislature finds:

(1) The public safety necessitates the continuous development, modernization and implementation of standards and requirements of law relating to vehicle equipment in accordance with expert knowledge and opinion.

(2) The public safety further requires that such standards and requirements be uniform from jurisdiction to jurisdiction, except to the extent that specific and compelling evidence supports variation.

(3) The state patrol, acting upon recommendations of the vehicle equipment safety commission and pursuant to the vehicle equipment safety compact provides a just, equitable and orderly means of promoting the public safety in the manner and within the scope contemplated by this chapter.

Amended by Laws 1987, ch. 330, § 735.

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Histori

1987 Leg[illegible]tion
Laws 19[illegible]h. 330, § 735, at th
ning of sub[illegible](3), substituted "s
trol" for "st[illegible]ommission on equi

46.38.030. [illegible]ffective date [illegible] commission

Pursuan[illegible] Article V(e) of
intention [illegible]is state and it is
code issue[illegible]y the vehicle eq
Article V [illegible]e compact shall
administra[illegible] procedure act b
Amended b[illegible]ws 1987, ch. 330,

Historic

1987 Leg[illegible]ion
Laws 198[illegible]h. 330, § 736, at the
the section[illegible]stituted "state pat
"state comm[illegible]on on equipment".

46.38.040. [illegible]ppointment of [illegible] sioner

The com[illegible]sioner of this stat
shall be a[illegible]nted by the chi
pleasure.[illegible] chief of the s
commission[illegible]o serve whenev
participate[illegible] the vehicle eq
provisions [illegible]e compact and b
sion, the au[illegible]ity and responsi
by the chie[illegible] the state patrol.
Amended by[illegible]s 1987, ch. 330, §

Historica

1987 Legis[illegible]n
Laws 1987[illegible] 330, § 737, in th
and second s[illegible]ces, substituted "c
the state pa[illegible] for "members o
state commis[illegible]on equipment"; a
the end of t[illegible]st sentence, subst

46.38.060. [illegible]te officers for [illegible]otices

Filing of [illegible]ments as requir
with the chie[illegible] the state patrol.
bylaws to be[illegible]en pursuant to
the commissi[illegible] of this state, h
patrol.
Amended by L[illegible] 1987, ch. 330, § 7

Historical

1987 Legisl[illegible]n
Laws 1987,[illegible] 330, § 738, throug
the section, s[illegible]tuted "chief of the

Construction—Application of rules—Severability—Laws 1987, ch. 330: See Historical Note following § 28B.12.050.

CHAPTER 46.44—SIZE, WEIGHT, LOAD

Cross References

Bail in criminal traffic offense cases, mandatory appearance, see CrRLJ 3.2.

Permitting escape of load materials, see § 46.61.655.

* 46.44.015. Tow truck exemptions

The limitations of RCW 46.44.010, 46.44.020, 46.44.030, 46.44.034, 46.44.041, 46.44.042, 46.44.050, and 46.44.080 do not apply to the movement of a tow truck, as defined in RCW 46.55.010, if the tow truck is performing the initial tow truck service, as defined in RCW 46.55.010, regardless of the destination, for a vehicle disabled on the public streets and highways of this state: *Provided*, That an overweight permit has been obtained by the tow truck operator with such permit being available on a twenty-four hour basis by telephone.

Enacted by Laws 1991, ch. 276, § 1.

46.44.[illegible] Maximum lengths

It is [illegible]ful for any person to operate upon the public highways [illegible] state any [illegible]cle having an overall length, with or without load, in [illegible]s of forty feet. [illegible] restriction does not apply to (1) a municipal transit [illegible]te, (2) auto stage, p[illegible] carrier bus or school bus with an overall l[illegible] not to exceed forty-six [illegible] or (3) an articulated auto stage with an o[illegible] length not to exceed sixty-one [illegible].

It is unlawful for [illegible] person to operate on the highw[illegible] this state any combination of vehicles [illegible] contains a vehicle in ex[illegible] forty-eight feet, with or without load.

It is unlawful for any p[illegible] to operate upon [illegible] public highways of this state any combination cons[illegible] of a tract[illegible]d semitrailer that has a semitrailer length in excess of [illegible]eight fe[illegible] combination consisting of a tractor and two trailers in which [illegible] com[illegible] length of the trailers exceeds sixty-one feet, with or without loa[illegible].

It is unlawful for any person to o[illegible] on the highways of this state any combination consisting of a truck [illegible]r with an overall length, with or without load, in excess of sev[illegible]ive [illegible]. However, a combination of vehicles transporting automobil[illegible] boats [illegible]have a front overhang of three feet and a rear overhang of [illegible]feet beyon[illegible] allowed length.

These length limitation[illegible] not apply to ve[illegible] transporting poles, pipe, machinery, or other obj[illegible] a structural nature [illegible] cannot be dismembered and operated by a pu[illegible]ility when required for [illegible]gency repair of public service facilities o[illegible]perties, but in respect to n[illegible] transportation every such vehicle and [illegible] thereon shall be equipped with[illegible]fficient number of clearance lam[illegible] both sides and marker lamps upon t[illegible]treme ends of any projecting l[illegible] clearly mark the dimensions of the lo[illegible].

The le[illegible] limitations described in this section are exclu[illegible] of safety and energy [illegible]ervation devices, such as mud flaps and splash an[illegible]ray suppressant[illegible]es, refrigeration units or air compressors, and other [illegible]es that the de[illegible]ment determines to be necessary for safe and efficient [illegible]ration of [illegible]mercial vehicles. No device excluded under this paragraph [illegible] from the

limitations of this se[illegible]n may have, by its carry cargo.

Amended by Laws 1990 [illegible]28, § 1; Laws 1991, [illegible]

46.44.034. Maxim[illegible] lengths—Front [illegible]

(1) The load, or an[illegible]ortion of any vehicle highway of this stat[illegible] the load, or any [illegible] combination of vehicl[illegible]hall not extend more wheels of such vehic[illegible]r the front bumper.

(2) No vehicle sha[illegible]e operated upon the [illegible] the permanent struct[illegible] or load extending in center of the last a[illegible] of such vehicle. Th[illegible] "specialized equipme[illegible] designated under 49 [illegible] ed on the interstate [illegible]way system, those de[illegible] aid primary system[illegible]nd routes constitutin[illegible] highways to termina[illegible]nd facilities for food,

Amended by Laws 199[illegible]h. 143, § 1.

46.44.037. Combi[illegible]ion of units—Law[illegible]

Notwithstanding t[illegible]provisions of RCW 46.[illegible] and regulations gov[illegible]ng their operation as department of tran[illegible]rtation, operation of lawful:

(1) A combinatio[illegible]nsisting of a truck trac[illegible] semitrailer or a ful[illegible]ailer. In this combina[illegible] convert a semitraile[illegible]to a full trailer shall be full trailer and not [illegible]parate vehicle. A conv[illegible] load and not used t[illegible]nvert a semitrailer into [illegible] in lieu of a full trai[illegible]or a semitrailer in any [illegible]

(2) A combinatio[illegible]t exceeding seventy-five[illegible] ing of four trucks [illegible]ruck tractors used in dri[illegible] the vehicles are to[illegible] by the fourth in triple [illegible]

(3) A combinatio[illegible]nsisting of a truck tract[illegible] ment no longer tha[illegible]ight feet, a semitrailer, [illegible] trailer that meets[illegible]e legal length requiren[illegible] combination set for[illegible]n RCW 46.44.030.

Amended by Laws 19[illegible]ch. 143, § 2.

46.44.041. Maxi[illegible]m gross weights—Wh[illegible]

No vehicle or com[illegible]ation of vehicles shall ope[illegible] of this state with a [illegible]s load on any single axle[illegible] pounds, or upon any [illegible]up of axles in excess of [illegible] table, except that tw[illegible]nsecutive sets of tandem[illegible] of thirty-four thousa[illegible]pounds each, if the over[illegible] and last axles of su[illegible]consecutive sets of tand[illegible] more.

of rules—
. 330: See
B.12.050.

46.44—SIZE, WEIGHT LOAD

Cross References

ense cases, Permitting pe of load materials, see
rRLJ 3.2. § 46.61.655.

exemptions

46.44.010, 46.44.020, 46. 30, 46.44.034, 46.44.041;
16.44.080 do not apply ne movement of a tow
46.55.010, if the tow tr s performing the initial
ed in RCW 46.55.010, r dless of the destination,
the public streets a highways of this state:
eight permit has been ained by the tow truck
it being available on enty-four hour basis by

76, § 1.

ths

on to operate up he public highways of this
verall length, wi r without load, in excess of
n does not apply to (municipal transit vehicle, (2)
r bus or school bu th an overall length not to
l) an articulated aut ge with an overall length not

person to operate o e highways of this state any
hat contains a veh in excess of forty-eight feet

person to operate n the public highways of this
onsisting of a tra and semitrailer that has a
ss of forty-eight fe a combination consisting of a
in which the combi length of the trailers exceeds
ithout load.

person to operate he highways of this state any
f a truck and trail with an overall length, with or
of seventy-five f However, a combination of
omobiles or boats r have a front overhang of three
of four feet beyo his allowed length.

ns do not apply t nicles transporting poles, pipe,
cts of a structural re that cannot be dismembered
utility when requi for emergency repair of public
erties, but in res to night transportation every
ereon shall be eq ed with a sufficient number of
sides and marker l s upon the extreme ends of any
y mark the dimens of the load.

ribed in this ion are exclusive of safety and
i such as mud f and splash and spray suppres-
its or air com sors, and other devices that the
e necessary safe and efficient operation of
No device exclude nder this paragraph from the

tation this section y have, by i sign or u e capability to
cargo.

Amen by Laws 0, ch. 28, § 1 1991, ch. 1 ; Laws 199 301, § 1.

*46.44.034. Maximum lengths—Front and rear protrusions

(1) The load, or any portion of any vehicle, operated alone upon the public highway of this state, or the load, or any portion of the front vehicle of a combination of vehicles, shall not extend more than three feet beyond the front wheels of such vehicle, or the front bumper, if equipped with front bumper.

(2) No vehicle shall be operated upon the public highways with any part of the permanent structure or load extending in excess of fifteen feet beyond the center of the last axle of such vehicle. This subsection does not apply to "specialized equipment" designated under 49 U.S.C. [Sec.] 2311 that is operated on the interstate highway system, those designated portions of the federal-aid primary system, and routes constituting reasonable access from such highways to terminals and facilities for food, fuel, repairs, and rest.

Amended by Laws 1991, ch. 143, § 1.

*46.44.037. Combination of units—Lawful operations

Notwithstanding the provisions of RCW 46.44.036 and subject to such rules and regulations governing their operation as may be adopted by the state department of transportation, operation of the following combinations is lawful:

(1) A combination consisting of a truck tractor, a semitrailer, and another semitrailer or a full trailer. In this combination a converter gear used to convert a semitrailer into a full trailer shall be considered to be a part of the full trailer and not a separate vehicle. A converter gear being pulled without load and not used to convert a semitrailer into a full trailer may be substituted in lieu of a full trailer or a semitrailer in any lawful combination;

(2) A combination not exceeding seventy-five feet in overall length consisting of four trucks or truck tractors used in driveaway service where three of the vehicles are towed by the fourth in triple saddlemount position;

(3) A combination consisting of a truck tractor carrying a freight compartment no longer than eight feet, a semitrailer, and another semitrailer or full trailer that meets the legal length requirement for a truck and trailer combination set forth in RCW 46.44.030.

Amended by Laws 1991, ch. 143, § 2.

*46.44.041. Maximum gross weights—Wheelbase and axle factors

No vehicle or combination of vehicles shall operate upon the public highways of this state with a gross load on any single axle in excess of twenty thousand pounds, or upon any group of axles in excess of that set forth in the following table, except that two consecutive sets of tandem axles may carry a gross load of thirty-four thousand pounds each, if the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six feet or more.

Distance in feet between the extremes of any group of 2 or more consecutive axles	Maximum load in pounds carried on any group of 2 or more consecutive axles							
	2 axles	3 axles	4 axles	5 axles	6 axles	7 axles	8 axles	9 axles
4	34,000							
5	34,000							
6	34,000							
7	34,000							
8	34,000	42,000						
9	39,000	42,500						
10	40,000	43,500						
11		44,000						
12		45,000	50,000					
13		45,500	50,500					
14		46,500	51,500					
15		47,000	52,000					
16		48,000	52,500					
17		48,500	53,500	58,000				
18		49,500	54,000	58,500				
19		50,000	54,500	59,000				
20		51,000	55,500	60,000				
21		51,500	56,000	60,500	66,000			
22		52,500	56,500	61,000	66,500			
23		53,000	57,500	61,500	67,000			
24		54,000	58,000	62,500	68,000			
25		54,500	58,500	63,000	68,500	74,000		
26		55,500	59,500	63,500	69,000	74,500		
27		56,000	60,000	64,000	69,500	75,000		
28		57,000	60,500	65,000	70,000	75,500		
29		57,500	61,500	65,500	71,000	76,500	82,000	
30		58,500	62,000	66,000	71,500	77,000	82,500	
31		59,000	62,500	66,500	72,000	77,500	83,000	
32		60,000	63,500	67,500	72,500	78,000	83,500	
33			64,000	68,000	73,000	78,500	84,500	90,000
34			64,500	68,500	74,000	79,000	85,000	90,500
				69,000	74,500	80,000	85,500	91,000

Distance in feet between the extremes of any group of 2 or more consecutive axles	Maximum lo carried on a or more con	
	2 axles	4 axles	5 axles
35		65,500	
36		66,000	70,000
37		66,500	70,500
38		67,500	71,000
39		68,000	71,500 72,500
40		68,500	73,000
41		69,500	73,500
42		70,000	74,000
43		70,500	75,000
44		71,500	75,500
45		72,000	76,000
46		72,500	76,500
47		73,500	77,500
48		74,000	78,000
49		74,500	78,500
50		75,500	79,000
51		76,000	80,000
52		76,500	80,500
53		77,500	81,000
54		78,000	81,500
55		78,500	82,500
56		79,000	83,000
57		80,000	83,500
58		80,500	84,000
59		81,000	85,000
60		81,500	85,500

Maximum load in pounds carried on any group of 2 or more consecutive axles

4 axles	5 axles	6 axles	a	8 axles	9 axles
50,000					
50,500					
51,500					
[illegible]000					
[illegible]500					
[illegible]500	58,000				
54,000	58,500				
54,500	59,000				
55,500	60,000				
56,000	60,500	66,00			
56,500	61,000	66,5			
57,500	61,500	67,0			
58,000	62,500	68,0			
58,500	63,000	68,	74,000		
59,500	63,500	69,	74,500		
60,000	64,000	69	75,000		
60,500	65,000	70	75,500		
61,500	65,500	7	76,500	82,000	
62,000	66,000	7	77,000	82,500	
62,500	66,500	7	77,500	83,000	
[illegible]00	67,500	00	78,000	83,500	
[illegible]00	68,000	00	78,500	84,500	90,000
64,500	68,500	000	79,000	85,000	90,500
	69,000	,500	80,000	85,500	91,000

Maximum load in pounds carried on any group of 2 or more consecutive axles

Distance in feet between the extremes of any group of 2 or more consecutive axles	2 axles	3 axles	4 axles	5 axles	6 axles	7 axles	8 axles	9 axles
35			65,500					
36			66,000	70,000	75,000	80,500	86,000	91,500
37			66,500	70,500	75,500	81,000	86,500	92,000
38			67,500	71,000	76,000	81,500	87,000	93,000
39			68,000	71,500 72,500	77,000	82,000	87,500	93,500
40			68,500	73,000	77,000	82,500	88,500	94,000
41			69,500	73,500	78,000	83,500	89,000	94,500
42			70,000	74,000	78,500	84,000	89,500	95,000
43			70,500	75,000	79,000	84,500	90,000	95,500
44			71,500	75,500	80,000	85,000	90,500	96,000
45			72,000	76,000	80,500	85,500	91,000	96,500
46			72,500	76,500	81,000	86,000	91,500	97,500
47			73,500		81,500	87,000	92,500	98,000
48			74,000	77,500 78,000	82,000	87,500	93,000	98,500
49			74,500	78,500	83,000	88,000	93,500	99,000
50			75,500	79,000	83,500 84,000	88,500	94,000	99,500
51			76,000	80,000	84,500	89,000	94,500	100,000
52			76,500	80,500	85,000	89,500	95,000	100,500
53			77,500	81,000	86,000	90,500	95,500	101,000
54			78,000	81,500	86,500	91,000	96,500	102,000
55			78,500	82,500	87,000	91,500	97,000	102,500
56			79,500	83,000	87,500	92,000	97,500	103,000
57			80,000	83,500	88,000	92,500	98,000	103,500
58						93,000	98,500	104,000
59				84,000	89,000	94,000	99,000	104,500
60				85,000 85,500	89,000 90,000	94,500 95,000	99,500	105,500

Distance in feet between the extremes of any group of 2 or more consecutive axles	Maximum load in pounds carried on any group of 2 or more consecutive axles							
	2 axles	3 axles	4 axles	5 axles	6 axles	7 axles	8 axles	9 axles
61				86,000	90,500	95,500	100,500	105,500
62					91,000	96,000	101,000	105,500
63				86,500 87,500	92,000		101,500	105,500
64				88,000	92,500	96,500 97,500	102,000	105,500
65				88,500	93,000	98,000	102,500	105,500
66				89,500	93,500	98,500	103,000	105,500
67				90,000	94,000	99,000	103,500	105,500
68				90,500	95,000	99,500	104,500 105,000	105,500 105,500
69				91,000	95,500	100,000	105,500	105,500
70				92,000	96,000	101,000	105,500	105,500

When inches are involved: Under six inches take lower, six inches or over take higher. The maximum load on any axle in any group of axles shall not exceed the single axle or tandem axle allowance as set forth in the table above.

The maximum axle and gross weights specified in this section are subject to the braking requirements set up for the service brakes upon any motor vehicle or combination of vehicles as provided by law.

Loads of not more than eighty thousand pounds which may be legally hauled in the state bordering this state which also has a sales tax, are legal in this state when moving to a port district within four miles of the bordering state except on the interstate system. This provision does not allow the operation of a vehicle combination consisting of a truck tractor and three trailers.

Notwithstanding anything contained herein, a vehicle or combination of vehicles in operation on January 4, 1975, may operate upon the public highways of this state, including the interstate system within the meaning of section 127 of Title 23, United States Code, with an overall gross weight upon a group of two consecutive sets of dual axles which was lawful in this state under the laws, regulations, and procedures in effect in this state on January 4, 1975.

Amended by Laws 1988, ch. 6, § 2; Laws 1988, ch. 229, § 1. Reenacted and amended by Laws 1993, ch. 102, § 3, eff. Jan. 1, 1994.[1] Amended by Laws 1993, ch. 246, § 1.

[1] Effective date provided by Laws 1993, 1st Sp.Sess., ch. 23, § 66.

Historical and Statutory Notes

Reviser's Note: This section was amended by 1993 c 102 § 3 and by 1993 c 246 § 1, each without reference to the other. Both amendments are incorporated in the publication of this section pursu-

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ant to RCW 1. 5(2). For rule of construction, see R 1.12.025(1). See His ing § 4

Effective dat Laws 1993, chs. 102 and 123—Laws , 1st Sp.Sess., ch. 23:

46.44.042. Ma mum gross weights—Ax

Subject to the aximum gross weights spe unlawful to opera any vehicle upon the public including load, u any tire concentrated upo excess of six hu d pounds per inch width nonliftable steer axle on the power unit apparatus, an axl anufactured after July 31, thousand pounds ss weight must be equi Effective January 1997, an axle, excluding t the power unit or r axle on fire fighting app thousand pounds g s weight must have four o of manufacture. ead of the four or more this section: (1) axle may be equipped hundred pounds p nch width of tire; or (2 concrete transit tr the rear booster trailing tires limited to six ndred pounds per inch w not apply to overs and overweight permits For the purpose o is section, the width of hollow center cushi ires, so long as the use t law, shall be meas between the flanges of this section, the wi of tires in case of pneum overall normal infl width as stipulated by t to the pressure sp ed and without load the

The department ransportation, under rul tion commission w respect to state highwa respect to a public way under its jurisdictio in RCW 46.44.041 one hundred fifteen tho extension must be mpliance with federal la the extension must in full compliance with ments under this s on.

Amended by Laws 1 ch. 103, § 1.

46.44.091. Spec permits for oversi me —Gross weight limit

(1) Except as o wise provided in subsecti no special permit be issued for movement of a state highwa ithin the limits of any weight, including , exceeds the following li

(a) Twenty-two usand pounds on a single wheelbase betwee e first and second axles of

(b) Forty-thre usand pounds on dual axle the first and sec xles of not less than thre seven feet;

(c) On any gr f axles or in the case of a axles with a whe se between the first and l feet but less tha feet, a weight in pounds thousand five hu d times the distance in f first axle and the ter of the last axle of the

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m load in pounds
in any group of 2
consecutive axles

es	6 axles	7 axle	8 axles	9 axles
			100,500	105,500
00	90,500	95,5		
			101,000	105,500
	91,000	96,0		
00			101,500	105,500
00	92,000			
		96,5	102,000	105,500
00	92,500	97,5		
			102,500	105,500
00	93,000	98,0		
			103,000	105,500
00	93,500	98,5		
			103,500	105,500
00	94,000	99,0		
			04,500	105,500
	95,000	99,5	05,000	
				105,500
	95,500	100,00	05,500	105,500
	96,000	101,00	05,500	105,500

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xle in any group xles shall not
ance as set forth i table above.

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5, may operate n the public
ate system withi e meaning of
with an overall g weight upon
es which was lav in this state
in effect in this on January

h. 229, § 1. Reena and amended
mended by Laws ch. 246, § 1.
Sess., ch. 23, § 66.

o Notes

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t ublication of section pursu-

ant to RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Effective date of Laws 1993, chs. 102 and 123—Laws 1993, 1st Sp.Sess., ch. 23: See Historical and Statutory Notes following § 46.16.070.

46.44.042. Maximum gross weights—Axle and tire factors

Subject to the maximum gross weights specified in RCW 46.44.041, it is unlawful to operate any vehicle upon the public highways with a gross weight, including load, upon any tire concentrated upon the surface of the highway in excess of six hundred pounds per inch width of such tire. Other than the nonliftable steering axle on the power unit or tiller axle on fire fighting apparatus, an axle manufactured after July 31, 1993, carrying more than ten thousand pounds gross weight must be equipped with four or more tires. Effective January 1, 1997, an axle, excluding the nonliftable steering axle on the power unit or tiller axle on fire fighting apparatus, carrying more than ten thousand pounds gross weight must have four or more tires, regardless of date of manufacture. Instead of the four or more tires per axle requirements of this section: (1) An axle may be equipped with two tires limited to five hundred pounds per inch width of tire; or (2) in the case of a ready-mix concrete transit truck, the rear booster trailing axle may be equipped with two tires limited to six hundred pounds per inch width of tire. This section does not apply to oversize and overweight permits issued under RCW 46.44.090. For the purpose of this section, the width of tire in case of solid rubber or hollow center cushion tires, so long as the use thereof may be permitted by the law, shall be measured between the flanges of the rim. For the purpose of this section, the width of tires in case of pneumatic tires shall be the maximum overall normal inflated width as stipulated by the manufacturer when inflated to the pressure specified and without load thereon.

The department of transportation, under rules adopted by the transportation commission with respect to state highways, and a local authority, with respect to a public highway under its jurisdiction, may extend the weight table in RCW 46.44.041 to one hundred fifteen thousand pounds. However, the extension must be in compliance with federal law, and vehicles operating under the extension must be in full compliance with the 1997 axle and tire requirements under this section.

Amended by Laws 1993, ch. 103, § 1.

46.4 Special ermits or ov or over ght men Gr ht

(1) s o wise pro sections (3) and (4) section, no spec l be issued ent on any state h r route of a stat within the l o city or town re gross weight, in ad, exceeds w imits:

(a) Twen ousand ds si axle dual axles h a wheelbas firs second es ss three feet six s;

(b) -thr pounds on d g a wheelbase bet the fi nd sec of not less tha six inches but less t se et;

On any gr s or in the cas le employing two sing s with a w een the firs of not less than seve t but less ten weight i nds ed by multiplying six housand fi ndred he di e in fee en the center of the first axle he center de of the gr

Weight over t[illegible]egistered gross weight.	Fee per mile on state highways
60,000–65,999 po[illegible]	$1.68
66,000–71,999 pou[illegible]	$2.03
72,000–79,999 pound[illegible]	$2.38
80,000 pounds or mor[illegible]	$2.80

Provided: (a) The minimu[illegible] for an[illegible] weight permit shall be $14.00, (b) the fee for issuance of a dup[illegible] pe[illegible] shall be $14.00, (c) when computing overweight fees prescribed in [illegible]n or in RCW 46.44.095 that result in an amount less than even dollars [illegible]e shall be carried to the next full dollar if fifty cents or over and shall [illegible]d to the next full dollar if forty-nine cents or under.

The fees levied in this s[illegible] and RC[illegible]44.095 do not apply to vehicles owned and operated by t[illegible]tate of Washi[illegible], a county within the state, a city or town or metro[illegible]n municipal corp[illegible]on within the state, or the federal government.

Amended by Laws [illegible]h. 398, § 1; Laws 1990, ch. 42, [illegible], eff. Sept. 1, 1990; Laws 1993, ch. 102, § 4[illegible]an. 1, 1994.[1]

[1] Effective d[illegible]ovided by Laws 1993, 1st Sp.Sess., ch. 2[illegible]66.

Historical and Statutory Notes

Eff[illegible] date of Laws 1993, chs. 102 and [illegible]—Laws 1993, 1st Sp.Sess., ch. 23: S[illegible]torical and Statutory Notes following § 46.16.070.

Purpose—Headings—Severability—Effective dates—Application—Implementation—Laws 1990[illegible]42: See Historical and Statutory [illegible] following § 82.36.025.

* 46.44.095. Temporary additional tonnage permits—Fees

When a combination of vehicles has been licensed to a total gross weight of 80,000 pounds or when a three or more axle single unit vehicle has been licensed to a total gross weight of 40,000 pounds, a temporary additional tonnage permit to haul loads in excess of these limits may be issued. This permit is valid for periods of not less than five days at two dollars and eighty cents per day for each two thousand pounds or fraction thereof. The fee may not be prorated. The permits shall authorize the movement of loads not exceeding the weight limits set forth in RCW 46.44.041 and 46.44.042.

Amended by Laws 1988, ch. 55, § 1; Laws 1989, ch. 398, § 3; Laws 1990, ch. 42, § 108, eff. Sept. 1, 1990; Laws 1993, ch. 102, § 5, eff. Jan. 1, 1994.[1]

[1] Effective date provided by Laws 1993, 1st Sp.Sess., ch. 23, § 66.

Historical and Statutory Notes

Effective date of Laws 1993, chs. 102 and 123—Laws 1993, 1st Sp.Sess., ch. 23: See Historical and Statutory Notes following § 46.16.070.

Purpose—Headings—Severability—Effective dates—Application—Implementation—Laws 1990, ch. 42: See Historical and Statutory Notes following § 82.36.025.

* 46.44.096. Special permits—Determining fee—To whom paid

In determining fees according to RCW 46.44.0941, mileage on state primary and secondary highways shall be determined from the planning survey records

of the de[illegible]ment of transportation, and th[illegible] vehicles, i[illegible]ding load, shall be declared b[illegible] which fees [illegible]ll be paid will be gross loading by law or [illegible] loadings in excess of loading[illegible] the greater[illegible]oads which are overweight a[illegible] fee for the [illegible]rweight permit without addit[illegible] oversize fea[illegible]s.

Special pe[illegible]s issued under RCW 46.44.[illegible] be obtained f[illegible] offices of the department of [illegible] other agents [illegible]pointed by the department.

The depart[illegible]t may appoint agents for motor vehicle [illegible]mits, temporary additional [illegible]ance permits. [illegible]ents so appointed may retai[illegible] each permit s[illegible] to defray expenses incurr[illegible] permits. If th[illegible]ee is collected by the de[illegible] department sha[illegible]ertify the fee so collected t[illegible] to the credit of [illegible] motor vehicle fund.

Fees establis[illegible] in RCW 46.44.0941 shal[illegible] issuing the perm[illegible] the entire movement is t[illegible] highways for wh[illegible] that political body is r[illegible] involves a combin[illegible]n of state highways, cou[illegible] fee shall be paid [illegible] the state department of [illegible] ment is confined [illegible]hin the city limits of a [illegible] including routes o[illegible]ate highways on city str[illegible] city or town invo[illegible]d. A permit will not [illegible] authorities for a m[illegible] involving a combination [illegible] highways when the[illegible]ve through a city or tow[illegible] of the state highwa[illegible] When a move involves [illegible] and city streets the [illegible] shall be paid to the cou[illegible] not be collected nor [illegible] county permit issued u[illegible] showing the city or [illegible]n authorities approve [illegible] the movement involv[illegible]nly county roads the f[illegible] county involved. Fe[illegible]stablished shall be p[illegible] the permit if the enti[illegible]se of the vehicle du[illegible] permit shall be confi[illegible] to the roads, street[illegible] political body is respo[illegible]e.

