AN ORDINANCE of the City of Kent, Washington, amending Ordinance 1963 by adding a new Section 4 thereto adopting by reference Section 1 and 2 of Chapter 176, Laws of 1979, First Extra Session entitled "Motor Vehicle Offenses - Influence of Alcohol or Drugs", re-numbering existing sections of Ordinance 1963, and declaring a public emergency.

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DO HEREBY ORDAIN AS FOLLOWS:

Section 1. Ordinance 1963 of the City of Kent be and the same hereby is amended by adding a new Section 4 thereto which shall read as follows:

Section 4. ADDITIONAL SECTIONS OF RCW ADOPTED BY REFERENCE. The City of Kent hereby adopts by reference, upon the filing of three copies with the City Clerk, Sections 1 and 2 of Chapter 176, Laws of 1979, First Extra Session, entitled "Motor Vehicle Offenses - Influence of Alcohol or Drugs".

Section 2. Section 4, 5 and 6 of Ordinance 1963 be and the same hereby are renumbered as Sections 5, 6 and 7 respectively.

Section 3. This Ordinance is designated as a public emergency ordinance necessary for the protection of public health, public safety, public property or the public peace and shall become immediately effective upon adoption.

ATTEST:

ISABEL HOGAN, MAYOR

Marie Jensen, City Clerk

APPROVED AS TO FORM:

Donald E. Mirk, City Attorney
PASSED the 17th day of February, 1980.
APPROVED the 20th day of February, 1980.
PUBLISHED the 24th day of February, 1980.

I hereby certify that this is a true copy of Ordinance No. 2210, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

[Signature]
MARIE JENSEN, CITY CLERK (SEAL)
SUPPLEMENT III TO
WASHINGTON MODEL TRAFFIC ORDINANCE
(For Cities and Towns)

TO BE INSERTED IN FRONT OF
INFORMATION BULLETIN NO. 367

MUNICIPAL RESEARCH AND SERVICES CENTER
OF WASHINGTON

IN COOPERATION WITH
ASSOCIATION OF WASHINGTON CITIES

Supplement III to
Information Bulletin
No. 367 September 1980
4719 Brooklyn Ave. N.E.
Box No. C-5373
Seattle, Washington 98105
$4.00
PREFACE

This Supplement III to the Washington Model Traffic Ordinance (MTO), Ch. 46.90 RCW, has been prepared to up-date the MTO and to take into account amendments thereto and certain other traffic statutes that have been enacted since Supplement II to the MTO was issued in August of 1978. Supplement III is intended to be used in conjunction with Information Bulletin No. 367, Washington Model Traffic Ordinance, and with Supplements I (1976) and Supplements II (1978) to Information Bulletin No. 367. Three copies of Information Bulletin No. 367 and Supplements I, II, and III to this Bulletin should be filed in the office of the city or town clerk where they would be available for public inspection.

Supplement III includes, among other information, the legislative additions and deletions that have occurred because of the enactment of Ch. 65, Laws of 1980, which relates to the Model Traffic Ordinance. No legislative action to effect the statutory changes indicated herein is necessary on the part of cities or towns. This is because RCW 46.90.010 provides that the addition of any new section, or the amendment or repeal of any section of the MTO by the Legislature also automatically serves to amend any municipal ordinance which has adopted by reference the MTO unless a city or town desires to exclude any section of the MTO from its traffic ordinance as authorized by RCW 46.90.005.

Four traffic statutes enacted at the Regular Session of the 1980 Legislature that are listed under Roman Numeral No. IX on page 14 in this Supplement will be recommended to the Legislature for adoption by reference in the Washington MTO at the 1981 legislative session. A bill will be prepared for introduction at the 1981 session of the Legislature which will provide for amending the MTO by adopting these statutes by reference. However, if a city or town desires to include these four traffic statutes in its MTO before the 1981 Legislature amends the MTO to include them therein, the city or town MTO would have to be amended to adopt these statutes by reference in its MTO.

We are grateful to the members of the Center professional staff who have assisted in the preparation of this publication. Special acknowledgement is given to Patrick W. Mason, Legal Consultant, for preparing this publication. The work of Marilyn E. Zabransky with respect to the copy preparation of this publication is also very much appreciated.

John S. Lamb
Executive Vice President
Municipal Research and Services
Center of Washington

Kent E. Swisher
Executive Director
Association of Washington Cities
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<table>
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<tr>
<th>RCW Section Amended</th>
<th>Chapter and Section from 1979 Regular or 1st Ex. Sess. that amended the corresponding RCW Section in the left-hand column</th>
<th>Page(s) on which amended RCW Section is located either in Info. Bull. No. 367 or in Supp. I to Info. Bull. No. 367*</th>
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</thead>
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<tr>
<td>46.04.090</td>
<td>Ch. 61, Sec. 1, Reg. Sess.</td>
<td>. . . 19 . . . . . . . . . . .</td>
<td>6/7/79</td>
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<td>46.04.190</td>
<td>Ch. 111, Sec. 13, Reg. Sess.</td>
<td>. . . 20 . . . . . . . . . . .</td>
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<td>46.04.330</td>
<td>Ch. 213, Sec. 2, 1st Ex. Sess.</td>
<td>. . . 22 . . . . . . . . . . .</td>
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<td>46.04.332</td>
<td>Ch. 213, Sec. 3, 1st Ex. Sess.</td>
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<td>46.04.480</td>
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<td>. . . 23 . . . . . . . . . . .</td>
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<td>46.04.530</td>
<td>Ch. 149, Sec. 1, 1st Ex. Sess.</td>
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<td>46.12.080</td>
<td>Ch. 113, Sec. 1, 1st Ex. Sess.</td>
<td>. . . 26 . . . . . . . . . . .</td>
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<td>46.12.260</td>
<td>Ch. 158, Sec. 135, Reg. Sess.</td>
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<td>46.12.350</td>
<td>Ch. 158, Sec. 138, Reg. Sess.</td>
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<td>46.16.025</td>
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<td>46.16.135</td>
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<td>46.16.140</td>
<td>Ch. 136, Sec. 46, 1st Ex. Sess.</td>
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<td>46.16.145</td>
<td>Ch. 136, Sec. 47, 1st Ex. Sess.</td>
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<td>46.16.260</td>
<td>Ch. 113, Sec. 3, 1st Ex. Sess.</td>
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<td>46.16.380</td>
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<td>46.20.041</td>
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<td>46.20.190</td>
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<td>70.93.060</td>
<td>Ch. 39, Sec. 1, 1st Ex. Sess.</td>
<td>94</td>
<td>9/1/79</td>
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**The enactment of Ch. 136, Laws of 1979, 1st Ex. Sess. will make the violation of most motor vehicle offenses a civil traffic infraction. The original effective date of this chapter was July 1, 1980. However, the effective date of Ch. 136, Laws of 1979, 1st Ex. Sess. was changed to January 1, 1981 by Ch. 128, Laws of 1980. Therefore we have included the new effective date for Ch. 136, Laws of 1979, 1st Ex. Sess. on this list.
II. The following RCW Sections of the Model Traffic Ordinance (Ch. 46.90 RCW) were amended at either the 1979 Regular or First Extraordinary Session of the Legislature:

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<th>RCW Section Amended</th>
<th>Chapter and Section from 1979 Regular or 1st Ex. Sess. that amended the corresponding RCW Section in the left-hand column</th>
<th>Page(s) on which amended RCW Section is located in Info. Bull. No. 367</th>
<th>Effective Date of Amendment to RCW Section in left-hand column*</th>
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<td>46.90.560</td>
<td>Ch. 136, Sec. 101, 1st Ex. Sess.</td>
<td>12</td>
<td>1/1/81</td>
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* The enactment of Ch. 136, Laws of 1979, 1st Ex. Sess. will make the violation of most motor vehicle offenses a civil traffic infraction. The original effective date of this chapter was July 1, 1980. However, the effective date of Ch. 136, Laws of 1979, 1st Ex. Sess. was changed to January 1, 1981 by Ch. 128, Laws of 1980. Therefore we have included the new effective date for Ch. 136, Laws of 1979, 1st Ex. Sess. on this list.

III. The following RCW Sections that were adopted by reference in the Washington MTO were repealed at the 1979 Regular or First Extraordinary Session of the Legislature:

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<tr>
<th>RCW Section Repealed</th>
<th>Chapter and Section from 1979 Regular or 1st Ex. Sess. that repealed the corresponding RCW Section in the left-hand column</th>
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<td>46.04.680</td>
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<td>46.12.090</td>
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<td>26</td>
<td>9/1/79</td>
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<td>46.16.137</td>
<td>Ch. 134, Sec. 4, Reg. Sess.</td>
<td>9-10 of Supp. I</td>
<td>6/7/79</td>
</tr>
<tr>
<td>46.16.138</td>
<td>Ch. 134, Sec. 4, Reg. Sess.</td>
<td>29</td>
<td>6/7/79</td>
</tr>
<tr>
<td>46.64.017</td>
<td>Ch. 28, Sec. 4, 1st Ex. Sess.</td>
<td>96</td>
<td>9/1/79</td>
</tr>
</tbody>
</table>

IV. The following traffic statutes that were enacted at the 1977 First Extraordinary Session of the Legislature were adopted by reference in the Washington MTO in Ch. 65, Laws of 1980:

<table>
<thead>
<tr>
<th>Traffic statutes enacted at the 1977 legislative sessions that were adopted by reference into the MTO by Ch. 65, Laws of 1980</th>
<th>Chapter and Section from 1977 Regular or 1st Ex. Sess. that enacted the corresponding RCW Section in the left-hand column</th>
<th>Effective Date of RCW Section in left-hand column</th>
</tr>
</thead>
<tbody>
<tr>
<td>RCW 46.37.196</td>
<td>Ch. 355, Sec. 16, 1st Ex. Sess.</td>
<td>9/21/77</td>
</tr>
<tr>
<td>46.37.215</td>
<td>Ch. 355, Sec. 19, 1st Ex. Sess.</td>
<td>9/21/77</td>
</tr>
<tr>
<td>46.37.369</td>
<td>Ch. 355, Sec. 30, 1st Ex. Sess.</td>
<td>9/21/77</td>
</tr>
<tr>
<td>46.37.375</td>
<td>Ch. 355, Sec. 31, 1st Ex. Sess.</td>
<td>9/21/77</td>
</tr>
<tr>
<td>46.37.465</td>
<td>Ch. 355, Sec. 39, 1st Ex. Sess.</td>
<td>9/21/77</td>
</tr>
<tr>
<td>46.37.513</td>
<td>Ch. 355, Sec. 43, 1st Ex. Sess.</td>
<td>9/21/77</td>
</tr>
<tr>
<td>46.37.517</td>
<td>Ch. 355, Sec. 44, 1st Ex. Sess.</td>
<td>9/21/77</td>
</tr>
<tr>
<td>46.37.522</td>
<td>Ch. 355, Sec. 45, 1st Ex. Sess.</td>
<td>9/21/77</td>
</tr>
<tr>
<td>46.37.523</td>
<td>Ch. 355, Sec. 46, 1st Ex. Sess.</td>
<td>9/21/77</td>
</tr>
<tr>
<td>46.37.524</td>
<td>Ch. 355, Sec. 47, 1st Ex. Sess.</td>
<td>9/21/77</td>
</tr>
<tr>
<td>46.37.525</td>
<td>Ch. 355, Sec. 48, 1st Ex. Sess.</td>
<td>9/21/77</td>
</tr>
<tr>
<td>46.37.527</td>
<td>Ch. 355, Sec. 49, 1st Ex. Sess.</td>
<td>9/21/77</td>
</tr>
<tr>
<td>46.37.528</td>
<td>Ch. 355, Sec. 50, 1st Ex. Sess.</td>
<td>9/21/77</td>
</tr>
<tr>
<td>46.37.529</td>
<td>Ch. 355, Sec. 51, 1st Ex. Sess.</td>
<td>9/21/77</td>
</tr>
<tr>
<td>46.37.537</td>
<td>Ch. 355, Sec. 52, 1st Ex. Sess.</td>
<td>9/21/77</td>
</tr>
<tr>
<td>46.37.539</td>
<td>Ch. 355, Sec. 53, 1st Ex. Sess.</td>
<td>9/21/77</td>
</tr>
<tr>
<td>46.44.170</td>
<td>Ch. 22, Sec. 2, 1st Ex. Sess.</td>
<td>5/6/77</td>
</tr>
<tr>
<td>46.44.173</td>
<td>Ch. 22, Sec. 3, 1st Ex. Sess.</td>
<td>5/6/77</td>
</tr>
<tr>
<td>46.44.175</td>
<td>Ch. 22, Sec. 4, 1st Ex. Sess.</td>
<td>5/6/77</td>
</tr>
<tr>
<td>46.61.428</td>
<td>Ch. 39, Sec. 1, 1st Ex. Sess.</td>
<td>9/21/77</td>
</tr>
</tbody>
</table>
V. The following traffic statutes that were enacted at the 1979 First Extraordinary Session of the Legislature were adopted by reference in the Washington MTO in Ch. 65, Laws of 1980:

