
Council Bill Number: 116223
Ordinance Number: 122742

AN ORDINANCE relating to the City's traffic code; amending, adding and repealing various sections and subsections in chapters 11.14, 11.22, 11.20, 11.30, 11.34, 11.40, 11.52, 11.53, 11.56, 11.57, 11.58, 11.70, 11.72, 11.74, 11.82, 11.84 and 25.08 of the Seattle Municipal Code to conform with changes in State Law.

Status: Passed

Note: Industrial Accessory Use Amendatory Ordinance

Vote: 7-0 (Excused: Clark, McIver)

Date filed with the City Clerk: 2008/07/31

Date of Mayor's signature: 2008/07/22 [\(about the signature date\)](#)

Date introduced/referred to committee: 2008/05/27

Committee: Public Safety, Human Services and Education

Sponsor: BURGESS

Committee Recommendation: Pass

Index Terms: DWI, TRAFFIC-REGULATION, TRAFFIC-SAFETY, TRAFFIC-CONTROL-DEVICES, VEHICLE-REGISTRATION, LICENSES, IMPOUNDING-OF-MOTOR-VEHICLES, MOTOR-VEHICLES, CROSSWALKS, DISABLED-PERSONS

Fiscal Note: [Fiscal Note to Council Bill No. 116223](#)

Electronic Copy: [PDF scan of Ordinance No. 122742](#)

Reference: Amending: Ord 122601, 122611

Text:

AN ORDINANCE relating to the City's traffic code; amending, adding and repealing various sections and subsections in chapters 11.14, 11.22, 11.20, 11.30, 11.34, 11.40, 11.52, 11.53, 11.56, 11.57, 11.58, 11.70, 11.72, 11.74, 11.82, 11.84 and 25.08 of the Seattle Municipal Code to conform with changes in State Law.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 11.14.257 of the Seattle Municipal Code is amended as follows:

11.14.257 Ignition interlock device.

"Ignition interlock device" means breath alcohol analyzing ignition equipment or other biological or technical device, certified by the Washington State Patrol and, designed to prevent a motor vehicle from being operated by a person who has consumed an alcoholic beverage. (RCW 46.04.215)

Section 2. Chapter 11.14 of the Seattle Municipal Code is amended to add the following section:

11.14.578 Signal preemption device.

"Signal preemption device" means a device that is capable of altering the normal operation of a traffic control signal. Any such device manufactured by a vehicle manufacturer is not a signal preemption device for purposes of this section

if the primary purpose of the device is any purpose other than the preemption of traffic signals and the device's ability to alter traffic signals is unintended and incidental to the device's primary purpose. (RCW 46.04.62250)

Section 3. Section 11.20.230 of the Seattle Municipal Code is amended as follows:

11.20.230 Ignition interlock device authorized.

A. The court may order that after a period of suspension, revocation, or denial of driving privileges, and for up to as long as the court has jurisdiction, any person convicted of any offense involving the use, consumption, or possession of alcohol while operating a motor vehicle may drive only a motor vehicle equipped with a functioning ignition interlock device. The court shall establish a specific calibration setting at which the interlock will prevent the vehicle from being started and the period of time for which interlock use will be required.

B. Subject to the exception and waiver provisions of Section 11.56.025(L), the court shall order a person convicted under Subsection 11.56.020A or B or participating in a deferred prosecution program under RCW 10.05.020 for an alcohol-related violation of Subsection 11.56.020A or B to apply for an ignition interlock driver's license from the Washington Department of Licensing under Laws of 2008, chapter 282, section 9 and to have a functioning ignition interlock device installed on all motor vehicles operated by the person. (RCW 46.20.720)

Section 4. Section 11.22.025 of the Seattle Municipal Code is amended as follows:

11.22.025 Transfer of ownership.

Failure or neglect of a purchaser or transferee of a vehicle to make application to transfer the certificate of ownership and license registration of the vehicle within forty-five (45) days after the date of delivery of the vehicle is a misdemeanor and a continuing offense for each day during which the purchaser or transferee does not make application to transfer the certificate of ownership and license registration. Despite the continuing nature of this offense, it shall be considered a single offense, regardless of the number of days that have elapsed following the forty-five (45) day time period. (RCW 46.12.101(6)

Section 5. Section 11.22.080 of the Seattle Municipal Code is amended as follows:

11.22.080 Vehicle license plates displayed.

No person shall operate any vehicle on any street or alley without first having displayed current and proper vehicle license plates thereon as provided in RCW Chapter 46.16. The vehicle license plates shall be attached conspicuously at the front and rear of each vehicle for which the same are issued and in such manner that they can be plainly seen and read at all times; however, provided, that if only one (1) license plate is legally issued for any vehicle such plate shall be conspicuously attached to the rear of such vehicle. Each vehicle license plate shall be placed or hung in a horizontal position at a distance of not less than one (1) foot nor more than four (4) feet from the ground and shall be kept clean so as to be plainly seen and read at all times; provided, however, that this requirement shall not apply in cases where the Washington state patrol State Commission on Equipment has granted permission to deviate therefrom, as provided in RCW 46.16.240. (RCW 46.16.240)

Section 6. Chapter 11.30 of the Seattle Municipal Code is amended to add the following section:

11.30.340 Vehicle immobilization prohibited.

A. A property owner, other than the State of Washington or any unit of local government, shall not immobilize any vehicle owned by a person other than the property owner. "Immobilize" means the use of a locking wheel boot that, when attached to the wheel of a vehicle, prevents the vehicle from moving without damage to the tire to which the locking wheel boot is attached.

B. A violation of this section is a gross misdemeanor. (RCW 46.55.300)

Section 7. Section 11.34.020 of the Seattle Municipal Code is amended as follows:

11.34.020 Penalties for criminal offenses.

A. Any person convicted of any of the following offenses may be punished by a fine in any sum not to exceed Five Thousand Dollars (\$5,000) or by imprisonment for a term not to exceed one (1) year, or by both such fine and imprisonment:

1. Section 11.22.070 B, Licenses and plates required -- Penalties -- Exceptions;

2. Section 11.22.090, Vehicle trip permits -- Restrictions and requirements -- Penalty;

3. Section 11.23.400, Disabled parking -- Enforcement;

4. Section 11.30.340, Vehicle immobilization prohibited;

5. Section 11.55.340, Vehicles carrying explosives, flammable liquids, poison gas, liquefied petroleum gas (LPG) and cryogenics must stop at all railroad grade crossings;

6. 5. Section 11.56.120, Reckless driving;

7. 6. Section 11.56.130, Reckless endangerment of roadway workers;

8. 7. Section 11.56.320 B, Driving while license is suspended or revoked in the first degree;

9. 8. Section 11.56.320 C, Driving while license is suspended or revoked in the second degree;

10. 9. Section 11.56.340, Operation of motor vehicle prohibited while license is suspended or revoked;

11. 10. Section 11.56.420, Hit and run (attended);

12. 11. Section 11.56.355, ~~Tampering with or assisting~~ Assisting another in ~~circumventing an~~ starting and operating ~~motor vehicle in violation of court order regarding~~ ignition interlock ~~or other biological or technical device~~;

13. 12. Section 11.56.445, Hit and run (by unattended vehicle);

14. 13. Section 11.56.450, Hit and run (pedestrian or person on a device propelled by human power);

15. 14. Section 11.60.690, Transportation of liquefied petroleum gas;

16. 15. Section 11.62.020, Flammable liquids, combustible liquids and hazardous chemicals;

17. 16. Section 11.62.040, Explosives;

18. Section 11.74.160 B, Failure to secure load in the first degree;

19. 17. Section 11.80.140 B, Certain vehicles to carry flares or other warning devices (subsection B only);

20. 18. Section 11.80.160 E, Display of warning devices when vehicle disabled (subsection E only);

21. Section 11.84.370 D, Using, selling or purchasing a signal preemption device except as authorized;

22. 19. Section 11.84.380, Fire extinguishers;

23. ~~20.~~ Section 11.86.080, Flammable or combustible labeling;

24. ~~21.~~ Section 11.86.100, Explosive cargo labeling;

25. ~~22.~~ Section 11.34.040, with respect to aiding and abetting the foregoing criminal offenses.