Amended by Laws 1989, [illegible] 398, § 4; Laws 199[illegible]

[1] Effective date provide[illegible] Laws 1993, 1st Sp.S[illegible]

H[illegible]orical and Statuto[illegible]

Effective date of Laws [illegible]3, chs. 102 and 123—Laws 1993, 1st S[illegible]ss, ch. 23: See Hi[illegible] ing § 4[illegible]

46.44.100. Repealed [illegible] Laws 1993, ch. 4[illegible]

46.44.105. Enforceme[illegible]rocedures—Pe[illegible]

(1) Violation of any of t[illegible]rovisions of RCW 46.44.090, 46.44.091, and 4[illegible]095, or failure to RCW 46.44.090 and 46.44.[illegible]r misrepresentat[illegible] load or failure to follow t[illegible]quirements and hereunder is a traffic infr[illegible]on, and upon the assessed a basic penalty [illegible]ot less than fift[illegible] finding thereof shall be as[illegible]ed a basic penalt[illegible] dollars; and upon a third [illegible] subsequent find[illegible] penalty of not less than o[illegible]undred dollars.

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eight permit shall be 00, (b) be $14.00, (c) when puting n RCW 46.44.095 tha sult in e carried to the next dollar he next full dollar if ty-nine

44.095 do not apply ehicles n, a county within state, a ration within the s , or the

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nsed to a total ss weight of single unit v le has been unds, a temp y additional se limits may ssued. This days at two do s and eighty fraction there The fee may e the moveme of loads not 46.44.041 and 4.042.

398, § 3; Laws , ch. 42, § 108, 1, 1994.[1]

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ion—Laws 19 h. 42: See His- and Statut Notes following .025.

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0 mile on state primary n e pla g survey records

of the department of transportation, and the gross weight of the vehicle or vehicles, including load, shall be declared by the applicant. Overweight on which fees shall be paid will be gross loadings in excess of loadings authorized by law or axle loadings in excess of loadings authorized by law, whichever is the greater. Loads which are overweight and oversize shall be charged the fee for the overweight permit without additional fees being assessed for the oversize features.

Special permits issued under RCW 46.44.047, 46.44.0941, or 46.44.095, may be obtained from offices of the department of transportation, ports of entry, or other agents appointed by the department.

The department may appoint agents for the purposes of selling special motor vehicle permits, temporary additional tonnage permits, and log tolerance permits. Agents so appointed may retain three dollars and fifty cents for each permit sold to defray expenses incurred in handling and selling the permits. If the fee is collected by the department of transportation, the department shall certify the fee so collected to the state treasurer for deposit to the credit of the motor vehicle fund.

Fees established in RCW 46.44.0941 shall be paid to the political body issuing the permit if the entire movement is to be confined to roads, streets, or highways for which that political body is responsible. When a movement involves a combination of state highways, county roads, and/or city streets the fee shall be paid to the state department of transportation. When a movement is confined within the city limits of a city or town upon city streets, including routes of state highways on city streets, all fees shall be paid to the city or town involved. A permit will not be required from city or town authorities for a move involving a combination of city or town streets and state highways when the move through a city or town is being confined to the route of the state highway. When a move involves a combination of county roads and city streets the fee shall be paid to the county authorities, but the fee shall not be collected nor the county permit issued until valid permits are presented showing the city or town authorities approve of the move in question. When the movement involves only county roads the fees collected shall be paid to the county involved. Fees established shall be paid to the political body issuing the permit if the entire use of the vehicle during the period covered by the permit shall be confined to the roads, streets, or highways for which that political body is responsible.

Amended by Laws 1989, ch. 398, § 4; Laws 1993, ch. 102, § 6, eff. Jan. 1, 1994.[1]

[1] Effective date provided by Laws 1993, 1st Sp.Sess., ch. 23, § 66.

Historical and Statutory Notes

Effective date of Laws 1993, chs. 102 and 123—Laws 1993, 1st Sp.Sess, ch. 23: See Historical and Statutory Notes following § 46.16.070.

46.44.100. Repealed by Laws 1993, ch. 403, § 5

* 46.44.105. Enforcement procedures—Penalties—Rules

(1) Violation of any of the provisions of RCW 46.44.041, 46.44.042, 46.44.047, 46.44.090, 46.44.091, and 46.44.095, or failure to obtain a permit as provided by RCW 46.44.090 and 46.44.095, or misrepresentation of the size or weight of any load or failure to follow the requirements and conditions of a permit issued hereunder is a traffic infraction, and upon the first finding thereof shall be assessed a basic penalty of not less than fifty dollars; and upon a second finding thereof shall be assessed a basic penalty of not less than seventy-five dollars; and upon a third or subsequent finding shall be assessed a basic penalty of not less than one hundred dollars.

(2) In addition to the penalties imposed in subsection (1) of this section, any person violating RCW 46.44.041, 46.44.042, 46.44.047, 46.44.090, 46.44.091, or 46.44.095 shall be assessed three cents for each pound of excess weight. Upon a first violation in any calendar year, the court may suspend the penalty for five hundred pounds of excess weight for each axle on any vehicle or combination of vehicles, not to exceed a two thousand pound suspension. In no case may the basic penalty assessed in subsection (1) of this section be suspended.

(3) Whenever any vehicle or combination of vehicles is involved in two violations of RCW 46.44.041, 46.44.042, 46.44.047, 46.44.090, 46.44.091, or 46.44.095 during any twelve-month period, the court may suspend the certificate of license registration of the vehicle or combination of vehicles for not less than thirty days. Upon a third or succeeding violation in any twelve-month period, the court shall suspend the certificate of license registration for not less than thirty days. Whenever the certificate of license registration is suspended, the court shall secure such certificate and immediately forward the same to the director with information concerning the suspension.

(4) Any person found to have violated any posted limitations of a highway or section of highway shall be assessed a monetary penalty of not less than one hundred and fifty dollars, and the court shall in addition thereto upon second violation within a twelve-month period involving the same power unit, suspend the certificate of license registration for not less than thirty days.

(5) It is unlawful for the driver of a vehicle to fail or refuse to stop and submit the vehicle and load to a weighing, or to fail or refuse, when directed by an officer upon a weighing of the vehicle to stop the vehicle and otherwise comply with the provisions of this section. It is unlawful for a driver of a commercial motor vehicle as defined in RCW 46.32.005, other than the driver of a bus as defined in RCW 46.32.005(2), to fail or refuse to stop at a weighing station when proper traffic control signs indicate scales are open.

Any police officer is authorized to require the driver of any vehicle or combination of vehicles to stop and submit to a weighing either by means of a portable or stationary scale and may require that the vehicle be driven to the nearest public scale. Whenever a police officer, upon weighing a vehicle and load, determines that the weight is unlawful, the officer may require the driver to stop the vehicle in a suitable location and remain standing until such portion of the load is removed as may be necessary to reduce the gross weight of the vehicle to the limit permitted by law. If the vehicle is loaded with grain or other perishable commodities, the driver shall be permitted to proceed without removing any of the load, unless the gross weight of the vehicle and load exceeds by more than ten percent the limit permitted by this chapter. The owner or operator of the vehicle shall care for all materials unloaded at the risk of the owner or operator.

Any vehicle whose driver or owner represents that the vehicle is disabled or otherwise unable to proceed to a weighing location shall have its load sealed or otherwise marked by any police officer. The owner or driver shall be directed that upon completion of repairs, the vehicle shall submit to weighing with the load and markings and/or seal intact and undisturbed. Failure to report for weighing, appearing for weighing with the seal broken or the markings disturbed, or removal of any cargo prior to weighing is unlawful. Any person so convicted shall be fined five hundred dollars, and in addition the certificate of license registration shall be suspended for not less than thirty days.

(6) Any other provision of law to the contrary notwithstanding, district courts having venue have concurrent jurisdiction with the superior courts for the imposition of any penalties authorized under this section.

[redacted]n subsection (1) of this [redacted]tion, any
[redacted]42, 46.44.047, 46.44.090, [redacted]4.091, or
[redacted]r each pound of excess [redacted]nt. Upon
[redacted]e court may suspend th[redacted]enalty for
[redacted]t for each axle on a[redacted]ehicle or
[redacted] two thousand pound su[redacted]nsion. In
[redacted]d in subsection (1) of th[redacted]section be

[redacted]nation of vehicles is in[redacted]ed in two
[redacted]2, 46.44.047, 46.44.090, [redacted]44.091, or
[redacted]od, the court may suspe[redacted]he certifi-
[redacted]e or combination of vehic[redacted]or not less
[redacted]ceeding violation in any [redacted]elve-month
[redacted]rtificate of license regis[redacted]on for not
[redacted]e certificate of license [redacted]stration is
[redacted]ertificate and immediat[redacted]orward the
[redacted]concerning the suspensi[redacted]

[redacted]l any posted limitations [redacted] highway or
[redacted]monetary penalty of n[redacted]ss than one
[redacted]t shall in addition ther[redacted]pon second
[redacted]involving the same pow[redacted]nit, suspend
[redacted]r not less than thirty [redacted].

[redacted]a vehicle to fail or re[redacted] to stop and
[redacted]ing, or to fail or refus[redacted]hen directed
[redacted]e to stop the vehic[redacted]nd otherwise
[redacted]. It is unlawful [redacted] driver of a
[redacted]W 46.32.005, othe[redacted]n the driver
[redacted] fail or refuse to st[redacted]t a weighing
[redacted]ns indicate scales are [redacted].

[redacted]require the driver o[redacted]y vehicle or
[redacted]mit to a weighing eith[redacted]y means of a
[redacted]equire that the vehicle[redacted] driven to the
[redacted]ice officer, upon weigh[redacted] a vehicle and
[redacted]awful, the officer may [redacted]ire the driver
[redacted] and remain standing [redacted]l such portion
[redacted]ssary to reduce the g[redacted] weight of the
If the vehicle is loa[redacted] with grain or
[redacted]er shall be permitted [redacted]roceed without
[redacted]e gross weight of th[redacted]hicle and load
[redacted]e limit permitted by [redacted] chapter. The
[redacted]ll care for all materi[redacted]nloaded at the

[redacted]represents that the v[redacted]le is disabled or
[redacted]hing location shall h[redacted]ts load sealed or
[redacted]r. The owner or dr[redacted] shall be directed
[redacted]ehicle shall submit[redacted] weighing with the
and undisturbed. [redacted]lure to report for
[redacted]with the seal bro[redacted] or the markings
[redacted]ior to weighing is [redacted]awful. Any person
[redacted]ed dollars, and in[redacted]dition the certificate
[redacted]pended for not [redacted] than thirty days.

[redacted]the contrary [redacted]withstanding, district
[redacted]diction with[redacted] superior courts for
[redacted] under this [redacted]tion.

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(7) For the purpose of determining additional penalties as provided by subsection (2) of this section, "excess weight" means the poundage in excess of the maximum gross weight prescribed by RCW 46.44.041 and 46.44.042 plus the weights allowed by RCW 46.44.047, 46.44.091, and 46.44.095.

(8) The penalties provided in subsections (1) and (2) of this section shall be remitted as provided in chapter 3.62 RCW or RCW 10.82.070. For the purpose of computing the basic penalties and additional penalties to be imposed under the provisions of subsections (1) and (2) of this section the convictions shall be on the same vehicle or combination of vehicles within a twelve-month period under the same ownership.

(9) Any state patrol officer or any weight control officer who finds any person operating a vehicle or a combination of vehicles in violation of the conditions of a permit issued under RCW 46.44.047, 46.44.090, and 46.44.095 may confiscate the permit and forward it to the state department of transportation which may return it to the permittee or revoke, cancel, or suspend it without refund. The department of transportation shall keep a record of all action taken upon permits so confiscated, and if a permit is returned to the permittee the action taken by the department of transportation shall be endorsed thereon. Any permittee whose permit is suspended or revoked may upon request receive a hearing before the department of transportation or person designated by that department. After the hearing the department of transportation may reinstate any permit or revise its previous action.

Every permit issued as provided for in this chapter shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any law enforcement officer or authorized agent of any authority granting such a permit.

Upon the third finding within a calendar year of a violation of the requirements and conditions of a permit issued under RCW 46.44.095 as now or hereafter amended, the permit shall be immediately transmitted by the court or the arresting officer to the department of transportation. The vehicle covered by the canceled permit is not eligible for a new permit for a period of thirty days.

(10) For the purposes of determining gross weights the actual scale weight taken by the arresting officer is prima facie evidence of the total gross weight.

(11) It is a traffic infraction to direct the loading of a vehicle with knowledge that it violates the requirements in RCW 46.44.041, 46.44.042, 46.44.047, 46.44.090, 46.44.091, or 46.44.095 and that it is to be operated on the public highways of this state.

(12) The chief of the state patrol, with the advice of the department, may adopt reasonable rules to aid in the enforcement of this section.

Amended by Laws 1990, ch. 217, § 1; Laws 1993, ch. 403, § 4.

Historical and Statutory Notes

1990 Legislation

Laws 1990, ch. 217, § 1, throughout the section, repositioned the reference to RCW 46.44.041 in each series; inserted subsec. (11); and renumbered former subsec. (11) as (12).

1993 Legislation

Laws 1993, ch. 403, § 4, in subsec. (5), inserted the first paragraph; and, in the second paragraph, added the third and fourth sentences.

46.44.160. Repealed by Laws 1993, ch. 102, § 8, eff. Jan. 1, 1994[1]

[1] Effective date provided by Laws 1993, 1st Sp.Sess., ch. 23, § 66.

(2) Before issuing a registration certificate to an applicant the department shall require the applicant to file with the department a surety bond in the amount of five thousand dollars running to the state and executed by a surety company authorized to do business in this state. The bond shall be approved as to form by the attorney general and conditioned that the operator shall conduct his business in conformity with the provisions of this chapter pertaining to abandoned or unauthorized vehicles, and to compensate any person, company, or the state for failure to comply with this chapter or the rules adopted hereunder, or for fraud, negligence, or misrepresentation in the handling of these vehicles. Any person injured by the tow truck operator's failure to fully perform duties imposed by this chapter or the rules adopted hereunder, or an ordinance or resolution adopted by a city, town, or county is entitled to recover actual damages, including reasonable attorney's fees against the surety and the tow truck operator. Successive recoveries against the bond shall be permitted, but the aggregate liability of the surety to all persons shall not exceed the amount of the bond. As a condition of authority to do business, the operator shall keep the bond in full force and effect. Failure to maintain the penalty value of the bond or cancellation of the bond by the surety automatically cancels the operator's registration.

(3) Before the department may issue a registration certificate to an applicant, the applicant shall provide proof of minimum insurance requirements of:

(a) One hundred thousand dollars for liability for bodily injury or property damage per occurrence; and

(b) Fifty thousand dollars of legal liability per occurrence, to protect against vehicle damage, including but not limited to fire and theft, from the time a vehicle comes into the custody of an operator until it is redeemed or sold.

Cancellation of or failure to maintain the insurance required by (a) and (b) of this subsection automatically cancels the operator's registration.

(4) The fee for the original registration and annual renewal is one hundred dollars per company, plus fifty dollars per truck. The department shall forward the registration fee to the state treasurer for deposit in the motor vehicle fund.

(5) The applicant must submit an inspection certificate from the state patrol before the department may issue or renew an operator's registration certificate or tow truck permits.

(6) Upon approval of the application, the department shall issue a registration certificate to the registered operator to be displayed prominently at the operator's place of business.

[Amended by Laws 1987, ch. 311, § 2; Laws 1989, ch. 111, § 3.]

Historical and Statutory Notes

1987 Legislation

Laws 1987, ch. 311, § 2, in subsec. (3)(a), substituted $100,000 for $250,000; and, in subsec. (3)(b), substituted $50,000 for $100,000.

1989 Legislation

Laws 1989, ch. 111, § 3, in subsec. (1), inserted a new clause (e), renumbered former (e) and (f) as (f) and (g); in the introductory part of (g) deleted "the chief of police if the applicant's principal place of business is located in a city or town having a population over five thousand persons or, in all other instances, from a member of" following "approval from", in (g)(i) inserted "and that mail is received" and inserted a new (g)(ii) with a renumbering of former (g)(ii) and (g)(iii) as (g)(iii) and (g)(iv); in subsec. (3) inserted the second paragraph; and inserted a new subsec. (5), with former subsec. (5) renumbered as subsec. (6).

46.55.035. Prohibited acts—Penalty

(1) No registered tow truck operator may:

(a) Except as authorized ... compensation, ... tuity, rev... control or pos... ion of pr... authorized to si... n impou... ing of a vehicle...

(b) Be benefi... y intere... that may be ma... by or b... private property... d an ag... authorization;

(c) Have a fi... ial, equit... association, or ... oration ... representative ... a proper... authorizations...

(2) This sec... does not ... collecting the ... s of towin... course of towi... removing, ... provided by ... 46.55.120...

(3) A viola... of this sec...

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Laws 1989, ch. 111, §

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to ay:

(a) Except as authorized under RCW 46.55.037, ask for or receive any compensation, gratuity, reward, or promise thereof from a person having control or possession of private property or from an agent of the person authorized to sign an impound authorization, for or on account of the impounding of a vehicle;

(b) Be beneficially interested in a contract, agreement, or understanding that may be made by or between a person having control or possession of private property and an agent of the person authorized to sign an impound authorization;

(c) Have a financial, equitable, or ownership interest in a firm, partnership, association, or corporation whose functions include acting as an agent or a representative of a property owner for the purpose of signing impound authorizations.

(2) This section does not prohibit the registered tow truck operator from collecting the costs of towing, storage, or other services rendered during the course of towing, removing, impounding, or storing of an impounded vehicle as provided by RCW 46.55.120.

(3) A violation of this section is a gross misdemeanor.

Enacted by Laws 1989, ch. 111, § 4. Amended by Laws 1992, ch. 18, § 1.

*46.55.037. Compensation for private impounds

A registered tow truck operator may receive compensation from a private property owner or agent for a private impound of an unauthorized vehicle that has an approximate fair market value equal only to the approximate value of the scrap in it. The private property owner or an agent must authorize the impound under RCW 46.55.080. The registered tow truck operator shall process the vehicle in accordance with this chapter and shall deduct any compensation received from the private property owner or agent from the amount of the lien on the vehicle in accordance with this chapter.

Enacted by Laws 1992, ch. 18, § 2.

46. Permit required—Inspections of equipment an ili-ties

(1) A regis operator shall apply for and keep curr tow truck permit for each truck of which the operator is the tered owner. Application for a to k permit shall be accompanied report from the Washington state pa vering a physical inspe of each tow truck capable of being used by pplicant.

(2) Upon receipt of the fe ided in RCW .030(4) and a satisfactory inspection report from the sta rol, the rtment shall issue each tow truck an annual tow truck perm The class of the tow truck, determined according to RCW 46.5 hall be stamped on the permit or decal. The permit or decal shall b ed on the passenger side of the truck's front windshield.

(3) A tow truck number fr e departm hall be affixed in a permanent manner to each tow t

(4) The Washington patrol shall conduct al inspections of tow truck operators' equi t and facilities during the tors' normal business hours. Uns ed inspections may be conducte out notice at the operator's pla siness by an inspector to determine tness of a tow truck or facil At the time of the inspection, the operato ll provide a paper cop e master log referred to in RCW 46.55.080.

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(4) At the business locations listed where vehicles may be redeemed, the registered tow truck operator shall post in a conspicuous and accessible location:

(a) All permits, licenses and permits to operate as a registered tow truck operator;

(b) The current towing and storage charges itemized on a form approved by the department;

(c) The vehicle redemption procedure and rights;

(d) Information supplied by the department as to where complaints regarding either equipment or service are to be directed;

(e) Information concerning the acceptance of commercially reasonable tender as defined in RCW 46.55.[illegible](1)(b).

(5) The department shall adopt rules establishing fencing and security requirements of storage areas, which may provide for modifications or exemptions where needed to achieve consistency with local zoning laws.

(6) On any day when the registered tow truck operator holds the towing services open for business, the business office shall remain open with personnel present who are able to release impounded vehicles in accordance with this chapter and the rules adopted under it. The normal business hours of a towing service shall be from 8 a.m. to 5 p.m. on weekdays, excluding Saturdays, Sundays, and holidays.

(7) A registered tow truck operator shall maintain personnel who can be contacted twenty-four hours a day to release impounded vehicles within a reasonable time.

(8) A registered tow truck operator shall provide access to a telephone for any person redeeming a vehicle at the time of redemption.

Amended by Laws 1987, ch. 311, § 3; Laws 1989, ch. 111, § 6.

Historical and Statutory Notes

1987 Legislation
Laws 1987, ch. 311, § 3, in subsec. (1), inserted the second sentence.

1989 Legislation
Laws 1989, ch. 111, § 6, inserted a new subsec. (2); rewrote subsec. (3); designated former subsec. (2) as subsec. (4); designated former subsecs. (4), (5) and (6) as subsecs. (5), (6) and (7); and substituted a new subsec. (8) for former subsec. (8) and (9).

*16.55.063. Fees, schedules, contracts, invoices

(1) An operator shall file a fee schedule with the department. All filed fees must be adequate to cover the costs of service provided. No fees may exceed those filed with the department. At least ten days before the effective date of any change in an operator's fee schedule, the registered tow truck operator shall file the revised fee schedule with the department.

(2) Towing contracts with private property owners shall be in written form and state the hours of authorization to impound, the persons empowered to authorize the impounds, and the present charge of a private impound for the classes of tow trucks to be used in the impound, and must be retained in the files of the registered tow truck operator for three years.

(3) A fee that is charged for tow truck service must be calculated on an hourly basis, and after the first hour must be charged to the nearest quarter hour.

(4) A fee that is charged for the storage of a vehicle must be calculated on a twenty-four hour basis and must be charged to the nearest half day from the time the vehicle arrived at the secure storage area.

(5) All billing invoices that are provided to the redeemer of the vehicle must be itemized so that the individual fees are clearly discernable.

Enacted by Laws 1989, ch. 111, § 7.

IMPOUNDING UNAUTHORIZED VEHICLES

46.55.[illegible] Posting requirements—Exception

(1) No [illegible]n may impound, tow, or otherwise disturb any unautho[illegible] vehicle sta[illegible] on nonresidential private property or in a public p[illegible]g facility for le[illegible]han twenty-four hours unless a sign is posted ne[illegible]ach entrance and o[illegible] property in a clearly conspicuous and visible loca[illegible]to all who park on suc[illegible]roperty that clearly indicates:

(a) The times a [illegible]cle may be impounded as an unauthorize[illegible]icle; and

(b) The name, tel[illegible]ne number, and address of the towin[illegible] where the vehicle may be rede[illegible].

(2) The requiremen[illegible]f subsection (1) of this secti[illegible]o not apply to residential property. A [illegible]erson having charge of such [illegible]erty may have an unauthorized vehicle im[illegible]nded immediately upon g[illegible] written authorization.

(3) The department sh[illegible] adopt rules relatin[illegible] the size of the sign required by subsection (1) [illegible]this section, its le[illegible]ng, placement, and the number required.

(4) This section applies to a[illegible]w signs erec[illegible]fter July 1, 1986. All other signs must meet these require[illegible]ts by July[illegible]989.

Amended by Laws 1987, ch. 311, §

Historical [illegible] St[illegible]ory Notes

1987 Legislation

Laws 1987, ch. 311, § 4, in the introdu[illegible]isturb any unauthorized vehicle" for [illegible]tory paragraph of subsec. (1), substitute[illegible]isturb any motor vehicle".

46.55.080. Law enforcement [illegible]nd, private impound—Master log—Certain [illegible]ns restricted

(1) If a vehicle is in violatio[illegible] the t[illegible]restrictions of RCW 46.55.010(12), it may be impounded by a r[illegible]ered tow[illegible]ck operator at the direction of a law enforcement officer or [illegible] public off[illegible] with jurisdiction if the vehicle is on public property, or at t[illegible]rection of th[illegible]roperty owner or an agent if it is on private property. A l[illegible]enforcement o[illegible]r may also direct the impoundment of a vehicle pursu[illegible]to a writ or cou[illegible]rder.

(2) The person req[illegible]g a private impou[illegible]r a law enforcement officer or public official reques[illegible] a public impound sh[illegible]rovide a signed authorization for the impound at[illegible] time and place of the [illegible]ound to the registered tow truck operator b[illegible]e the operator may p[illegible]ed with the impound. A registered tow t[illegible]operator, employee, or hi[illegible]her agent may not serve as an agent of a[illegible]perty owner for the pur[illegible]s of signing an impound authorization [illegible]ndependent of the property[illegible]ner, identify a vehicle for impound.

(3) In th[illegible]e of a private impound, the impou[illegible]uthorization shall include the follow[illegible]statement: "A person authorizing th[illegible]pound, if the impound is found i[illegible]lation of chapter 46.55 RCW, may [illegible]eld liable for the costs incurr[illegible] the vehicle owner."

[illegible]87 Legislation
[illegible]ws 1987, ch. 311, § 5, [illegible]raph, added the second [illegible]econd paragraph, in t[illegible] inserted "or a law enfo[illegible]r public official request[illegible]nd"; and added the [illegible]

46[illegible].085. Law enfor[illegible] right of [illegible]

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(c[illegible] statement that if from[illegible]e time the sticker and [illegible]ed at the owner's [illegible]

(d)[illegible]e address and tel[illegible] obtai[illegible]

(2)[illegible]he vehicle has shall [illegible]k the records t[illegible] officer[illegible]his department by tel[illegible]one in order to sticker[illegible]

(3) I[illegible]e vehicle is not notifica[illegible] sticker is att[illegible] of the v[illegible]cle and provi[illegible] vehicle [illegible] does not po[illegible] more th[illegible]twenty-four h[illegible] from the[illegible]ce where it i[illegible] requests[illegible]istance.

(4) Fo[illegible]e purposes [illegible] location [illegible]registered [illegible]

Enacted b[illegible]ws 1987, ch. [illegible]

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(1) All v[illegible]les impou[illegible] that has b[illegible] inspect[illegible] department[illegible]

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r 5 RC may be held liab or the costs
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(4) A regist w truck operator shall record and n the operator's files the date and that a vehicle is put in t rator's custody and released. The oper hall make an entry master log regarding transactions relating to unded vehicles operator shall make this master log available, upon t st, to repr tives of the department or the state patrol.

(5) A person who engages in rs to engage in the activities of a registered tow truck operator ma associated in any way with a person or business whose main acti at ing the impounding of vehicles.

Amended by Laws 1987, ch. 8 ; Laws 19 111, § 8.

orical and Statutory s

1987 Legislatio
Laws 1987, , § 5, in the first paragraph, the second sentence; in the seco agraph, in the first sentence, d "or a law enforcement officer blic official requesting a public im "; and added the second sentence.

1989 Legi
Laws 1989, § 8, designated subsecs. (1) and (2); second sentence of subsec. (2) inserted ployee, or his or her agent" and added independent of the property owner, ide vehicle for impound; and added subs), (4) and (5).

* 46.55.085. Law enforcement impound—Unauthorized vehicle in right of way

(1) A law enforcement officer discovering an unauthorized vehicle left within a highway right of way shall attach to the vehicle a readily visible notification sticker. The sticker shall contain the following information:

(a) The date and time the sticker was attached;

(b) The identity of the officer;

(c) A statement that if the vehicle is not removed within twenty-four hours from the time the sticker is attached, the vehicle may be taken into custody and stored at the owner's expense; and

(d) The address and telephone number where additional information may be obtained.

(2) If the vehicle has current Washington registration plates, the officer shall check the records to learn the identity of the last owner of record. The officer or his department shall make a reasonable effort to contact the owner by telephone in order to give the owner the information on the notification sticker.

(3) If the vehicle is not removed within twenty-four hours from the time the notification sticker is attached, the law enforcement officer may take custody of the vehicle and provide for the vehicle's removal to a place of safety. A vehicle that does not pose a safety hazard may remain on the roadside for more than twenty-four hours if the owner or operator is unable to remove it from the place where it is located and so notifies law enforcement officials and requests assistance.

(4) For the purposes of this section a place of safety includes the business location of a registered tow truck operator.

Enacted by Laws 1987, ch. 311, § 6. Amended by Laws 1993, ch. 121, § 1.

urn requirements—P
Com ndorse ow truck drivers—
Viewing imp cle

(1) All vehicles impounded to the nearest storage location that has been inspected is listed application filed with the department.

All vehicles shall be handled and returned in substanti[illegible]e same con[illegible]n as they existed before being towed.