<table>
<thead>
<tr>
<th>Traffic statutes enacted at the 1979 legislative sessions that were adopted by reference into the MTO by Ch. 65, Laws of 1980</th>
<th>Chapter and Section from 1979 Regular or 1st Ex. Sess. that enacted the corresponding RCW Section in the left-hand column</th>
<th>Effective Date of RCW Section in left-hand column*</th>
</tr>
</thead>
<tbody>
<tr>
<td>RCW 46.52.170</td>
<td>Ch. 178, Sec. 2, 1st Ex. Sess.</td>
<td>5/14/79</td>
</tr>
<tr>
<td>46.52.180</td>
<td>Ch. 178, Sec. 3, 1st Ex. Sess.</td>
<td>5/14/79</td>
</tr>
<tr>
<td>46.52.190</td>
<td>Ch. 178, Sec. 4, 1st Ex. Sess.</td>
<td>5/14/79</td>
</tr>
<tr>
<td>46.52.200</td>
<td>Ch. 178, Sec. 5, 1st Ex. Sess.</td>
<td>5/14/79</td>
</tr>
<tr>
<td>46.52.210</td>
<td>Ch. 178, Sec. 6, 1st Ex. Sess.</td>
<td>5/14/79</td>
</tr>
<tr>
<td>46.61.021</td>
<td>Ch. 136, Sec. 4, 1st Ex. Sess.</td>
<td>1/1/81</td>
</tr>
<tr>
<td>46.61.022</td>
<td>Ch. 136, Sec. 5, 1st Ex. Sess.</td>
<td>1/1/81</td>
</tr>
<tr>
<td>46.61.502</td>
<td>Ch. 176, Sec. 1, 1st Ex. Sess.</td>
<td>9/1/79</td>
</tr>
<tr>
<td>46.61.504</td>
<td>Ch. 176, Sec. 2, 1st Ex. Sess.</td>
<td>9/1/79</td>
</tr>
<tr>
<td>46.61.590</td>
<td>Ch. 178, Sec. 1, 1st Ex. Sess.</td>
<td>5/14/79</td>
</tr>
<tr>
<td>46.61.710</td>
<td>Ch. 213, Sec. 8, 1st Ex. Sess.</td>
<td>9/1/79</td>
</tr>
<tr>
<td>46.61.720</td>
<td>Ch. 213, Sec. 9, 1st Ex. Sess.</td>
<td>9/1/79</td>
</tr>
<tr>
<td>46.63.010</td>
<td>Ch. 136, Sec. 1, 1st Ex. Sess.</td>
<td>1/1/81</td>
</tr>
<tr>
<td>46.63.020</td>
<td>Ch. 136, Sec. 2, 1st Ex. Sess.</td>
<td>1/1/81</td>
</tr>
<tr>
<td>46.63.030</td>
<td>Ch. 136, Sec. 3, 1st Ex. Sess.</td>
<td>1/1/81</td>
</tr>
<tr>
<td>46.63.040</td>
<td>Ch. 136, Sec. 6, 1st Ex. Sess.</td>
<td>1/1/81</td>
</tr>
<tr>
<td>46.63.060</td>
<td>Ch. 136, Sec. 8, 1st Ex. Sess.</td>
<td>1/1/81</td>
</tr>
<tr>
<td>46.63.070</td>
<td>Ch. 136, Sec. 9, 1st Ex. Sess.</td>
<td>1/1/81</td>
</tr>
<tr>
<td>46.63.080</td>
<td>Ch. 136, Sec. 10, 1st Ex. Sess.</td>
<td>1/1/81</td>
</tr>
<tr>
<td>46.63.090</td>
<td>Ch. 136, Sec. 11, 1st Ex. Sess.</td>
<td>1/1/81</td>
</tr>
<tr>
<td>46.63.100</td>
<td>Ch. 136, Sec. 12, 1st Ex. Sess.</td>
<td>1/1/81</td>
</tr>
<tr>
<td>46.63.110</td>
<td>Ch. 136, Sec. 13, 1st Ex. Sess.</td>
<td>1/1/81</td>
</tr>
<tr>
<td>46.63.120</td>
<td>Ch. 136, Sec. 14, 1st Ex. Sess.</td>
<td>1/1/81</td>
</tr>
</tbody>
</table>

* The enactment of Ch. 136, Laws of 1979, 1st Ex. Sess. will make the violation of most motor vehicle offenses a civil traffic infraction. The original effective date of this chapter was July 1, 1980. However, the effective date of Ch. 136, Laws of 1979, 1st Ex. Sess. was changed to January 1, 1981 by Ch. 128, Laws of 1980. Therefore we have included the new effective date for Ch. 136, Laws of 1979, 1st Ex. Sess. on this list.
VI. The following traffic statutes relate to the disposition of abandoned vehicles and were adopted by reference in the Washington MTO by Ch. 65, Laws of 1980:

<table>
<thead>
<tr>
<th>RCW Section Adopted by Reference in the MTO</th>
</tr>
</thead>
<tbody>
<tr>
<td>RCW 46.52.104</td>
</tr>
<tr>
<td>46.52.106</td>
</tr>
<tr>
<td>46.52.108</td>
</tr>
<tr>
<td>46.52.111</td>
</tr>
<tr>
<td>46.52.112</td>
</tr>
<tr>
<td>46.52.113</td>
</tr>
<tr>
<td>46.52.114</td>
</tr>
<tr>
<td>46.52.116</td>
</tr>
<tr>
<td>46.52.117</td>
</tr>
<tr>
<td>46.52.118</td>
</tr>
<tr>
<td>46.52.1192</td>
</tr>
<tr>
<td>46.52.1194</td>
</tr>
<tr>
<td>46.52.1196</td>
</tr>
<tr>
<td>46.52.1198</td>
</tr>
<tr>
<td>46.52.160</td>
</tr>
<tr>
<td>46.61.565</td>
</tr>
</tbody>
</table>

VII. The following traffic statutes relating to abandoned vehicles were eliminated from the Washington MTO by Ch. 65, Laws of 1980 because they were somewhat inconsistent with the new statutes relating to abandoned vehicles that were enacted at the 1979 legislative sessions:

<table>
<thead>
<tr>
<th>RCW Section Repealed</th>
<th>Chapter and Section from 1980 Regular Session that repealed the corresponding RCW Section in the left-hand column</th>
<th>Page(s) on which repealed RCW Section is located in Info. Bull. No. 367</th>
<th>Effective Date of Repeal of RCW Section in left-hand column</th>
</tr>
</thead>
<tbody>
<tr>
<td>46.90.330</td>
<td>Ch. 65, Sec. 9</td>
<td>6-7</td>
<td>6/12/80</td>
</tr>
<tr>
<td>46.90.350</td>
<td>Ch. 65, Sec. 9</td>
<td>7-8</td>
<td>6/12/80</td>
</tr>
<tr>
<td>46.90.355</td>
<td>Ch. 65, Sec. 9</td>
<td>8</td>
<td>6/12/80</td>
</tr>
<tr>
<td>46.90.360</td>
<td>Ch. 65, Sec. 9</td>
<td>8</td>
<td>6/12/80</td>
</tr>
<tr>
<td>46.90.365</td>
<td>Ch. 65, Sec. 9</td>
<td>8</td>
<td>6/12/80</td>
</tr>
<tr>
<td>46.90.370</td>
<td>Ch. 65, Sec. 9</td>
<td>8-9</td>
<td>6/12/80</td>
</tr>
<tr>
<td>46.90.380</td>
<td>Ch. 65, Sec. 9</td>
<td>9</td>
<td>6/12/80</td>
</tr>
</tbody>
</table>
VIII. The following RCW Sections that have been adopted by reference in the Washington MTO have been amended by the Regular Session of the 1980 Legislature:

<table>
<thead>
<tr>
<th>RCW Section Amended</th>
<th>RCW Section in the left-hand column</th>
<th>Page(s) on which amended RCW Section is located either in Info. Bull. No. 367 or in Supp. I to Info. Bull. No. 367 or in Supp. II to Info. Bull. No. 367*</th>
<th>Effective Date of Amendment to RCW Section in left-hand column**</th>
</tr>
</thead>
<tbody>
<tr>
<td>46.16.500</td>
<td>Ch. 104, Sec. 3</td>
<td>31</td>
<td>6/12/80</td>
</tr>
<tr>
<td>46.20.342</td>
<td>Ch. 148, Sec. 3</td>
<td>34-35</td>
<td>1/1/81</td>
</tr>
<tr>
<td>46.20.440</td>
<td>Ch. 114, Sec. 1</td>
<td>36</td>
<td>6/12/80</td>
</tr>
<tr>
<td>46.37.600</td>
<td>Ch. 104, Sec. 4</td>
<td>53</td>
<td>6/12/80</td>
</tr>
<tr>
<td>46.44.120</td>
<td>Ch. 104, Sec. 2</td>
<td>63</td>
<td>6/12/80</td>
</tr>
<tr>
<td>46.44.170</td>
<td>Ch. 152, Sec. 1</td>
<td>39 of Supp. II</td>
<td>4/1/80</td>
</tr>
<tr>
<td>46.48.170</td>
<td>Ch. 20, Sec. 1</td>
<td>63-64</td>
<td>6/12/80</td>
</tr>
<tr>
<td>46.52.020</td>
<td>Ch. 97, Sec. 1</td>
<td>6-7 of Supp. I</td>
<td>7/1/80</td>
</tr>
<tr>
<td>46.61.600</td>
<td>Ch. 97, Sec. 2</td>
<td>82</td>
<td>7/1/80</td>
</tr>
<tr>
<td>46.63.020</td>
<td>Ch. 148, Sec. 7</td>
<td></td>
<td>1/1/81</td>
</tr>
<tr>
<td>46.63.030</td>
<td>Ch. 128, Sec. 10</td>
<td></td>
<td>1/1/81</td>
</tr>
<tr>
<td>46.63.060</td>
<td>Ch. 128, Sec. 1</td>
<td></td>
<td>1/1/81</td>
</tr>
<tr>
<td>46.63.070</td>
<td>Ch. 128, Sec. 2</td>
<td></td>
<td>1/1/81</td>
</tr>
<tr>
<td>46.63.090</td>
<td>Ch. 128, Sec. 3</td>
<td></td>
<td>1/1/81</td>
</tr>
<tr>
<td>46.63.110</td>
<td>Ch. 128, Sec. 4</td>
<td></td>
<td>1/1/81</td>
</tr>
<tr>
<td>46.64.020</td>
<td>Ch. 128, Sec. 8</td>
<td>85</td>
<td>1/1/81</td>
</tr>
<tr>
<td>46.90.710</td>
<td>Ch. 128, Sec. 15</td>
<td>14</td>
<td>1/1/81</td>
</tr>
<tr>
<td>70.84.020</td>
<td>Ch. 109, Sec. 2</td>
<td>94</td>
<td>6/12/80</td>
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<tr>
<td>70.84.040</td>
<td>Ch. 109, Sec. 4</td>
<td>94</td>
<td>6/12/80</td>
</tr>
</tbody>
</table>


**The enactment of Ch. 136, Laws of 1979, 1st Ex. Sess. will make the violation of most motor vehicle offenses a civil traffic infraction. The original effective date of this chapter was July 1, 1980. However, the effective date of Ch. 136, Laws of 1979, 1st Ex. Sess. was changed to January 1, 1981 by Ch. 128, Laws of 1980. Therefore we have included the new effective date for Ch. 136, Laws of 1979, 1st Ex. Sess. on this list.
The following new traffic statutes that were enacted at the Regular Session of the 1980 Legislature will be recommended for adoption by reference in the Washington MTO at the 1981 Session of the Legislature:

<table>
<thead>
<tr>
<th>New traffic statutes enacted at the 1980 Legislative Session that will be recommended for adoption by reference in the MTO</th>
<th>Chapter and Section from 1980 Regular Session that enacted the corresponding RCW Section in the left-hand column</th>
<th>Effective Date of RCW Section in left-hand column</th>
</tr>
</thead>
<tbody>
<tr>
<td>RCW 46.44.180</td>
<td>Ch. 153, Sec. 3</td>
<td>6/12/80</td>
</tr>
<tr>
<td>46.63.130</td>
<td>Ch. 128, Sec. 5</td>
<td>1/1/81</td>
</tr>
<tr>
<td>46.63.140</td>
<td>Ch. 128, Sec. 11</td>
<td>1/1/81</td>
</tr>
<tr>
<td>46.63.150</td>
<td>Ch. 128, Sec. 13</td>
<td>1/1/81</td>
</tr>
</tbody>
</table>
ACTION TO BE TAKEN IN VIEW OF THE FOREGOING

RCW 46.90.010 provides that the addition of any new section, or the amendment or repeal of any section of the MTO by the State Legislature also automatically serves to amend any municipal ordinance which has adopted by reference the MTO or any part of the MTO. It is therefore not necessary for a city or town to take any legislative action in regard to the above-outlined amendments, repeals and additions to the Washington MTO unless a city or town desires to exclude any of the new sections or amendments from the city's MTO. However, in order to maintain an accurate record of the statutes in the Washington MTO as it is currently comprised on file with the city or town clerk, the action indicated below is required by local officials. The following sections are numbered with Roman numerals that correspond to the Roman numerals used in the lists above. Therefore, in order to determine what action should be taken for the list of statutes under Roman Numerals I through X above, it is necessary to check the corresponding textual discussion below under Roman Numerals I through X.

I. In regard to the statutes referred to above under Roman Numeral No. I, this contains a list of RCW sections that previously had been adopted by reference in the Washington MTO which have been amended at either the Regular or First Extraordinary Session of the 1979 Legislature, an "X" should be placed through the RCW Sections on the pages indicated on which they appear either in Information Bulletin No. 367, or in Supplement I to Information Bulletin No. 367 or in Supplement II to Information Bulletin No. 367. This Bulletin and the Supplements should be on file with the city or town clerk. The text of these RCW statutes in their amended form is included in this Supplement. In order to comply with the adoption by reference statutes (RCW 35.21.180, 35A.12.140, and 35A.13.180), cities and towns should file at least three copies of Supplement III for use and examination by the public. These copies may be obtained from the Municipal Research and Services Center of Washington. Attention: Publications Clerk.

