ORDINANCE NO. 2918

AN ORDINANCE of the City of Kent, Washington, relating to traffic infraction, proof of liability insurance, adding new Sections 10.02.36, 10.02.37 and 10.02.38 to the Kent City Code.

WHEREAS, cities have the right to enact laws for the protection of the public health, safety and general welfare; and

WHEREAS, the Washington State Legislature by RCW 46.30.020 has mandated as of April 1, 1990, that citizens only operate a motor vehicle when properly insured; and

WHEREAS, the City has previously adopted RCW Chapter 46.90, the Model Traffic Ordinance (MTO) which provides a comprehensive compilation of state uniform traffic laws. The purpose of the MTO is to allow cities to include all future amendments or additions to state traffic laws without having to enact its own ordinances. The MTO is designed to enhance safe and efficient movement of traffic throughout the state by having current, uniform traffic laws available.

WHEREAS, the addition of any new section to the MTO may be adopted by cities by reference if the Legislature specifically provides that the new section is included in the MTO.

WHEREAS, the 1989 Legislature did not include RCW 46.30.020, the proof of insurance law in the MTO, creating the need for emergency adoption by the City Council.

WHEREAS, the City Council taking note of the Legislative mandate must enforce such legislation and adopts emergency legislation; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON DOES HEREBY ORDAIN AS FOLLOWS:
Section 1. Kent City Code is amended by adding new Sections 10.02.36, 10.02.37, and 10.02.38 as follows:

MOTOR VEHICLE LIABILITY INSURANCE OR OTHER FINANCIAL RESPONSIBILITY

10.02.36. PROOF OF INSURANCE OR FINANCIAL RESPONSIBILITY REQUIRED. No person may operate a motor vehicle subject to registration under chapter 46.16 RCW in this state unless the person is insured under a motor vehicle liability policy with liability limits of at least the amounts provided in RCW 46.29.090, or is self-insured as provided in RCW 46.29.630, or is covered by a certificate of deposit in conformance with RCW 46.29.550, or is covered by a liability bond of at least the amounts provided in RCW 46.29.090.

10.02.37. PENALTY.
A. A violation of this section constitutes a traffic infraction punishable by a fine of $250 unless the court determines that in the interest of justice the fine should be reduced. In lieu of the fine, the court may permit the defendant to perform community service designated by the court.
B. If a person cited for a violation of this section appears in person before the court and provides written evidence that at the time the person was cited, he or she was in compliance with this section, the citation shall be dismissed. In lieu of personal appearance, a person cited for a violation of this section may, before the date scheduled for the person’s appearance before the court, submit by mail to the court written evidence that at the time the person was cited, he or she was in compliance with this section, in which case the citation shall be dismissed.

10.02.38. EXCEPTIONS.
The provisions of this chapter shall not govern:
A. The operation of a motor vehicle registered under RCW 46.16.310 or RCW 46.16.315, governed by RCW 46.16.020, registered with the Washington Utilities and Transportation Commission as a common or contract carrier; or
B. The operation of a motorcycle as defined in RCW 46.04.330, a motor driven cycle as defined in RCW 46.04.332, or a moped as defined in RCW 46.04.304.
RCW 46.29.490 SHALL NOT BE DEEMED TO GOVERN ALL MOTOR VEHICLE LIABILITY POLICIES REQUIRED BY THIS CHAPTER BUT ONLY THOSE CERTIFIED FOR THE PURPOSES STATED IN CHAPTER 46.29 RCW.

Section 2. Declaration of Emergency - Effective Date.
In accordance with RCW 35A.11.090, this ordinance is necessary for the immediate preservation of public peace, health and safety and for the support of city government and its existing public institutions, and by reason of the facts above stated and the emergency which is hereby declared to exist, this ordinance shall become effective immediately upon the approval or signing of the same by the Mayor or passage over his veto, as provided by law.

DAN KELLEHER, MAYOR

ATTEST:

MARIE JENSEN, CITY CLERK

APPROVED AS TO FORM:

SANDRA DRISCOLL, CITY ATTORNEY

PASSED the 17 day of April, 1990.
APPROVED the 17 day of April, 1990.
PUBLISHED the 20 day of April, 1990.

I hereby certify that this is a true copy of Ordinance No. 2918, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

MARIE JENSEN, CITY CLERK