(3) [illegible]ersonal belongings and contents in the vehicle[illegible] be kept intact, and sha[illegible] returned to the vehicle's owner or agent [illegible]g normal business hours upo[illegible]quest and presentation of a driver's [illegible]se or other sufficient identificatio[illegible]ersonal belongings shall not be [illegible]t auction to fulfill a lien against the ve[illegible]

(4) All personal belongings not claimed [illegible]e the auction shall be turned over to the local la[illegible]nforcement agenc[illegible] which the initial notification of impoundment was g[illegible] Such pers[illegible] belongings shall be disposed of pursuant to chapter 63.[illegible] 63.40 R[illegible]

(5) Tow truck drivers [illegible] ha[illegible] Washington state driver's license endorsed for the appropriate [illegible]ation under chapter 46.25 RCW or the equivalent issued by another [illegible]

(6) Any person who show[illegible] ownership or written authorization from the impounded vehicle's r[illegible]ered o[illegible]al owner or the vehicle's insurer may view the vehicle withou[illegible]rge during[illegible]mal business hours.

Amended by Laws 198[illegible] 311, § 7; Laws [illegible] ch. 178, § 25, eff. April 1, 1992.

Historical and Statut[illegible] Notes.

1987 Legislat[illegible]

Laws 1987, [illegible]11, § 7, at the end of subsec. (4), [illegible]tituted references to chs. 63.32 or 6[illegible] for a reference to ch. 63.29; at the b[illegible]ning of subsec. (5), deleted "After [illegible]ary 1, 1986, all employees who serv[illegible] and, at the end of the subsection[illegible]ded "or the equivalent issued by a[illegible] state"; and, in subsec. (6), following "registered or legal owner" inserted "or the vehicle's insurer".

1989 R[illegible]lation

Laws 198[illegible] 178, § 25, in subsec. (5), substituted [illegible]tation" referring to the appropriate cla[illegible]tion for a citation for vehicle combinati[illegible]

Severability—Effe[illegible] dates—Laws 1989, ch. 178: See [illegible]6.25.900 and 46.25.901.

46.55.100. Impound notice—Abandoned vehicle report—Owner information—Disposition report

(1) At the time of impoundment the registered tow truck operator providing the towing service shall give immediate notification, by telephone or radio, to a law enforcement agency having jurisdiction who shall maintain a log of such reports. A law enforcement agency, or a private communication center acting on behalf of a law enforcement agency, shall within six to twelve hours of the impoundment, provide to a requesting operator the name and address of the legal and registered owners of the vehicle, the vehicle identification number, and any other necessary, pertinent information. The initial notice of impoundment shall be followed by a written or electronic facsimile notice within twenty-four hours. In the case of a vehicle from another state, time requirements of this subsection do not apply until the requesting law enforcement agency in this state receives the information.

(2) The operator shall immediately send an abandoned vehicle report to the department for any vehicle in the operator's possession after the ninety-six hour abandonment period. Such report need not be sent when the impoundment is pursuant to a writ, court order, or police hold. The owner notification and abandonment process shall be initiated by the registered tow truck operator immediately following notification by a court or law enforcement officer that the writ, court order, or police hold is no longer in effect.

(3) Following the submittal of an abandoned vehicle report, the department shall provide the registered tow truck operator with owner information within seventy-two hours.

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(4) Within [illegible]een days of the sale of an a[illegible] the towing op[illegible]tor shall send a copy of the the disposition [illegible] the abandoned vehicle to t[illegible] Washington s[illegible] patrol.

(5) If the o[illegible]ator sends an abandoned and the depart[illegible]t finds no owner informat[illegible] an inspection o[illegible]e vehicle to determine wh[illegible] the vehicle.

(6) If the ope[illegible]r finds no owner identif[illegible] ately notify the [illegible]propriate law enforceme[illegible] vehicle for the v[illegible]le identification numbe[illegible] to determine the [illegible]hicle's owners.

Amended by Laws [illegible]7, ch. 311, § 8; Laws 198[illegible]

46.55.105. Res[illegible]sibility of register[illegible]

(1) The abando[illegible]ent of any vehicle crea[illegible] the last registered [illegible]ner of record is respo[illegible] liable for costs inc[illegible]ed in removing, storin[illegible] vehicle, less amou[illegible]realized at auction.

(2) If an unauth[illegible]zed vehicle is found [illegible] this section, the la[illegible]egistered owner of re[illegible] under chapter 46.6[illegible]CW, unless the vehi[illegible] provided in RCW [illegible]55.120. In addition [illegible] under that chapter[illegible]e person found to ha[illegible] liable for restitution[illegible]he amount of the de[illegible] the vehicle under R[illegible] 46.55.140.

(3) Filing a repo[illegible]f sale or transfer [illegible] accordance with RC[illegible]46.12.101(1) or a ve[illegible] enforcement agency[illegible]lieves the last re[illegible] subsections (1) and [illegible]f this section.

(4) For the purpo[illegible] of RCW 46.63.07[illegible] subsection (2) of this [illegible]don is a moving vio[illegible] standing, stopping, o[illegible]arking violation.

Enacted by Laws 1998[illegible] 314, § 1.

[1] Reviser's Note: 19[illegible] 501 § 10 amended [illegible] sions of subsection (5)[illegible] that related to star[illegible]

46.55.110. Notice [illegible]legal and regist[illegible]

(1) When an unau[illegible]ized vehicle is in[illegible] operator shall notify [illegible] legal and registe[illegible] the unauthorized veh[illegible] The notificatio[illegible] within twenty-four ho[illegible] after the impound[illegible] and legal owners of t[illegible]vehicle, as provide[illegible] and shall inform the o[illegible]rs of the identity [illegible] the impound. The n[illegible]cation shall includ[illegible] firm, its address, an[illegible]lephone number. [illegible] location, time of th[illegible]pound, and by [illegible] impounded. The not[illegible] shall also include [illegible] redemption and opp[illegible]nity for a hearir[illegible] impoundment pursua[illegible] RCW 46.55.120.

(2) In the case of [illegible] abandoned vehicl[illegible] receiving information [illegible]he vehicle owner[illegible] abandoned vehicle re[illegible] the tow truck op[illegible]

be handled and returned in substantially the same
d before being towed.

igings and contents in the vehicle shall be kept intact
) the vehicle's owner or agent during normal busines
l presentation of a driver's license or other sufficien
belongings shall not be sold at auction to fulfill a lie

gings not claimed before the auction shall be turne
nforcement agency to which the initial notification o
n. Such personal belongings shall be disposed o
2 or 63.40 RCW.

shall have a Washington state driver's license en
ate classification under chapter 46.25 RCW or the
ther state.

ows proof of ownership or written authorization from
egistered or legal owner or the vehicle's insurer may
charge during normal business hours.

. 311, § 7; Laws 1989, ch. 178, § 25, eff. April 1, 1992.

storical and Statutory Notes

1989 Legislation

Laws 1989, ch. 178, § 25, in subsec. (5), substituted the citation referring to the appropriate classification for a citation for vehicle combinations.

Severability—Effective dates—Laws 1989, ch. 178: See §§ 46.25.900 and 46.25.901.

tice—Abandoned vehicle report—Owner in—Disposition report

dment the registered tow truck operator providing immediate notification, by telephone or radio, to a ving jurisdiction who shall maintain a log of such agency, or a private communication center acting ent agency, shall within six to twelve hours of the requesting operator the name and address of the of the vehicle, the vehicle identification number, tinent information. The initial notice of impound- a written or electronic facsimile notice within ase of a vehicle from another state, time require- not apply until the requesting law enforcement the information.

ediately send an abandoned vehicle report to the in the operator's possession after the ninety-six uch report need not be sent when the impound- urt order, or police hold. The owner notification hall be initiated by the registered tow truck notification by a court or law enforcement , or police hold is no longer in effect.

abandoned vehicle report, the department ck operator with owner information within

(4) Within fifteen days of the sale of an abandoned vehicle at public auction, the towing operator shall send a copy of the abandoned vehicle report showing the disposition of the abandoned vehicle to the crime information center of the Washington state patrol.

(5) If the operator sends an abandoned vehicle report to the department and the department finds no owner information, an operator may proceed with an inspection of the vehicle to determine whether owner identification is within the vehicle.

(6) If the operator finds no owner identification, the operator shall immediately notify the appropriate law enforcement agency, which shall search the vehicle for the vehicle identification number and check the necessary records to determine the vehicle's owners.

Amended by Laws 1987, ch. 311, § 8; Laws 1989, ch. 111, § 9; Laws 1991, ch. 20, § 1.

46.55.105. Responsibility of registered owner

(1) The abandonment of any vehicle creates a prima facie presumption that the last registered owner of record is responsible for the abandonment and is liable for costs incurred in removing, storing, and disposing of the abandoned vehicle, less amounts realized at auction.

(2) If an unauthorized vehicle is found abandoned under subsection (1) of this section, the last registered owner of record is guilty of a traffic infraction under chapter 46.63 RCW, unless the vehicle is redeemed after impound as provided in RCW 46.55.120. In addition to the monetary penalty payable under that chapter, the person found to have committed the infraction is also liable for restitution in the amount of the deficiency remaining after disposal of the vehicle under RCW 46.55.140.

(3) Filing a report of sale or transfer regarding the vehicle involved in accordance with RCW 46.12.101(1) or a vehicle theft report filed with a law enforcement agency relieves the last registered owner of liability under subsections (1) and (2) of this section.

(4) For the purposes of RCW 46.63.070(5)(b),[1] a traffic infraction under subsection (2) of this section is a moving violation and is not considered to be a standing, stopping, or parking violation.

Enacted by Laws 1993, ch. 314, § 1.

[1] **Reviser's Note:** 1993 c 501 § 10 amended RCW 46.63.070 by removing the provisions of subsection (5)(b) that related to standing, stopping, or parking violations.

46.55.110. Notice to legal and registered owners

(1) [illegible] an unauthorized vehicle is impounded, [illegible]pounding towing operator [illegible]otify the legal and registered owner[illegible]e impoundment of the unauthor[illegible]ehicle. The notification shall[illegible]ent by first-class mail within twenty-fo[illegible]urs after the impoundm[illegible] the last known registered and legal owners o[illegible]vehicle, as provid[illegible]he law enforcement agency, and shall inform the o[illegible] of the iden[illegible]he person or agency authorizing the impound. The notifi[illegible] shall[illegible]de the name of the impounding tow firm, its address, and telep[illegible]er. The notice shall also include the location, time of the impo[illegible]d by whose authority the vehicle was impounded. The notice [illegible]lude the written notice of the right of redemption and opp[illegible]y for a[illegible]ing to contest the validity of the impoundment pu[illegible] RCW 46.55.

(2) In th[illegible] an abandoned vehi[illegible]ithin twenty-four hours after receivi[illegible]mation on the vehicle owners [illegible] the department through the abandoned vehicle report, the tow truck operat[illegible]ll send by certified mail,

iested, a notice of custo and sale to the legal and

be sent to the legal registered owners of an vehicle has been rede d.

. 311, § 9; Laws 1989, ch , § 10.

istorical and Statutor otes

ments een public and private proper-
in subsec. (1), ty as rds who shall give notice and
nd, in subsec. inserte quirement of notice of identity
ceipt request- of the son or agency authorizing the
impoun nd added subsec. (3).

in subsec. (1)
een impound-

y police officer, w n

ake custody of a veh and provide for its prompt safety under any o he following circumstances:

officer finds a vehicl anding upon the roadway in visions of RCW 46.61), the officer may provide for le require the driv or other person in charge of ve e to a position the roadway;

er finds a vehi unattended upon a highway t s an obstruction traffic or jeopardizes public

officer finds an unatt ed vehicle at the scene of an er of a vehicle involv n an accident is physically or o intoxicated, to de upon steps to be taken to ty;

r of a vehicle is arre and taken into custody by a ver, because of intox on or otherwise, is mentally n steps to be taken t feguard his or her property;

officer discovers a ve e that the officer determines

le without a special ense plate, card, or decal is being used to tra ort a disabled person under in a stall or space cle y and conspicuously marked ich space is provide n private property without erty.

n may derogate from e powers of police officers For the purposes of s section, a place of safety location of a register ow truck operator.

11, § 10.

Notes of Decision

ventory ch was not illegal on ground that imp ment was illegal where de-
ful un- fendant intoxicated, violent, belliger-
ingly, in- ent and ally out of control when he was stop for traffic infractions. U.S. v. Johns C.A.9 (Wash.)1991, 936 F.2d 1082.

46.5 5. State patrol—Removal of vehicles directly towing operators—Lien for costs of removal storage—Appeal

The Was state patrol, under its authori y to ve vehicles from the highway, remove the vehicles directly thr towing operators appointed by th patrol and called on a rota ions other basis, through contracts with tow erators, or by a combin tion hese methods. When removal is to be ac hed through a towing o tor on a noncontractual basis, the state patrol appoint any towing o tor for this purpose upon the application of the o r. Each appo t shall be contingent upon the submission of an a ion to the st patrol and the making of subsequent reports in such n and fr y and compliance with such standards of equipment, per nce, p and practices as may be required by rule of the state pat

An appointment may be rescind state patrol upon evidence that the appointed towing operator is not c with the laws or rules relating to the removal and storage of vehicles the highway. The state patrol may not rescind an appointment merel a registered tow truck operator negotiates a different rate for ner-requested towing than for involuntary towing under this r. sts of removal and storage of vehicles under this section sha paid by wner or driver of the vehicle and shall be a lien upon ehicle un d, unless the removal is determined to be invalid.

Rules promulgated un his section shall ding only upon those towing operators appoin by the state patrol for urpose of performing towing services at the est of the Washington s patrol. Any person aggrieved by a decisi the state patrol made under section may appeal the decision under ter 34.05 RCW.

Formerly § 46.61.56 acted by Laws 1977, Ex.Sess., ch. 167, eff. June 6, 1977. Amended by Law , Ex.Sess., ch. 178, § 22, eff. May 14, 1979 s 1987, ch. 330, § 744. Recodifie 46.55.115 by Laws 1989, ch. 111, § 22. Ame by Laws 1993, ch. 121, § 2.

Historical and Statutory Notes

Const on—Application of rules—Sever —Laws 1987, ch. 330: See Hist and Statutory Notes following § 28B 050.

Severability—Laws 1979, ss., ch. 178: See Historical and Statu Notes following § 46.61.590.

REDEMPTION RIGHTS AND HEARING PROCEDURES

*46.55.120. Redemption of vehicles—Sale of unredeemed vehicles—Impoundment in violation of chapter

(1) Vehicles impounded by registered tow truck operators pursuant to RCW 46.55.080, 46.55.085, or 46.55.113 may be redeemed only under the following circumstances:

(a) Only the legal owner, the registered owner, a person authorized in writing by the registered owner or the vehicle's insurer, a person who is determined and verified by the operator to have the permission of the registered owner of the vehicle, or one who has purchased a vehicle from the registered owner who produces proof of ownership or written authorization and signs a receipt therefor, may redeem an impounded vehicle.

(b) The vehicle shall be released upon the presentation to any person having custody of the vehicle of commercially reasonable tender sufficient to cover the

costs of towing, storage, or other services rendered during the course of towing, removing, impounding, or storing any such vehicle. Commercially reasonable tender shall include, without limitation, cash, major bank credit cards, or personal checks drawn on in-state banks if accompanied by two pieces of valid identification, one of which may be required by the operator to have a photograph. If the towing firm can determine through the customer's bank or a check verification service that the presented check would not be paid by the bank or guaranteed by the service, the towing firm may refuse to accept the check. Any person who stops payment on a personal check or credit card, or does not make restitution within ten days from the date a check becomes insufficient due to lack of funds, to a towing firm that has provided a service pursuant to this section or in any other manner defrauds the towing firm in connection with services rendered pursuant to this section shall be liable for damages in the amount of twice the towing and storage fees, plus costs and reasonable attorney's fees.

(2)(a) The registered tow truck operator shall give to each person who seeks to redeem an impounded vehicle written notice of the right of redemption and opportunity for a hearing, which notice shall be accompanied by a form to be used for requesting a hearing, the name of the person or agency authorizing the impound, and a copy of the towing and storage invoice. The registered tow truck operator shall maintain a record evidenced by the redeeming person's signature that such notification was provided.

(b) Any person seeking to redeem an impounded vehicle under this section has a right to a hearing in the district court for the jurisdiction in which the vehicle was impounded to contest the validity of the impoundment or the amount of towing and storage charges. The district court has jurisdiction to determine the issues involving all impoundments including those authorized by the state or its agents. Any request for a hearing shall be made in writing on the form provided for that purpose and must be received by the district court within ten days of the date the opportunity was provided for in subsection (2)(a) of this section. If the hearing request is not received by the district court within the ten-day period, the right to a hearing is waived and the registered owner is liable for any towing, storage, or other impoundment charges permitted under this chapter. Upon receipt of a timely hearing request, the district court shall proceed to hear and determine the validity of the impoundment.

(3)(a) The district court, within five days after the request for a hearing, shall notify the registered tow truck operator, the person requesting the hearing if not the owner, the registered and legal owners of the vehicle, and the person or agency authorizing the impound in writing of the hearing date and time.

(b) At the hearing, the person or persons requesting the hearing may produce any relevant evidence to show that the impoundment, towing, or storage fees charged were not proper.

(c) At the conclusion of the hearing, the district court shall determine whether the impoundment was proper, whether the towing or storage fees charged were in compliance with the posted rates, and who is responsible for payment of the fees. The court may not adjust fees or charges that are in compliance with the posted or contracted rates.

(d) If the impoundment is found proper, the impoundment, towing, and storage fees as permitted under this chapter together with court costs shall be assessed against the person or persons requesting the hearing, unless the operator did not have a signed and valid impoundment authorization from a private property owner or an authorized agent.

(e) If the impou nent is determined to be i the registered ar gal owners of the vehicl towing, or storag es, and any security shall appropriate, and person or agency who aut be liable for any t g, storage, or other impo this chapter. Th urt shall enter judgment truck operator ag t the person or agency a impoundment, tow and storage fees paid. I judgment in favo f the registered and leg reasonable damag or loss of the use of the v was impounded, fo ot less than fifty dollars agency authorizing impound. If any judgm fifteen days of not n writing of its entry, th attorneys' fees and sts against the defendan judgment. Notice entry of judgment ma certified mail, and of of mailing may be r mailing the notice. tice of the entry of the as follows:

TO: .....
YOU ARE HERE NOTIFIED JUDGME
in the ..... Court located at ..
$....., in action entitled .....
YOU ARE FURT R NOTIFIED that att
awarded against y nder RCW ... if the j
days of the date o is notice.
DATED this .... day of .....,
Signatu

(4) Any impounded andoned vehicle not r mailing of the notice c stody and sale as req be sold at public aucti n accordance with all the conditions of RC 6.55.130. A vehicle before the start of t auction upon paymer

Amended by Laws 1987, 311, § 12; Laws 1989, § 3.

46.55.130. Notice uirements—Publi of sto e charges

(1) If, after the expi on of fifteen days fr of custody and sale re ed in RCW 46.55.11 owners, the vehicle re ns unclaimed and h vehicle, then the regis d tow truck operato shall conduct a sale of vehicle at public auc a notice of the date, p and time of the auc circulation in the cour n which the vehicle days and no more tha n days before the d shall contain a descript of the vehicle includ license number and a r ication that a three- be available before the ction. The auction hours of a normal busi day.

(2) The following pr ures are required abandoned vehicles:

0-3415

(e) If the impoundment is determined to be in violation of this chapter, then the registered and legal owners of the vehicle shall bear no impoundment, towing, or storage fees, and any security shall be returned or discharged as appropriate, and the person or agency who authorized the impoundment shall be liable for any towing, storage, or other impoundment fees permitted under this chapter. The court shall enter judgment in favor of the registered tow truck operator against the person or agency authorizing the impound for the impoundment, towing, and storage fees paid. In addition, the court shall enter judgment in favor of the registered and legal owners of the vehicle for reasonable damages for loss of the use of the vehicle during the time the same was impounded, for not less than fifty dollars per day, against the person or agency authorizing the impound. If any judgment entered is not paid within fifteen days of notice in writing of its entry, the court shall award reasonable attorneys' fees and costs against the defendant in any action to enforce the judgment. Notice of entry of judgment may be made by registered or certified mail, and proof of mailing may be made by affidavit of the party mailing the notice. Notice of the entry of the judgment shall read essentially as follows:

TO: .....

YOU ARE HEREBY NOTIFIED JUDGMENT was entered against you in the ..... Court located at ....., in the sum of $....., in an action entitled ....., Case No. .....

YOU ARE FURTHER NOTIFIED that attorneys fees and costs will be awarded against you under RCW ... if the judgment is not paid within 15 days of the date of this notice.

DATED this ..... day of ....., 19 ....

..... Signature

..... Typed name and address of party mailing notice

(4) Any impounded abandoned vehicle, not redeemed within fifteen days of mailing of the notice of custody and sale as required by RCW 46.55.110(2) shall be sold at public auction in accordance with all the provisions and subject to all the conditions of RCW 46.55.130. A vehicle may be redeemed at any time before the start of the auction upon payment of towing and storage fees.

Amended by Laws 1987, ch. 311, § 12; Laws 1989, ch. 111, § 11; Laws 1993, ch. 121, § 3.

46.55.130. Notice requirements—Public auction—Accumulation of storage charges

(1) If, ... the expiration of fifteen days ... date of mailing of notice of custody ... required in RCW ...(2) to the registered and legal owners, the vehicle remains unclaimed, and has not been listed as a stolen vehicle, then the registered tow truck operator having custody of the vehicle shall conduct a sale of the vehicle at public auction after having first published a notice of the date, place, ... of the auction in a newspaper of general circulation in the county in which the vehicle is located not less than three days and no more than ten days before the date of the auction. The notice shall contain a description of the vehicle including the make, model, year, and license number, and a notification that a three-hour public viewing period will be available before the auction. The auction shall be held during daylight hours ... normal business day.

(2) The following procedures are required in any public auction of such abandoned vehicles:

e held in such a manner that all persons present are opportunity to bid;

ɔe present at the time of auction unless they have ed tow truck operator, who may or may not choose to ıethod, a written bid on a specific vehicle. Written ıp to five days before the auction and shall clearly ɛing bid upon, the amount of the bid, and who is

ss, including all written bids, shall be used so that r value that must be exceeded;

ds received shall be recorded in written form and ldress, and telephone number of each such bidder;

ıidder defaults, the next bidder has the right to he amount of his or her bid;

r shall apply for title within fifteen days;

truck operator shall post a copy of the auction te. If the bidding site is different from the licensed or shall post a clearly visible sign at the office etail where the auction will be held. At the bidding r advertisement that lists the vehicles for sale shall

derived from the auction after satisfaction of the [redacted]en shall be remitted within thirty days to the [redacted]te motor vehicle fund. A report identifying [redacted]plus shall accompany the remitted funds. If [redacted]es a valid claim from the registered vehicle ined by the department within one year from the ırplus moneys shall be remitted to such owner;

no bid, or if the operator is the successful bidder ll, within thirty days sell the vehicle to a licensed r, or scrap processor by use of the abandoned ale, or the operator shall apply for title to the

ɛrator hold a vehicle for longer than ninety days ı the vehicle, except for vehicles that are under a

accumulation of storage charges exceed fifteen ɔt of the information by the operator from the CW 46.55.110(2).

ered tow truck operator to comply with the time r limits the accumulation of storage charges to is unavoidable. Providing incorrect or incom- to the department in the abandoned vehicle ilure to comply with these time limits if correct

§ 13; Laws 1989, ch. 111, § 12.

al and Statutory Notes

registered disposer"; in the second sentence, substituted "The notice" for "The advertisement"; in subsec. (2), in the introductory paragraph, inserted "such"; in subsec. (2)(g), in the first sentence, pre-

ceding "to[redacted]tor's lien" inserted "registered"; at t[redacted] third sentence, substituted "such [redacted] "the registered owner"; in subsec. [redacted] stituted "sell the vehicle" for "se[redacted] unclaimed abandoned vehicle"; in su[redacted] (3)(b), in the first sentence, sub[redacted] "registered tow truck operator" [redacted] tered disposer".

1989 Legislation

Laws 1989, ch. 11[redacted] the first sentence of subsec. (1)[redacted] "and no more t[redacted] in subsec. (2)(d) add[redacted] include the name, address, and telephone number of such bidder"; added a new subsec. (2)(f) and redesignated former subsecs. (f), (g) and (h) as (g), (h) and (i); in the second sentence of subsec. (2)(h) inserted "as determined by [redacted]ent"; and inserted a new subsec. (3)[redacted] subsec. (3) renumbered as subsec. [redacted]

* 46.55.140. Operator's lien, deficiency claim, liability

(1) A registered tow truck operator who has a valid and signed impoundment authorization has a lien upon the impounded vehicle for services provided in the towing and storage of the vehicle, unless the impoundment is determined to have been invalid. The lien does not apply to personal property in or upon the vehicle that is not permanently attached to or is not an integral part of the vehicle. The registered tow truck operator also has a deficiency claim against the registered owner of the vehicle for services provided in the towing and storage of the vehicle not to exceed the sum of three hundred dollars less the amount bid at auction, and for vehicles of over ten thousand pounds gross vehicle weight, the operator has a deficiency claim of one thousand dollars less the amount bid at auction, unless the impound is determined to be invalid. The limitation on towing and storage deficiency claims does not apply to an impound directed by a law enforcement officer. In no case may the cost of the auction or a buyer's fee be added to the amount charged for the vehicle at the auction, the vehicle's lien, or the overage due. A registered owner who has completed and filed with the department the seller's report as provided for by RCW 46.12.101 and has timely and properly filed the seller's report is relieved of liability under this section. The person named as the new owner of the vehicle on the timely and properly filed seller's report shall assume liability under this section.

(2) Any person who tows, removes, or otherwise disturbs any vehicle parked, stalled, or otherwise left on privately owned or controlled property, and any person owning or controlling the private property, or either of them, are liable to the owner or operator of a vehicle, or each of them, for consequential and incidental damages arising from any interference with the ownership or use of the vehicle which does not comply with the requirements of this chapter.

Amended by Laws 1987, ch. 311, § 14; Laws 1989, ch. 111, § 13; Laws 1991, ch. 20, § 2; Laws 1992, ch. 200, § 1.

Historical and Statutory Note[redacted]

1[redacted]islation

Law[redacted] § 1, in subsec. (1), inserted the p[redacted] that the limitation on towing[redacted]orage deficiency claims does no[redacted]to an impound directed by a la[redacted]cement officer.

Cross R[redacted]ces

Additional penalty, regis[redacted] record, see § 46.55.105.

RECORDS, [redacted]LECTIO[redacted]ND ENFORCEMENT

46.55.150. Vehi[redacted]ransaction file

The re[redacted]ist[redacted]ow truck operator shall ke[redacted]ransaction file on each vehicle. [redacted]nsaction file shall contain as a mini[redacted]hose of the following

"his" and inserted "or public official"; and in the last paragraph substituted "34.05" for "34.04".

210. Cease and desist order

Wh it appears to the director that any registered tow operator or a pers ering towing services has engaged in or is ab o engage in any act or p constituting a violation of any provision is chapter or any rule adopt reunder, the director may issue an directing the operator or pers cease and desist from continuing act or practice. Reasonable notice nd opportunity for a hearing be given. The director may issue porary order pending a h g. The temporary order shall remain in until ten days after the ring is held and shall become final if the per whom notice is ad ed does not request a hearing within fifteen da er the receipt of e.

Amended by Laws 1987, ch. 3 7.

Historic d Statu Notes

1987 Legislation

Laws 1987, ch. 311, § 17, near the ginning of the first sentence, substitu "registered tow truck operator" for "reg tered operator"; and, near the end of ce, following "order directing the tor" inserted "or person"; and dividthe former third sentence into the sent third and fourth sentences.

46.55.220. Refusal to issu ense, nds for

If an application for a lice conduct s as a registered tow truck operator is filed by any pe whose license eviously been canceled for cause by the departmen if the departme of the opinion that the application is not filed od faith or that the ation is filed by some person as a subterf r the real person in t whose license has previously been canc or cause, the department, a hearing, of which the applicant has be iven twenty days' notice in w and at which the applicant may app n person or by counsel and pr testimony, may refuse to issue su person a license to conduct busines registered tow truck operator.

Amended by La 87, ch. 311, § 18.

Historical and Statutory Notes

1987 L on

Laws . 311, § 18, near the beginning substituted "registered tow tr erator" for "tow truck operator". near the end of the section,

JUNK VEHICLE DISPOSITION

* 46.55.230. Junk vehicles—Removal, disposal, sale

(1) Notwithstanding any other provision of law, any law enforcement officer having jurisdiction or any person authorized by the director shall inspect and may authorize the disposal of an abandoned junk vehicle. The person making the inspection shall record the make and vehicle identification number or license number of the vehicle if available, and shall also verify that the approximate value of the junk vehicle is equivalent only to the approximate value of the scrap in it.

(2) The law enforcement officer or department representative shall provide information on the vehicle's registered and legal owner to the landowner.

(3) Upon rec g information on the vehicle's the landowner s mail a notice to the registere the records of t epartment. The notification s procedure and t right to arrange for the remo

(4) If the veh remains unclaimed more landowner has r d notification to the regis landowner may di se of the vehicle or sign an a title document.