II. In regard to the statutes referred to above under Roman Numeral No. II, this contains a list of RCW sections that previously had been a part of the actual text of the Model Traffic Ordinance (Ch. 46.90 RCW) which were amended at either the 1979 Regular or First Extraordinary Session of the Legislature, an "X" should be placed through the RCW Sections on the pages on which they appear in Information Bulletin No. 367, which should be on file with the city or town clerk. The text of these RCW statutes as they were amended by the 1979 Legislature is included in this Supplement. By filing three copies of Supplement III to Information Bulletin No. 367 in the office of the city or town clerk to be used and examined by the public, this will serve to comply with the adoption by reference statutes.

III. In regard to the statutes referred to above under Roman Numeral No. III, this contains a list of RCW sections that previously had been adopted by reference in the Washington MTO which were repealed at either the 1979 Regular or First Extraordinary Session of the Legislature, an "X" should be placed through the RCW Sections on the pages on which they appear in either Information Bulletin No. 367 or in Supplement I to Information Bulletin No. 367 that are on file with the city or town clerk.

IV. In regard to the statutes referred to above under Roman Numeral No. IV, this contains a list of traffic statutes enacted at the 1977 First Extraordinary Session of the Legislature which were adopted by reference in the Washington MTO by Ch. 65,
Laws of 1980, Regular Session, that became effective on June 12, 1980. As indicated above, each municipality which has adopted the Washington MTO will have its own MTO ordinance amended automatically so as to be in conformity with the MTO as now amended. No amendment to the municipal traffic ordinance would be necessary unless a municipality desires to exclude certain of these traffic statutes from the city's MTO.

As indicated above, three copies of Supplement III to Information Bulletin No. 367 should be filed in the office of the city or town clerk in order that interested citizens may know what the current MTO contains.

V. In regard to the statutes referred to above under Roman Numeral No. V, this contains a list of traffic statutes enacted at the 1979 First Extraordinary Session of the Legislature which were adopted by reference in the Washington MTO by Ch. 65, Laws of 1980, Regular Session, which will become effective on June 12, 1980. Each municipality which has adopted the Washington MTO will have its own MTO ordinance automatically amended so as to be in conformity with the MTO as amended by Ch. 65, Laws of 1980, Regular Session. No amendment to the municipal traffic ordinance would be required unless a municipality desires to exclude certain of these traffic statutes from the city's MTO.

VI. In regard to the statutes referred to above under Roman Numeral No. VI, this contains a list of traffic statutes that relate to the disposition of abandoned vehicles which were adopted by reference in the Washington MTO by Ch. 65, Laws of 1980, Regular Session, which will become effective on June 12, 1980. Each municipality which has adopted the Washington MTO will have its own MTO ordinance automatically amended so as to be in conformity with the MTO as amended by Ch. 65, Laws of 1980, Regular Session. No amendment to the municipal traffic ordinance would be required unless a municipality desires to exclude certain of these traffic statutes from the city's MTO.

Prior to the 1979 legislative enactments regarding the disposition and removal of motor vehicles, there had been a number of judicial decisions involving due process questions concerning the disposition of abandoned vehicles. These due process concerns prompted the legislature to enact Ch. 178, Laws of 1979, 1st Ex. Sess. which provides procedures for law enforcement agencies and registered disposers to follow when handling and disposing of abandoned vehicles. Some of the provisions of said Chapter were included in the MTO (See the statutes under Roman Numeral No. V above) so that the provisions in the MTO relating to abandoned vehicles would be in conformity with the state law. However, in order to have complete procedures in the MTO relating to abandoned vehicles, it was necessary to adopt some statutes relating to abandoned vehicles in addition to those enacted at the 1979 legislative session. These additional statutes are contained under Roman Numeral VI.

VII. In regard to the statutes referred to above under Roman Numeral No. VII, this contains a list of traffic statutes relating to abandoned vehicles that were removed from the Washington MTO by Ch. 65, Laws of 1980, Regular Session because these statutes were somewhat inconsistent with the new statutes relating to abandoned vehicles that were enacted at the 1979 legislative sessions. An "X" should be placed through the RCW Sections on the pages indicated on which they appear in Information Bulletin No. 367 that are on file with the city or town clerk.
The statutes in this section which are being removed from the MTO all relate to the handling and disposition of abandoned vehicles. The reason that these statutes are being removed from the MTO is because some of the provisions in these statutes are inconsistent with the new statutes incorporated into the MTO that provide for the disposition of abandoned vehicles. Also, the procedures outlined in the statutes in this section which are being removed from the MTO do not necessarily satisfy the due process requirements now being mandated by the courts for the disposition of abandoned vehicles. Accordingly, to eliminate possible inconsistent provisions in the MTO and to eliminate possibly constitutionally suspect procedures, the statutes contained in the list under Roman Numeral No. VII were removed from the MTO.

VIII. In regard to the statutes referred to above under Roman Numeral No. VIII, this contains a list of RCW Sections that previously had been adopted by reference in the Washington MTO which have been amended at the Regular Session of the 1980 Legislature, an "X" should be placed through the RCW Sections on the pages indicated on which they appear either in Information Bulletin No. 367 or in Supplement I to Information Bulletin No. 367 or in Supplement II to Information Bulletin No. 367. The text of these RCW statutes in their amended form is included in this Supplement. It is to be noted that six statutes contained under Roman Numeral No. VIII, 46.63.020-46.63.110, do not appear in any of the previous Information Bulletins or Supplements since these statutes were only enacted at the First Extraordinary Session of the 1979 Legislature. Therefore, it is not necessary to "X" out any previous version of these statutes.

IX. In regard to the new motor vehicle (traffic) statutes referred to above under Roman Numeral No. IX, a bill will be prepared for introduction in the 1981 session of the legislature which will provide for amending the MTO by adopting by reference these new motor vehicle statutes. This bill will contain the new traffic statutes that were enacted at the Regular Session of the 1980 Legislature. If this bill is enacted at the 1981 Session of the Legislature, then because of RCW 46.90.010 of the MTO, each municipality which has adopted the MTO would have its own ordinance automatically amended so as to be in conformity with that bill as enacted by the legislature. No amendment to the municipal traffic ordinance would be required unless a municipality elects not to include certain of these additional motor vehicle statutes in its MTO.

An alternative course of action for a city if it does not desire to wait for the legislature to enact this bill, would be to amend its traffic ordinance, assuming that it has enacted an ordinance adopting the Washington MTO, to adopt by reference the new traffic statutes listed above under Roman Numeral No. IX that were enacted at the 1980 legislative session. Three copies of these new traffic statutes thus adopted by reference under this course of action would have to be filed with the city or town clerk.
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.]

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 31 § 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.]

46.04.330 Motorcycle. "Motorcycle" means every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a farm tractor and a moped. [1979 1st 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.]

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 1st ex.s. c 213 § 3; 1963 c 154 § 28.]

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 chapter 46.65 RCW the invalidation may last for a period to exceed one calendar year. [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.]

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 1st 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.]

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 1st 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.]

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.]
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.]

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 1st 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(e).]

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.]

Serial or identification numbers of vehicles, watercraft, campers, or parts—Assignment of new 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.]

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.]

Monthly tonnage license—Penalty. Tonnage for any vehicle or combination of vehicles having a declared gross weight of twelve thousand pounds or more may be purchased for any full registration month or months at one-twelfth of the usual annual tonnage fee multiplied by the number of full months for which tonnage is purchased. An additional fee of two dollars shall be charged by the director each time tonnage is purchased. The director is authorized to establish rules and regulations relative to the issuance and display of certificates or insignia.
Any person who operates a vehicle licensed under the provisions of this section upon the public highways after the expiration of the monthly tonnage license, is guilty of a misdemeanor, and in addition shall be required to purchase a tonnage license for the vehicle involved at the fee covering an entire registration year's operation thereof, less the fees for any registration month or months of the registration year already paid. If, within five days, no tonnage license for a full registration year has been purchased 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. [1979 1st ex.s. c 136 § 46; 1979 c 134 § I; 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 until January 1, 1981)

46.16.135 Monthly tonnage license—Penalty. Tonnage for any vehicle or combination of vehicles having a declared gross weight of twelve thousand pounds or more may be purchased for any full registration month or months at one-twelfth of the usual annual tonnage fee multiplied by the number of full months for which tonnage is purchased. An additional fee of two dollars shall be charged by the director each time tonnage is purchased. The director is authorized to establish rules and regulations relative to the issuance and display of certificates or insignia.

Operation of a vehicle licensed under the provisions of this section by any person upon the public highways after the expiration of the monthly tonnage license, is a traffic infraction, and in addition the person shall be required to purchase a tonnage license for the vehicle involved at the fee covering an entire registration year's operation thereof, less the fees for any registration month or months of the registration year already paid. If, within five days, no tonnage license for a full registration year has been purchased 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. [1979 1st ex.s. c 136 § 46; 1979 c 134 § I; 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 - January 1, 1981)

46.16.140 Overloading licensed capacity—Additional license—Penalties. 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 auto stage, motor truck, trailer, pole trailer, or semitrailer, with passengers, or with a maximum gross weight, in excess of that for which the vehicle is licensed.

Any person who operates or causes to be operated upon a public highway of this state any motor truck, trailer, pole trailer, or semitrailer 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: Provided, That this section shall not apply to for hire vehicles or auto stages operating principally within cities and towns: Provided further, That upon surrender of the license originally purchased the director shall allow proper credit for the gross weight fee originally paid: Provided further, That no such person may be permitted or required to purchase the new license upon a gross weight which would exceed the maximum gross weight allowed by law. [1979 1st 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 - January 1, 1981)

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 1st 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.]

(Effective - January 1, 1981)
46.16.260 License registration certificate/maximum gross weight license—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 director. It shall be unlawful for any person to operate or have in his possession a vehicle without carrying thereon such certificate of license registration and/or maximum gross weight license as herein provided. 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 and/or maximum gross weight license. This section does not apply to a vehicle for which annual renewal of its license number plates is not required and which is marked in accordance with the provisions of RCW 46.08.065. [1979 1st 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.]

46.16.380 License plates, cards, and decals for certain disabled persons—Qualifications—Transfer of vehicle—Rules—Penalty—Violations, penalties and defense. Any person who shall submit satisfactory proof to the director that he or she has lost both of his or her lower extremities, or who has lost the normal or full use thereof, or who is so severely disabled as to be unable to move without the aid of crutches or a wheelchair or who has lost both hands, shall be entitled to receive a special card to be left in a vehicle in a conspicuous place, bearing distinguishing marks, letters or numerals indicating that the vehicle is being used to transport such a privileged person. Such a privileged person shall also be entitled to receive for one motor vehicle only, a special decal to be affixed to the vehicle in a conspicuous place designated by the director, bearing distinguishing marks, letters or numerals indicating that the vehicle is owned by or primarily used for such a privileged person.

46.16.380 Cards, decals, and special license plates for certain disabled persons—Qualifications—Transfer of vehicle—Rules—Penalty (as amended by 1979 1st ex.s. c 27). Any person who submits satisfactory proof to the director that he or she has lost both of his or her lower extremities, or has lost the normal or full use thereof, or is so severely disabled as to be unable to move without the aid of crutches or a wheelchair, or has lost both hands, shall be entitled to receive a special card to be left in a vehicle in a conspicuous place designated by the director, bearing distinguishing marks, letters, or numerals indicating that the vehicle is being used to transport such a disabled person. Such a disabled person shall also be entitled to receive for one motor vehicle only, a special decal to be affixed to the vehicle in a conspicuous place designated by the director, bearing distinguishing marks, letters, or numerals indicating that the vehicle is owned by or primarily used for such a disabled person. The disabled person is also entitled to receive, in lieu of the decal and regular motor vehicle
license plates, special license plates bearing distinguishing marks, letters, or numerals indicating that the vehicle is owned by such a disabled person. Whenever the disabled person transfers or assigns his or her interest in the vehicle, the special decals or license plates shall be removed from the motor vehicle. Such person shall immediately surrender the decal to the director together with a notice of the transfer of interest in such 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. Application for renewal, except for the permanently disabled who shall be issued a permanent card, must be made by January 10th of each renewal year together with satisfactory proof of the right to continued use of such special card and decal. If another vehicle is acquired by the disabled person, the removed plates shall be immediately forwarded to the director to be reissued later upon payment of the regular registration fee.

The special license plates 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 disabled 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, at such times as the director may require, by satisfactory proof of the right to continued use of the card.

No additional fees shall be charged for the issuance of the special card and decal. If, at the time of the original license registration of a motor vehicle, a person is entitled to receive a special license plate bearing distinguishing marks, letters, or numerals indicating that the vehicle is owned by such a disabled person, the removed plates shall be immediately forwarded to the director to be reissued later upon payment of the regular registration fee.

The director shall promulgate such rules and regulations as he or she deems necessary to carry into effect this section.

Any unauthorized use of such distinguishing card and decal is a traffic infraction. [1979 1st ex.s. c 136 § 50; 1975-76 2nd ex.s. c 102 § 1; 1975 1st ex.s. c 297 § 1; 1967 c 32 § 26; 1961 c 128 § 1]

(Effective - January 1, 1981)

46.16.380 License plates, cards, and decals for certain disabled persons—Qualifications—Transfer of vehicle—Fees—Rules—Violations, penalties and defense (as amended and reenacted by 1979 1st ex.s. c 192).