(5) If no inform n on the vehicle's registere the records of the artment, the landowner ma vehicle or sign an davit of sale to be used as

(6) The landowne the property upon which entitled to recover n the vehicle's registered the removal of the vehicle.

(7) For the purpo of this section, the term owner of private pr rty, a person with poss property, or a public cial having jurisdiction

(8) A person compl in good faith with the r immune from any liab arising out of an actic the compliance.

Amended by Laws 1987, 311, § 19; Laws 1991, ch

LOCAL REGULATIC

46.55.240. Local ord nces—Requireme

(1) A city, town, or cou that adopts an ordi unauthorized, abandoned impounded vehicle provisions of this chapte

(a) A city, town, or c y may, by ordinan situations that may arise lly upon the public owned or controlled prop

(b) A city, town, or cou ordinance shall con a written form of authoriz n to impound, whic ment notice of infraction itation, clearly der tion to impound.

(c) A city, town, or cou may, by ordinan impounded vehicle by m s of a promissory payment, if at the time of emption the legal o hearing on the validity e impoundment. directs the release of a pounded vehicle impoundment charges, the nicipality is respon charges to the registered truck operator wit date.

(d) The hearing specifie RCW 46.55.120(conducted by an administra hearings officer i A decision made by an ad strative hearing o district court for final judg nt.

(2) A city, town, or coun ay adopt an ordi for the abatement and re l as public nuisa thereof from private prope Costs of remova registered owner of the veh if the identity of unless the owner in the tra of ownership of

lic official"; and
stituted "34.05"

d desist order

to the director that any registered tow truck operator
wing services has engaged in or is about to engage in
stituting a violation of any provision of this chapter or
nder, the director may issue an order directing the
cease and desist from continuing the act or practice.
nd opportunity for a hearing shall be given. The
emporary order pending a hearing. The temporary
fect until ten days after the hearing is held and shall
son to whom notice is addressed does not request a
ays after the receipt of notice.
h. 311, § 17.

listorical and Statutory Notes

7, near the be-
ice, substituted
tor" for "regis-
t[redacted]nd of the
sentence, following "order directing the operator" inserted "or person"; and divided the former third sentence into the present third and fourth sentences.

o[redacted]ue license, grounds for

license to conduct business as a registered tow truck
person whose license has previously been canceled for
nt, or if the department is of the opinion that the
n good faith or that the application is filed by some
for the real person in interest whose license has
l for cause, the department, after a hearing, of which
given twenty days' notice in writing and at which the
person or by counsel and present testimony, may
rson a license to conduct business as a registered tow

. 311, § 18.

istorical and Statutory Notes

, near the be-
of the section,
substituted "registered tow truck operator" for "tow truck operator".

NK VEHICLE DISPOSITION

cles—Removal, disposal, sale

y other provision of law, any law enforcement officer
person authorized by the director shall inspect and
d of an abandoned junk vehicle. The person making
rd the make and vehicle identification number or
e[redacted]e if available, and shall also verify that the
j[redacted] vehicle is equivalent only to the approximate

t[redacted]cer or department representative shall provide
le's registered and legal owner to the landowner.

(3) Upon receiving information on the vehicle's registered and legal owner, the landowner shall mail a notice to the registered and legal owners shown on the records of the department. The notification shall describe the redemption procedure and the right to arrange for the removal of the vehicle.

(4) If the vehicle remains unclaimed more than fifteen days after the landowner has mailed notification to the registered and legal owner, the landowner may dispose of the vehicle or sign an affidavit of sale to be used as a title document.

(5) If no information on the vehicle's registered and legal owner is found in the records of the department, the landowner may immediately dispose of the vehicle or sign an affidavit of sale to be used as a title document.

(6) The landowner of the property upon which the junk vehicle is located is entitled to recover from the vehicle's registered owner any costs incurred in the removal of the junk vehicle.

(7) For the purposes of this section, the term "landowner" includes a legal owner of private property, a person with possession or control of private property, or a public official having jurisdiction over public property.

(8) A person complying in good faith with the requirements of this section is immune from any liability arising out of an action taken or omission made in the compliance.

Amended by Laws 1987, ch. 311, § 19; Laws 1991, ch. 292, § 2.

LOCAL REGULATION

46.55.24[redacted]ocal ordinances—Requirements

(1) A city, [redacted] or county that adopts an ordinance or res[redacted] oncerning unauthorized, [redacted]doned, or impounded vehicles shall in[redacted]e applicable provisions of thi[redacted]pter.

(a) A city, town[redacted] county may, by ordinance, [redacted]e other impound situations that may a[redacted]locally upon the public ri[redacted]ay or other publicly owned or controlled pr[redacted]y.

(b) A city, town, or cou[redacted]rdinance shall [redacted]anguage that establishes a written form of authorizat[redacted]e impound[redacted] may include a law enforcement notice of infraction or [redacted]n, cl[redacted]oting the agency's authorization to impound.

(c) A city, town, or county ma[redacted]dinance, provide for release of an impounded vehicle by means o[redacted]missory note in lieu of immediate payment, if at the time of rede[redacted]legal or registered owner requests a hearing on the validity of t[redacted]ent. If the municipal ordinance directs the release of an [redacted]de[redacted]le before the payment of the impoundment charges, the [redacted]ality is [redacted]ponsible for the payment of those charges to the registere[redacted]ck operat[redacted]ithin thirty days of the hearing date.

(d) The hearing s[redacted] in RCW 46.55.1[redacted] and in this section may be conducted by an ac[redacted]ative hearings office[redacted]ead of in the district court. A decision made [redacted]dministrative hearing [redacted] may be appealed to the district court fo[redacted] judgment.

(2) A city, [redacted]r county may adopt an ordina[redacted] establishing procedures for the aba[redacted]e and removal as public nuisances[redacted]unk vehicles or parts thereof f[redacted]vate property. Costs of removal ma[redacted] assessed against the registe[redacted]ner of the vehicle if the identity of the ow[redacted]can be determined, unless [redacted]wner in the transfer of ownership of the vel[redacted] has complied with

W 46.12.101, or the costs may be assessed against the owner of t
p rty on which the vehicle is stored.

(3 dinances pertaining to public nuisances shall contain:

(a) A provision requiring notice to the last registered owner of re and the prop owner of record that a hearing may be requested an t if no hearing is uested, the vehicle will be removed;

(b) A pro requiring that if a request for a hearing is re d, a notice giving the tim ation, and date of the hearing on the quest abatement and removal of ehicle or part thereof as a public nuisan all be mailed, by certified mail, a five-day return receipt requested, e owner of the land as shown on t t equalized assessment roll and e last registered and legal owner of ord unless the vehicle is ch condition that identification numbers not available to determin ership;

(c) A provision that t dinance shall not ap (i) a vehicle or part thereof that is completely e ed within a buildi a lawful manner where it is not visible from the str r other public rivate property or (ii) a vehicle or part thereof that is d or parke a lawful manner on private property in connection with the ness of ensed dismantler or licensed vehicle dealer and is fenced accor to R 46.80.130;

(d) A provision that the owner of on which the vehicle is located may appear in person at the hearing o t a written statement in time for consideration at the hearing, and den onsibility for the presence of the vehicle on the land, with his reasons enial. If it is determined at the hearing that the vehicle was plac nd without the consent of the landowner and that he has not s quentl uiesced in its presence, then the local agency shall not ass osts of a istration or removal of the vehicle against the property which the e is located or otherwise attempt to collect the cost the owner;

(e) A provision that a otice has been give he intent of the city, town, or county to disp the vehicle and after a g, if requested, has been held, the vehicle rt thereof shall be remove e request of a law enforcement officer notice to the Washington patrol and the department of lice that the vehicle has been wrecked e city, town, or county may oper uch a disposal site when its governin determines that commercia nnels of disposition are not available o inadequate, and it may m inal disposition of such vehicles or parts, o transfer such vehicle parts to another governmental body provided disposal shall be o s scrap.

(4) A gistered disposer under contract to a city or county the impo g of vehicles shall comply with any administrative reg ns ad by the city or county on the handling and disposing of ve

A ed by Laws 1987, ch. 311, § 20; Laws 1989, ch. 111, § 17; Laws 1991, ch. § 3.

MISCELLANEOUS

* 46.55.910. Chapter not applicable to certain activities of department of transportation

This chapter does not apply to the state department of transportation to the extent that it may remove vehicles that are traffic hazards from bridges and the mountain passes without prior authorization. If such a vehicle is removed, the department shall immediately notify the appropriate local law enforcement agency, and the vehicle shall be processed in accordance with RCW 46.55.110.

Enacted by Laws 1989, ch. 111, § 18.

CHAPTER

Section

RIGHT OF WAY

46.61.220. Transit vehicles.

SPECIAL STOPS REQ

46.61.371. Violators of scho sign laws—Iden vehicle owner.

46.61.372. Violators of scho sign laws—Rep driver—Law e investigation.

WES

See WESTLAW Electronic Guide following the Preface.

OBEDIENCE TO

46.61.005. Provisions of ways—Exc

The provisions of this ch exclusively to the operation

(1) Where a different pla

(2) The provisions of R through 46.61.525 shall appl state.

Amended by Laws 1990, ch. 291,

Histor

1990 Legislation

Laws 1990, ch. 291, § 4, in su substituted "46.61.525" for "46.61.

46.61.020. Refusal to give

It is unlawful for any perso refuse when requested by a po name and address of the own false name and address, and refuse or neglect to stop whe refuse upon demand of such p registration of such vehicle, h driver's license or to refuse to card, or certificate for the pu permit the examination of any such vehicle or to refuse or registration of such vehicle, ins requested by any court. Any p of his authorization as such.

Amended by Laws 1989, ch. 353, §

0-3415

CHAPTER 46.61—RULES OF THE ROAD

Section

RIGHT

46.61.220. Transit veh

SPECIAL STOPS REQUI

46.61.371. Violators of sch ds stop sign laws—I ication by vehicle

46.61.372. Violator hool bus stop sig —Report by bus d Law enforcement gation.

ion

ECKLESS DRIVING, DRIVING WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR ANY DRUG, VEHICULAR HOMICIDE AND ASSAULT

511 Seizure and forfeiture of vehicle

Notice to person charged and director.

46.61.51 dance at program focus victims.

46.61.524. Vehi micide, assault—Eval treatment of drug or ol problem.

WESTLAW Electronic Research

See STLAW Electronic Research Guid owing the Preface.

OBEDIENCE TO AND EFFECT OF TRAFFIC LAWS

*46.61.005. Provisions of chapter refer to vehicles upon the highways—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 through 46.52.090 and 46.61.500 through 46.61.525 shall apply upon highways and elsewhere throughout the state.

Amended by Laws 1990, ch. 291, § 4.

Historical and Statutory Notes

1990 Legislation

Laws 1990, ch. 291, § 4, in subsec. (2), substituted "46.61.525" for "46.61.520".

46.6 Refu give information cooperate with officer

It is unlaw on while ope or in charge of any vehicle to refuse when requ lice offic give his name and address and the *name and address* of vehicle, or for such person to give a false name and address, ewise unlawful for any such person to refuse or neglect to stop w ed to stop by any police officer or to refuse upon demand of su *to produce* his certificate of license registration of such veh his in identification card, or his vehicle driver's license or to to permit officer to take any such license, card, or certificate me purpose of ation thereof or to refuse to permit the exam n of any equipment vehicle or the weighing of such vehicle *refuse or neglect to pr* he certificate of license registration ch vehicle, insurance card, or driver's license when requeste any court. Any police officer shall t produce evidence of his rization as such.

Amended by Laws 1989, ch. 353, § 6, eff. Jan. 1, 1990.

Historical Note

Effective date—Severability—Laws ... Sess., ch. ... Historical Note ... ing § 46.63.0...

Library References

Automobiles ⇐3...
C.J.S. Motor Vehicles ... et seq.

* **46.61.024. Attempting to elude pursuing police vehicle—License revocation**

Any driver of a motor vehicle who wilfully fails or refuses to immediately bring his vehicle to a stop and who drives his vehicle in a manner indicating a wanton or wilful disregard for the lives or property of others while attempting to elude a pursuing police vehicle, after being given a visual or audible signal to bring the vehicle to a stop, shall be guilty of a class C felony. The signal given by the police officer may be by hand, voice, emergency light, or siren. The officer giving such a signal shall be in uniform and his vehicle shall be appropriately marked showing it to be an official police vehicle.

The license or permit to drive or any nonresident driving privilege of a person convicted of a violation of this section shall be revoked by the department of licensing.

Enacted by Laws 1979, Ex.Sess., ch. 75, § 1. Amended by Laws 1982, 1st Ex.Sess., ch. 47, § 25; Laws 1983, ch. 80, § 1.

Historical Note

Laws 1982, 1st ... ss., ch. 47, § 25, made a nonsubst... grammatical change.

Laws 1983, ch. 80, § 1, ... the last paragraph.

Severability—Laws ... 82, 1st Ex. Sess., ch. 47: See ... rical Note following § 9.41.190.

Library Refer...

Automobiles ⇐335.
C.J.S. Motor Vehicles § 606 et seq.

Notes of Decisions

Decriminalization of flight 4
Due process and equal p... ion 2
Elements of offense 6
Fact questions 13
Failure to stop 8
Knowledge 9
Law, questions of ...
Legality of stop ...
Penalty 12
Question of ... and law 13
Reckless ... ng 11
Signal ... p 7
Stan... 3
... ity 1
W... and willful disregard 10

1. Val...

A perso... reasonable understanding would not ... to guess that term "immediately" ... this section meant stopping as so... reasonably possible once signaled b... ice officer to halt, and thus, term "i... diately" provided reasonable notice ... hat statute required, and did not ... r statute un-

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RULE ... OF THE R...

constitu... nally vague. ... man (19... 98 Wash.2d 53...

Respo... nts were not d... cess on ... ound that they ... proper ... ce of proscribe... cause a ... rson reading ... would re... nably conclud... ing" had ... n decriminaliz... not be ref... d to another c... "eluding" ... s listed as a ... tion to § ... 3.020 decrimi... fic offense ... State v. Daina... Wash.App. ..., 644 P.2d 12...

Although ... s section, pr... tempt to elu... pursuing poli... directed at ... reasonable r... both legal ar... legal detenti... for such re... n overbroac... Mather (198... 28 Wash.Ap... P.2d 44.

2. Due proc... and equal ...

Charging d... ndant und... flight" statute ... s section) di... him equal pro... ion of the l... §§ 46.61.020 a... 46.61.500 to... tained same el... ents that ma... ony flight" sta..., since it is ... and constitut... l to provi... punishment fo... wo acts oc... sequence than ... uld be given ... occurred in is... tion. State ... (1983) 35 Was... pp. 650, 668 ... reversed on ot... grounds 10... 161, 683 P.2d ...

3. Standing ...

Defendant h... standing to ... statute proscri... attempts to ... lice vehicles, ... n though de... conduct was c... ly intended t... scribed by st... te. State v. ... (1985) 40 Was... pp. 91, 697 ...

Where defe... nt presented ... dence to prove ... t even though ... duct "indicated ... anton and wi... regard, he did ... ot actually ha... mental state, he ... d no standing ... claim that thi... ection was v... vagueness on ... s that term "... ing" left uncle... whether perso... actually drive ... n wanton and ... disregard or da... in manner on... cating wanton... nd willful dis... State v. Sherm... (1982) 98 Wash... 653 P.2d 612.

Where defe... nt claimed terr... mediately" in ... section was va...

that defendant was driving while intoxicated in order to establish that he was driving in manner indicating wanton or willful disregard for lives or property of others; defendant operated his vehicle at speeds up to 80 m.p.h. on gravel road with police in pursuit. State v. Watkins (1993) 70 Wash.App. 245, 852 P.2d 316.

TRAFFIC SIGNS, SIGNALS, AND MARKINGS

* 46.61.055. Traffic control signal legend

Whenever traffic is controlled by traffic control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors green, red and yellow shall be used, except for special pedestrian signals carrying a word or legend, and said lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

(1) Green indication

(a) Vehicle operators facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. Vehicle operators turning right or left shall stop to allow other vehicles lawfully within the intersection control area to complete their movements. Vehicle operators turning right or left shall also stop for pedestrians who are lawfully within the intersection control area as required by RCW 46.61.235(1).

(b) Vehicle operators facing a green arrow signal, shown alone or in combination with another indication, may enter the intersection control area only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Vehicle operators shall stop to allow other vehicles lawfully within the intersection control area to complete their movements. Vehicle operators shall also stop for pedestrians who are lawfully within the intersection control area as required by RCW 46.61.235(1).

(c) Unless otherwise directed by a pedestrian control signal, as provided in RCW 46.61.060 as now or hereafter amended, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

(2) Steady yellow indication

(a) Vehicle operators facing a steady circular yellow or yellow arrow signal are thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection. Vehicle operators shall stop for pedestrians who are lawfully within the intersection control area as required by RCW 46.61.235(1).

(b) Pedestrians facing a steady circular yellow or yellow arrow signal, unless otherwise directed by a pedestrian control signal as provided in RCW 46.61.060 shall not enter the roadway.

(3) Steady red indication

(a) Vehicle operators facing a steady circular red signal alone shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection control area and shall remain standing until an indication to proceed is shown. However, the vehicle operators facing a steady circular red signal may, after stopping proceed to make a right turn from a one-way or two-way street into a two-way street or into a one-way street carrying traffic in the direction of the right turn; or a left turn from a one-way or two-way street into a one-way street carrying traffic in the direction of the left turn; unless a sign posted by competent authority prohibits such movement. Vehicle operators planning to make such turns shall remain stopped to allow other vehicles lawfully within or

approaching the in ection control area to co
cle operators plan g to make such turns
pedestrians who ar wfully within the inters
by RCW 46.61.235(

(b) Unless other directed by a pedestria
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approaching the inter ion control area to com
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pedestrians who are lly within the interse
by RCW 46.61.235(1).

(d) Unless otherwis rected by a pedestria
steady red arrow sign ndication shall not ent

(4) If an official tra control signal is erect
other than an interse n, the provisions of th
except as to those pr ons which by their na
Any stop required sh be made at a sign o
indicating where the st hall be made, but in t
marking the stop shall made at the signal.

Amended by Laws 1990, 241, § 2; Laws 1993, ch.

orical and Statutory

1990 Legislation
Laws 1990, ch. 241, § rewrote the section.

1993 Legislation
Laws 1993, ch. 153, in subsec. (1)(a), at the beginning of second sentence, deleted "But"; dele or pedestrians" following "to allow r vehicles"; added the third senter in subsec. (1)(b), at the beginning of second sentence, deleted "The"; de "or pedestrians" following "to allow er vehicles"; added the third senter in subsec. (2)(a), added the second nce; in subsec. (2)(b), at the end, ed ", but if pedestrians have begun ross before

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46.61.060. Pedestri control signals

Whenever pedestria ntrol signals exhibitin
walking person symbol "Don't Walk" or the ha
signals shall indicate a lows:

while intoxicat- defendant operated his vehicle at speeds
t he was driv- up to 80 m.p.h. on gravel road with police
unton or willful in pursuit. State v. Watkins (1993) 70
erty of others; Wash.App. 245, 852 P.2d 316.

SIGNS, SIGNALS, AND MARKINGS

ntrol signal legend

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turning right or left shall stop to allow other vehicles
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g right or left shall also stop for pedestrians who are
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facing a green arrow signal, shown alone or in
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facing a steady circular yellow or yellow arrow signal
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facing a steady circular red signal alone shall stop at a
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one-way street carrying traffic in the direction of the
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irection of the left turn; unless a sign posted by
such movement. Vehicle operators planning to
stopped to allow other vehicles lawfully within or

approaching the intersection control area to complete their movements. Vehicle operators planning to make such turns shall also remain stopped for pedestrians who are lawfully within the intersection control area as required by RCW 46.61.235(1).

(b) Unless otherwise directed by a pedestrian control signal as provided in RCW 46.61.060 as now or hereafter amended, pedestrians facing a steady circular red signal alone shall not enter the roadway.

(c) Vehicle operators facing a steady red arrow indication may not enter the intersection control area to make the movement indicated by such arrow, and unless entering the intersection control area to make such other movement as is permitted by other indications shown at the same time, shall stop at a clearly marked stop line, but if none, before entering a crosswalk on the near side of the intersection control area, or if none, then before entering the intersection control area and shall remain standing until an indication to make the movement indicated by such arrow is shown. However, the vehicle operators facing a steady red arrow indication may, after stopping proceed to make a right turn from a one-way or two-way street into a two-way street or into a one-way street carrying traffic in the direction of the right turn; or a left turn from a one-way street or two-way street into a one-way street carrying traffic in the direction of the left turn; unless a sign posted by competent authority prohibits such movement. Vehicle operators planning to make such turns shall remain stopped to allow other vehicles lawfully within or approaching the intersection control area to complete their movements. Vehicle operators planning to make such turns shall also remain stopped for pedestrians who are lawfully within the intersection control area as required by RCW 46.61.235(1).

(d) Unless otherwise directed by a pedestrian signal, pedestrians facing a steady red arrow signal indication shall not enter the roadway.

(4) If an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

Amended by Laws 1990, ch. 241, § 2; Laws 1993, ch. 153, § 2.

Historical and Statutory Notes

Legislation
1990, ch. 2 2; rewrote
sectio
1993 slation
Laws ch. 153, § subsec.
(1)(a), at ming of the d sen-
tence, delet "; deleted "o estri-
ans" following allow other s";
added the th ntence, in c.
(1)(b), at the beg of the second
tence, deleted "The eleted "or ped
trians" following "to other vehicles
added the third sen in subsec.
(2)(a), added the second nce; in sub-
sec. (2)(b), at the end, d d ", but if
pedestrians have begun to cross before
the display of either signal, vehicle operators shall stop to allow them to complete ir movements"; in subsec. (3)(a), in the sentence, deleted "but" following "pl such movement" and inserted a perio eted ", or approaching pedestrians l within an adjacent crosswalk,"; ad he last sentence; in subsec. (3)(c), in econd sentence, deleted "; but" follow rohibits such movement" and inserte eriod; deleted ", or proaching pedes lawfully within djacent crosswal llowing "intersec control area"; a dded the last sentence.

*

46.61.060. Pedestrian control signals

Whenever pedestrian control signals exhibiting the words "Walk" or the walking person symbol or "Don't Walk" or the hand symbol are operating, the signals shall indicate as follows:

(1) WALK or walking person symbol—Pedestrians facing such signal may cross the roadway in the direction of the signal. Vehicle operators shall stop for pedestrians who are lawfully moving within the intersection control area on such signal as required by RCW 46.61.235(1).

(2) Steady or flashing DON'T WALK or hand symbol—Pedestrians facing such signal shall not enter the roadway. Vehicle operators shall stop for pedestrians who have begun to cross the roadway before the display of either signal as required by RCW 46.61.235(1).

(3) Pedestrian control signals having the "Wait" legend in use on August 6, 1965, shall be deemed authorized signals and shall indicate the same as the "Don't Walk" legend. Whenever such pedestrian control signals are replaced the legend "Wait" shall be replaced by the legend "Don't Walk" or the hand symbol.

Amended by Laws 1990, ch. 241, § 3; Laws 1993, ch. 153, § 3.

Historical and Statutory Notes

[illegible] Legislation

[illegible] 1990, ch. 241, § [illegible] the sectio[illegible]

1993 [illegible]slation

Laws [illegible] ch. 153, § 3, in su[illegible] [illegible]leted a [illegible]r second sentence [illegible]: "Pede[illegible]s that begin to c[illegible] [illegible]ay while [illegible]g such signal sha[illegible] gr[illegible]d the righ[illegible] complete their c[illegible] ing [illegible]ll vehicle operators."; inserted a new [illegible]nd sentence; in subsec. (2), inserted [illegible]ing such signal"; at the end, deleted [illegible]t if pedestrians have begun to cross be[illegible] the display of either signal, vehicle op[illegible]rs shall stop to allow them to complete [illegible] movements"; added the second sente[illegible] and, in subsec. (3), at the end, added [illegible] the hand symbol".

[illegible]IVING [illegible]RIGHT SIDE [illegible]OADWAY—[illegible]NG A[illegible] PASSING—US[illegible]F ROADWA[illegible]

46.61.115. [illegible]hen ove[illegible]king on the r[illegible] is per[illegible]

[illegible]es of Decisio[illegible]

Width of road

1. Width of road

Driver was in a legal [illegible] when travel[illegible]ing to right of line of veh[illegible] stopped at intersection and was guilty [illegible] no negligence in [illegible] with left-turn[illegible] vehicle approach[illegible] the opposite [illegible]tion, where [illegible] portion of road [illegible] on side [illegible] wa[illegible]veling could acco[illegible]da[illegible] or mor[illegible]arate lanes of tr[illegible] [illegible] v. Solaeg[illegible] [illegible]991) 62 Wash.A[illegible] 815 P.2d 78[illegible] [illegible]view denied [illegible] [illegible]h.2d 1019, 818 [illegible] [illegible]099.

46.61.140. Driving on r[illegible] lane[illegible]r traffic

[illegible] of Decisio[illegible]

Construction with other la[illegible]

1. Construction wit[illegible]r law

Driver was in a le[illegible]ne when traveling to right of line [illegible]ehicles stopped at intersection, and [illegible] guilty of no negligence in [illegible]ing with left-tur[illegible] vehicle approachi[illegible]om the opposite [illegible]ction, where unm[illegible] portion of roa[illegible] on side driver w[illegible]aveling could accommodate two or mo[illegible]parate lanes of traffic. [illegible]hite v. Solaeg[illegible] [illegible]991) 62 Wash.App. [illegible] 815 P.2d 784, [illegible]v denied 818 P.2d [illegible] 117 Wash.2d [illegible].

46.61.145. Following too closely

0-3415

Notes of Deci[illegible]

Turning vehicle[illegible]

2. Turning veh[illegible]s

Driver of vehic[illegible]ho was fourth in line of vehicles proc[illegible]ng in the same direction was negli[illegible] as a matter of law for rear end colli[illegible] between his vehicle and to a[illegible] mak[illegible] unol[illegible] and whic[illegible] supe[illegible] stop 51 W[illegible]

46.61.165. Re[illegible]vation of portion of t[illegible]sportation vehicles, e[illegible]

The state depa[illegible]ent of transportation an[illegible] rized to reserve [illegible] or any portion of any jurisdictions, incl[illegible]g any designated lane preferential use [illegible]ublic transportation veh[illegible] carrying no fewer [illegible]n a specified number of [illegible] will increase the e[illegible]ent utilization of the hig[illegible] tion of energy res[illegible]es. There is hereby ap[illegible] tion fund—state to [illegible] department of transpor[illegible] ending June 30, [illegible]3, an additional $15 m[illegible] expediting complet[illegible] of the HOV core lane sy[illegible] such exclusive or p[illegible]erential use of a highway effective at all tim[illegible]r at specified times of [illegible] department shall e[illegible]ate the efficacy of the v[illegible] and shall report t[illegible]e legislative transporta[illegible] 1992.

Amended by Laws 19[illegible] Sp.Sess., ch. 15, § 67, eff. [illegible]

[illegible]istorical and Statutor[illegible]

1991 Legislation

Laws 1991, Sp.Ses[illegible]h. 15, § 67, inserted the second se[illegible]ce; and added the last sentence.

Const[illegible] 1991, Sp[illegible] Statutor[illegible]

RIGHT OF WAY

46.61.185. Vehic[illegible]urning left

9. Disfavored driver [illegible] general

A driver intending [illegible] turn left must yield the right-of-way [illegible]ny approaching vehicle close enough [illegible]onstitute an immediate hazard; the [illegible]oming driver is the favo[illegible] stances, a[illegible] collision i[illegible] er. Men[illegible] Wash.App[illegible]

46.61.205. Vehic[illegible]entering highway fron[illegible] way

The driver of a v[illegible]le about to enter or cros[illegible] road or driveway sh[illegible]ield the right of way to al[illegible] ing on said highway[illegible]

Amended by Laws 199[illegible]h. 250, § 88.

0-3415

Historical and Statutory Notes

1990 Legislation

Laws 1990, ch. 250, § 88, preceding "approaching" inserted "lawfully".

Severability—Laws 1990, ch. 250: See Historical and Statutory Notes following § 46.16.301.

* 46.61.220. Transit vehicles

(1) The driver of a vehicle shall yield the right of way to a transit vehicle traveling in the same direction that has signalled and is reentering the traffic flow.

(2) Nothing in this section shall operate to relieve the driver of a transit vehicle from the duty to drive with due regard for the safety of all persons using the roadway.

Enacted by Laws 1993, ch. 401, § 1.

PEDESTRIAN'S RIGHTS AND DUTIES

* 46.61.235. Stopping for pedestrians in crosswalks

(1) The operator of an approaching vehicle shall stop and remain stopped to allow a pedestrian to cross the roadway within an unmarked or marked crosswalk when the pedestrian is upon or within one lane of the half of the roadway upon which the vehicle is traveling or onto which it is turning. For purposes of this section "half of the roadway" means all traffic lanes carrying traffic in one direction of travel, and includes the entire width of a one-way roadway.

(2) No pedestrian shall suddenly leave a curb or other place of safety and walk, run, or otherwise move into the path of a vehicle which is so close that it is impossible for the driver to stop.

(3) Subsection (1) of this section does not apply under the conditions stated in RCW 46.61.240(2).

(4) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

Amended by Laws 1990, ch. 241, § 4; Laws 1993, ch. 153, § 1.

Historical and Statutory Notes

1990 Legislation

Laws 1990, ch. 241, § 4, rewrote the section.

1993 Legislation

Laws 1993, ch. 153, § 1, in subsec. (1), in the first sentence, at the beginning, deleted "When traffic control signals are not in place or not in operation,"; inserted "or within one lane of"; substituted "or onto which it is turning" for ", or when the pedestrian is upon the opposite half of the roadway and moving toward the approaching vehicle"; and added the second sentence.

[redacted]61.240. Cros[redacted]g at other th[redacted]crosswalks

[redacted]Every pedes[redacted]crossing a roa[redacted] at any point[redacted]er than within a ma[redacted] crosswalk o[redacted]hin an unmark[redacted]rosswalk at a[redacted]tersection shall yield[redacted] right of way[redacted]ll vehicles upon[redacted]roadway.

(2) [redacted]e curb ramps[redacted]ist at or adjac[redacted]o intersection[redacted] at marked crosswal[redacted] other locati[redacted]disabled perso[redacted]ay enter the[redacted]dway from the curb [redacted]s and cross t[redacted]oadway within[redacted]s closely as [redacted]ticable to the crosswa[redacted]All other pede[redacted]n rights and [redacted]s as defined [redacted]here in this chapter [redacted]in applicable.

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(2) [redacted] shall cross a roadway official sign prohi[redacted] such crossing.

Amended by Laws [redacted], ch. 241, § 5.

Historical and St

1990 Legislation

Laws 1990, ch. 2[redacted] § 5, inserted subsec. (2); and renum[redacted]ed the subsequent subsections.

46.61.250. Ped[redacted]rians on roadway

(1) Where side[redacted]s are provided it is or otherwise move[redacted]ng and upon an adja provided but whe[redacted]air access is not ava such access may [redacted] or otherwise move until they reach a[redacted]ccess point in the si

(2) Where side[redacted]s are not provided moving along and [redacted]n a highway shall, on the left side [redacted]he roadway or its approach from the[redacted]posite direction and shall move clear o[redacted]e roadway.

Amended by Laws 1[redacted] ch. 241, § 6.

Historical and St

1990 Legislation

Laws 1990, ch. 241[redacted]6, in subsec. (1), in the first sentence,[redacted]stituted "is" for "shall be"; following[redacted]lk" inserted "or otherwise move"; a[redacted]dded the second

46.61.255. Pede[redacted]ans soliciting ri

(1) No person sh[redacted]stand in or on a pu any place where [redacted]otor vehicle cannot portion thereof for[redacted] purpose of soliciti from the occupant [redacted]any vehicle.

(2) It shall be u[redacted]ful for any person t from within the rig[redacted]f way of any limite where permission t[redacted] so is given and po state, county, city [redacted]own having jurisdi

(3) The provision[redacted] subsections (1) an prevent a person u[redacted]a public highway fr from giving a ride [redacted]e an emergency ac

Historical and Statutory Notes

1990 D[illegible]tion
Laws 19[illegible] 241, § 8, rewrote the section.

Cross References

Bus routes, see § 28[illegible]15.

[illegible]tes of Dec[illegible]s

Duty of care 3

3. Duty of care

Laws governing school bus o[illegible]s establish uniform guidelines th[illegible]not vary according to age of stu[illegible]ts or her familiarity with surroun[illegible] other individual factors; such f[illegible]re only to be considered as evide[illegible] contributory negligence and do no[illegible]ct on statutorily imposed standar[illegible]. Yurkovich v. Rose, 1993, 68 W[illegible]pp. 643, 847 P.2d 925, reconsider[illegible]filed.

School bu[illegible]er and school districts, as operat[illegible] school bus, owed student passeng[illegible] standard of care consistent [illegible]ctical operation of bus, including[illegible] student left bus and completed[illegible]ng highway, when that was necessary for student to reach her home; [illegible]y of care included compliance with statutory and regulatory requirements for safe operation of school bus. Yurkovich v. [illegible], 1993, 68 Wash.App. 643, 847 P.2d [illegible] reconsideration filed.

[illegible] bus driver and school districts, as ope[illegible] of school bus, were negligent as matte[illegible]w, and thus liable for traffic death of [illegible]-old student; it was undisputed that [illegible] did not use stop sign or flashing ligh[illegible]n discharging student at dusk, did n[illegible] child in his view until she was safely [illegible]s street, and permitted her to go to b[illegible]is before crossing highway, all in vio[illegible] of statutory or regulatory requireme[illegible]Yurkovich v. Rose, 1993, 68 Wash.App[illegible]847 P.2d 925, reconsideration filed.

* 46.61.371. Violators of school bus stop sign laws—Identification by vehicle owner

If a law enforcement officer investigating a violation of RCW 46.61.370 has reasonable cause to believe that a violation has occurred, the officer may request the owner of the motor vehicle to supply information identifying the driver of the vehicle at the time the violation occurred. When requested, the owner of the motor vehicle shall identify the driver to the best of the owner's ability. The owner of the vehicle is not required to supply identification information to the law enforcement officer if the owner believes the information is self-incriminating.

Enacted by Laws 1992, ch. 39, § 1.

* 46.61.372. Violators of school bus stop sign laws—Report by bus driver—Law enforcement investigation

(1) The driver of a school bus who observes a violation of RCW 46.61.370 may prepare a written report on a form provided by the state patrol or another law enforcement agency indicating that a violation has occurred. The driver of the school bus or a school official may deliver the report to a law enforcement officer of the state, county, or municipality in which the violation occurred but not more than seventy-two hours after the violation occurred. The driver shall include in the report the time and location at which the violation occurred, the vehicle license plate number, and a description of the vehicle involved in the violation.

(2) The law enforcement officer shall initiate an investigation of the reported violation within ten working days after receiving the report described in subsection (1) of this section by contacting the owner of the motor vehicle

involved in the
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reasonable cau
enforcement o
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Enacted by Laws

46.61.375. O

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as specified in R
resumes motion

(2) The drive
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bus which is p
purpose of recei

(3) The driver
not stop upon
opposite directio
passengers.

(4) The driver
required by RCW
the purpose of r

(5) The driver
completely off t
passengers only
private carrier bu
RCW 46.37.215 b

Amended by Laws

1990 Legislation
Laws 1990, ch. 2
section.

46.61.385. Scho
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The superinten
schools of any s
functions with res
district, may cause
from the student b
students, who shall
serve without com
appointment.

The members of
insignia identifying
mance of their du

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ssary for student to reach her home; luty of care included compliance with tatutory and regulatory requirements for afe operation of school bus. Yurkovich v. tose, 1993, 68 Wash.App. 643, 847 P.2d 25, reconsideration filed.

School bus driver and school districts, s operators of school bus, were negligent a matter of law, and thus liable for traffic leath of 13-year-old student; it was undisputed that driver did not use stop sign r flashing lights when discharging student at dusk, did not keep child in his view until she was safely across street, and ermitted her to go to back of bus before rossing highway, all in violation of statuor regulatory requirements. Yurkoich Rose, 1993, 68 Wash.App. 643, 847 .2 5, reconsideration filed.

stop sign laws—Identification

ng a violation of RCW 46.61.370 has tion has occurred, the officer may o supply information identifying the tion occurred. When requested, the the driver to the best of the owner's ot required to supply identification r if the owner believes the informa-

stop sign laws—Report by bus ent investigation

serves a violation of RCW 46.61.370 m provided by the state patrol or that a violation has occurred. The ial may deliver the report to a law r municipality in which the violation hours after the violation occurred. he time and location at which the e number, and a description of the

it an investigation of the report- r eiving the report described in n e owner of the motor vehicle

involved in the reported violation and requesting the owner to supply information identifying the driver. Failure to investigate within the ten working day period does not prohibit further investigation or prosecution. If, after an investigation, the law enforcement officer is able to identify the driver and has reasonable cause to believe a violation of RCW 46.61.370 has occurred, the law enforcement officer shall prepare a notice of traffic infraction and have it served upon the driver of the vehicle.

Enacted by Laws 1992, ch. 39, § 2.

46.61.375 Overtaking or meeting private carrier bus—Duties of s driver

(1) The driver vehicle upon overtaking or meeting either direction any private carrier which has stopped on the road or the purpose of receiving or discharg passenger shall stop th icle before reaching such private carrier bus there is in operatio aid bus a visual signal as specified in RCW 46.37. nd said driver sh t proceed until such bus resumes motion or the visua nals are no activated.

(2) The driver of a vehicle a high vided into separate roadways as provided in RCW 46.61.150 n not upon meeting a private carrier bus which is proceeding in the direction and is stopped for the purpose of receiving or discharging ngers.

(3) The driver of a vehicle upo way with three or more lanes need not stop upon meeting a priv ar bus which is proceeding in the opposite direction and is stop r the ose of receiving or discharging passengers.

(4) The driver of a p carrier bus actuate the visual signals required by RCW 46.37 ly when such bus opped on the roadway for the purpose of receivi discharging passenge

(5) The driver o ivate carrier bus may s private carrier bus completely off th dway for the purpose of r ing or discharging passengers onl n the passengers do not have to cr he roadway. The private carrie driver shall actuate the hazard warnin ps as defined in RCW 46.37 before loading or unloading passengers at stops.

Amended by Laws 1990, ch. 241, § 9.

Historical and Statutory Notes

1990 Legislation

Laws 1990, ch 41, § 9, re te the sect

46.61.3 School trol—Ap tment—Auth —Finance—Insuran

The su ntendent o blic instr n, through the erintendent of schools of school di or oth fficer or board forming like functions wi espect to the ols of a ther educationa dministrative district, may to be appoin oluntar ult recruits as s rvisors and, from the stude dy of any pub rivat hool or institut f learning, students, who sh e known as me s of t school patrol" a who shall serve without com sation and at th asur the authority ing the appointment.

The members of s hool patrol shall a ropriate design n or insignia identifying the members of th atrol when in for- mance of their duties, a ey may display f other proper ffic

Note 7

Trial court did not abuse its discretion by refusing to credit payments to automobile accident victim from negligent driver's insurer against driver's restitution obligation. State v. Shannahan (1993) 69 Wash.App. 512, 849 P.2d 1239.

STOPPING, STANDING, AND PARKING

46.61.560. Stopping, standing, or parking outside business or residence districts

(1) Outside of incorporated cities and towns no person may stop, park, or leave standing any vehicle, whether attended or unattended, upon the roadway.

(2) Subsection (1) of this section and RCW 46.61.570 and 46.61.575 do not apply to the driver of any vehicle that is disabled in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the vehicle in such position. The driver shall nonetheless arrange for the prompt removal of the vehicle as required by RCW 46.61.590.

(3) Subsection (1) of this section does not apply to the driver of a public transit vehicle who temporarily stops the vehicle upon the roadway for the purpose of and while actually engaged in receiving or discharging passengers at a marked transit vehicle stop zone approved by the state department of transportation or a county upon highways under their respective jurisdictions.

(4) Subsection (1) of this section and RCW 46.61.570 and 46.61.575 do not apply to the driver of a solid waste collection company or recycling company vehicle who temporarily stops the vehicle as close as practical to the right edge of the right-hand shoulder of the roadway or right edge of the roadway if no shoulder exists for the purpose of and while actually engaged in the collection of solid waste or recyclables, or both, under chapters 81.77, 35.21, and 35A.21 RCW or by contract under RCW 36.58.030 [36.58.040].

Amended by Laws 1991, ch. 319, § 408, eff. May 21, 1991.

Historical and Statutory Notes

1991 Legislation

Laws 1991, ch. 319, § 408, added subsec. (4).

Severability—Part headings not law—Laws 1991, ch. 319: See §§ 70.95F.900 and 70.95F.901.

46.61.562. Repealed by Laws 1987, ch. 311, § 21

46.61.563. Repealed by Laws 1989, ch. 111, § 21

Historical and Statutory Notes

Prior to repeal the section was amended by Laws 1987, ch. 330, § 743.

46.61.564. Repealed by Laws 1987, ch. 311, § 21

46.61.565. Repealed by Laws 1987, ch. 311, § 21

Historical and Statutory Notes

See, now, § 46.55.113.

0-3415

46.61.567 Recodified as § 46.55.115

46.61.581 ndication of parking spac ure, penalty

A parkin pace or stall for a disabled pe sign, betw thirty-six and eighty-four internation mbol of access, whose color described u r RCW 70.92.120 and the no required."

Failure o e person owning or control parking spa are located to erect and n infraction un chapter 7.80 RCW for eac designated.

Amended by L 1988, ch. 74, § 1.

Historical and Stat

1988 Legisla

Laws 1988, 74, § 1, rewrote the section.

46.61.582. F parking by disabled

Any person o meets the criteria for RCW 46.16.38 all be allowed free of cha transport that son for unlimited periods including zones areas with parking meter to the length me parking is permitte those zones or s in which the stopping, is prohibited or ich are reserved for spe shall obtain and play a special placard or to be eligible fo e privileges under this

Amended by Law 1, ch. 339, § 25.

Historical and Stat

1991 Legislation

Laws 1991, ch. § 25, in the last sentence, substitute placard" for "card, decal".

46.61.583. Spec plate or card is

A special licen plate or card issued indicates an occup of the vehicle is dis which it is displa and being used to tr same overtime pa g privileges granted a similar special l se plate or card issue

Amended by Laws ch. 339, § 26.

Historical and Stat

1991 Legislation

Laws 1991, ch. 33 26, in two places, following "card" del "or decal".

46.61.585. Win recreational parki qu d

Except when ne ary to avoid conflict with law or the dir ons of a police officer

it abuse its discre n
: payments to auto
from negligent d

er's insurer against driver's restitution
ligation. State v. Shannahan (1993)
Wash.App. 512, 849 P.2d 1239.

STOPPING, STA NG, AND PARKING

ping, standing, parking outside business or re
nce districts

ncorporated cities towns no person may stop, park,
y vehicle, whether ended or unattended, upon the ro

1) of this section a RCW 46.61.570 and 46.61.575 do
of any vehicle that disabled in such manner and to s
impossible to avoid pping and temporarily leaving
sition. The driver s nonetheless arrange for the prom
icle as required by W 46.61.590.

1) of this section do not apply to the driver of a pu
o temporarily stops vehicle upon the roadway for
ile actually engaged eceiving or discharging passeng
it vehicle stop zone roved by the state department
county upon highwa nder their respective jurisdictio

1) this section and CW 46.61.570 and 46.61.575 do
solid waste col on company or recycling comp
a stops the vehicl close as practical to the right e
houlder of the roadw or right edge of the roadway if
the purpose of and w actually engaged in the collect
ecyclables, or both, u chapters 81.77, 35.21, and 35A
ct under RCW 36.58. [36.58.040].

991, ch. 319, § 408, eff. 21, 1991.

Historical and S tory Notes

verability—Part headings
, § 408, added sub- —Laws 1991, ch. 319:
0.95F.900 and 70.95F.901.

led by Laws 1987, . 311, § 21

led by Laws 1989, . 111, § 21

Historical and St tory Notes

ection was amended
. § 743.

led by Laws 1987, . 311, § 21

led by Laws 1987, . 311, § 21

torical and St tory Notes

3.

46.61.5 dified as § 46.55.115 by L 1989, ch. 111, § 22

46.61.581. I of parking spac disabled persons—Failure,

A parking space or sta son shall be indicated by a vertical sign, between thirty-six and inches off the ground, with the international symbol of access, are white on a blue background, described under RCW 70.92.1 "State disabled parking permit required."

Failure of the perso ng or contro roperty where required parking spaces are to erect and mai ign is a class 4 civil infraction under 7.80 RCW for each par e that should be so designated.

Amended by 1988, ch. 74, § 1.

Historical and Statutory Notes

1988 Legislation
Laws 1988, ch. 74, § 1, rewrote the section.

★

46.61.582. Free parking by disabled persons

Any person who meets the criteria for special parking privileges under RCW 46.16.381 shall be allowed free of charge to park a vehicle being used to transport that person for unlimited periods of time in parking zones or areas including zones or areas with parking meters which are otherwise restricted as to the length of time parking is permitted. This section does not apply to those zones or areas in which the stopping, parking, or standing of all vehicles is prohibited or which are reserved for special types of vehicles. The person shall obtain and display a special placard or license plate under RCW 46.16.381 to be eligible for the privileges under this section.

Amended by Laws 1991, ch. 339, § 25.

Historical and Statutory Notes

1991 Legislation
Laws 1991, ch. 339, § 25, in the last sentence, substituted "placard" for "card, decal".

★

46.61.583. Special plate or card issued by another jurisdiction

A special license plate or card issued by another state or country that indicates an occupant of the vehicle is disabled, entitles the vehicle on or in which it is displayed and being used to transport the disabled person to the same overtime parking privileges granted under this chapter to a vehicle with a similar special license plate or card issued by this state.

Amended by Laws 1991, ch. 339, § 26.

Historical and Statutory Notes

1991 Legislation
Laws 1991, ch. 339, § 26, in two places, following "card" deleted "or decal".

46.61.585 Winter re tional parkin reas—Speci ermit re- uired

Except when essary to a conflict with o traffic, or in liance with law or the o ions of a p officer or offic affic control o no

0-3415

Library References

Automobiles ⇐13, 315 et seq.
C.J.S. Motor Vehicles §§ 14 et seq., 588 et seq.

46.61.755. Traffic laws apply to persons riding bicycles

Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this chapter, except as to special regulations in RCW 46.61.750 through 46.61.770 and except as to those provisions of this chapter which by their nature can have no application.

Enacted by Laws 1965, Ex.Sess., ch. 155, § 80.

Historical Note

Source:
Laws 1951, ch. 76, § 2

Former § 46.47.020.
Laws 1961, ch. 12, § 46.47.020.

Library References

Automobiles ⇐1, 162(7), 213(7).
Highways ⇐165 et seq.
C.J.S. Highways § 232.

C.J.S. Motor Vehicles §§ 1 et seq., 396, 566 to 571.

Notes of Decisions

In general 1
Crosswalks 5
Duty of driver 2
Local regulations 3
Right of way 4

1. In general

Minor on bicycle is subject to same rules of road as driver of motor vehicle. Johnson v. Northern Pac. R. Co. (1965) 66 Wash.2d 614, 404 P.2d 444.

2. Duty of driver

Requirement of signal by extending hand of motorist about to stop was applicable for benefit of bicyclist approaching intersection from motorist's left. Scott v. Northwest Cities Gas Co. (1932) 169 Wash. 600, 10 P.2d 210.

3. Special regulations

Person riding bicycle was entitled to protection of ordinance making it unlawful for automobile to cross over any crossing or side walk at speed greater than four miles an hour when any person upon it. Ludwigs v. Dumas (1913) 72 Wash. 68, 129 P. 903.

4. Right of way

When taxicab driver overtook bicycle and turned right, bicyclist acquired benefit of right of way across intersection. Beaulieu v. Mooney (1930) 155 Wash. 141, 283 P. 7

5. Crosswalks

For purposes of this section, which governs the operation of bicycles on roadways, a bicyclist utilizing an unmarked crosswalk is not on a roadway or subject to the motor vehicle code. Under this circumstance, bicyclist is considered a pedestrian responsible only to use ordinary care for the safety of himself and others. Crawford v. Miller (1977) 18 Wash.App. 151, 566 P.2d 1264.

* **46.61.758. Hand signals**

All hand signals required of persons operating bicycles shall be given in the following manner:

0-3415

(1) Left turn. Left hand and arm extended horizontally beyond the side of the bicycle;

(2) Right turn. Left hand and arm extended upward beyond the side of the bicycle, or right hand and arm extended horizontally to the right side of the bicycle;

(3) Stop or decrease speed. Left hand and arm extended downward beyond the side of the bicycle.

The hand signals required by this section shall be given before initiation of a turn.

Enacted by Laws 1982, ch. 55, § 8.

46.61.760. Riding on bicycles

(1) A person propelling a bicycle shall not ride otherwise than upon or astride a permanent and regular seat attached thereto.

(2) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

Enacted by Laws 1965, Ex.Sess., ch. 155, § 81.

Historical Note

Source:
Laws 1951, ch. 76, §§ 3[illegible]61, ch. 12, §§ 46.47.030, 46.47.040.
Former §§ 46.47.030, 46.47.040.

Library References

Automobiles ⇐212.
C.J.S. Motor Vehicles §§ 464, 5[illegible]

46.61.765. Clinging to vehicle

No person riding upon any coaster, roller skates, sled or toy vehicle shall attach the same or himself to any vehicle upon a roadway.

Enacted by Laws 1965, Ex.Sess., ch. 155, § [illegible]

Historical Note

Source:
Laws 1951, ch. 76[illegible] Former § 46.47.050.
Laws 1961, ch. 12, § 46.47.050.

Library References

Automobiles [illegible]
C.J.S. Motor Vehicles § 490.

Notes of Decisions

1. Negligence

Thirteen-year-old boy riding bicycle, who was injured by motor truck going at excessive speed while he was riding and holding onto side of truck, contrary to city ordinance, was not negligent, and recovery was precluded. Ruiz v. Edgerton (1923) 126 Wash. 128, [illegible] P. 707.

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AGO 1988, No.

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of ville Reservation v. State of Wash., C. (Wash.)1991, 938 F.2d 146, certiorari ed 112 S.Ct. 1704, 118 L.Ed.2d 412.

Washington's statute that prohibits spe g is civil/regulatory, rather than crim /prohibitory and, therefore, statute not enforceable on public roads with ndian reservations; Washington has ngraded speeding to "traffic infracti that could not be classified as crimi offense. Confederated Tribes of Colvi Reservation v. State of Wash., C.A.9 ash.)1991, 938 F.2d 146, certiorari den 112 S.Ct. 1704, 118 L.Ed.2d 412.

traffic infraction—ssuance

t officer has the auth y to issue a notice of traffic

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s acting upon the req of a law enforcement officer raffic infraction was c mitted; or

tigating at the scene a motor vehicle accident has ve that the driver o motor vehicle involved in the a traffic infraction.

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66, § 2.

storical and Stat y Notes

a subsec. (1), nserted subd. "(c)".

Notes of Dec ons

St v. Klump (1991) 61 Wash.App. 911, 81 2d 131.

designating offense of failure to appear or respond to traffic citation as misdemeanor, and not inserting any language t icate it should be continuing offense e day that violator fails to appear or r ond, normal one-year statute of limi- s continues to run; if State desires ll statute, it must institute criminal ess. State v. Klump (1991) 61 Wash.2 911, 813 P.2d 131.

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46.63.060. Notice of traffic infraction—Determination final unless contested—Form

(1) A notice of traffic infraction represents a determination that an infraction has been committed. The determination will be final unless contested as provided in this chapter.

(2) The form for the notice of traffic infraction shall be prescribed by rule of the supreme court and shall include the following:

(a) A statement that the notice represents a determination that a traffic infraction has been committed by the person named in the notice and that the determination shall be final unless contested as provided in this chapter;

(b) A statement that a traffic infraction is a noncriminal offense for which imprisonment may not be imposed as a sanction; that the penalty for a traffic infraction may include sanctions against the person's driver's license including suspension, revocation, or denial; that the penalty for a traffic infraction related to standing, stopping, or parking may include nonrenewal of the vehicle license;

(c) A statement of the specific traffic infraction for which the notice was issued;

(d) A statement of the monetary penalty established for the traffic infraction;

(e) A statement of the options provided in this chapter for responding to the notice and the procedures necessary to exercise these options;

(f) A statement that at any hearing to contest the determination the state has the burden of proving, by a preponderance of the evidence, that the infraction was committed; and that the person may subpoena witnesses including the officer who issued the notice of infraction;

(g) A statement that at any hearing requested for the purpose of explaining mitigating circumstances surrounding the commission of the infraction the person will be deemed to have committed the infraction and may not subpoena witnesses;

(h) A statement that the person must respond to the notice as provided in this chapter within fifteen days or the person's driver's license or driving privilege will be suspended by the department until any penalties imposed pursuant to this chapter have been satisfied;

(i) A statement that failure to appear at a hearing requested for the purpose of contesting the determination or for the purpose of explaining mitigating circumstances will result in the suspension of the person's driver's license or driving privilege, or in the case of a standing, stopping, or parking violation, refusal of the department to renew the vehicle license, until any penalties imposed pursuant to this chapter have been satisfied;

(j) A statement, which the person shall sign, that the person promises to respond to the notice of infraction in one of the ways provided in this chapter.

Amended by Laws 1993, ch. 501, § 9.

Historical and Statutory Notes

1993 Legislation

Laws 1993, ch. 501, § 9, in subd. (2)(h), substituted "driver's license or driving privilege will be suspended" for "driver's license will not be renewed"; in subd. (2)(i), following "will result in the" substituted "suspension of the person's driver's license or driving privilege" for "refusal of the department to renew the person's driver's license"; and following "or parking violation" inserted ", refusal of the department to renew"; and deleted a former subd. (2)(k).

46.63.070. Response to notice—Contesting determination—Hearing—Failure to respond or appear

(1) Any person who receives a notice of traffic infraction shall respond to such notice as provided in this section within fifteen days of the date of the notice.

(2) If the person determined to have committed the infraction does not contest the determination the person shall respond by completing the appropriate portion of the notice of infraction and submitting it, either by mail or in person, to the court specified on the notice. A check or money order in the amount of the penalty prescribed for the infraction must be submitted with the response. When a response which does not contest the determination is received, an appropriate order shall be entered in the court's records, and a record of the response and order shall be furnished to the department in accordance with RCW 46.20.270.

(3) If the person determined to have committed the infraction wishes to contest the determination the person shall respond by completing the portion of the notice of infraction requesting a hearing and submitting it, either by mail or in person, to the court specified on the notice. The court shall notify the person in writing of the time, place, and date of the hearing, and that date shall not be sooner than seven days from the date of the notice, except by agreement.

(4) If the person determined to have committed the infraction does not contest the determination but wishes to explain mitigating circumstances surrounding the infraction the person shall respond by completing the portion of the notice of infraction requesting a hearing for that purpose and submitting it, either by mail or in person, to the court specified on the notice. The court shall notify the person in writing of the time, place, and date of the hearing.

(5) If any person issued a notice of traffic infraction:

(a) Fails to respond to the notice of traffic infraction as provided in subsection (2) of this section; or

(b) Fails to appear at a hearing requested pursuant to subsection (3) or (4) of this section;

the court shall enter an appropriate order assessing the monetary penalty prescribed for the traffic infraction and any other penalty authorized by this chapter and shall notify the department in accordance with RCW 46.20.270, of the failure to respond to the notice of infraction or to appear at a requested hearing.

Amended by Laws 1993, ch. 501, § 10.

Historical and Statutory Notes

1993 Legislation

Laws 1993, ch. 501, § 10, rewrote subsec. (5).

Cross References

Abandoned vehicles, registered owner of record guilty of moving violation under this section, see § 46.55.105.

Noncompliance with this section, suspension of driving privileges, see § 46.20.289.

Notes of D

Failure to pond or appear 1

1. Failure respond or appear

Traffic vio ns bureau does not have authority to er default judgments or

46.63.110. onetary penalties

(1) A pers found to have committed monetary pe y. No penalty may ex each offense ss authorized by this

(2) The su me court shall prescr penalties for gnated traffic infracti conditions un which local courts ma and penalties traffic infractions. Th supreme cour adjust this schedule

(3) There s be a penalty of twenty notice of traf nfraction except wher defined by lo aw, ordinance, regula monetary pen imposed pursuant to may set a mo ry penalty not to ex respond to a r e of traffic infraction law, ordinance gulation, or resolution. police, or dist court, shall impose t legislative bod

(4) Monetar nalties provided for i nature and pe ies which may be as RCW relating ize, weight, and load c limitation on amount of monetar pursuant to th hapter.

(5) Wheneve monetary penalty is it is immediate ayable. If the person may, in its dis ion, grant an extensi may be paid. he penalty is not paid payment the t shall notify the d penalty, and t department shall sus driving privile ntil the penalty has subsection (3) his section has been

Amended by La 993, ch. 501, § 11.

Historical and S

1993 Legislati

Laws 1993, ch. § 11, in the last sentence of subse 5), substituted "the department shall pend the person's

Notes of D

Late penalty 3

3. Late penalty

Fact that motor who failed to pay late penalty on u traffic infraction

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section; or

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, ch. 501, § 10.