Any person who submits satisfactory proof to the director that he or she has lost both of his or her lower extremities, or has lost the normal or full use thereof, or is so severely disabled as to be unable to move without the aid of crutches or a wheelchair, or has lost both hands, or who suffers from lung disease to such an extent that forced expiratory respiratory volume, when measured by spirometry, is less than one liter per second, shall be entitled to receive a special card to be left in a vehicle in a conspicuous place, bearing distinguishing marks, letters, or numerals indicating that the vehicle is being used to transport such a disabled person. Such a disabled person shall also be entitled to receive for one motor vehicle only, a special decal to be affixed to the vehicle in a conspicuous place designated by the director, bearing distinguishing marks, letters, or numerals indicating that the vehicle is owned by or primarily used for such a disabled person. Whenever such owner transfers or assigns his interest in such vehicle, the special decal shall be removed. Such person shall immediately surrender the decal to the director together with a notice of the transfer of interest in such vehicle. If another vehicle is acquired by, or for the primary use of, such person, a new decal shall be issued by the director. Application for renewal, except for the permanently disabled who shall be issued a permanent card, must be made by January 10th of each renewal year together with satisfactory proof of the right to continued use of such special card and decal. No additional fees shall be charged for the issuance of such special card and decal. The director shall promulgate such rules and regulations as he deems necessary to carry into effect this section.

Any unauthorized use of such distinguishing card and decal is a traffic infraction. [1979 1st ex.s. c 136 § 50; 1975-76 2nd ex.s. c 102 § 1; 1975 1st ex.s. c 297 § 1; 1967 c 32 § 26; 1961 c 128 § 1]

(Effective until January 1, 1981)
vehicle. Such person shall immediately surrender the decal to the director together with a notice of the transfer of interest in such 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. Application for renewal, except for the permanently disabled who shall be issued a permanent card, must be made by January 10th of each renewal year together with satisfactory proof of the right to continued use of such special card and decal. If another vehicle is acquired by the disabled person and special plates are used, they shall be attached to the vehicle, and the director shall be immediately notified of the transfer of plates. If another vehicle is not acquired by the disabled person, the removed plates shall be immediately forwarded to the director to be reissued later upon payment of the regular registration fee.

The special license plates 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, at such times as the director may require, by satisfactory proof of the right to continued use of the card.

No additional fees shall 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 plates except the regular motor vehicle registration fee and any other fees and taxes required to be paid upon initial registration of a motor vehicle. On July 1, 1980, any disabled person who is entitled to receive a special license plate under this section and who has valid Washington state license plates for his or her motor vehicle shall be entitled to receive special license plates upon payment of the fee prescribed in RCW 46.16.270 and surrender of the existing plates.

The director shall promulgate such rules and regulations as he or she deems necessary to carry into effect this section.

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

It is a traffic infraction for any person to park a vehicle in a parking place reserved for physically disabled persons pursuant to chapter 70.92 RCW, or authority implemental thereof, without a special license plate, card, or decal as in this section provided. A person charged with a violation hereof shall not be determined to have committed an infraction if he produces in court or prior to the court appearance the special license plate, special card, or special decal required hereunder or demonstrates he was entitled to the same at the time of being ticketed. [1979 1st ex.s. c 192 § 6. Prior: 1979 1st ex.s. c 136 § 50; 1979 1st ex.s. c 27 § 1; 1979 1st ex.s. c 26 § 1; 1979 1st ex.s. c 7 § 1; 1975-76 2nd ex.s. c 102 § 1; 1975 1st ex.s. c 297 § 1; 1967 c 32 § 26; 1961 c 128 § 1.]

Revisor's note: The above version of RCW 46.16.380 incorporates the various amendments of that section made by chapters 7, 26, 27, and 136, Laws of 1979 1st ex.s. each without reference to the other.

For rule of construction concerning sections amended more than once at the same session, see RCW 1.12.025.

(Effective - January 1, 1981)

46.20.021 Driver's license required—Surrender of license held from another jurisdiction—Penalty—Other license not required.

(1) No person, except those hereinafter expressly exempted shall drive any motor vehicle upon a highway in this state unless such person has a valid driver's license issued under the provisions of this chapter. No person shall receive a driver's license unless and until he surrenders to the department all valid driver's licenses in his possession issued to him by any other jurisdiction. All surrendered licenses shall be returned by the department to the issuing department together with information 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. Violation of the provisions of this section is a misdemeanor.

(2) Any person licensed as a driver hereunder 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. [1979 1st ex.s. c 136 § 53; 1965 ex.s. c 121 § 2.]

(Effective - January 1, 1981)

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.]

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.

(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 misdemeanor 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. [1979 c 61 § 2; 1965 ex.s. c 121 § 5.]

(Effective until January 1, 1981)
46.20.190 License to be 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 1st 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 - January 1, 1981)

46.20.308 Implied consent—Revocation, etc., for refusal to submit to chemical tests to determine alcoholic content of blood (as amended by 1979 1st ex.s. c 176). (1) Any person who operates a motor vehicle upon the public highways of this state shall be deemed to have given consent, subject to the provisions of RCW 46.61.506, to a chemical test or tests of his breath or blood for the purpose of determining the alcoholic content of his 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 upon the public highways of this state while under the influence of intoxicating liquor. The test or tests 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 upon the public highways of this state while under the influence of intoxicating liquor. Such officer shall inform the person of his right to refuse the test, and of his right to have additional tests administered by any qualified person of his choosing as provided in RCW 46.61.506. The officer shall warn the driver that his privilege to drive will be revoked or denied if he refuses to submit to the test. Unless the person to be tested is unconscious, the chemical test administered shall be of his breath only: Provided, That if an individual is under arrest for the crime of negligent homicide by motor vehicle as provided in RCW 46.61.506, or if an individual is under arrest for the crime of driving while under the influence of intoxicating liquor, whether the person was placed under arrest and whether he refused to submit to the test upon request of the officer after having been informed that such refusal would result in the revocation or denial of his privilege to drive. The department shall order that the revocation or determination that there should be a denial of issuance 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 herein provided or during the pendency of a subsequent appeal to superior court: Provided, That this stay shall be effective only so long as there is no conviction for a moving violation during the pendency of the hearing and appeal.

(5) If the revocation or determination that there should be a denial of issuance is sustained after such a hearing, the person whose license, privilege or permit is so affected shall have the right to file a petition in the superior court of the county wherein he resides, or, if a nonresident of this state, where the charge arose, to review the final order of revocation or denial by the department in the manner provided in RCW 46.20.334.

(6) 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 has a license. [1979 1st ex.s. c 176 § 3; 1979 c 158 § 151; 1975 1st ex.s. c 287 § 4; 1969 c 1 § 1 (Initiative Measure No. 242 § 1).]

(Effective until January 1, 1981)

46.20.308 Implied consent—Revocation, etc., for refusal to submit to chemical tests to determine alcoholic content of blood (as amended by 1979 1st ex.s. c 136). (1) Any person who operates a motor vehicle upon the public highways of this state shall be deemed to have given consent, subject to the provisions of RCW 46.61.506, to a chemical test or tests of his breath or blood for the purpose of determining the alcoholic content of his 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 upon the public highways of this state while under the influence of intoxicating liquor. The test or tests 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 upon the public highways of this state while under the influence of intoxicating liquor. The test or tests shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving or was in actual physical control of a motor vehicle upon the public highways of this state while under the influence of intoxicating liquor. Such officer shall inform the person of his right to refuse the test, and of his right to have additional tests administered by any qualified person of his choosing as provided in RCW 46.61.506. The officer shall warn the driver that his privilege to drive will be revoked or denied if he refuses to submit to the test. Unless the person to be tested is unconscious, the chemical test administered shall be of his breath only: Provided, That if an individual is under arrest for the crime of negligent homicide by motor vehicle as provided in RCW 46.61.506, to a chemical test or tests of his breath or blood for the purpose of determining the alcoholic content of his blood if arrested for any offense where, at the time of the arrest, the arresting officer had reasonable grounds to believe the person to have been driving or was in actual physical control of a motor vehicle upon the public highways of this state while under the influence of intoxicating liquor, whether the person was placed under arrest and whether he refused to submit to the test upon request of the officer after having been informed that such refusal would result in the revocation or denial of his privilege to drive. The department shall order that the revocation or determination that there should be a denial of issuance 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 herein provided or during the pendency of a subsequent appeal to superior court: Provided, That this stay shall be effective only so long as there is no conviction for a moving violation during the pendency of the hearing and appeal.

(4) Upon revoking the license or permit to drive or the nonresident operating privilege of any person, or upon determining that the issuance of a license or permit shall be denied to the person, as hereinafter in this section directed, the department shall immediately notify the person involved in writing by personal service or by registered or certified mail of its decision and the grounds therefor, and of his right to a hearing, specifying the steps he must take to obtain a hearing. The person upon receiving such notice may, in writing and within ten days thereafter from receipt of a formal hearing. Upon receipt of such request, the department shall afford him an opportunity for a hearing as provided in RCW 46.20.329 and 46.20.332. The scope of such hearing for the purposes of this section 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 upon the public highways of this state while under the influence of intoxicating liquor, whether the person was placed under arrest and whether he refused to submit to the test upon request of the officer after having been informed that such refusal would result in the revocation or denial of his privilege to drive. The department shall order that the revocation or determination that there should be a denial of issuance 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 herein provided or during the pendency of a subsequent appeal to superior court: Provided, That this stay shall be effective only so long as there is no conviction for a moving violation during the pendency of the hearing and appeal.

(Effective - January 1, 1981)

Prior: 1979 1st ex.s. c 176 § 3; 1979 c 158 § 151; 1975 1st ex.s. c 287 § 4; 1969 c 1 § 1 (Initiative Measure No. 242 § 1).]
provided in RCW 46.61.520, 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 46.61.506, 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. In such circumstances, the provisions of subsections (2) through (6) of “this section shall not apply.

(2) Any person who is dead, unconscious, or who is otherwise in a condition rendering him 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.

(3) If, following his arrest, the person arrested refuses upon the request of a law enforcement officer to submit to a chemical test of his breath, after being informed that his refusal will result in the revocation or denial of his privilege to drive, no test shall be given. The department of licensing, upon the receipt of a sworn report of the law enforcement officer that he had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle upon the public highways of this state while under the influence of intoxicating liquor and that the person had refused to submit to the test upon the request of the law enforcement officer after being informed that such refusal would result in the revocation or denial of his privilege to drive, shall revoke his license or permit to drive or any nonresident operating privilege. If the person is a resident without a license or permit to operate a motor vehicle in this state, the department shall deny to the person the issuance of a license or permit for a period of six months after the date of the alleged violation, subject to review as hereinafter provided.

(4) In revoking the license or permit to drive or the nonresident operating privilege of any person, or upon determining that the issuance of a license or permit shall be denied to the person, as hereinbefore in this section directed, the department shall immediately notify the person involved in writing by personal service or by registered or certified mail of its decision and the grounds therefor, and of his right to a hearing, specifying the steps he must take to obtain a hearing. The person upon receiving such notice may, in writing and within ten days therefrom request a formal hearing. Upon receipt of such request, the department shall afford him an opportunity for a hearing as provided in RCW 46.20.329 and 46.20.332. The scope of such hearing for the purposes of this section 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 upon the public highways of this state while under the influence of intoxicating liquor, whether the person was placed under arrest and whether he refused to submit to the test upon request of the officer after having been informed that such refusal would result in the revocation or denial of his privilege to drive. The department shall order that the revocation or determination that there should be a denial of issuance 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 herein provided or during the pendency of a subsequent appeal to superior court: Provided, That this stay shall be effective only so long as there is no conviction for a moving violation or no finding that the person has committed a traffic infraction which is a moving violation during pendency of the hearing and appeal.

(5) If the revocation or determination that there should be a denial of issuance is sustained after such a hearing, the person whose license, privilege, or permit is so affected shall have the right to file a petition in the superior court of the county wherein he resides, or, if a nonresident of this state, where the charge arose, to review the final order of revocation or denial by the department in the manner provided in RCW 46.20.334.

(6) 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 has a license. [1979 1st exs. c 136 § 59; 1979 c 158 § 151; 1975 1st exs. c 287 § 4; 1969 c 1 § 1 (Initiative Measure No. 242 § 1)].

Reviser's note: (1) RCW 46.20.308 was amended twice during the 1979 first extraordinary session of the legislature, each without reference to the other.

For rule of construction concerning sections amended more than once at the same session, see RCW 1.12.025.

"(2) In the last sentence of subsection (1), "this section" is herein substituted for "section 5 of this 1975 amendatory act," thereby correcting this internal reference consistent with the action of the legislature which deleted section 1 of the bill and renumbered the remaining sections accordingly.

(Effective - January 1, 1981)
(2) The department 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 of such person is under suspension shall extend the period of such 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 for an additional period of one year from and after the date such person would otherwise have been entitled to apply for a new license. [1979 1st ex.s. c 136 § 62; 1969 c 27 § 2. Prior: 1967 ex.s. c 145 § 52; 1967 c 167 § 7; 1965 ex.s. c 121 § 43.]

Reviser's note: RCW 46.20.342 was amended twice during the 1979 first extraordinary session of the legislature, each without reference to the other.

For rule of construction concerning sections amended more than once at the same legislative session, see RCW 1.12.025.

(Effective - January 1, 1981)

46.20.391 Occupational driver's license—Petition—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 negligent homicide, may petition the court for a stay of the effect of the mandatory suspension or revocation for the purpose of submitting to the department an application for an occupational driver's license. The court upon determining that the petitioner is engaged in an occupation or trade which makes it essential that the petitioner operate a motor vehicle may stay the effect of the mandatory suspension or revocation for the purpose of submitting to the department an application for an occupational driver's license. The court upon determining that the petitioner is engaged in an occupation or trade which makes it essential that the petitioner operate a motor vehicle may stay the effect of the mandatory suspension or revocation, notwithstanding RCW 46.20.270, for a period of not more than thirty days and may set definite restrictions as to hours of the day which may not exceed twelve hours in any one day, days of the week, type of occupation, and areas or routes of travel permitted under the occupational driver's license.