Historical and Sta[illegible]ry Notes

10, rewrote sub-

Cross Refe[illegible]es

r[illegible]ered owner [illegible]ncompliance with this section, s[illegible]
ng violation under p[illegible]on of driving privileges, s[illegible]
.105. [illegible]20.289.

Notes of Decisions

Failure to respond or appear 1

1. Failure to respond or appear

Traffic violations bureau does not have authority to enter default judgments or assess penalties, when person who has issued notice of traffic infraction fails to respond; in addition, court cannot delegate these judicial functions to nonjudicial agency such as traffic violations bureau. RCW 3.30.090, 3.50.030. Op.Atty.Gen. 1991, No. 12.

46.63.110. Monetary penalties

(1) A person found to have committed a traffic infraction shall be assessed a monetary penalty. No penalty may exceed two hundred and fifty dollars for each offense unless authorized by this chapter or title.

(2) The supreme court shall prescribe by rule a schedule of monetary penalties for designated traffic infractions. This rule shall also specify the conditions under which local courts may exercise discretion in assessing fines and penalties for traffic infractions. The legislature respectfully requests the supreme court to adjust this schedule every two years for inflation.

(3) There shall be a penalty of twenty-five dollars for failure to respond to a notice of traffic infraction except where the infraction relates to parking as defined by local law, ordinance, regulation, or resolution or failure to pay a monetary penalty imposed pursuant to this chapter. A local legislative body may set a monetary penalty not to exceed twenty-five dollars for failure to respond to a notice of traffic infraction relating to parking as defined by local law, ordinance, regulation, or resolution. The local court, whether a municipal, police, or district court, shall impose the monetary penalty set by the local legislative body.

(4) Monetary penalties provided for in chapter 46.70 RCW which are civil in nature and penalties which may be assessed for violations of chapter 46.44 RCW relating to size, weight, and load of motor vehicles are not subject to the limitation on the amount of monetary penalties which may be imposed pursuant to this chapter.

(5) Whenever a monetary penalty is imposed by a court under this chapter it is immediately payable. If the person is unable to pay at that time the court may, in its discretion, grant an extension of the period in which the penalty may be paid. If the penalty is not paid on or before the time established for payment the court shall notify the department of the failure to pay the penalty, and the department shall suspend the person's driver's license or driving privilege until the penalty has been paid and the penalty provided in subsection (3) of this section has been paid.

Amended by Laws 1993, ch. 501, § 11.

Historical and Statutory Notes

1993 Legislation

Laws 1993, ch. 501, § 11, in the last sentence of subsec. (5), substituted "the department shall suspend the person's driver's license or driving privilege" for "the department may not renew the person's driver's license".

Notes of Decisions

Late penalty 3

3. Late penalty

Fact that motorists who failed to pay late penalty on unpaid traffic infraction fines could not renew their driver's licenses did not deny motorists due process due to fact that they were not entitled to hearing prior to imposition of late penalty; motorists received notice of unpaid fine, and number of individuals adversely af-

fected was ex[illegible]y small. Burman v. State (1988) 50 [illegible] 433, 749 P.2d [illegible]

[illegible]t that motorist could [illegible]cal imposition of late penalty on unpaid traffic infraction fine which was contained on citation itself satisfied due process notice requirements. Burman v. State (1988) 50 Wash. 433, 749 P.2d 708.

due process given availability of procedures for vacation of judgment, writ of certiorari, or [illegible] resolution to correct clerical error. Burman v. State (1988) 50 Wash. 433, 749 P.2d 708.

Notice of imposition of late penalty on unpaid traffic infraction fine which was contained on citation itself satisfied due process notice requirements. Burman v. State (1988) 50 Wash. 433, 749 P.2d 708.

46.63.150. Repealed by Laws 1989, ch. 9, § 1

* 46.63.151. Costs and attorney fees

Each party to a traffic infraction case is responsible for costs incurred by that party. No costs or attorney fees may be awarded to either party in a traffic infraction case, except as provided for in RCW 46.30.020(2).

Amended by Laws 1991, Sp.Sess., ch. 25, § 3.

Historical and Statutory Notes

1991 Legislation

Laws 1991, Sp.Sess., ch. 25, § 3, at the end of the second sentence, added the exception.

CHAPTER 46.64—ENFORCEMENT

Section
46.64.027. Repealed.

Section
46.64.035. Posting of [illegible]ty or bail by nonresid[illegible] Penalty.

Cross References

Case records of convictions [illegible]d infractions, admissibility as evi[illegible]e, see § 46.52.120.

Violations a[illegible]ic infractions or criminal offenses[illegible] § 46.63.020.

WESTL[illegible] Electroni[illegible]earch

See WESTLAW Electronic Re[illegible]ch Guide following the Preface.

46.64.015. Citation and not[illegible] appear in court—Issuance—Contents—Writ[illegible]romise—Arrest—Detention

Whenever any person is ar[illegible]ed [illegible] any violation of the traffic laws or regulations which is punishable as a misdemeanor or by imposition of a fine, the arresting officer may s[illegible] upon hi[illegible] her a traffic citation and notice to appear in court. Such citation and notice shall conform to the requirements of RCW 46.64.010, and in addition shall incl[illegible] spaces for the name and address of the person arreste[illegible] license number [illegible]e vehicle involved, the driver's license number of [illegible] person, if any, the [illegible]nse or violation charged, the time and place w[illegible] such person shall appea[illegible] court, and a place where the person arreste[illegible]ay sign. Such spaces shal[illegible] filled with the appropriate information [illegible]e arresting officer. The arre[illegible] person, in order to secure release, a[illegible]hen permitted by the arresting [illegible]er, must give his or her written p[illegible]mise to appear in court as required [illegible]e citation and notice by signing [illegible]he appropriate place the written citati[illegible]d notice served by the arres[illegible] officer, and if the arrested person is a nonresident of the state, shall also p[illegible]t a bond, cash security, or bail as required under RCW 46.64.035. An

officer may not serve or issue any traffic cit violation except either when the offense or v presence or when a person may be arreste now or hereafter amended. The detention section may not be for a period of time long issue and serve a citation and notice, except apply under any of the following circumstan

(1) Where the arrested person refuses to in court as required by the citation and

(2) Where the arresting officer has pro arrested person has committed any of th 10.31.100(3), as now or hereafter amended;

(3) When the arrested person is a nonres hearing under RCW 46.64.035.

Amended by Laws 1987, ch. 345, § 2.

Historical and Statu

1987 Legislation

Laws 1987, ch. 345, § 2, inserted gender references; in the first paragraph, in the

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Notes of Decis

Arrest 4
Searches 5

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4. Arrest

Custodial arrest is not permitted for minor traffic violations such as speeding if the defendant signs the promise to appear contained in the citation. State v. Cantrell (1993) 70 Wash.App. 340, 853 P.2d 479, review granted in part.

State trooper lacked grounds for custodial arrest of automobile passenger he had decided to cite for violation of open containers law, a traffic infraction, or for search of passenger's wallet incident thereto, which resulted in discovery of bindle of cocaine; trooper did not have reasonable belief that passenger would fail to appear and answer the citation, and his observation that passenger appeared to be trying to conceal contents of wallet was insufficient to support the custodial arrest. State v. Barwick, 1992, 66 Wash.App. 706, 833 P.2d 421.

Police officers may not make custodial arrests for minor traffic offenses. State v. Reding (1992) 119 Wash.2d 685, 835 P.2d 1019.

Reckless driving was not "minor traffic offense" and, therefore, police officer was authorized to make custodial arrest of driver; traffic offenses that had not been decriminalized were offenses for which police officers had authority to detain drivers for longer period of time than that needed

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causes, co[illegible] requires, permits [illegible] ects others to violate any provisions of this title [illegible] ewise guilty of such [illegible] se.

[illegible]merly § 46.56[illegible] enacted by Laws 196[illegible] 12, § 46.56.210. Recodified as § [illegible].695. Recod[illegible] § 46.64.048.

Historical Note

Source:

Laws 193[illegible] 189, § 149.
RRS § 636[illegible].

Library Re[illegible]s

Automobiles ⇐323[illegible]
C.J.S. Motor Vehicles § 590.

46.64.050. General penalty

It is a traffic infraction for any person to violate any of the provisions of this title unless violation is by this title or other law of this state declared to be a felony, a gross misdemeanor, or a misdemeanor.

Unless another penalty is in this title provided, every person convicted of a misdemeanor for violation of any provisions of this title shall be punished accordingly.

Enacted by Laws 1961, ch. 12, § 46.64.050, eff. Feb. 8, 1961. Amended by Laws 1975-76, 2nd Ex.Sess., ch. 95, § 3, eff. March 13, 1976; Laws 1979, Ex.Sess., ch. 136, § 93, eff. Jan. 1, 1981.

Historical Note

Laws 1975-76, 2[illegible].Sess., ch. 95, § 3, at the end of th[illegible]l paragraph, following "a gross misd[illegible]nor" inserted ", or a violation".

Laws 1979, Ex.Sess., ch. [illegible] § 93, in the first paragraph, substitut[illegible]t is a traffic infraction" for "It shall [illegible]mi[illegible] demeanor"; and substituted meanor" for "violation".

Effective date—Severability—1979, Ex.Sess., ch. 136: See [illegible] Note following § 46.63.010.

Source:

[illegible]921, ch. 108, § 16.
[illegible] 1927, ch. 309, § 53.
[illegible]ws 1937, ch. 188, § 82.
Laws 1937, ch. 189, § 150.
RRS §§ 6312-82, 6360-150, 6362-53, 6378.

Library Re[illegible]ces

Automobiles ⇐359.
C.J.S. Motor Vehicl[illegible]96 et seq.

Notes of Decision[illegible]

1. Driving u[illegible] influence of intoxicating [illegible]

Inapplic[illegible]y of penalty provided for in § 46.6[illegible] to case of person convicted of being in actual physical control of nonmovi[illegible]hicle while under influence of or [illegible]ted by use of intoxicating liquor or na[illegible]c drugs; applicability of penalty pres[illegible]bed by this statute. Op. Atty.Gen. 1967, No. 36.

[redacted] under chapter [redacted] RCW shall [redacted] issued a transporter [redacted] license [redacted] porter plates to [redacted] port mobile [redacted] or other vehicles. [redacted] W 46.76.0[redacted] plies to person[redacted] rganizations [redacted] transporter [redacted] es or plates [redacted] o not meet the [redacted] ments of chap[redacted] 1.80 RCW.

([redacted] his section doe[redacted] apply to mobile [redacted] manufacturer[redacted] dealers that [redacted] icensed and del[redacted] the mobile hom[redacted] r chapter 46.[redacted] W.

Enacted [redacted] aws 1988, ch. 239, [redacted]

CHAPTER 46.79—HULK HAULERS AND SCRAP PROCESSORS

(Formerly: Hulk haulers' or scrap processors' licenses)

* 46.79.010. Definitions

The definitions set forth in this section apply throughout this chapter unless the context indicates otherwise.

(1) "Junk vehicle" means a motor vehicle certified under RCW 46.55.230 as meeting all the following requirements:

(a) Is three years old or older;

(b) Is extensively damaged, such damage including but not limited to any of the following: A broken window or windshield or missing wheels, tires, motor, or transmission;

(c) Is apparently inoperable;

(d) Is without a valid, current registration plate;

(e) Has a fair market value equal only to the value of the scrap in it.

(2) "Scrap processor" means a licensed establishment that maintains a hydraulic baler and shears, or a shredder for recycling salvage.

(3) "Demolish" means to destroy completely by use of a hydraulic baler and shears, or a shredder.

(4) "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. A hulk hauler may not sell second-hand motor vehicle parts to anyone other than a licensed vehicle wrecker or scrap processor, except for those parts specifically enumerated in RCW 46.79.020(2), as now or hereafter amended, which may be sold to a licensed motor vehicle wrecker or disposed of at a public facility for waste disposal.

(5) "Director" means the director of licensing.

(6) "Major component parts" include engines and short blocks, frames, transmissions or transfer cases, cabs, doors, front or rear differentials, front or rear clips, quarter panels or fenders, bumpers, truck beds or boxes, seats, and hoods.

Amended by Laws 1990, ch. 250, § 69.

Historical and Statutory Notes

1990 Legislation

Laws 1990, ch. 250, § 69, deleted the definitions of "Abandoned vehicle" and "Abandoned automobile hulk"; and inserted the definition of "Junk vehicle".

Severability—Laws 1990, ch. 250: See Historical and Statutory Notes following § 46.16.301.

ıerwise controlled in or from that place of
assigned to that place of business; or
ıicle, the jurisdiction where, because of an
two or more jurisdictions, or pursuant to
:gistered as required by that jurisdiction.
:o the proper place of registration of a
shall make the final determination, but in
ıfer with departments of the other juris-

ıctor that is applied to the total proratable
portionable or prorate fees required for
on. It is determined by dividing the in-
isdiction by the total miles. This term is
percentage."
:, business firm, or corporation in whose
vehicles is registered.
ıe twelve-month period during which the
se jurisdiction are valid according to the

:al number of miles accumulated in all
ear by all vehicles of the fleet while they
:umulated by vehicles of the fleet that did
is [redacted] included in the fleet miles.
t[redacted]Uniform Vehicle Registration, Pro-

ff. Jan. 1, 1988; Laws 1990, ch. 42, § 111, eff.
Laws 1993, ch. 307, § 12.

d Statutory Notes

Effective dates—Laws 1987, ch. 244:
See Historical Note following § 46.12.020.

verter gears

ıitrailers over six thousand pounds gross
s used solely in pool fleets shall fully
this state. To determine the percentage
registered in this state, divide the gross
year for the use of the rental vehicles
urring in this state by the total revenue
he use of the rental vehicles arising from
ons in which the vehicles are operated.
he total number of vehicles that shall be
gistered in this state shall be representa-
rding to age, size, and value.

ıd Statutory Notes

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46.87.023. Rental car businesses

(1) Rental car businesses must register with the department of licensing. This registration must be renewed annually by the rental car business.

(2) Rental car businesses must obtain a certificate of ownership and indicate that the vehicle is a rental car. Registration must be obtained for all rental cars and shall be valid for the period in which the rental car is part of an authorized business up to a maximum of twelve months.

(3) In addition to all other fees prescribed for the registration of vehicles under chapter 46.16 RCW, the department shall collect a fee of five dollars per registration for the administration of the program and a vehicle transaction fee as authorized in RCW 46.87.130 to be deposited to the motor vehicle fund.

(4) Use of rental cars is restricted to the rental customer unless otherwise provided by rule.

(5) The department will issue rental car license plates to businesses authorized under this section. A rental car business shall pay a fee of ten dollars for each set of rental car license plates as defined in RCW 46.87.090. Rental cars no longer eligible for use of the rental plates will be considered unlicensed vehicles and must be registered and pay the required motor vehicle excise taxes and registration fees prior to operation on public roads of this state.

(6) The department may authorize rental car businesses to issue temporary authorization permits as defined in RCW 46.87.080.

(7) The department may suspend or cancel the exemptions, benefits, or privileges granted under this section to any person or business firm who violates the laws of this state relating to the operation or registration of vehicles or rules lawfully adopted thereunder. The department may initiate and conduct audits, investigations, and enforcement actions as may be reasonably necessary for administering this section.

(8) Except as provided in this section or by rule adopted pursuant to this section, the transfer or use of the rental plates is a traffic infraction subject to a fine not to exceed five hundred dollars. Any law enforcement agency that determines that a special license plate has not been used in conformance with this section will confiscate the license plates and return them to the department for nullification along with full details of the reasons for confiscation.

(9) The department shall adopt such rules as may be necessary to administer and enforce the provisions of this section.

Enacted by Laws 1992, ch. 194, § 7, eff. Jan. 1, 1993.

Historical and Statutory Notes

Effective dates—Laws 1992, ch. 194:
See Historical and Statutory Notes following § 46.04.466.

4[redacted]025. V[redacted]es titled in [redacted]r's name

A[redacted]hicles bei[redacted]ded to an exi[redacted] Washington-based [redacted] or those vehic[redacted]t make up[redacted] Washington-[redacted] fleet shall be title[redacted]he name of the o[redacted] at time of [redacted]tration, or [redacted] of filing applicati[redacted]r title for such v[redacted]s in the na[redacted] the owner sh[redacted] company the appli[redacted] for proportional [redacted]tration.

Enacted by Laws [redacted] ch. 244, § 17[redacted]an. 1, 1988. A[redacted]ed by Laws 1990, ch[redacted] § 75.

(3) The [illegible]d, the visually handicapped, the hearing [illegible]aired, and the othe[illegible]e physically disabled are entitled to fu[illegible]d equal accommodatio[illegible]advantages, facilities, and privileg[illegible] common carriers, airplan[illegible]motor vehicles, railroad train[illegible]otor buses, street cars, boats, [illegible] all other public conveyan[illegible] as well as in hotels, lodging plac[illegible]places of public reso[illegible]accommodation, assemblage or amusem[illegible] and all other place[illegible] which the general public is invited, subje[illegible]nly to the co[illegible]ons and limitations established by law and ap[illegible]ble alike t[illegible] persons.

Enacted by Laws 1969, ch. 141, [illegible] Amen[illegible]by Laws 1980, ch. 109, § 1.

Historical and [illegible]ory Notes

Laws 1980, ch. 109, § 1, made the section applicable to "hearing impaired" persons.

Li[illegible]y Referen[illegible]

Automobiles ⇐161.
WESTLAW Topic No. 48A[illegible]
C.J.S. Motor Vehicles §§[illegible]395.

70.84.020. "G[illegible] dog" defined

For the purp[illegible]of this chapter, the term "guide do[illegible]hall mean a dog which is [illegible]working harness and is trained or app[illegible]ed by an accredited [illegible]ool engaged in training dogs for the [illegible]ose of guiding [illegible] persons or a dog which is trained or approv[illegible]by an accred[illegible] school engaged in training dogs for the purp[illegible] of assis[illegible] hearing impaired persons.

En[illegible]d by Laws 1969, ch. 141, § 2. Amended by Laws 1980, ch. 109, [illegible]

Historical and Statutory Notes

Laws 1980, ch. 109, § 2, added the last phrase pertaining to dogs trained to assist hearing impaired persons.

* 70.84.021. "Service dog" defined

For the purpose of this chapter, "service dog" means a dog that is trained or approved by an accredited school, or state institution of higher education, engaged in training dogs for the purposes of assisting or accommodating a physically disabled person related to the person's physical disability.

Enacted by Laws 1985, ch. 90, § 1.

70.84.03[illegible] Guide or service d[illegible] extra charge or ref[illegible] service because [illegible] prohibited

[illegible] totally or partiall[illegible]d, hearing impair[illegible] otherwise [illegible]ically disabled per[illegible] all have the right [illegible] accompanied

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WASTE REDUCTION, RECYCLING, DEL LITTER CONTROL ACT

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Cross References

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hereby renamed the "waste reduction, recycling,

§ 1, eff. July 1, 1992.

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and further recognizing the need to conserve energy and natural resources; and further recognizing that there is an imperative need to anticipate, plan for, and accomplish effective litter control and recover and recycle waste materials related to litter with the subsequent conservation of resources and energy, there is hereby enacted this 'Model Litter Control and Recycling Act'."

Effective date—Laws 1992, ch. 175: See § 82.19.900.

70.93.020. Declaration of purpose—Department of ecology an Washington center, and state and local go ment duties

The pur of this chapter is to accomplish litter control ease waste reduction, a imulate all components of recycling throu this state by delegating to epartment of ecology the authority to

(1) Conduct a anent and continuous program ntrol and remove litter from this st the maximum practical exte ssible;

(2) Recover and e waste materials relat litter and littering;

(3) Foster public and ate recycling of rec e materials; and

(4) Increase public awa s of the need ecycling and litter control.

It is further the intent and pose of this pter to promote markets for recyclable materials through rams of clean Washington center and other means.

It is further the intent and this chapter to create jobs for employment of youth in litter clea related activities and to stimulate and encourage small, private recyc enters. This program shall include the compatible goal of recovery of e materials to conserve energy and natural resources wherever pr ble very other department of state government and all local gove ntal u nd agencies of this state shall cooperate with the departm ecology i administration and enforcement of this chapter. The t of this chapt to add to and to coordinate existing recycling and lit ontrol and remova rts and not terminate or supplant such efforts.

Amended by Laws 199 175, § 2, eff. July 1, 1992.

Historical and Statutory Notes

1992 Legislati

Laws 1992, , § 2, in the introductory parag nserted "increase waste reduction" substituted "all components of ing" for "private recycling progra n subsec. (3), substituted "publi private recycling of recyclable mat for "private recycling and markets for recyclable m ls"; and added the second paragraph g the further intended purpose of this ter to promote markets for recyc materials through programs of the cl Washington center and other means.

Effective date—Laws 1992, 175: See § 82.19.900.

70.93.060. Littering prohibited—Penalties

(1) No person shall throw, drop, deposit, discard, or otherwise dispose of litter upon any public property in the state or upon private property in this state not owned by him or in the waters of this state whether from a vehicle or otherwise including but not limited to any public highway, public park, beach, campground, forest land, recreational area, trailer park, highway, road, street, or alley except:

(a) When the property is designated by the state or its agencies or political subdivisions for the disposal of garbage and refuse, and the person is authorized to use such property for that purpose;

(b) Into a litter receptacle in a manner that will prevent litter from being carried away or deposited by the elements upon any part of said private or public property or waters.

(2)(a) It is a class 3 civil infraction as defined in RCW 7.80.120 for a person to litter in an amount less than or equal to one cubic foot.

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(b) It is a class 1 civil infraction as defined in RCW 7.80.120 for a person to litter in an amount greater than one cubic foot. Unless suspended or modified by a court, the person shall also pay a litter cleanup fee of twenty-five dollars per cubic foot of litter. The court may, in addition to or in lieu of part or all of the cleanup fee, order the person to pick up and remove litter from the property, with prior permission of the legal owner or, in the case of public property, of the agency managing the property.

Amended by Laws 1993, ch. 292, § 1.

Historical and Statutory Notes

1993 Legislation

Laws 1993, ch. 292, § 1, rewrote the section.

70.93.070. Collection of fines and forfeitures—Distribution

The [illegible]ector shall prescribe the procedures for the collecti[illegible] penalties, costs, a[illegible]ther charges allowed by chapter 7.80 RCW for [illegible]tions of this chapter. [illegible]uded in the procedures shall be provisions r[illegible]ring that one-half of the [illegible]tary amount actually collected by the st[illegible]r local government entity e[illegible]ing the provisions of this chapter be di[illegible]uted to that local governmental e[illegible]

Amended by Laws [illegible] ch. 292, § 2.

[illegible]torical and Statutory N[illegible]

1993 Legislation

Laws 1993, ch. 292, § 2[illegible]rote the section.

70.93.097. Transported w[illegible] must b[illegible]overed or secured

(1) By January 1, 1994, each [illegible]ty or [illegible] with a staffed transfer station or landfill in its jurisdiction shall [illegible] ordinance to reduce litter from vehicles. The ordinance shall req[illegible] operator of a vehicle transporting solid waste to a staffed transfer s[illegible] or landfill to secure or cover the vehicle's waste in a manner that wi[illegible]ent spillage. The ordinance may provide exemptions for vehicle opera[illegible]nsporting waste that is unlikely to spill from a vehicle.

The ordinance shall, in the [illegible]nce o[illegible] exemption, require a fee, in addition to other landfill charg[illegible]r a pers[illegible]riving at a staffed landfill or transfer station without a co[illegible]n the vehic[illegible]waste or without the waste secured.

(2) The fee collected un[illegible]subsection (1) of th[illegible]ction shall be deposited, no less often than quart[illegible] with the city or cou[illegible]n which the landfill or transfer station is locat[illegible]

(3) A vehicle trans[illegible]ing sand, dirt, or gravel [illegible]mpliance with the provisions of RCW [illegible].655 shall not be required to [illegible]e or cover a load pursuant to ordina[illegible] adopted under this section.

Enacted by Laws 19[illegible]ch. 399, § 1.

70.93.120. R[illegible]ified as § 82.19.010 by Laws 1992, [illegible] 175, § 10, [illegible]. July 1, 1992

70.93.130. [illegible]codified as § 82.19.020 by Laws 1992, ch. [illegible] § 10, eff. July 1, 1992

70.93.140. Recodified as § 82.19.030 by eff. July 1, 1992

70.93.150. Repealed by Laws 1992, ch.

70.93.160. Recodified as § 82.19.040 by eff. July 1, 1992

70.93.170. Recodified as § 82.19.050 by eff. July 1, 1992

70.93.180. Waste reduction, recycling, a Distribution

(1) There is hereby created an account w known as the "waste reduction, recycling, and in the account may be spent only after approp waste reduction, recycling, and litter control a

(a) From July 1, 1992, to June 30, 1993, fun Control litter; encourage recycling; develop n and enforce compliance with the litter tax im

(b) After June 30, 1993, funds shall be use

(i) Not less than forty percent nor more tha program to employ youth from the state to areas that are most visible to the public and litter tax imposed in RCW 82.19.010; and

(ii) Not more than sixty percent for the f cation and awareness programs to control litt education and awareness of the model litter grams to foster private local recycling eff develop markets for recyclable materials; an imposed in RCW 82.19.010.

(2) All taxes imposed in RCW 82.19.010 collected or received pursuant to this chapte reduction, recycling, and litter control acco under subsection (1) of this section, and exc distributed under RCW 70.93.070.

Amended by Laws 1992, ch. 175, § 8, eff. July 1,

Historical and Statut

1992 Legislation

Laws 1992, ch. 175, § 8, rewrote the section, which previously read:

"There is hereby created an account within the state treasury to be known as the 'litter control account'. All assessments, fines, bail forfeitures, and other

funds this c contr tratic excep uted

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70.93.194. Repealed by Laws 1992, cl

per thousand pounds

The department may issue any of the above-listed permits that involve height, length, or ... for an expanded period of consecutive months, not to exceed one year.

...inuous operation of farm implements under a permit issued as authorized b... RW 46.4...0 by:

(1) Farmers in the course of farming activities, for any three-... period ..... $ 10.00

(2) Farmers in the course of farming activities, for a per... ot to exceed one year ..... $ 25.00

(3) Persons engaged in the business of the sale, rep... maintenance of such farm implements, for any three-... period ... $ 25.00

(4) ...ons engaged in the business of the sale, ...r, or maintenance of such farm implements, for a perio... to exceed one year ..... $ 100.00

...Overweight Fee Schedu...

Weight over total regis... gross weight	Fee per mile on state highways
1–5,999 pounds	$ .07
6,000–11,999 pounds	$ .14
12,000–17,999 pounds	$ .21
18,000–23,999 pounds	$ .35
24,000–29,999 poun...	$ .49
30,000–35,999 po...	$ .63
36,000–41,999 p...	$ .84
42,000–47,999 ...ds	$ 1.05
48,000–53,9... ...nds	$ 1.26
54,000–59... ...pounds	$ 1.47
60,000–... ...pounds	$ 1.68
66,00... ...999 pounds	$ 2.03
72... ...9,999 pounds	$ 2.38
... pounds or more	$ 2.80

PROVIDED: The minimum fee for any overweight permit shall be $... (b) the fee for issuance ... duplicate permit shall be $14.00, (c) when computing o... eight fees prescribed ...is section or in RCW 46.44.095 that result in an amount less than ... dollars the fee ... be carried to the next full dollar if fifty cents or over and shall be red... to the next ...ollar if forty-nine cents or under.

...fees levied in this section and RCW 46.44.095 do not apply to vehicles owned ... ...ted by the state of Washington, a county within the state, a city or town or metropol... ...icipal corporation within the state, or the federal government.

Sec. 2. RCW 46.44.030 and 1993 c 301 s 1 are each amended to read as follows:

It is unlawful for any person to operate upon the public highways of this state any vehicle having an overall length, with or without load, in excess of forty feet. This restriction does not apply to (1) a municipal transit vehicle, (2) auto stage, private carrier bus or school bus with an overall length not to exceed forty-six feet, or (3) an articulated auto stage with an overall length not to exceed sixty-one feet.

It is unlawful for any person to operate on the highways of this state any combination of vehicles that contains a vehicle in excess of forty-eight feet, with or without load.

It is unlawful for any person to operate upon the public highways of this state any combination consisting of a tractor and semitrailer that has a semitrailer length in excess of

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AN ACT Relatin... 19.77.010; and...

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Subject to the ... a trademark in t... furnished by the ... forth, but not lim...

(1) The name ... its state of incorp...

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(6) A statement ... believes that no oth... or similar goods ...

~~forty-eight~~ fifty-three feet or a combination consisting of a tractor and two trailers in which the combined length of the trailers exceeds sixty-one feet, with or without load.

It is unlawful for any person to operate on the highways of this state any combination consisting of a truck and trailer with an overall length, with or without load, in excess of seventy-five feet. However, a combination of vehicles transporting automobiles or boats may have a front overhang of three feet and a rear overhang of four feet beyond this allowed length.