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

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

(3) The department, upon receipt of an application and the prescribed fee, may issue an occupational driver's license to any person eligible under this section for a period of not more than one year which permits the operation of a motor vehicle only within the limits established by the court and only when the operation is essential to the licensee's occupation or trade.

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

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

46.20.500 Special endorsement for motorcycle operator’s license—Moped exception. No person shall drive a motorcycle, as defined in RCW 46.04.330, or a motor-driven cycle, as defined in RCW 46.04.332 as now or hereafter amended, unless such person has a valid driver's license specially endorsed by the director to enable the holder to drive such vehicles: 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. [1979 1st ex.s. c 213 § 6; 1967 c 232 § 1.]

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 state commission on equipment, or which is equipped in any manner in violation of this chapter or the commis-
equipment required on vehicles shall not apply to motor­cycles or motor-driven cycles except as herein made ap­plicable. [1979 1st ex.s. c 136 § 69; 1977 ex.s. c 355 § I; 1975 ex.s. c 315 § 1; 1973 ex.s. c 136 § 1; prior: 1937 c 189 § 14, part; RRS § 6360-14, part; state commission on equipment.

§ I; prior: 1937 c 189 § 14, part; RRS § 6360-14, part; state commission on equipment.

It is a traffic infraction for any person to sell or offer for sale vehicle equipment which is required to be approved by the commission on equipment as prescribed in RCW 46.37.005 unless it has been approved by the state commission on equipment.

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. [1979 1st ex.s. c 136 § 69; 1977 ex.s. c 355 § I; 1975 ex.s. c 315 § 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.]

(Effective - January 1, 1981)

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 1st ex.s. c 136 § 70; 1961 c 12 § 46.37.184. Prior: 1953 c 161 § 5. Formerly RCW 46.40.260.]

(Effective - January 1, 1981)

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) Parkings 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 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. However, such trucks and truck tractors 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, when used to tow another vehicle equipped with air controlled brakes, in other than driveway or towaway operations, shall be equipped with two means for emergency application of the trailer brakes. One of these means shall apply the brakes automatically in the event of a reduction of the towing vehicle 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 driveway 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 driveway 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 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 air and vacuum power 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 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. [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.]

46.37.425 Authority of state commission on equipment with reference to tires—Rules and regulations—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 commission on equipment.

The state commission on equipment 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.

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 commission on equipment 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. [1979 1st ex.s. c 136 § 73; 1977 ex.s. c 355 § 37; 1971 c 77 § 3.]

(Effective - January 1, 1981)
46.37.430 Safety glazing materials in motor vehicles. (1) On and after January 1, 1938, no person shall sell any new motor vehicle as specified herein, nor shall any new motor vehicle as specified herein be registered thereafter unless such vehicle is equipped with safety glazing material of a type approved by the state commission on equipment wherever glazing material is used in doors, windows and windshields. The foregoing provisions shall 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 shall apply to all glazing material used in doors, windows and windshields in the drivers’ compartments of such vehicles except as provided by paragraph (4).

(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 state commission on equipment shall compile and publish a list of types of glazing material by name approved by it as meeting the requirements of this section and the director of licensing shall not register after January 1, 1938, 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 shall thereupon suspend the registration of any motor vehicle so subject to this section which he finds is not so equipped until it is made to conform to the requirements of this section.

(4) No person shall sell or offer for sale, nor shall 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 approved by the state commission on equipment wherever glazing materials are used in outside windows and doors.

(5) No tinting or coloring material of any kind, which reduces light transmittance to any degree, shall be applied to the surface of the safety glazing material in a motor vehicle in any of the following locations:

(a) Windshields,

(b) Windows to the immediate right and left of the driver including windwings or,

(c) Rearmost windows if used for driving visibility by means of an interior rear-view mirror.

Nothing in this subsection shall prohibit 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 the standards of the state commission on equipment for such safety glazing materials.

(6) The standards used for approval of safety glazing materials by the state commission on equipment shall conform as closely as possible to the standards for safety glazing materials for motor vehicles promulgated by the United States of America Standards Institute in effect at the time of manufacture of the safety glazing material. [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.]

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 any such school bus constructed prior to April 1, 1977, shall be equipped with three axles: Provided further, That any school bus constructed on or after April 1, 1977, and in excess of thirty-six feet six inches shall be equipped with three axles: 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 which contains a vehicle of which the permanent structure is in excess of forty-five feet.

It is unlawful for any person to operate upon the public highways of this state any combination consisting of a nonstinger steered tractor and semitrailer which has an overall length in excess of sixty-five feet.

It is unlawful for any person to operate on the highways of this state any combination consisting of a truck and trailer, or any lawful combination of three vehicles, with an overall length, with or without load, in excess of sixty-five feet, or a combination consisting of a tractor and a stinger steered semitrailer which has an overall length in excess of sixty-five feet without load or in excess of seventy feet with load.

"Stinger steered" as used in this section shall mean a tractor and semitrailer combination which has the coupling connecting the semitrailer to the tractor located to the rear of the center line of the rear axle of the tractor.

These length limitations shall not apply to vehicles transporting poles, pipe, machinery or other objects of a structural nature which cannot be dismembered and operated by a public utility when required for emergency
repair of public transportation 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 such load. [1979 1st 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 § 46.44.037. 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.]

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 highway commission operation of the following combinations shall be lawful:

(1) A combination consisting of a truck tractor, a semitrailer, and another semitrailer or a full trailer. In this connection 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. [1979 1st 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.]

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 hereinafore 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 1st 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 - January 1, 1981)

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 1st 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.]

46.44.095 Annual additional tonnage permits—Fees. Until December 31, 1976, a combination of vehicles lawfully licensed to a total gross weight of seventy-two thousand pounds, and a three or more axle single unit vehicle lawfully licensed to a total gross weight of forty thousand pounds, and on January 1, 1977, and thereafter, 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 thirty-seven 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 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 an additional two thousand pounds may be purchased for an amount not to exceed thirty dollars per thousand for the rear axle of a two‐axle garbage truck. Such additional weight shall not be valid or permitted on any part of the federal interstate highway system where the maximum single axle load shall not exceed twenty thousand pounds.

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 such an amount and upon such highways or sections of highways as may be determined by the department of transportation to be capable of withstanding such increased gross load without undue injury to the highway: Provided, That the permits shall not be valid on any highway where the use of such permits would deprive this state of federal funds for highway purposes.

The annual additional tonnage permits provided for in this section shall commence on the first of January of each year. 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 five dollars shall be charged for each such duplicate issued or each such transfer. The department of transportation shall issue such permits on a temporary basis for periods not less than five days at one dollar 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 46.85 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 46.85 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.

The department of transportation shall prorate the fees provided in this section only if the name of the operator or owner is submitted on official listings of authorized fleet operators furnished by the department of
licensing. Listings furnished shall also include the percentage of mileage operated in Washington which shall be the same percentage as determined by the department of licensing, for purposes of prorating license fees. [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.]

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 1st 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 - January 1, 1981)

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 shall find proper for the movement of (1) farm implements used for the cutting or threshing of mature crops; or (2) other farm implements as may be identified by rule of the highway commission. 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 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.

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, or a rule adopted by the department as authorized by this section or a term of this section is a traffic infraction. [1979 1st ex.s. c 136 § 77; 1973 1st ex.s. c 1 § 2.]

(Effective - January 1, 1981)

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 striking such other vehicle.

Any person violating the provisions of this section is guilty of a misdemeanor. [1979 1st 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.]

(Effective - January 1, 1981)
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 subdivision (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 every event remain at, the scene of such accident until he has fulfilled the requirements of subdivision (3) of this section; every such stop shall be made without obstructing traffic more than is necessary;

(3) Unless otherwise provided in subsection (6) 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, 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 person failing to stop or to comply with any of the requirements of subdivision (3) of this section under said circumstances shall be guilty of a gross misdemeanor and, upon conviction, be punished by imprisonment for not less than thirty days nor more than one year or by a fine of not less than one hundred dollars nor more than five hundred dollars, or by both such fine and imprisonment: 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) 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;

(6) In the event that 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. [1979 1st 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.]

(Effective - January 1, 1981)

46.52.030 Accident reports. 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 of three hundred dollars or more, 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, 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. 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, and the persons and vehicles involved, 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.
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, anyone 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 violations 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.]

46.52.100 Record of traffic charges—Reports of convictions by courts—Venue in justice courts—Driving under influence of liquor or drugs while license suspended or revoked, penalty (as amended by 1979 1st ex.s. c 176). Every justice of the peace, police judge and clerk of superior court shall keep or cause to be kept a record of every traffic complaint, traffic citation or other legal form of traffic charge deposited with or presented to said justice of the peace, police judge, superior 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 and the amount of fine or forfeiture resulting from every said traffic complaint or citation deposited with or presented to the justice of the peace, police judge, superior court or traffic violations bureau. The Monday following the conviction or forfeiture of bail of a person upon a charge of violating 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 or bail was forfeited shall prepare and immediately forward to the director of licensing at Olympia an abstract of the record of said court covering the case in which said person was so convicted or forfeited bail, 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 conviction 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 his 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, or whether bail forfeited and the amount of the fine or forfeiture 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 his office in Olympia and the same shall be open to public inspection during reasonable business hours.

Venue in all justice courts shall be before one of the two nearest justices of the peace 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.

If the driver at the time of the offense charged was without a driver's license because of a previous suspension or revocation, the minimum mandatory jail sentence and fine shall be ninety days in the county jail and a two hundred dollar fine. The penalty so imposed shall not be suspended. [1979 1st ex.s. c 176 § 4; 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.]

(Effective until January 1, 1981)
46.52.100 Record of traffic charges—Reports of action by courts—Venue in justice courts—Driving under influence of liquor or drugs while license suspended or revoked, penalty (as amended by 1979 1st ex.s. c 136).

Every justice of the peace, police judge, 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 formal legal form of traffic charge deposited with or presented to said justice of the peace, police judge, superior 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 justice of the peace, police judge, 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 his driver's or chauffeur's license, the registration number, if any, of his driver's or chauffeur's license, the registration requirements of this section shall constitute misconduct in office and 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 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 upon the conviction of any person of manslaughter or other felony in the commission of which a vehicle was used.

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46.52.145 Abandoned junk motor vehicles—Definitions. For the purposes of RCW 46.52.145 through 46.52.160, unless a different meaning is plainly required:

(1) "Abandoned junk motor vehicle" means any motor vehicle substantially meeting the following requirements:

(a) Left on private property for more than twenty-four hours without the permission of the person having right to the possession of the property, or a public street or other property open to the public for purposes of vehicular travel or parking, or upon or within the right of way of any road or highway, for twenty-four hours or longer;

(b) Three years old, or older;

(c) Extensively damaged, such damage including but not limited to any of the following: A broken window or windshield, missing wheels, tires, motor, or transmission;

(d) Apparently inoperable;

(e) Without a valid, current registration plate;

(f) Having a fair market value equivalent to the value of the scrap therein, only.

(2) "Motor vehicle wrecker" means 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 secondhand parts of component material thereof, in whole or in part, and deals in secondhand motor vehicle parts.

(3) "Scrap processor" means a licensed establishment that maintains a hydraulic baler and shears, or a shredder for recycling automobile salvage. [1979 1st ex.s. c 178 § 18; 1971 ex.s. c 111 § 1.]
46.61.500 Reckless driving—Penalty.

(1) Any person who drives any vehicle in wilful or wanton disregard for the safety of persons or property is guilty of reckless driving. Violation of the provisions of this section is a misdemeanor.

(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. [1979 1st ex.s. c 136 § 85; 1967 c 32 § 67; 1965 ex.s. c 155 § 59.]

(Effective - January 1, 1981)

46.61.506 Persons under influence of intoxicating liquor or drug—Evidence—Chemical 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 at the time alleged as shown by chemical analysis of his blood, breath, or other bodily substance is less than 0.10 percent by weight of alcohol in the person's blood, 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) Percent by weight of alcohol in the blood shall be based upon milligrams of alcohol per one hundred cubic centimeters of blood. 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) Chemical 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 a chemical test or 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 chemical 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. [1979 1st ex.s. c 176 § 5; 1975 1st ex.s. c 287 § 1; 1969 c 1 § 3 (Initiative Measure No. 242 § 3).]

46.61.515 Driving or being in physical control of motor vehicle while under the influence of intoxicating liquor or drugs—Penalties—Penalty assessments in addition to fines, etc.—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 one day nor more than one year, and by a fine of not more than five hundred dollars. The person shall, in addition, be required to complete a course at an alcohol information school approved by the department of social and health services. One day 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.

(2) On a second or subsequent conviction under RCW 46.61.502 or 46.61.504 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 not more than one thousand dollars. The jail sentence shall not be suspended or deferred unless the judge finds that the imposition of the jail sentence will pose a risk to the defendant's physical or mental well-being. Whenever the mandatory jail sentence is suspended or deferred, the judge must state, in writing, the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. If such person at the time of a second or subsequent conviction 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.
In addition to any nonsuspendable and nondeferrable jail sentence required by this subsection, the court shall sentence a person to a term of imprisonment not exceeding one hundred eighty days and shall suspend but shall not defer the sentence for a period not exceeding two years. The suspension of the sentence may be conditioned upon nonrepetition, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate. The sentence may be imposed in whole or in part upon violation of a condition of suspension during the suspension period.