These length limitations do not apply to vehicles transporting poles, pipe, machinery, or other objects of a structural nature that cannot be dismembered and operated by a public utility when required for emergency repair of public service facilities or properties, but in respect to night transportation every such vehicle and load thereon shall be equipped with a sufficient number of clearance lamps on both sides and marker lamps upon the extreme ends of any projecting load to clearly mark the dimensions of the load.

The length limitations described in this section are exclusive of safety and energy conservation devices, such as mud flaps and splash and spray suppressant devices, refrigeration units or air compressors, and other devices that the department determines to be necessary for safe and efficient operation of commercial vehicles. No device excluded under this paragraph from the limitations of this section may have, by its design or use, the capability to carry cargo.

Approved March 23, 1994.

Effective June 9, 1994, 90 days after date of adjournment.

TRADEMARKS—RENEWAL PERIOD—FEES—[illegible]ENS

CHAPTER 60

S.S.S.B. No. 6276

AN ACT Relating to trademarks; amending RCW 19.77.[illegible], 19.77.050, 19.77.060, 43.07.120, and 19.77.010; and adding new sections to chapter 19.77 [illegible]

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Sec. 1. RCW 19.77.030 and 1989 [illegible]2 [illegible] are each amended to read as follows:

Subject to the limitations set forth in this chapter, any person who has adopted and is using a trademark in this state may file in the office of the secretary of state, on a form to be furnished by the secretary of state, an application for registration of that trademark setting forth, but not limited to, the following [illegible]:

(1) The name and business address of the applicant, and, if the applicant is a corporation, its state of incorporation;

(2) The particular goods or services in connection with which the trademark is used and the class in which such goods or services fall;

(3) The manner in which the trademark is placed on or affixed to the goods or containers, or displayed in connection with such goods, or used in connection with the sale or advertising of the services;

(4) The date when the trademark was first used with such goods or services anywhere and the date when it was first used with such goods or services in this state by the applicant or his predecessor in business;

(5) A statement that the trademark is presently in use in this state by the applicant;

(6) A statement that the applicant believes himself to be the owner of the trademark and believes that no other person has the right to use such trademark in connection with the same or similar goods or services in this state either in the identical form or in such near

EDUCATION—PRESCHOOL PROGRAMS—STATE REGULATORY AUTHORITY

CHAPTER 99

S.H.B. No. 1

AN ACT Relating to preschools; and creating a new section.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Sec. 1. The state's interest in the health, welfare, and quality of care and early education is critically important to the development of young children. Educational programs that enroll preschool children for fewer than four hours per day are exempted from requirements of chapter 74.15 RCW. Therefore, the legislature intends to bring such programs under state regulatory authority consistent with rules for child care and early childhood programs by 1998.

The child care coordinating committee established under RCW 74.13.090 shall develop a phase-in strategy with specific recommendations and implementation elements and report these recommendations and findings to the legislature by December 1, 1994. In developing these recommendations, the child care coordinating committee shall involve programs serving preschool children.

Approved March 31, 1994.

Effective June 1, 1994, 90 days after date of adjournment.

MOTOR VEHICLES—CHILD PASSENGER RESTRAINT SYSTEMS

CHAPTER 100

S.H.B. No. 2414

AN ACT Relating to child passenger restraint systems; and amending RCW 46.61.687.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Sec. 1. RCW 46.61.687 and 1993 c 274 s 1 are each amended to read as follows:

(1) Whenever a child who is less than ~~six~~ ten years of age is being transported in a motor vehicle that is in operation and that is required by RCW 46.37.510 to be equipped with a safety belt system in a passenger seating position, the driver of the vehicle shall keep the child properly restrained as follows:

(a) If the child is less than ~~two~~ three years of age, the child shall be properly restrained in a child restraint system that complies with standards of the United States department of transportation and that is secured in the vehicle in accordance with instructions of the manufacturer of the child restraint system;

(b) If the child is less than ~~six~~ ten but at least ~~two~~ three years of age, the child shall be restrained either as specified in (a) of this subsection or with a safety belt properly adjusted and fastened around the child's body.

(2) 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.

(4) This section does not apply to: (a) For hire vehicles, (b) vehicles designed to transport sixteen or less passengers, including the driver, operated by auto transportation companies, as defined in RCW 81.68.010, and (c) vehicles providing customer shuttle service between parking, convention, and hotel facilities, and airport terminals.

Approved March 25, 1994.

Effective June 9, 1994, 90 days after date of adjournment.

[illegible]BLIC BONDS—CONTRACT RETAIN[illegible]— [illegible]NDARDS FOR BONDING COM[illegible]Y

CHAPTER 101

H.B. No. 2702

AN ACT Relating to bonds for [illegible]nage on public works; [illegible]amending RCW 60.28.011.

BE IT ENACTED BY THE [illegible]EGISLATURE O[illegible]HE STATE OF WASHINGTON:

Sec. 1. RCW 60.28.011 and [illegible]2 c 223 s 2[illegible] each amended to read as follows:

(1) Public improvement contract[illegible]all provide[illegible] public bodies shall reserve, a contract retainage not to exceed five percen[illegible] the mo[illegible]earned by the contractor as a trust fund for the protection and payment of: [illegible]The cl[illegible]of any person arising under the contract; and (b) the state with respect to taxe[illegible]po[illegible]ursuant to Title 82 RCW which may be due from such contractor.

(2) Every person performing labor or [illegible]shing supplies toward the completion of a public improvement contract shall have a lie[illegible]n moneys reserved by a public body under the provisions of a public improvement c[illegible]~~PROVIDED, That.~~ However, the notice of the lien of the claimant shall be given [illegible]n [illegible]five days of completion of the contract work, and in the manner provided in R[illegible]39.08.[illegible]

(3) The contractor at any ti[illegible]may requ[illegible]the contract retainage be reduced to one hundred percent of the value [illegible]e work rem[illegible]g on the project.

(a) After completion of [illegible]ntract work o[illegible] than landscaping, the contractor may request that the public b[illegible] release and pay [illegible]full the amounts retained during the performance of the contr[illegible]nd sixty days there[illegible] the public body must release and pay in full the amounts ret[illegible] (other than continuing [illegible]tention of five percent of the moneys earned for landscapin[illegible]bject to the provisions of [illegible]pters 39.12 and 60.28 RCW.

(b) Sixty days aft[illegible]mpletion of all contract work [illegible]public body must release and pay in full the amounts r[illegible]ed during the performance of t[illegible]ontract subject to the provisions of chapters 39.12 a[illegible].28 RCW.

(4) The mon[illegible]eserved by a public body under the [illegible]visions of a public improvement contract, at t[illegible]ption of the contractor, shall be:

(a) Retai[illegible]in a fund by the public body;

(b) De[illegible]ed by the public body in an interest bearing ac[illegible]t in a bank, mutual savings bank, [illegible]vings and loan association. Interest on moneys r[illegible]ed by a public body under the p[illegible]ion of a public improvement contract shall be paid t[illegible] contractor;

([illegible]aced in escrow with a bank or trust company by the pub[illegible]ody. When the moneys [illegible]ed are placed in escrow, the public body shall issue a check r[illegible]esenting the sum of the moneys reserved payable to the bank or trust company and the [illegible]tractor jointly. This

(2) For the purposes of this section, "ISO-9000" means the series of standards published in 1987, and subsequent revisions, by the international organization for standardization for quality assurance in design, development, production, final inspection and testing, and installation and servicing of products, processes, and services.

(3) For the purposes of this section, registration to the American national standards institute/American society for quality control Q90 series shall be considered ISO-9000 registration.

NEW SECTION. Sec. 3. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1994, in the omnibus appropriations act, this act is null and void.

NEW SECTION. Sec. 4. This act shall take effect July 1, 1994.

Approved March 28, 1994.

Effective July 1, 1994.

CRIMES—RECKLESS ENDANGERMENT OF HIGHWAY WORKERS

CHAPTER 141

S.S.B. No. 5995

AN ACT Relating to reckless endangerment of highway workers; amending RCW 46.63.020; adding a new section to chapter 46.61 RCW; prescribing penalties; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Sec. 1. A new section is added to chapter 46.61 RCW to read as follows:

(1) The secretary of transportation shall adopt standards and specifications for the use of traffic control devices in roadway construction zones on state highways. A roadway construction zone is an area where construction, repair, or maintenance work is being conducted by public employees or private contractors, on or adjacent to any public roadway.

(2) No person may drive a vehicle in a roadway construction zone at a speed greater than that allowed by traffic control devices.

(3) A person found to have committed any infraction relating to speed restrictions in a roadway construction zone shall be assessed a monetary penalty equal to twice the penalty assessed under RCW 46.63.110. This penalty may not be waived, reduced, or suspended.

(4) A person who drives a vehicle in a roadway construction zone in such a manner as to endanger or be likely to endanger any persons or property, or who removes, evades, or intentionally strikes a traffic safety or control device is guilty of reckless endangerment of roadway workers. A violation of this subsection is a gross misdemeanor punishable under chapter 9A.20 RCW.

(5) The department shall suspend for sixty days the license or permit to drive or a nonresident driving privilege of a person convicted of reckless endangerment of roadway workers.

Sec. 2. RCW 46.63.020 and 1993 c 501 s 8 are each amended to read as follows:

Failure to perform any act required or the performance of any act prohibited by this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution relating to traffic including parking, standing, stopping, and pedestrian offenses, is designated as a traffic infraction and may not be classified as a criminal offense, except for an offense contained in the following provisions of this title or a violation of an equivalent administrative regulation or local law, ordinance, regulation, or resolution:

(1) RCW 46.09.120(2) relating to the operation of a nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance;

(2) RCW 4(
(3) RCW 46
intoxicating lic
of another;
(4) RCW 4(
(5) Chapter
(6) RCW 4(
(7) RCW 4(
(8) RCW 4(
(9) RCW 4(
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(10) RCW 4
(11) RCW 4
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(13) RCW 4
license;
(14) RCW 4
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(16) RCW 4
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(31) RCW 4
(32) RCW 4(
(33) RCW 4(
(34) RCW 4(
liquor or drug
(35) RCW 4(
(36) RCW 4(
(37) RCW 4(
(38) Section
(39) RCW 4(

(2) RCW 46.09.130 relating to operation of nonhighway vehicles;

(3) RCW 46.10.090(2) relating to the operation of a snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs or in a manner endangering the person of another;

(4) RCW 46.10.130 relating to the operation of snowmobiles;

(5) Chapter 46.12 RCW relating to certificates of ownership and registration;

(6) RCW 46.16.010 relating to initial registration of motor vehicles;

(7) RCW 46.16.011 relating to permitting unauthorized persons to drive;

(8) RCW 46.16.160 relating to vehicle trip permits;

(9) RCW 46.16.381(6) or ~~(8)~~ (9) relating to unauthorized use or acquisition of a special placard or license plate for disabled persons' parking;

(10) RCW 46.20.021 relating to driving without a valid driver's license;

(11) RCW 46.20.336 relating to the unlawful possession and use of a driver's license;

(12) RCW 46.20.342 relating to driving with a suspended or revoked license or status;

(13) RCW 46.20.410 relating to the violation of restrictions of an occupational driver's license;

(14) RCW 46.20.420 relating to the operation of a motor vehicle with a suspended or revoked license;

(15) RCW 46.20.750 relating to assisting another person to start a vehicle equipped with an ignition interlock device;

(16) RCW 46.25.170 relating to commercial driver's licenses;

(17) Chapter 46.29 RCW relating to financial responsibility;

(18) RCW 46.30.040 relating to providing false evidence of financial responsibility;

(19) RCW 46.37.435 relating to wrongful installation of sunscreening material;

(20) RCW 46.44.180 relating to operation of mobile home pilot vehicles;

(21) RCW 46.48.175 relating to the transportation of dangerous articles;

(22) RCW 46.52.010 relating to duty on striking an unattended car or other property;

(23) RCW 46.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(24) RCW 46.52.090 relating to reports by repairmen, storagemen, and appraisers;

(25) RCW 46.52.100 relating to driving under the influence of liquor or drugs;

(26) RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company, an employer, and an alcohol/drug assessment or treatment agency;

(27) RCW 46.55.020 relating to engaging in the activities of a registered tow truck operator without a registration certificate;

(28) RCW 46.55.035 relating to prohibited practices by tow truck operators;

(29) RCW 46.61.015 relating to obedience to police officers, flagmen, or fire fighters;

(30) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;

(31) RCW 46.61.022 relating to failure to stop and give identification to an officer;

(32) RCW 46.61.024 relating to attempting to elude pursuing police vehicles;

(33) RCW 46.61.500 relating to reckless driving;

(34) RCW 46.61.502 and 46.61.504 relating to persons under the influence of intoxicating liquor or drugs;

(35) RCW 46.61.520 relating to vehicular homicide by motor vehicle;

(36) RCW 46.61.522 relating to vehicular assault;

(37) RCW 46.61.525 relating to negligent driving;

(38) Section 1(4) of this act relating to reckless endangerment of roadway workers;

(39) RCW 46.61.530 relating to racing of vehicles on highways;

~~(39)~~(40) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;

~~(40)~~(41) RCW 46.64.010 relating to unlawful cancellation of or attempt to cancel a traffic citation;

~~(41)~~(42) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;

~~(42)~~(43) Chapter 46.65 RCW relating to habitual traffic offenders;

~~(43)~~(44) Chapter 46.70 RCW relating to unfair motor vehicle business practices, except where that chapter provides for the assessment of monetary penalties of a civil nature;

~~(44)~~(45) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;

~~(45)~~(46) Chapter 46.80 RCW relating to motor vehicle wreckers;

~~(46)~~(47) Chapter 46.82 RCW relating to driver's training schools;

~~(47)~~(48) RCW 46.87.260 relating to alteration or forgery of a cab card, letter of authority, or other temporary authority issued under chapter 46.87 RCW;

~~(48)~~(49) RCW 46.87.290 relating to operation of an unregistered or unlicensed vehicle under chapter 46.87 RCW.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

Approved March 28, 1994.

Effective March 28, 1994.

ELECTIONS—SPECIAL ELECTIONS—DATE

CHAPTER 142

[S. B. No. 6061]

AN ACT Relating to special elections; amending RCW 29.13.010 and 29.13.020; and providing an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Sec. 1. RCW 29.13.010 and 1992 c 37 s 1 are each amended to read as follows:

(1) All state, county, city, town, and district general elections for the election of federal, state, legislative, judicial, county, city, town, district, and precinct officers, and for the submission to the voters of the state, county, city, town, or district of any measure for their adoption and approval or rejection, shall be held on the first Tuesday after the first Monday of November, in the year in which they may be called. A state-wide general election shall be held on the first Tuesday after the first Monday of November of each year: PROVIDED, That the state-wide general election in odd-numbered years shall be limited to (a) city, town, and district general elections as provided for in RCW 29.13.020, or as otherwise provided by law; (b) the election of federal officers for the remainder of any unexpired terms in the membership of either house of the congress of the United States; (c) the election of state and county officers for the remainder of any unexpired terms of offices created by or whose duties are described by Article II, section 15, Article III, sections 16, 17, 19, 20, 21, 22, and 23, and Article IV, sections 3 and 5 of the state Constitution and RCW 2.06.080; (d) the election of county officers in any county governed by a charter containing provisions calling for general county elections at this time; and (e) the approval or rejection of state measures, including proposed constitutional amendments, matters pertaining to any proposed constitutional conventions, initiative measures and referendum measures presented by the electorate,

Additions are indicated by underline; deletions by ~~strikeout~~

MOTOR VEHICLES—SIZE, WEIGHT, AND LOAD

CHAPTER 172

H.B. No. 2592

AN ACT Relating to oversize and overweight vehicles and loads; and amending RCW 46.44.047 and 46.44.0941.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Sec. 1. RCW 46.44.047 and 1979 ex.s. c 136 s 74 are each amended to read as follows:

A three axle truck tractor and a two axle pole trailer combination engaged in the operation of hauling logs may exceed by not more than six thousand eight hundred pounds the legal gross weight of the combination of vehicles when licensed, as permitted by law, for sixty-eight thousand pounds: PROVIDED, That the distance between the first and last axle of the vehicles in combination shall have a total wheelbase of not less than thirty-seven feet, and the weight upon two axles spaced less than seven feet apart shall not exceed thirty-three thousand six hundred pounds.

Such additional allowances shall be permitted by a special permit to be issued by the department of transportation valid only on state primary or secondary highways authorized by the department and under such rules, regulations, terms, and conditions prescribed by the department. The fee for such special permit shall be fifty dollars for a twelve-month period beginning and ending on April 1st of each calendar year. Permits may be issued at any time, but if issued after July 1st of any year the fee shall be thirty-seven dollars and fifty cents. If issued on or after October 1st the fee shall be twenty-five dollars, and if issued on or after January 1st the fee shall be twelve dollars and fifty cents. A copy of such special permit covering the vehicle involved shall be carried in the cab of the vehicle at all times. Upon the third offense within the duration of the permit for violation of the terms and conditions of the special permit, the special permit shall be canceled. The vehicle covered by such canceled special permit shall not be eligible for a new special permit until thirty days after the cancellation of the special permit issued to said vehicle. The fee for such renewal shall be at the same rate as set forth in this section which covers the original issuance of such special permit. Each special permit shall be assigned to a three-axle truck tractor in combination with a two-axle pole trailer. When the department issues a duplicate permit to replace a lost or destroyed permit and where the department transfers a permit, a fee of ~~five~~ fourteen dollars shall be charged for each such duplicate issued or each such transfer.

All fees collected hereinabove shall be deposited with the state treasurer and credited to the motor vehicle fund.

Permits involving city streets or county roads or using city streets or county roads to reach or leave state highways, authorized for permit by the department may be issued by the city or county or counties involved. A fee of five dollars for such city or county permit may be assessed by the city or by the county legislative authority which shall be deposited in the city or county road fund. The special permit provided for herein shall be known as a "log tolerance permit" and shall designate the route or routes to be used, which shall first be approved by the city or county engineer involved. Authorization of additional route or routes may be made at the discretion of the city or county by amending the original permit or by issuing a new permit. Said permits shall be issued on a yearly basis expiring on March 31st of each calendar year. Any person, firm, or corporation who uses any city street or county road for the purpose of transporting logs with weights authorized by state highway log tolerance permits, to reach or leave a state highway route, without first obtaining a city or county permit when required by the city or the county legislative authority shall be subject to the penalties prescribed by RCW 46.44.105. For the purpose of determining gross weight the actual scale weight taken by the officer shall be prima facie evidence of such total gross weight. In the event the gross weight is in excess of the weight permitted by law, the officer may, within his discretion, permit the operator to proceed with his vehicles in combination.

The chief of the state patrol, with the advice of the department, may make reasonable rules and regulations to aid in the enforcement of the provisions of this section.

Sec. [illegible] RCW 35.80A.010 and 1989 c 271 s 239 are each amended [illegible] as follows:

Every co[illegible]ity, and town may acquire by condemnation, in a[illegible]th the notice requirements a[illegible] procedures for condemnation provided [illegible]W, any property, dwe[illegible]uilding, o[illegible]ure which constitutes a blight o[illegible]nding neighborhood. A "blight [illegible] surroun[illegible]ighborhood" is any prop[illegible], building, or structure that meets any [illegible] of the fol[illegible]factors: (1) If a d[illegible]ding, or structure exists on the property, the dw[illegible] building[illegible]tructure [illegible] lawfully occupied for a period of one year or more; (2) [illegible]operty[illegible] or structure constitutes a threat to the public health, safety, or w[illegible]as d[illegible] the ~~county health department in the applicable county and that~~ executiv[illegible]unty, city, or town, or the designee of the executive authority; or (3) the [illegible]veli[illegible]ding, or structure is or has been associated with illegal drug [illegible]g [illegible]revio[illegible]ve months. Prior to such condemnation, the local gov[illegible]shall adopt [illegible]luti[illegible]laring that the acquisition of the real property [illegible]erein is necessary [illegible]limi[illegible]neighborhood blight. Condemnation of p[illegible]gs, buildings, and structu[illegible]th[illegible]poses described in this chapter is [illegible]d t[illegible]or a public use.

Approved [illegible]30, [illegible]

Effe[illegible]ne 9, [illegible]90 days after date of adjournment.

MOTOR VEHICLES—ABANDONED, UNAUTHORIZED, AND JUNK VEHICLES—TOW TRUCK OPERATIONS

CHAPTER 176

S.H.B. No. 2629

AN ACT Relating to junk vehicles; and amending RCW 46.55.010, 46.55.240, and 46.63.030.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Sec. 1. RCW 46.55.010 and 1991 c 292 s 1 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter:

(1) "Abandoned vehicle" means a vehicle that a registered tow truck operator has impounded and held in the operator's possession for ninety-six consecutive hours.

(2) "Abandoned vehicle report" means the document prescribed by the state that the towing operator forwards to the department after a vehicle has become abandoned.

(3) "Impound" means to take and hold a vehicle in legal custody. There are two types of impounds—public and private.

(a) "Public impound" means that the vehicle has been impounded at the direction of a law enforcement officer or by a public official having jurisdiction over the public property upon which the vehicle was located.

(b) "Private impound" means that the vehicle has been impounded at the direction of a person having control or possession of the private property upon which the vehicle was located.

(4) "Junk vehicle" means a vehicle certified under RCW 46.55.230 as meeting ~~all~~ at least three of the following requirements:

(a) Is three years old or older;

(b) Is extensively damaged, such damage including but not limited to any of the following: A broken window or windshield or missing wheels, tires, motor, or transmission;

(c) Is apparently inoperable;

(d) ~~Is without a valid, current registration plate;~~

(e) Has an app[illegible] in it.

(5) "Master log[illegible] ment and the W[illegible] impounded vehicl[illegible]

(6) "Registered [illegible] impounding, trans[illegible] vehicles.

(7) "Residential [illegible] on it.

(8) "Tow truck" [illegible] towing vehicles wit[illegible]

(9) "Tow truck n[illegible] by a registered tow[illegible]

(10) "Tow truck [illegible] classification of ser[illegible]

(11) "Tow truck s[illegible] this state of vehicles[illegible] operator.

(12) "Unauthorize[illegible] unattended in one of[illegible]

(a) F[illegible]
(i) C[illegible] R[illegible]
(ii) O[illegible]
(iii) I[illegible] p[illegible]
(b) P[illegible]
(i) O[illegible]
(ii) O[illegible] R[illegible]
(iii) On[illegible]

Sec. 2. RCW 46.5[illegible]

(1) A city, town, or c[illegible] abandoned, or impoun[illegible]

(a) A city, town, or c[illegible] arise locally upon the [illegible]

(b) A city, town, or co[illegible] of authorization to imp[illegible] citation, clearly denoting[illegible]

(c) A city, town, or co[illegible] by means of a promissor[illegible] legal or registered owne[illegible] municipal ordinance dire[illegible] impoundment charges, th[illegible] registered tow truck ope[illegible]

(d) The hearing specifi[illegible] administrative hearings [illegible] administrative hearing of[illegible]

(2) A city, town, or c[illegible] abatement and removal a[illegible]

~~(a)~~ Has an approximate fair market value equal only to the approximate value of the scrap in it.

(5) "Master log" means the document or an electronic facsimile prescribed by the department and the Washington state patrol in which an operator records transactions involving impounded vehicles.

(6) "Registered tow truck operator" or "operator" means any person who engages in the impounding, transporting, or storage of unauthorized vehicles or the disposal of abandoned vehicles.

(7) "Residential property" means property that has no more than four living units located on it.

(8) "Tow truck" means a motor vehicle that is equipped for and used in the business of towing vehicles with equipment as approved by the state patrol.

(9) "Tow truck number" means the number issued by the department to tow trucks used by a registered tow truck operator in the state of Washington.

(10) "Tow truck permit" means the permit issued annually by the department that has the classification of service the tow truck may provide stamped upon it.

(11) "Tow truck service" means the transporting upon the public streets and highways of this state of vehicles, together with personal effects and cargo, by a tow truck of a registered operator.

(12) "Unauthorized vehicle" means a vehicle that is subject to impoundment after being left unattended in one of the following public or private locations for the indicated period of time:

		Subject to removal after:
(a)	Public locations:	
(i)	Constituting an accident or a traffic hazard as defined in RCW 46.55.113	Immediately
(ii)	On a highway and tagged as described in RCW 46.55.085	24 hours
(iii)	In a publicly owned or controlled parking facility, properly posted under RCW 46.55.070	Immediately
(b)	Private locations:	
(i)	On residential property	Immediately
(ii)	On private, nonresidential property, properly posted under RCW 46.55.070	Immediately
(iii)	On private, nonresidential property, not posted	24 hours

Sec. 2. RCW 46.55.240 and 1991 c 292 s 3 are each amended to read as follows:

(1) A city, town, or county that adopts an ordinance or resolution concerning unauthorized, abandoned, or impounded vehicles shall include the applicable provisions of this chapter.

(a) A city, town, or county may, by ordinance, authorize other impound situations that may arise locally upon the public right-of-way or other publicly owned or controlled property.

(b) A city, town, or county ordinance shall contain language that establishes a written form of authorization to impound, which may include a law enforcement notice of infraction or citation, clearly denoting the agency's authorization to impound.

(c) A city, town, or county may, by ordinance, provide for release of an impounded vehicle by means of a promissory note in lieu of immediate payment, if at the time of redemption the legal or registered owner requests a hearing on the validity of the impoundment. If the municipal ordinance directs the release of an impounded vehicle before the payment of the impoundment charges, the municipality is responsible for the payment of those charges to the registered tow truck operator within thirty days of the hearing date.

(d) The hearing specified in RCW 46.55.120(2) and in this section may be conducted by an administrative hearings officer instead of in the district court. A decision made by an administrative hearing officer may be appealed to the district court for final judgment.

(2) A city, town, or county may adopt an ordinance establishing procedures for the abatement and removal as public nuisances of junk vehicles or parts thereof from private

property. Costs of removal may be assessed against the registered owner of the vehicle if the identity of the owner can be determined, unless the owner in the transfer of ownership of the vehicle has complied with RCW 46.12.101, or the costs may be assessed against the owner of the property on which the vehicle is stored. A city, town, or county may also provide for the payment to the tow truck operator or wrecker as a part of a neighborhood revitalization program.

(3) Ordinances pertaining to public nuisances shall contain:

(a) A provision requiring notice to the last registered owner of record and the property owner of record that a hearing may be requested and that if no hearing is requested, the vehicle will be removed;

(b) A provision requiring that if a request for a hearing is received, a notice giving the time, location, and date of the hearing on the question of abatement and removal of the vehicle or part thereof as a public nuisance shall be mailed, by certified mail, with a five-day return receipt requested, to the owner of the land as shown on the last equalized assessment roll and to the last registered and legal owner of record unless the vehicle is in such condition that identification numbers are not available to determine ownership;

(c) A provision that the ordinance shall not apply to (i) a vehicle or part thereof that is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property or (ii) a vehicle or part thereof that is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler or licensed vehicle dealer and is fenced according to RCW 46.80.130;

(d) A provision that the owner of the land on which the vehicle is located may appear in person at the hearing or present a written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land, with his reasons for the denial. If it is determined at the hearing that the vehicle was placed on the land without the consent of the landowner and that he has not subsequently acquiesced in its presence, then the local agency shall not assess costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect the cost from the owner;

(e) A provision that after notice has been given of the intent of the city, town, or county to dispose of the vehicle and after a hearing, if requested, has been held, the vehicle or part thereof shall be removed at the request of a law enforcement officer with notice to the Washington state patrol and the department of licensing that the vehicle has been wrecked. The city, town, or county may operate such a disposal site when its governing body determines that commercial channels of disposition are not available or are inadequate, and it may make final disposition of such vehicles or parts, or may transfer such vehicle or parts to another governmental body provided such disposal shall be only as scrap.

(4) A registered disposer under contract to a city or county for the impounding of vehicles shall comply with any administrative regulations adopted by the city or county on the handling and disposing of vehicles.

Sec. 3. RCW 46.63.030 and 1987 c 66 s 2 are each amended to read as follows:

(1) A law enforcement officer has the authority to issue a notice of traffic infraction:

(a) When the infraction is committed in the officer's presence;

(b) When the officer is acting upon the request of a law enforcement officer in whose presence the traffic infraction was committed; or

(c) If an officer investigating at the scene of a motor vehicle accident has reasonable cause to believe that the driver of a motor vehicle involved in the accident has committed a traffic infraction.

(2) A court may issue a notice of traffic infraction upon receipt of a written statement of the officer that there is reasonable cause to believe that an infraction was committed.

(3) If any motor vehicle without a driver is found parked, standing, or stopped in violation of this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution, the officer finding the 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 the vehicle a notice of traffic infraction.

(4) In the case of f
shall send a notice of
owner of the vehicle.