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

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

(5) The license or permit to drive or any nonresident privilege of any person convicted of either of the offenses named in RCW 46.61.502 or 46.61.504 shall:

(a) On the first conviction under either such offense, be suspended by the department for not less than thirty days: Provided, That the court may recommend that no suspension action be taken;

(b) On a second conviction under either such offense within a five year period, be suspended by the department for not less than sixty days;

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

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

(7) The provisions of this section limiting the authority of a court to defer or suspend a sentence shall not take effect until January 1, 1980. The division of criminal justice, no later than December 31, 1980, shall submit a study to the house of representatives and to the senate which details the impact of the sentencing provisions established by this section. The impact study shall include, but shall not be limited to, the following information: The impact of the provisions upon county jail conditions and bed space, the cost impact of the provisions upon local and state governments, and the existence of alternative facilities to which individuals sentenced under this section may be committed. [1979 1st 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.]

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 for the rehabilitation or control of traffic offenders. Such penalty assessment shall be included in any bail schedule and shall be included by the court in any pronouncement of sentence.

(Effective - January 1, 1981)
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 1st ex.s. c 178 § 20; 1977 c 24 § 2; 1965 ex.s. c 155 § 64.]

(Effective - January 1, 1981)

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 1st 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.]

(Effective - January 1, 1981)

46.61.560 Stopping, standing, or parking outside of business or residence districts. (1) Outside of incorporated cities and towns no person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon the roadway.

(2) Subsection (1) of this section, RCW 46.61.570, and 46.61.575 shall not apply to the driver of any vehicle which 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 shall not apply to the driver of a public transit vehicle who shall temporarily stop his 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 highway commission or a county upon highways under their respective jurisdictions. [1979 1st ex.s. c 178 § 20; 1977 c 24 § 2; 1965 ex.s. c 155 § 64.]

46.61.580 Special parking privileges for certain disabled persons—Display of card, decal, or special license plate—Prohibited areas. Any person who has lost both of his or her lower extremities, or who has lost the normal or full use thereof, or who is so severely disabled as to be unable to move without the aid of crutches or a wheelchair, or who has lost both hands, shall be allowed to park a vehicle being used to transport such person for unlimited periods of time in parking zones or areas which are otherwise restricted as to the length of time parking is permitted. This section shall have no application 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. Such a person shall not be permitted the foregoing privilege unless he or she obtains and displays a special card, a decal, or a special license plate attached to the vehicle, as provided in RCW 46.16.380 as now or hereafter amended. [1979 1st ex.s. c 27 § 2; 1975-76 2nd ex.s. c 102 § 2; 1975 1st ex.s. c 297 § 2; 1961 c 128 § 2. Formerly RCW 46.48.340.]

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 1st 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 - January 1, 1981)

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 1st ex.s. c 136 § 90; 1961 c 151 § 1. Formerly RCW 46.56.220.]

(Effective - January 1, 1981)

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 shall apply whenever a bicycle is operated upon any highway or upon any path set aside for the exclusive use of bicycles subject to those exceptions stated herein. [1979 1st ex.s. c 136 § 92; 1965 ex.s. c 155 § 79.]

(Effective - January 1, 1981)

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 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 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. 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 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(2), as now or hereafter amended. [1979 1st 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.]

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.]

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 1st 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.]

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 ten 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. [1979 1st ex.s. c 39 § 1; 1971 ex.s. c 307 § 6.]
46.90.121 Department. "Department" means the department of licensing unless otherwise specified in this chapter. [1979 c 158 § 203; 1975 1st ex.s. c 54 § 10.]

46.90.345 Stolen and abandoned vehicles—Reports of—Recovery, report required, penalty—Disposition.
   It shall be the duty of the chief of police to report immediately to the chief of the Washington state patrol all motor vehicles reported to them as stolen or recovered, upon forms to be provided by the chief of the Washington state patrol.
   In the event that any motor vehicle reported as stolen has been recovered, failure of the person so reporting the same as stolen to report the recovery thereof to the chief of police to whom such motor vehicle was reported as stolen is a traffic infraction.
   It shall be the duty of the chief of police to report to the chief of the Washington state patrol all vehicles or automobile hulks found abandoned on a highway or at any other place and the same shall, at the direction of a law enforcement officer, be placed in the custody of a registered disposer. [1979 1st ex.s. c 136 § 100; 1975 1st ex.s. c 54 § 54.]

(Effective - January 1, 1981)

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

(Effective - January 1, 1981)
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.]

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.]

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.]

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.

<table>
<thead>
<tr>
<th>Steering wheel diameter (inches)</th>
<th>Lash (inches)</th>
</tr>
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<tbody>
<tr>
<td>6 or less</td>
<td>2</td>
</tr>
<tr>
<td>18</td>
<td>2-1/4</td>
</tr>
<tr>
<td>20</td>
<td>2-1/2</td>
</tr>
<tr>
<td>22</td>
<td>2-3/4</td>
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</tbody>
</table>

(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.]

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.]

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.]

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.]

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.]

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.]

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.]
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.]

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 otherwise capable of complying with the braking performance requirements of RCW 46.37.528 and 46.37.529. [1977 ex.s. c 355 § 49.]

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.]

46.37.529 Motor-driven cycles—Braking system inspection. (1) The state commission on equipment 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 commission on equipment 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 commission on equipment has disapproved the braking system upon such vehicle. [1979 c 158 § 158; 1977 ex.s. c 355 § 51.]

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.]

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; and
RCW 46.37.420 on tires. [1977 ex.s. c 355 § 53.]

46.44.170 Mobile home movement special permit—
County treasurer certification of taxes paid—Vehicle 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 due upon the mobile home being moved have been satisfied: Provided, That endorsement or certification by the county treasurer 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 his agent to obtain such endorsement from the county treasurer.

(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. [1980 c 152 § 1; 1977 ex.s. c 22 § 2.]

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 highway commission or local authority shall notify the assessor of the county in which the mobile home is to be located and 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: Provided, That notification shall not be 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. [1977 ex.s. c 22 § 3.]

46.44.175 Penalties—Hearing.

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 who fails to comply with any of the provisions of RCW 46.44.170 and 46.44.173 is guilty of a misdemeanor and shall be fined not less than fifty dollars or more than one hundred dollars. In addition to the above fine, the highway commission 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 or agent who is denied a special permit or whose special permit is suspended may upon request receive a hearing before the highway commission or local authority having jurisdiction. The commission or local authority after such hearing may revise its previous action. [1977 ex.s. c 22 § 4.]

Revisor’s note: Powers, duties, and functions of highway commission transferred to department of transportation; see RCW 47.01.031. Term “highway commission” means department of transportation; see RCW 47.04.015.

(Effective until January 1, 1981)

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 fifty dollars or more than one 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 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. [1979 ex.s. c 136 § 78; 1977 ex.s. c 22 § 4.]

(Effective - January 1, 1981)

46.61.428 Slow moving vehicle permitted to drive on improved shoulders, when. (1) The state highway commission 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 shall take precedence over pavement markings for the purpose of allowing the movements described in subsection (2) of this section. [1977 ex.s. c 39 § 1.]
XIV.

TEXT OF NEW TRAFFIC STATUTES THAT WERE ENACTED AT THE 1979 FIRST EXTRAORDINARY SESSION OF THE LEGISLATURE AND WERE ADOPTED BY REFERENCE IN THE WASHINGTON MTO IN CH. 65, LAWS OF 1980:

46.52.170 Abandoned vehicles or hulks—Notification sticker, contents—Owner to be informed. A law enforcement officer discovering an apparently abandoned vehicle or abandoned vehicle hulk shall attach to the vehicle a readily visible notification sticker. The sticker shall contain the following information:
(1) The date and time the sticker was attached;
(2) The identity of the officer;
(3) 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
(4) The address and telephone number where additional information may be obtained.

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. [1979 1st ex.s. c 178 § 2.]

46.52.180 Abandoned vehicles or hulks—Removal, time, location. If the vehicle or hulk 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 or hulk and provide for the vehicle or hulk’s removal to a place of safety.

For the purposes of this section a place of safety includes the business location of a registered disposer. [1979 1st ex.s. c 178 § 3.]

46.52.190 Abandoned vehicles or hulks—Impoundment—Notification—Hearing—Liability for charges—Nonpayment penalty. (1) When a vehicle or hulk is impounded pursuant to RCW 46.61.565 or 46.52.180, the governmental agency at whose direction the impoundment was effected shall, within twenty-four hours after the impoundment, mail notification of the impoundment to the last registered owner and the legal owner of the vehicle as shown on the records of the department or as otherwise reasonably ascertainable. The notification shall contain a certificate of mailing and shall inform the registered owner of the impoundment, redemption procedures, and opportunity for a hearing to contest the basis for the impoundment. The notice need not be mailed if the vehicle is redeemed prior to the mailing of the notice or if the registered owner and the legal owner are not reasonably ascertainable.

Upon impoundment of a vehicle pursuant to this section, the law enforcement officer shall also provide the registered disposer with the name and address of the last registered owner and legal owner of the vehicle as may be shown by the records of the department or as otherwise reasonably ascertainable.

(2) The notification provided for in this section shall inform the registered owner that any hearing request shall be directed to the district court for the justice court district in which the vehicle was impounded and shall be accompanied by a form to be utilized for the purpose of requesting a hearing. Any request for a hearing pursuant to this section 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 notification provided for in this section was mailed. 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 shall be 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) If the registered owner timely requests a hearing provided for by this section and prevails at the hearing, the unit of government under whose jurisdiction the impoundment was effected shall be liable for any towing, storage, or other impoundment charges permitted under this chapter.

(4) Removal and storage of a vehicle or hulk under RCW 46.52.170 through 46.52.190 or under RCW 46.61.565 shall be at the owner’s expense, except as provided in RCW 46.52.104, 46.52.106, and subsection (3) of this section.

(5) The department may adopt rules providing that the owner’s vehicle license will not be renewed or a new vehicle license issued to the owner unless any outstanding removal and storage charges are paid. [1979 1st ex.s. c 178 § 4.]
46.52.200  Abandoned vehicles or hulks—Impondment—Bond to regain possession. When a vehicle or hulk is impounded pursuant to RCW 46.52.170 through 46.52.190 or 46.61.565 and the registered owner has made a timely request for a hearing, the registered owner may regain possession of the vehicle pending the outcome of the hearing by posting a sufficient cash bond to be held in trust by the registered disposer or such other security as the department may by rule require. [1979 1st ex.s. c 178 § 5.]

46.52.210  Abandoned vehicles or hulks—Crimes regarding. (1) Any person shall be guilty of a misdemeanor who:
(a) Conducts or attempts to conduct a sale of or sells an abandoned vehicle or abandoned vehicle hulk pursuant to RCW 46.52.111 and 46.52.112 without being properly registered as a registered abandoned vehicle disposer; or
(b) Removes a vehicle from private property pursuant to law and fails to notify the appropriate law enforcement agency of such removal.
(2) Any person who knowingly makes a false statement in any document prepared in connection with the disposition of an abandoned vehicle or abandoned vehicle hulk pursuant to this chapter shall be guilty of a gross misdemeanor. [1979 1st ex.s. c 178 § 6.]

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 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. [1979 1st ex.s. c 176 § 1.]

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 he drives a vehicle within this state while:
(1) He has 0.10 percent or more by weight of alcohol in his blood as shown by chemical analysis of his breath, blood, or other bodily substance made under RCW 46.61.506 as now or hereafter amended; or
(2) He is under the influence of or affected by intoxicating liquor or any drug; or
(3) He 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. [1979 1st ex.s. c 176 § 2.]

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 he has actual physical control of a vehicle within this state while:
(1) He has a 0.10 percent or more by weight of alcohol in his blood as shown by chemical analysis of his breath, blood, or other bodily substance made under RCW 46.61.506, as now or hereafter amended; or
(2) He is under the influence of or affected by intoxicating liquor or any drug; or
(3) He 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, he has moved the vehicle safely off the roadway. [1979 1st ex.s. c 176 § 2.]

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 1st ex.s. c 178 § 1.]

(Effective - January 1, 1981)
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 1st ex.s. c 213 § 9.]

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 1st ex.s. c 213 § 8.]

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 1st ex.s. c 136 § 1.]

(Effective - January 1, 1981)

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 46.20.021 relating to driving without a valid driver's license;

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

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

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

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

(11) Chapter 46.29 RCW relating to financial responsibility;

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

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

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

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

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

(17) RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company and an employer;

(18) RCW 46.61.015 relating to obedience to police officers, flagmen, or firefighters;

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

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

(21) RCW 46.61.500 relating to reckless driving;

(22) RCW 46.61.502 and 46.61.504 relating to persons under the influence of intoxicating liquor or drugs;

(23) RCW 46.61.520 relating to negligent homicide by motor vehicle;

(24) RCW 46.61.525 relating to negligent driving;

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

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

(27) RCW 46.64.020 relating to nonappearance after a written promise;

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

(29) Chapter 46.65 RCW relating to habitual traffic offenders;
(30) 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;

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

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

(33) Chapter 46.83 RCW relating to driver's training schools. [1980 c 148 § 7; 1979 ex.s. c 136 § 2.]

(Effective - January 1, 1981)

46.63.030 Notice of traffic infraction—Issuance. (1) A law enforcement officer has the authority to issue a notice of traffic infraction when the infraction is committed in the officer's presence or 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 make any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to the vehicle a notice of traffic infraction. [1980 c 128 § 10; 1979 ex.s. c 136 § 3.]

(Effective - January 1, 1981)

46.63.040 Jurisdiction of courts. (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 or police court has the authority to hear and determine traffic infractions pursuant to this chapter.

(3) Any city or town with a municipal or police 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. [1979 ex.s. c 136 § 6.]

(Effective - January 1, 1981)
46.63.070 Response to notice of traffic infraction—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 seven 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. The court shall determine whether the infraction was committed.

(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 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. [1980 c 128 § 2; 1979 ex.s. c 136 § 9.]

(Effective - January 1, 1981)

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. [1979 ex.s. c 136 § 10.]

(Effective - January 1, 1981)

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 - January 1, 1981)
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 - January 1, 1981)

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 may prescribe by rule a schedule of monetary penalties for designated traffic infractions.

(3) There shall be a penalty of twenty-five dollars for failure to respond to a notice of traffic infraction or failure to pay a monetary penalty imposed pursuant to this chapter.

(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. [1980 c 128 § 4; 1979 ex.s. c 136 § 13.]

(Effective - January 1, 1981)

46.63.120 Order of court—Civil nature—Waiver, reduction, suspension of penalty—Community service in lieu of penalty. (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 - January 1, 1981)
XV.

TEXT OF TRAFFIC STATUTES THAT RELATE TO THE DISPOSITION OF ABANDONED VEHICLES THAT WERE ADOPTED BY REFERENCE IN THE WASHINGTON MTO IN CH. 65, LAWS OF 1980:

46.52.104 Registered owner transferring vehicle relieved of liability upon compliance with section. A registered owner transferring a motor vehicle shall be relieved from personal liability under RCW 46.52.106, 46.52.111, 46.52.112, 46.52.117, and 46.52.190 if within five days of the transfer he transmits to the department of licensing, on a form prescribed by the director of licensing, notice that he has transferred his interest in the vehicle, the name of the transferee, and the date on which the transaction was made. [1979 1st ex.s. c 178 § 8; 1979 c 158 § 164; 1969 ex.s. c 281 § 39.]

46.52.106 Owner of record presumed liable for costs when vehicle or hulk abandoned—Exception. When any vehicle or hulk is left on the highway such that the vehicle or hulk may be removed under RCW 46.52.170 through 46.52.190 or 46.61.565 there is a prima facie presumption that the last owner of record is responsible for such action and thus liable for any costs incurred in removing, storing and disposing of such vehicle or hulk. A registered owner who has complied with the requirements of RCW 46.52.104 in the transfer of ownership of the vehicle or hulk shall be relieved of liability under this section and under RCW 46.52.190. [1979 1st ex.s. c 178 § 9; 1969 ex.s. c 281 § 40; 1969 ex.s. c 42 § 4.]

46.52.108 Registration certificate for disposal of vehicles and hulks—Required, penalty—Application—Bond—Fee—Insurance—Suspension or revocation—Compliance with state and local rules required. (1) Any registered disposer as defined in this chapter who engages in removing, storing, or disposing of vehicles, abandoned vehicles, or abandoned vehicle hulks without having first applied for and received a registration certificate from the department of licensing authorizing him to engage in such activities is guilty of a gross misdemeanor.

(2) Application for an abandoned vehicle disposer registration shall be made on forms furnished by the department of licensing and shall be signed by the applicant or his agent and shall include the following information:

(a) Name and address of the person, firm, partnership, association, or corporation under the name the business is to be conducted;

(b) 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; and

(c) A certificate of approval from either the chief of police of any city or town having a population over five thousand persons or, in all other instances, from a member of the Washington state patrol certifying that:

(i) The applicant has an established place of business at the address shown on the application;

(ii) The place of business has adequate and secure storage facilities accessible to the public where vehicles and their contents can be properly stored and protected; and

(iii) Any other information the department may require.

(3) Before issuing a license to a registered disposer the department shall require the applicant to file with the department a surety bond in the amount of three thousand dollars running to the state and executed by a surety company authorized to do business in the state. Such bonds shall be approved as to form by the attorney general and conditioned that such registered disposer shall conduct his business in conformity with the provisions of this chapter pertaining to vehicles, abandoned vehicles, or abandoned vehicle hulks, and to compensate any person, company, or the state for failure to comply with this chapter, or for fraud, negligence, or misrepresentation in the handling of these vehicles. Injured parties shall have the right to institute an action for recovery against the registered disposer and the surety upon the bond. Successive recoveries against the bond shall be permitted but the aggregate liability of the surety to all persons shall in no event exceed the amount of the bond. Upon exhaustion of the penalty of the bond or cancellation of the bond by the surety, the registration of the disposer shall automatically be canceled.

(4) (a) Each original application shall be accompanied by a fee of five dollars. If the application is approved the department shall forward the fee to the state treasurer for deposit in the motor vehicle fund. The department shall forward a license to the registered disposer which shall be prominently displayed to signify that he is authorized to do business as a registered disposer.
(b) A license issued to a registered disposer shall remain in force until suspended, revoked, canceled for bond expiration, or canceled for insurance expiration.

(c) Whenever a registered disposer has had a bond or insurance canceled, a license suspended or revoked, or has ceased to do business, the license shall be immediately surrendered to the department.

(3) Each registered disposer shall carry insurance in such amount proportional to the size of the registered disposer's business as the department may by rule require to protect against vehicle damage, including but not limited to fire and theft, from the time a vehicle comes into his custody until it is sold or reclaimed. Each registered disposer shall also carry at least fifty thousand dollars of liability insurance for property damage or bodily injury.

(6) The director may by order suspend or revoke the license for any registration as a registered disposer if he finds that the registrant has not complied with or is not complying with any law, rule, or regulation relative to the handling or disposition of vehicles, abandoned vehicles, or abandoned vehicle hulks, or has been adjudged guilty of violating any such law, rule, or regulation. For the purpose of this section, the term adjudged guilty means, in addition to a final conviction in either a state or municipal court, an unvacated forfeiture of bail or collateral deposited to secure a defendant's appearance in court, the payment-of a fine, a plea of guilty, or a finding of guilt regardless of whether the imposition of sentence is deferred or the penalty is suspended.

(7) Any registered disposer under contract to a city or county for the impounding of vehicles shall comply with such administrative regulations relative to the handling and disposing of vehicles as may be promulgated by such city or county and as hereinafter set forth. [1979 1st ex.s. c 178 § 10; 1979 c 158 § 165; 1969 ex.s. c 281 § 44; 1969 ex.s. c 42 § 5.]

46.52.111 Removal and storage of vehicle or hulk—Lien—Notices—Contents—Failure by disposer to comply with time limits. (1) A registered disposer shall take custody of any vehicle or hulk placed in his custody by a law enforcement officer pursuant to RCW 46.61.565 or 46.52.180 and shall remove the vehicle or hulk to the established place of business of the registered disposer where the vehicle or hulk shall be stored, and the registered disposer shall have a lien upon the vehicle or hulk for services provided in the towing and storage of the vehicle or hulk, unless the impoundment is determined to have been invalid. However the lien does not apply to personal property in or upon the vehicle which personal property is not permanently attached to or is not an integral part of the vehicle. The registered disposer shall also have a claim against the last registered owner of the vehicle or hulk for services provided in the towing and storage of the vehicle or hulk, not to exceed the sum of two hundred dollars, unless the removal is determined to be invalid. A registered owner who has complied with RCW 46.52.104 in the transfer of ownership of the vehicle or hulk shall be relieved of liability under this section.

(2) Within twenty-four hours after receiving custody of the vehicle or hulk from the law enforcement officer, the registered disposer shall give notice of his custody to the department of licensing and the Washington state patrol. If a vehicle impounded from private property pursuant to this chapter is in the custody of a registered disposer and remains unclaimed after seventy-two hours, the registered disposer shall without undue delay give notice of his custody to the department. The department shall supply the last known names and addresses of registered and legal owners of the vehicles as the names and addresses appear on the records of the department to the registered disposer on request without charge in those cases where the information was not given to the registered disposer by the law enforcement officer.

(3) Within three days after receiving the names and addresses of the owners from the department or the law enforcement officer, the registered disposer shall send a notice to the registered and legal owners of the vehicle to the last known addresses of the owners as the addresses appear on the records of the department by certified or registered mail, return receipt requested. The notice shall contain a description of the vehicle or hulk including its license number and vehicle identification number and shall state the amount due the registered disposer for services in the towing and storage of the vehicle or hulk and the time and place of public sale if the amount remains unpaid or if possession of the vehicle is not otherwise regained pursuant to RCW 46.52.200. The notice shall not be sent if the registered owner has regained possession of the vehicle pursuant to RCW 46.52.200. If the vehicle is sold pursuant to this chapter, a copy of the notice with proof of mailing shall be retained in the registered disposer's files and available for inspection for a period of three years from the date of sale.

(4) The failure of the registered disposer to comply with the time limits provided in this chapter shall limit the accumulation of storage charges to five days except where delay is unavoidable. The providing of 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. [1979 1st ex.s. c 178 § 12; 1979 c 158 § 167; 1969 ex.s. c 281 § 41; 1969 ex.s. c 42 § 7.]
46.52.112 Sale of unclaimed vehicle or hulk—Procedure—Proceeds—Deficiency. If, after the expiration of fifteen days from the date of mailing of notice to the registered and legal owner, the vehicle or hulk remains unclaimed and has not been listed as a stolen or recovered vehicle, then the registered disposer having custody of such vehicle or hulk shall conduct a sale of the same at public auction after having first published a notice of the date, place and time of such auction in a newspaper of general circulation in the county in which the vehicle is located not less than three days before the date of such auction.

Such vehicle or hulk shall be sold at such auction to the highest bidder. The proceeds of such sale, after deducting the towing and storage charges due the registered disposer, including the cost of sale, which shall be computed as in a public auction sale of personal property by the sheriff, shall be certified one-half to the county treasurer of the county in which the vehicle is located to be credited to the county current expense fund, and one-half to the state treasurer to be credited to the highway safety fund. If the amount bid at the auction is insufficient to compensate the registered disposer for his towing and storage charges and the cost of sale, such registered disposer shall be entitled to assert a claim for any deficiency, not to exceed two hundred dollars less the amount bid at the auction, against the last registered owner of such vehicle or hulk. A registered owner who has complied with RCW 46.52.104 in the transfer of ownership of the vehicle or hulk shall be relieved of liability under this section.

After the public auction and sale of any vehicle or hulk as in this section provided, and after an application for certificate of title accompanied by applicable fees and taxes and supported by an appropriate affidavit reciting compliance with the procedures of this chapter has been submitted, the department of licensing shall issue a certificate of title showing ownership of the vehicle or hulk in the name of the successful bidder at such auction. The issuance of such certificate of title by the department shall terminate any and all rights or claims of prior lienholders and all rights of former owners in and to such vehicle or hulk.

The department shall establish such additional administrative rules and regulations, not inconsistent with the provisions of this chapter, as may be necessary to facilitate the disposition of vehicles and hulks in those instances where the ownership of such a vehicle or hulk is not known. [1979 1st ex.s. c 178 § 13; 1979 c 158 § 168; 1969 ex.s. c 281 § 42; 1969 ex.s. c 42 § 8.]

46.52.113 Vehicle left in garage for storage—When deemed abandoned—Notices—Disposal. Any vehicle left in a garage for storage more than five days where the same has not been left by the registered owner under a contract of storage and has not during such period been removed by a person leaving the same shall be an abandoned vehicle and notice shall be given to the registered and legal owner and to the chief of the Washington state patrol and to the department of licensing of the existence of such abandoned vehicle. Any garage keeper failing to report such fact to the chief of the Washington state patrol and the department within ten days after the commencement of such storage shall forfeit any claim for the storage of such vehicle. All such vehicles considered abandoned by being left in a garage shall be disposed of by the garage keeper, if such keeper is a registered abandoned vehicle disposer, in accordance with the procedure prescribed in RCW 46.52.111 and 46.52.112.

Except for the forfeiture of claim for storage as set forth herein for failure to report vehicles left in excess of five days, nothing in this section shall be construed to impair any lien for storage accruing to a garage keeper under other law of this state. [1979 1st ex.s. c 178 § 14; 1979 c 158 § 169; 1969 ex.s. c 42 § 9.]

46.52.114 Registered disposer's lien—Unclaimed vehicle deemed abandoned. A registered disposer, registered and bonded in accordance with RCW 46.52.108, who shall tow, transport, or store any vehicle whether by contract or at the direction of any public officer, shall have a lien upon the vehicle but not upon the personal items within the vehicle so long as the vehicle remains in his possession, for the charges for towing, transportation or storage; except that if the removal of the vehicle is determined to be invalid, the registered disposer shall only have a lien for the charges that accrue after the determination of invalidity. If a vehicle remains unclaimed for five days, it may be deemed abandoned and subject to the provisions of RCW 46.52.111 and 46.52.112. [1979 1st ex.s. c 178 § 15; 1969 ex.s. c 42 § 10.]

46.52.116 City or county ordinances for disposition of abandoned vehicles authorized—Processing of impounded vehicles. A city or county may adopt an ordinance or resolution establishing procedures for the disposition of abandoned vehicles. Any vehicle impounded pursuant to an ordinance or resolution of any city or county shall be processed in the manner provided in RCW 46.52.111 and 46.52.112. [1979 1st ex.s. c 178 § 17; 1979 c 158 § 171; 1969 ex.s. c 42 § 11.]
46.52.117 City or county ordinances for abatement and removal of abandoned vehicles or hulks on private property authorized—Contents. Notwithstanding any other provision of law, a city, town, or county may adopt an ordinance establishing procedures for the abatement and removal as public nuisances of abandoned, wrecked, dismantled, or inoperative vehicles or automobile hulks or parts thereof from private property not including highways. Costs of removal may be assessed against the last registered owner of the vehicle or automobile hulk if the identity of such owner can be determined, unless such owner in the transfer of ownership of such vehicle or automobile hulk has complied with RCW 46.52.104, or the costs may be assessed against the owner of the property on which the vehicle is stored. Such ordinance shall contain:

(1) A provision requiring notice to the last registered owner of record and the property owner of record that a public hearing may be requested before the governing body of the city, town or county as designated by the governing body, and that if no hearing is requested, the vehicle or automobile hulk will be removed.