Approved March 30, 1
Effective June 9, 1994

RETIREMENT

AN ACT Relating to re
41.50.130, 41.32.500, 4
adding new sections

BE IT ENACTED

NEW SECTION. S

(1) Whenever employ
rendered, the state reti
source of pension fundi
charge interest to compe
provisions to the contra

(2) The inherent autho
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be established clearly in

NEW SECTION. Se
follows:

The department may
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department's authority to
for contributions where n
after service is rendered.
imposition of interest char
to implement required c

Sec. 3. RCW 41.50.13

(1) The director may at
systems listed in RCW 41.
beneficiary, or other perso
entitled to had the record
this section, shall adjust the
~~or~~, beneficiary, or other pe
with the following:

(a) In the case of underp
correct all future payments
payment due for the allow
appropriate retirement syst

(b) In the case of overpa
adjust the payment in such
was correctly entitled shall
amount of overpayment. A
overpayment in a lump sum
in the future. In the case o

(4) In the case of failure to redeem an abandoned vehicle under RCW 46.55.120 an officer shall send a notice of infraction by certified mail to the last known address of the registered owner of the vehicle.

Approved March 30, 1994.

Effective June 9, 1994, 90 days after date of adjournment.

RETIREMENT SYSTEMS—PUBLIC EMPLOYEES—TRUST FUNDS

CHAPTER 177

S.H.B. No. 2644

AN ACT Relating to retirement contributions and recovery of overpayments; amending RCW 41.50.130, 41.32.500, 41.32.510, 41.40.190, and 41.40.010; amending 1991 c 274 s 18 (uncodified); adding new sections to chapter 41.50 RCW; and creating new sections.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Sec. 1. The legislature finds that:

(1) Whenever employer or member contributions are not made at the time service is rendered, the state retirement system trust funds lose investment income which is a major source of pension funding. The department of retirement systems has broad authority to charge interest to compensate for the loss to trust funds, subject only to explicit statutory provisions to the contrary.

(2) The inherent authority of the department to recover all overpayments and unauthorized payments from the retirement trust funds, for the benefit of members and taxpayers, should be established clearly in statute.

NEW SECTION. Sec. 2. A new section is added to chapter 41.50 RCW to read as follows:

The department may charge interest as determined by the director, on member or employer contributions owing to any of the retirement systems listed in RCW 41.50.030. The department's authority to charge interest shall extend to all optional and mandatory billings for contributions where member or employer contributions are paid other than immediately after service is rendered. Except as explicitly limited by statute, the director may delay the imposition of interest charges on contributions under this section if the delay is necessary to implement required changes in the department's accounting and information systems.

Sec. 3. RCW 41.50.130 and 1987 c 490 s 1 are each amended to read as follows:

(1) The director may at any time correct errors appearing in the records of the retirement systems listed in RCW 41.50.030. Should any error in such records result in any member or beneficiary, or other person or entity receiving more or less than he or she would have been entitled to had the records been correct, the director, subject to the conditions set forth in this section, shall adjust the payment in such a manner that the benefit to which such member or beneficiary, or other person or entity was correctly entitled shall be paid in accordance with the following:

(a) In the case of overpayments to a member or beneficiary, the retirement system shall correct all future payments from the point of error detection, and shall compute the additional payment due for the allowable prior period which shall be paid as a lump sum by the appropriate retirement system.

(b) In the case of overpayments to a member or beneficiary, the retirement system shall adjust the payment in such a manner that the benefit to which such member or beneficiary was correctly entitled shall be reduced by an amount equal to the actuarial equivalent of the amount of overpayment. Alternatively the member shall have the option of repaying the overpayment in a lump sum within ninety days of notification and receive the proper benefit in the future. In the case of overpayments to a member or beneficiary, other person or

State ag[illegible] shall collect a surcharge of twenty dollars from the judgment debto[illegible] the satisfact[illegible] of a warrant filed in superior court for unpaid taxes or liabili[illegible] The surcharge is im[illegible]d on the judgment debtor in the form of a penalty in addition[illegible] filing fee provided in [illegible]36.18.020(4). The surcharge revenue shall be transmit[illegible] the state treasurer for depos[illegible] the archives and records management account, or [illegible]dures for the collection and transm[illegible] of surcharge revenue to the archives and [illegible]s management account shall be establi[illegible] cooperatively between the filing agencie[illegible] clerks of superior court.

Surcharge revenue depos[illegible] in the archives and records [illegible]gement account shall be expended by the secretary of st[illegible] exclusively for the payme[illegible]osts and expenses incurred in the provision of public archiv[illegible]nd records manage[illegible] services to local government agencies by the division of archive[illegible]d records manag[illegible]t. The secretary of state shall work with local government repres[illegible]ives to esta[illegible] a committee to advise the state archivist on the local government arc[illegible] and re[illegible] management program. Surcharge revenue shall be allocated exclusively to:

(1) Appraise, process, store, preserve, [illegible]vide public research access to original records designated by the state archivist as [illegible]l which are no longer required to be kept by the agencies which originally made or [illegible]t;

(2) Protect essential records, as pro[illegible] by ch[illegible]rs 40.10 and 40.20 RCW. Permanent facsimiles of essential records shall b[illegible]duced and [illegible]ed in security storage with the state archivist;

(3) Coordinate records reten[illegible]nd disposition man[illegible]ent and provide support for the following functions under RC[illegible].14.070:

(a) Advise and assist in[illegible]al agencies on public records [illegible]nagement requirements and practices; and

(b) Compile, mai[illegible], and regularly update general record[illegible]etention schedules and destruction autho[illegible]ons; and

(4) Develop[illegible] maintain standards for the application of record[illegible] media and records storage tec[illegible]gies.

NEW [illegible]TION. Sec. 3. This act shall take effect July 1, 1994.

Ap[illegible]d March 30, 1994.

[illegible]tive July 1, 1994.

LICENSE PLATES—HIGHER EDUCATION COLLEGIATE LICENSE PLATES

CHAPTER 194

S.S.B. No. 6089

AN ACT Relating to institutions of higher education collegiate license plates; amending RCW 46.16.301, 46.16.313, 46.16.332, and 46.16.381; adding a new section to chapter 46.04 RCW; adding a new section to chapter 46.16 RCW; adding a new section to chapter 28B.10 RCW; creating a new section; repealing RCW 46.16.323; and prescribing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Sec. 1. A new section is added to chapter 46.04 RCW to read as follows:

"Collegiate license plates" means license plates that display a depiction of the name and mascot or symbol of a state university, regional university, or state college as defined in RCW 28B.10.016.

(1) The depa[illegible] may create, design, and issue special license plates, upon ~~and conditions as may be established by the department,~~ that may be used in li[illegible]egular or personalized license pl[illegible]on for motor vehicles required to display [illegible]otor vehicle license plates, excluding v[illegible] registered under chapter 46.87 R[illegible]pon terms and conditions established by the de[illegible]ent. The special plates may

(a) Denote the age or type of veh[illegible]or ~~may~~

(b) Denote special activities or interes[illegible]r

(c) Denote the status, or contribution o[illegible]rifice[illegible]e United States, the state of Washington, or the citizens of the state of Wa[illegible] a registered owner of that vehicle; or

(d) Display a depiction of the name and [illegible]bol of a state university, regional university, or state college as defined i[illegible] 28B.10.[illegible]

(2) The department has the sol[illegible]tion to determin[illegible]er or not to create, design, or issue any series of speci[illegible]e plates and whether a[illegible]ivity, interest or status, ~~contribution, or sacrifice~~ m[illegible]he issuance of a series of speci[illegible]se plates. In making this determination, th[illegible]rtment shall consider whether or n[illegible]ctivity or interest ~~proposed~~ or status [illegible]ates or has contributed significantly to the [illegible]health, safety, or welfare of the ci[illegible] of the United States or of this state or to their [illegible]nt benefit, or whether the [illegible], interest~~, contribution, or sacrifice~~ or status is recogni[illegible] the United States, thi[illegible]e, or other states, in other settings or contexts. The depar[illegible] may also consid[illegible] potential number of persons who may be eligible for the plates and [illegible]st and effici[illegible] of producing limited numbers of the plates. The design of a special l[illegible]plate sh[illegible]nform to all requirements for plates for the type of vehicle for which it is issu[illegible] ided elsewhere in this chapter.

NEW SECTION. Sec. 3. A new section is added to chapter 46.16 RCW to read as follows:

Effective January 1, 1995, a state university, regional university, or state college as defined in RCW 28B.10.016 may apply to the department, in a form prescribed by the department, and request the department to issue a series of collegiate license plates depicting the name and mascot or symbol of the college or university, as submitted and approved for use by the requesting institution.

S[illegible]4. RCW 46.16.313 and 1990 c 250 s 4 are each amended to read [illegible]ows:

(1) [illegible]epartment may establish a fee for ~~the issuance of~~ each type of spe[illegible]nse ~~plate or~~ plates [illegible]under RCW 46.16.301(1)(a), (b), or (c) in an amount cal[illegible] to offset the cost of produc[illegible]e special license ~~plate or~~ plates and the admini[illegible] of this program. The fee shall not [illegible]thirty-five dollars and is in addition t[illegible]er fees required to register and license th[illegible] for which the plates have been [illegible]ted. All such additional special license plate fees c[illegible]d by the department shall [illegible]posited in the state treasury and credited to the motor ve[illegible]nd.

(2) In addition to all fees and t[illegible]quired to [illegible] upon application, registration, and renewal registration of a motor vehicl[illegible]hold[illegible] collegiate license plate shall pay a fee of thirty dollars. The department shall [illegible]amount not to exceed two dollars of each fee collected under this subsection for ad[illegible]on and collection expenses incurred by it. The remaining proceeds, minus the cos[illegible]ction, shall be remitted to the custody of the state treasurer with a prope[illegible]lying de[illegible]report. The state treasurer shall credit the funds to the appropriat[illegible]ate license pla[illegible] as provided in section 7 of this act.

Sec. 5. RCW 46.16.332[illegible]990 c 250 s 9 are each a[illegible]d to read as follows:

(1) The director may [illegible]ees to be charged by the departmen[illegible]emblems issued by the department unde[illegible] 46.16.319 ~~and 46.16.323~~.

(2) The fee fo[illegible]remembrance emblem issued under RCW 46.16.[illegible]hall be in an amount suffic[illegible] offset the costs of production of remembrance em[illegible] and the administra[illegible] that program by the department plus an amount for use by the [illegible]rtment of veto[illegible]fairs, not to exceed a total fee of twenty-five dollars per emblem. ~~The fee for each special vehicle license plate emblem issued under RCW 46.16.323 shall be an [illegible]nt~~

~~sufficient to offset the cost of production of the emblems and of administering the special vehicle license plate emblem program.~~

(3) The veterans' emblem account is created in the custody of the state treasurer. All receipts by the department from the issuance of veterans' emblems under RCW 46.16.319 shall be deposited into this fund. Expenditures from the fund may be used only for the costs of production of remembrance emblems and administration of the program by the department of licensing, with the balance administered by the department of veterans affairs for projects that pay tribute to those living veterans and current service who have died defending freedom in our nation's wars through contracts and for the upkeep and operations of existing memorials, as well as for planning, acquiring land for, and constructing future memorials. Only the director of licensing, the director of veterans affairs, or their designees may authorize expenditures from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

~~(4) The special vehicle license plate emblem account is established in the state treasury. Fees collected by the department for emblems issued under RCW 46.16.[illegible] shall be deposited into the special vehicle license plate emblem account to be used only to offset the costs of administering the special vehicle license plate emblem program.~~

Sec. 6. RCW 46.16.381 and 1993 c 106 s 1 are each amended to read as follows:

(1) The director shall grant special parking privileges to any person who has a disability that limits or impairs the ability to walk and meets one of the following criteria, as determined by a licensed physician:

(a) Cannot walk two hundred feet without stopping to rest;

(b) Is severely limited in ability to walk due to arthritic, neurological, or orthopedic condition;

(c) Is so severely disabled, that the person cannot walk without the use of or assistance from a brace, cane, another person, prosthetic device, wheelchair, or other assistive device;

(d) Uses portable oxygen;

(e) Is restricted by lung disease to such an extent that forced expiratory respiratory volume, when measured by spirometry is less than one liter per second or the arterial oxygen tension is less than sixty mm/hg on room air at rest;

(f) Impairment by cardiovascular disease or cardiac condition to the extent that the person's functional limitations are classified as class III or IV under standards accepted by the American Heart Association; or

(g) Has a disability resulting from an acute sensitivity to automobile emissions which limits or impairs the ability to walk. The personal physician of the applicant shall document that the disability is comparable in severity to the others listed in this subsection.

(2) Persons who qualify for special parking privileges are entitled to receive from the department of licensing a removable windshield placard bearing the international symbol of access. The department shall design the placard to be displayed when the vehicle is parked by suspending it from the rearview mirror, or in the absence of a rearview mirror the card may be displayed on the dashboard of any vehicle used to transport the disabled person. Instead of regular motor vehicle license plates, disabled persons are entitled to receive special license plates bearing the international symbol of access for one vehicle registered in the disabled person's name. Disabled persons who are not issued the special license plates are entitled to receive a second special placard. Persons who have been issued the parking privileges and who are using a vehicle or are riding in a vehicle displaying the special license plates or placard may park in places reserved for mobility disabled persons. The director shall adopt rules providing for the issuance of special placards and license plates to public transportation authorities, nursing homes licensed under chapter 18.51 RCW, boarding homes licensed under chapter 18.20 RCW, senior citizen centers, ~~and~~ private nonprofit agencies as defined in chapter 24.03 RCW, and vehicles registered with the department as cabulances that regularly transport disabled persons who have been determined eligible for special parking privileges provided under this section. The director may issue special license plates for a vehicle registered in the name of the public transportation authority, nursing home, boarding homes, senior citizen center, ~~or~~ private nonprofit agency, or cabulance service if the

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vehicle is primarily used to transport persons with disabilities described in this section. Public transportation authorities, nursing homes, boarding homes, senior citizen centers, ~~and~~ private nonprofit agencies, and cabulance services are responsible for insuring that the special placards and license plates are not used improperly and are responsible for all fines and penalties for improper use.

(3) Whenever the disabled person transfers or assigns his or her interest in the vehicle, the special license plates shall be removed from the motor vehicle. If another vehicle is acquired by the disabled person and the vehicle owner qualifies for a special plate, the plate shall be attached to the vehicle, and the director shall be immediately notified of the transfer of the plate. If another vehicle is not acquired by the disabled person, the removed plate shall be immediately surrendered to the director.

(4) The special license plate shall be renewed in the same manner and at the time required for the renewal of regular motor vehicle license plates under this chapter. No special license plate may be issued to a person who is temporarily disabled. A person who has a condition expected to improve within six months may be issued a temporary placard for a period not to exceed six months. The director may issue a second temporary placard during that period if requested by the person who is temporarily disabled. If the condition exists after six months a new temporary placard shall be issued upon receipt of a new certification from the disabled person's physician. The parking placard of a disabled person shall be renewed, when required by the director, by satisfactory proof of the right to continued use of the privileges.

(5) Additional fees shall not be charged for the issuance of the special placards. No additional fee may be charged for the issuance of the special license plates except the regular motor vehicle registration fee and any other fees and taxes required to be paid upon registration of a motor vehicle.

(6) Any unauthorized use of the special placard or the special license plate is a misdemeanor.

(7) It is a traffic infraction, with a monetary penalty of fifty dollars for any person to park a vehicle in a parking place provided on private property without charge or on public property reserved for physically disabled persons without a special license plate or placard. If a person is charged with a violation, the person shall not be determined to have committed an infraction if the person produces in court or before the court appearance the special license plate or placard required under this section. A local jurisdiction providing on-street parking places reserved for physically disabled persons may impose by ordinance time restrictions on the use of these parking places.

(8) The portion of a penalty imposed under subsection (7) of this section that is retained by a local jurisdiction under RCW 3.46.120, 3.50.100, 3.62.020, 3.62.040, or 35.20.220 shall be used by that local jurisdiction exclusively for law enforcement. The court may also impose an additional penalty sufficient to reimburse the local jurisdiction for any costs it may have incurred in removal and storage of the improperly parked vehicle.

(9) It is a misdemeanor for any person to willfully obtain a special license plate or placard in a manner other than that established under this section.

NEW SECTION. Sec. 7. A new section is added to chapter 28B.10 RCW to read as follo[illegible]

A coll[illegible] license plate fund [illegible]blished in the custody of the s[illegible] treasurer f[illegible]ch college or [illegible]ersity with a colleg[illegible]ense plate program approve[illegible] the depar[illegible]t under section [illegible] of this act. All receipt[illegible] collegiate license plates aut[illegible]zed under R[illegible] 46.16.301 shall [illegible] deposited in the app[illegible]e local college or university [illegible]appropriate nonallotted fund[illegible] xpenditures from the [illegible] may be used only for stud[illegible] scholarship[illegible] Only the presiden[illegible] the college or univers[illegible] the president's designee[illegible]y authorize expenditures from t[illegible]od.

NEW SECTION. Sec. 8. By January 1, 1996, t[illegible] partment of licensing sh[illegible]port to the legislative transporta[illegible] committee regarding [illegible]mber of colleges or u[illegible]sities issued a collegiate license [illegible] series, and the total n[illegible]r of collegiate plates is[illegible]d for each participating college or [illegible]ersity.

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[illegible] ...cted otherwise by legislative authority.

Sec. 2. RCW 46.04.670 and 1991 c 214 s 2 are each amended to read as follows:

"Vehicle" includes every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, including bicycles. The term does not include devices other than bicycles moved by human or animal power or used exclusively upon stationary rails or tracks. Mopeds shall not be considered vehicles or motor vehicles ~~only for the purposes of chapter 46.12 RCW, but not~~ for the purposes of chapter 46.70 RCW. Bicycles shall not be considered vehicles for the purposes of chapter 46.12, 46.16, or 46.70 RCW.

Sec. 3. RCW 46.10.150 and 1979 ex.s. c 182 s 12 are each amended to read as follows:

[illegible] time to time, but at least once each biennium, the director shall request [illegible] state treas[illegible] to refund from the motor vehicle fund amounts which have been determ[illegible] to be a tax on [illegible]mobile fuel, and the treasurer shall refund such amounts~~, less the c[illegible] making the deter[illegible]tion~~ determined under RCW 46.10.170, and place them in t[illegible]nowmobile account in t[illegible]neral fund.

Sec. 4. RC[illegible]6.10.170 and 1993 c 54 s 7 are each amended to [illegible]d as follows:

From time to t[illegible] but at least once each four years, the department [illegible] determine the amount ~~or proportio[illegible]~~ moneys paid to it as motor vehicle fuel tax~~, ba[illegible]on the tax rate in effect January 1, 1990~~ [illegible]ich that is tax on snowmobile fuel. Such [illegible]ermination ~~may be made in any manner w[illegible], in the judgment of the director, rea[illegible]ble, but the manner used to make such determ[illegible]n shall be reported at the end of ea[illegible]our year period to the legislature. To offset the a[illegible] cost of making such determinati[illegible]e treasurer shall retain in, and the department is aut[illegible]d to expend from, the moto[illegible]icle fund a sum equal to such actual cost~~ shall use one hu[illegible]d thirty-five gallons as th[illegible]rage yearly fuel usage per snowmobile, the number of regist[illegible] snowmobiles during t[illegible]alendar year under determination, and the fuel tax rate in effe[illegible]anuary 1, 1990.

Sec. 5. RCW 46.12.160 and 197[illegible] 25 s 12 are [illegible] amended to read as follows:

If the ~~director~~ department determi[illegible]at any tim[illegible]t an applicant for certificate of ownership or for a certificate of license re[illegible]ration fo[illegible]ehicle is not entitled thereto, ~~he~~ the department may refuse to issue such certi[illegible] or [illegible]ense the vehicle and ~~he~~ may, for like reason, after notice, and in the exercise o[illegible]n, cancel license registration already acquired or any outstanding certificate of own[illegible]. ~~The notice shall be served personally or sent by certified mail return receipt req[illegible]~~ Notice of cancellation may be accomplished by sending a notice by first class [illegible] the last known address in department records for the registered or legal vehicle [illegible]er or [illegible]ers, and recording the transmittal on an affidavit of first class mail. It shall [illegible] be unla[illegible] for any person to remove, drive, or operate the vehicle until a proper ce[illegible]te of owne[illegible] or license registration has been issued, and any person removing, d[illegible], or operating [illegible]h vehicle after the refusal of the ~~director~~ department to issue certi[illegible]s or the revocatio[illegible]ereof shall be guilty of a gross misdemeanor.

Sec. 6. RCW 46.12.170 a[illegible]9 ex.s. c 113 s 2 are ea[illegible]mended to read as follows:

If, after a certificate of [illegible]ship is issued, a security inte[illegible] is granted on the vehicle described therein, the re[illegible]ed owner or secured party shal[illegible]thin ten days thereafter, present an application [illegible]he department, to which shall be [illegible]ched the certificate of ownership last issue[illegible]ring the vehicle, or such other documen[illegible]n as may be required by the department [illegible]n application shall be upon a form provided [illegible]the department and shall be accompa[illegible]y a fee of one dollar and twenty-five cents in ad[illegible]n to all other fees. The departmen[illegible]atisfied that there should be a reissue of the certi[illegible], shall note such change upon [illegible]hicle records and issue to the secured party a new cert[illegible]e of ownership.

Whenev[illegible]re is no outstanding secured obligation and no commitment [illegible]ake advances and incu[illegible]gations or otherwise give value, the secured party must assign [illegible]certificate of owners[illegible]o the debtor or the debtor's assignee and transmit the cer[illegible]te to the depa[illegible]nt with an accompanying fee of one dollar and twenty-five cents in a[illegible]ion to all o[illegible]es. The department shall then issue a new certificate of ownership and t[illegible]mit it to

Additions are indicated by underline; deletions by strikeout

(o) Wild[illegible]

(p) Stream rehab[illegible]

(q) Fish hatch[illegible] maintenance,

(r) Fish[illegible]

(s) [illegible] appropriate fa[illegible] projects [illegible] overnight stays.

Sec. 35. RCW 46.09.130 and 1989 c 297 s 3 are each amended to read as follows:

No person may operate a nonhighway vehicle in such a way as to endanger human life. No person shall operate a nonhighway vehicle in such a way as to run down or harass any wildlife or animal, nor carry, transport, or convey any loaded weapon in or upon, nor hunt from, any nonhighway vehicle except by permit issued by the director of fish and wildlife under RCW 77.32.237: PROVIDED, That it shall not be unlawful to carry, transport, or convey a loaded pistol in or upon a nonhighway vehicle if the person complies with the terms and conditions of chapter 9.41 RCW.

Violation of this section is a gross misdemeanor.

Sec. 36. RCW 46.09.170 and 1990 c 42 s 115 are each amended to read as follows:

(1) [illegible] time to time, but at least once each year, the state treasurer shall [illegible]d from the mot[illegible]ehicle fund one percent of the motor vehicle fuel tax revenues [illegible]ted under chapter 82[illegible]RCW, based on the tax rate in effect January 1, 1990, less [illegible]r deductions for refunds [illegible]osts of collection as provided in RCW 46.68.090. The tr[illegible]rer shall place these funds in [illegible]eneral fund as follows:

(a) Forty perc[illegible]hall be credited to the ORV and nonhighwa[illegible]hicle account and administered by th[illegible]partment of natural resources solely for pla[illegible]g, maintenance, and management of ORV [illegible]ation facilities, nonhighway roads, and n[illegible]ghway road recreation facilities. The funds un[illegible] this subsection shall be expended in a[illegible]dance with the following limitations:

(i) Not more than five p[illegible]nt may be expended for i[illegible]nation programs under this chapter;

(ii) Not less than ten percent[illegible] not more than fift[illegible]rcent may be expended for ORV recreation facilities;

(iii) Not more than twenty-five p[illegible]nt may be [illegible]nded for maintenance of nonhighway roads;

(iv) Not more than fifty percent may [illegible]xp[illegible]d for nonhighway road recreation facilities;

(v) Ten percent shall be transferred t[illegible]nteragency committee for outdoor recreation for grants to law enforcement agencies i[illegible]se counties where the department of natural resources maintains ORV facilities. Th[illegible] is in addition to those distributions made by the interagency committee for outdo[illegible]crea[illegible] under (d)(i) of this subsection;

(b) Three and one-half percent[illegible]ll be cre[illegible]d to the ORV and nonhighway vehicle account and administered by th[illegible]partment of [illegible] and wildlife solely for the acquisition, planning, development, maint[illegible]e, and manage[illegible] of nonhighway roads and recreation facilities;

(c) Two percent shall [illegible]redited to the ORV [illegible]nonhighway vehicle account and administered by the p[illegible] and recreation commissio[illegible]lely for the maintenance and management of ORV [illegible]areas and facilities; and

(d) Fifty-four an[illegible]e-half percent, together with the f[illegible]eceived by the interagency committee for o[illegible]r recreation under RCW 46.09.110, s[illegible]e credited to the outdoor recreation acco[illegible]to be administered by the committee for [illegible]ing, acquisition, development, maint[illegible]e, and management of ORV recreation faci[illegible] and nonhighway road recreation [illegible]ties; ORV user education and information; a[illegible]ORV law enforcement programs[illegible]he funds under this subsection shall be expended in accordance with the followin[illegible]itations:

Additions are indicated by underline; deletions by strikeout

(i) Not more t[illegible]wenty percent [illegible]e expended for O[illegible]ucation, information, and law enforcemen[illegible]grams under t[illegible]apter;

(ii) Not l[illegible]an an amount[illegible] to the funds rec[illegible]y the interagency com[illegible]or outdoor re[illegible]on under R[illegible]6.09.110 and not [illegible]an sixty percent may [illegible]ended for ORV [illegible]eation facil[illegible]

(iii) [illegible]more th[illegible]enty percent m[illegible]expended for nonhigh[illegible]ad recreation facil[illegible]

[illegible]n a ye[illegible]asis an agen[illegible]y not, except as provided[illegible]CW 46.09.110, expend [illegible]than t[illegible]rcent of th[illegible]t receives under this ch[illegible]for general administration [illegible]enses incu[illegible]ed in carryi[illegible]out this chapter.

Sec. 37. RCW 46.10.130 and 1989 c 297 s 4 are each amended to read as follows:

No person shall operate a snowmobile in such a way as to endanger human life. No person shall operate a snowmobile in such a way as to run down or harass deer, elk, or any wildlife, or any domestic animal, nor shall ~~he~~ any person carry any loaded weapon upon, nor hunt from, any snowmobile except by permit issued by the director of fish and wildlife under RCW 77.32.237. Any person violating the provisions of this section shall be guilty of a gross misdemeanor.

Sec. 38. R[illegible]46.10.220 and 1989 c 175 s 110 are each amended to read [illegible]follows:

(1) There is cr[illegible]d in the Washington state parks and recreation commissi[illegible]snowmobile advisory com[illegible]ee to advise the commission regarding the adminis[illegible]on of this chapter.

(2) The purpose of t[illegible]ommittee is to assist and advise the commis[illegible]in the planned development of snowmob[illegible]facilities and programs.

(3) The committee shall [illegible]ist of:

(a) Six interested snowmob[illegible], appointed by the commission; [illegible]such member shall be a resident of one of the six [illegible]graphical areas throughout t[illegible]tate where snowmobile activity occurs, as defined by th[illegible]mmission;

(b) Three representatives of t[illegible]onsnowmobiling public[illegible]ointed by the commission; and

(c) One representative of the dep[illegible]ent of natural [illegible]rces, one representative of the department of fish and wildlife, and on[illegible]presentative[illegible] Washington state association of counties; each of whom shall be appoin[illegible]by the di[illegible]of such department or association.

(4) Terms of the members appointed [illegible]r subs[illegible]n (3)(a) and (b) of this section shall commence on October 1st of the year of a[illegible]nd shall be for three years or until a successor is appointed, except in the case of [illegible]ents to fill vacancies which shall be for the remainder of the unexpired term: PRO[illegible], That the first such members shall be appointed for terms as follows: Three m[illegible]shall be appointed for one year, three members shall be appointed for two year[illegible]e members shall be appointed for three years.

(5) Members of the committee shall [illegible]mburse[illegible] travel expenses as provided in RCW 43.03.050 and 43.03.060. Expenditu[illegible]nder this s[illegible]tion shall be from the snowmobile account created by RCW 46.10.075.

(6) The committee may meet [illegible]nes and places fixe[illegible]the committee. The committee shall meet not less than twi[illegible]ch year and additiona[illegible]as required by the committee chairman or by majority vot[illegible]e committee. One of th[illegible]etings shall be coincident with a meeting of the commissio[illegible]which the committee shall pr[illegible]a report to the commission. The chairman of the com[illegible]e shall be chosen under proced[illegible]adopted by the committee from those members a[illegible]ed under subsection (3)(a) and (b)[illegible]this section.

(7) The Washingto[illegible]te parks and recreation commissio[illegible]all serve as recording secretary to the com[illegible]ee. A representative of the department o[illegible]nsing shall serve as an ex officio member[illegible]e committee and shall be notified of all m[illegible]gs of the committee. The recording s[illegible]ary and the ex officio member shall be nonvoti[illegible]members.

(8) The com[illegible]ee shall adopt procedures to govern its proceedings.