(2) A provision requiring that if a request for a hearing is received, a notice giving the time, location and date of such hearing on the question of abatement and removal of the vehicle or part thereof as a public nuisance shall be mailed, by certified or registered mail, with a five-day return 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.

(3) A provision that the ordinance shall not apply to (a) a vehicle or part thereof which 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 (b) a vehicle or part thereof which is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer, fenced according to the provisions of RCW 46.80.130.

(4) 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 such 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 such cost from the owner.

(5) 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, and disposed of to a licensed auto wrecker 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. [1979 c 158 § 172; 1969 ex.s. c 281 § 43; 1969 ex.s. c 42 § 12.]

46.52.118 Removal of abandoned vehicle or hulk from real property—Disposal. Any person having possession or control of real property who finds an abandoned vehicle or abandoned vehicle hulk as defined in RCW 46.52.102 standing upon that property is authorized to have such vehicle or hulk removed by a person properly registered pursuant to RCW 46.52.108. Such vehicle shall be disposed of in accordance with the procedure prescribed in RCW 46.52.111 and 46.52.112. [1975 1st ex.s. c 281 § 1.]

46.52.1192 Unauthorized vehicles—Removal from other private property—Posting requirements. No person shall have the right to tow, remove, impound or otherwise disturb any motor vehicle other than an abandoned vehicle as defined in RCW 46.52.102, which may be parked, stalled or otherwise left on private property, other than family residential property, owned or controlled by such person, unless there is posted on or near the property in a clearly conspicuous location a sign or notice in compliance with rules and regulations of the director of licensing providing for, without limitation, specifications for signs and posting thereof by persons intending to have unauthorized vehicles removed from property other than family residential property. Such regulations shall provide for notification to any person of the intent of the property holder to remove any unauthorized vehicles and sufficient information to assist in the prompt recovery of any vehicle removed. Such regulations shall require as a minimum that the language on any such sign provide:

(1) Notice that unauthorized vehicles will be removed;

(2) The name, telephone number and location of the towing firm authorized to remove vehicles. [1979 c 158 § 173; 1975 1st ex.s. c 281 § 3.]
46.52.1194 Unauthorized vehicles—Removal from private property—Duties required of towing firm—
Lien—Penalty for noncompliance. (1) Any towing firm removing vehicles from private property pursuant to RCW 46.52.119 or 46.52.1192 shall:
(a) File with the department a detailed schedule of all fees charged incident to the removal and storage of vehicles pursuant to RCW 46.52.119 or 46.52.1192;
(b) Post a copy of the schedule of fees on file with the department in a prominent place at the business location where vehicles are released from storage;
(c) Maintain personnel able and authorized to release any vehicle to its owner on a twenty-four hour basis;
(d) After removing a vehicle from private property pursuant to RCW 46.52.119 or 46.52.1192, report the fact of removal together with the license number, vehicle identification number, make, year and place of impoundment to the law enforcement agency with jurisdiction over the place of impoundment, which agency shall maintain a log of such reports: Provided, That the reporting required in this subsection shall include an immediate radio or telephone call to, and a written notification, within twenty-four hours, to such local law enforcement agency;
(e) If any vehicle removed pursuant to RCW 46.52.119 or 46.52.1192 remains unclaimed after twenty-four hours, send to the registered owner of the vehicle by the end of the next business day a notice by certified mail, return receipt requested, advising that person of the name, location and twenty-four hour telephone number of the person, tow truck operator, or operator of any storage facility who is empowered or authorized to return custody of any such towed, removed, or impounded motor vehicle. The notification shall also contain an estimate of the costs of towing, storage, or other services rendered during the course of removing, impounding, or storing any such motor vehicle. For the purpose of sending such notice, the law enforcement agency to which the report was made shall provide the name and address of the registered owner, as it appears on the records of the department, to the towing firm removing a vehicle under the provisions of RCW 46.52.118 through 46.52.1198: Provided, That in the event such certified letter has been refused or returned to sender unclaimed the notification to the law enforcement agency as provided in subsection (1)(d) of this section shall constitute actual notice to the registered and legal owner: Provided further, That the effect of other laws notwithstanding, the costs of towing, storage or other services rendered during the course of removing, impounding or storing any such motor vehicle shall not constitute a lien upon the legal ownership of such motor vehicle until forty-eight hours after the notice as provided in this subsection has been received by the local law enforcement agency or owner of the vehicle, at which time the lien may be enforced as otherwise provided by law for the enforcement of towing or storage liens or liens generally: And provided further, That if the towing firm assesses a fee according to the miles a vehicle is towed, the lien shall be, and the towing firm shall attempt to recover, no more than the fees that would accrue for towing to the nearest storage location of any towing firm.
(2) A failure to comply with the provisions of this section in regard to any vehicle waives the lien on that vehicle, constitutes a bar to recovery of the charges accrued on that vehicle, and is grounds for the suspension or revocation of the registration of any towing firm registered under RCW 46.52.108 to dispose of the abandoned vehicle: Provided, That no storage charges shall accrue in any event until written notice as provided in this section shall have been received by the local law enforcement agency or owner of the vehicle. [1975 1st ex.s. c 281 § 4.]

46.52.1196 Unauthorized vehicles—Removal from private property—Must be released, when—Penalty for defrauding towing firm. Any towing firm removing vehicles from private property pursuant to RCW 46.52.119 or 46.52.1192 shall release such vehicle to the owner, operator, driver, or authorized designee thereof upon the presentation to any person having custody of such 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 motor vehicle, such commercially reasonable tender to include, without limitation, cash, personal checks drawn on local banks with proper identification, and valid and appropriate credit cards: Provided however, That any person who stops payment on a personal check with intent to defraud a towing firm which 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: Provided further, That every towing firm providing service pursuant to this section shall post a true copy of this section in a conspicuous place upon its business premises: Provided further, That if the owner, operator, driver or authorized designee thereof, shall provide adequate proof of his financial responsibility, employment and residence in the community to any person having custody of any towed, removed, impounded or stored motor vehicle, then the motor vehicle shall be released without payment, with the understanding that such costs shall be paid within thirty days, or shall be recoverable through an action by law. [1975 1st ex.s. c 281 § 5.]
46.52.1198 Disturbing vehicle left on private property—Liability. Any person acting to tow, remove or otherwise disturb any motor vehicle parked, stalled or otherwise left on privately owned or controlled property, and any person owning or controlling such private property, or either of them, shall be liable to the owner, operator or driver of a motor vehicle, or each of them, for consequential and incidental damages arising from any interference with the ownership or use of such motor vehicle which does not comply with the requirements of RCW 46.52.1192, 46.52.1194, and 46.52.1196. [1975 1st ex.s. c 281 § 6.]

46.52.160 Abandoned junk motor vehicles—Violations constituting abandoning—Evidence—Penalty. No person shall wilfully leave an abandoned junk motor vehicle on private property for more than seventy-two hours without the permission of the person having the right to possession of the property, or on a public street or other property open to the public for purposes of vehicular travel or parking or upon or within the right of way of any road or highway, for forty-eight hours or longer without notification to the sheriff of the county or to the chief of police of a city or town of the reasons for leaving the motor vehicle in such a place.

For the purposes of this section, the fact that a motor vehicle has been so left without permission or notification is prima facie evidence of abandonment.

Any person convicted of abandoning a motor vehicle shall be fined not less than fifty nor more than one hundred dollars and shall also be assessed any costs incurred by the county in disposing of such abandoned junk motor vehicles, less any moneys accruing to the county from such disposal. [1971 ex.s. c 111 § 3.]

46.61.565 Officers authorized to remove certain vehicles. Any 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 any police officer finds a vehicle standing upon the roadway in violation of any of the provisions of RCW 46.61.560, the officer is hereby authorized to 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 any police officer finds a vehicle unattended upon any 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 any 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 which he determines to be a stolen vehicle.

6. Nothing in this section shall 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 disposer as defined in RCW 46.52.102. [1979 1st ex.s. c 178 § 21; 1977 ex.s. c 167 § 4; 1965 ex.s. c 155 § 65.]
46.16.500 Liability of operator and/or owner or 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.

46.20.342 Driving while license suspended or revoked—Penalty—Extension of suspension or revocation period.

(1) Any person who drives a motor vehicle on any public highway of this state at a time when his privilege so to do is suspended or revoked in this or any other state or when his policy of insurance or bond, when required under this chapter, shall have been canceled or terminated, shall be guilty of a misdemeanor: PROVIDED, That the offenses described in RCW 46.20.021 and 46.20.190, as now or hereafter amended, are lesser included offenses within the offense described by this section. Upon the first conviction therefor, he shall be punished by imprisonment for not less than ten days nor more than six months. Upon the second such conviction therefor, he shall be punished by imprisonment for not less than ninety days nor more than one year. Upon the third such conviction therefor, he shall be punished by imprisonment for one year. There may also be imposed in connection with each such conviction a fine of not more than five hundred dollars.

(2) The department 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 of such person is under suspension shall extend the period of such 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 for an additional period of one year from and after the date such person would otherwise have been entitled to apply for a new license.

(Effective - January 1, 1981)

46.20.440 Operation of vehicles requiring special skills—Additional examination and special license endorsement required—Exemption—Instruction permit, fee. 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.

46.37.600 Liability of operator and/or owner or 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.

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.

46.44.170 Mobile home movement special permit—County treasurer certification of taxes paid—Vehicle 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 due upon the mobile home being moved have been satisfied: PROVIDED, That endorsement or certification by the county treasurer 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 his agent to obtain such endorsement from the county treasurer.

(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.
46.48.170 State patrol authority over transport of hazardous materials—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 committee created by RCW 46.48.190 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 and the committee 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 committee 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.

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, 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 and, upon conviction, be punished by imprisonment for not less than thirty days nor more than one year or by a fine of not less than one hundred dollars nor more than five hundred dollars, or by both such fine and imprisonment. 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.

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.

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 46.20.021 relating to driving without a valid driver's license;
(7) RCW 46.20.336 relating to the unlawful possession and use of a driver's license;
(8) RCW 46.20.342 relating to driving with a suspended or revoked license;
(9) RCW 46.20.410 relating to the violation of restrictions of an occupational driver's license;
(10) RCW 46.20.420 relating to the operation of a motor vehicle with a suspended or revoked license;
(11) Chapter 46.29 RCW relating to financial responsibility;
(12) RCW 46.48.175 relating to the transportation of dangerous articles;
(13) RCW 46.52.010 relating to duty on striking an unattended car or other property;
(14) RCW 46.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle;
(15) RCW 46.52.090 relating to reports by repairmen, storagemen, and appraisers;
(16) RCW 46.52.100 relating to driving under the influence of liquor or drugs;
(17) RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company and an employer;
(18) RCW 46.61.015 relating to obedience to police officers, flagmen, or firefighters;
(19) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;
(20) RCW 46.61.022 relating to failure to stop and give identification to an officer;
(21) RCW 46.61.500 relating to reckless driving;
(22) RCW 46.61.502 and 46.61.504 relating to persons under the influence of intoxicating liquor or drugs;
(23) RCW 46.61.520 relating to negligent homicide by motor vehicle;
(24) RCW 46.61.525 relating to negligent driving;
(25) RCW 46.61.530 relating to racing of vehicles on highways;
(26) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;
(27) RCW 46.64.020 relating to nonappearance after a written promise;
(28) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;
(29) Chapter 46.65 RCW relating to habitual traffic offenders;
(30) 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;
(31) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;
(32) Chapter 46.80 RCW relating to motor vehicle wreckers;
(33) Chapter 46.83 RCW relating to driver's training schools.
(Effective - January 1, 1981)

46.63.030 Notice of traffic infraction—Issuance. (1) A law enforcement officer has the authority to issue a notice of traffic infraction when the infraction is committed in the officer's presence or 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. (Effective - January 1, 1981)

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;

(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 seven 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 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.

(Effective - January 1, 1981)

46.63.070 Response to notice of traffic infraction—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 seven 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.

(5Xa) 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 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.
(Effective - January 1, 1981)

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.
(Effective - January 1, 1981)
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 may prescribe by rule a schedule of monetary penalties for designated traffic infractions.
(3) There shall be a penalty of twenty-five dollars for failure to respond to a notice of traffic infraction or failure to pay a monetary penalty imposed pursuant to this chapter.
(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.

Nonappearance after written promise, misdemeanor. Any person wilfully violating his written and signed promise to appear in court or his written and signed promise to respond to a notice of traffic infraction, as provided in this title, shall be guilty of a misdemeanor regardless of the disposition of the charge upon which he 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. Any person who has been issued a notice of infraction pursuant to RCW 46.63.030(3) and who wilfully fails to respond as provided in this title shall be guilty of a misdemeanor regardless of the disposition of the notice of infraction.

Penalties. Unless another penalty is expressly provided by law, any person found to have committed an act designated a traffic infraction under the provisions of this chapter shall be punished by a penalty of not more than two hundred fifty dollars.

"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.

Precautions for drivers of motor vehicles approaching pedestrian who is carrying white cane or using guide 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) or a totally or partially blind or hearing impaired pedestrian using a guide 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, or using a guide dog. The failure of any such pedestrian so to signal shall not deprive him of the right of way accorded him by other laws.
XVII.


RCW 46.44.180 Operation of mobile home pilot vehicle without insurance unlawful—Amounts—Exceptions—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.

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.
(Effective - January 1, 1981)

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.
(Effective - January 1, 1981)

RCW 46.63.150 Costs and attorney's fees. (1) Notwithstanding any other provision of law, the court may suspend either a portion or all of the costs of the action.
(2) The court may not award attorney's fees or costs to the defendant in a traffic infraction case.
(Effective - January 1, 1981)