B. Any person convicted of any of the following offenses may be punished by a fine in any sum not to exceed One Thousand Dollars (\$1,000) or by imprisonment for a term not to exceed ninety (90) days, or by both such fine and imprisonment:

1. Section 11.20.010, Driver's license required -- Exception -- Penalty, unless the person cited for the violation provided the citing officer with an expired driver's license or other valid identifying documentation under RCW 46.20.035 at the time of the stop and was not in violation of Section 11.56.320 or Section 11.56.340, in which case the violation is an infraction;
2. Section 11.20.100, Display of nonvalid driver's license;
3. Section 11.20.120, Loaning driver's license;
4. Section 11.20.140, Displaying the driver's license of another;
5. Section 11.20.160, Unlawful use of driver's license;
6. Section 11.20.200, Unlawful to allow unauthorized person to drive;
7. Section 11.20.350 C, Providing false evidence of financial responsibility;
8. Section 11.22.025, Transfer of ownership;
9. Section 11.22.070 A, Licenses and plates required -- Penalties -- Exceptions;
10. Section 11.40.430, Prohibited entry to no admittance area;
11. Section 11.56.320 D, Driving while license is suspended or revoked in the third degree;
12. Section 11.56.350, Operation of a motor vehicle without required ignition interlock or other biological or technical device;
13. Section 11.56.430, Hit and run (unattended vehicle) -- Duty in case of accident with unattended vehicle;
14. Section 11.56.440, Hit and run (property damage) -- Duty in case of accident with property;
15. Section 11.58.005 A, Negligent driving in the first degree;
16. Section 11.58.190, Leaving minor children in unattended vehicle;
17. Section 11.59.010, Obedience to peace officers, flaggers, and firefighters;
18. Section 11.59.040, Refusal to give information to or cooperate with officer;
19. Section 11.59.060, Refusal to stop;
20. Section 11.59.080, Examination of equipment;

21. Section 11.59.090, Duty to obey peace officer -- Traffic infraction;

22. Section 11.74.160 C, Failure to secure load in the second degree;

23. Section 11.84.370 C, Possessing signal preemption device except as authorized;

24. Section 11.34.040, Aiding and abetting with respect to the criminal offenses in this subsection.

Section 8. Section 11.40.040 of the Seattle Municipal Code is amended as follows:

11.40.040 Right-of-way in crosswalk.

The When traffic-control signals are not in place or not in operation, the operator of an approaching vehicle shall stop and remain stopped to allow a pedestrian using an unmarked or marked crosswalk or a disabled person using a curb ramp as provided in Section 11.40.090 to cross the roadway when the pedestrian or disabled person is upon or within one (1) lane of the half of the roadway upon which the vehicle is traveling or onto which it is turning. For purposes of this section, "half of the roadway" means all traffic lanes carrying traffic in one (1) direction of travel and includes the entire width of a one-way roadway. , or when the pedestrian or disabled person is upon the opposite half of the roadway and moving toward the approaching vehicle. This section shall not apply to pedestrians crossing a roadway at a point where an accessible pedestrian tunnel or overhead pedestrian crossing has been provided. (RCW 46.61.235 (1))

Section 9. Chapter 11.52 of the Seattle Municipal Code is amended to add the following section:

11.52.170 Due care required.

Compliance with speed requirements of this chapter under the circumstances hereinabove set forth shall not relieve the operator of any vehicle from the further exercise of due care and caution as further circumstances shall require. (RCW 46.61.445)

Section 10. Section 11.53.020 of the Seattle Municipal Code is amended as follows:

11.53.020 Driving on right side of roadway --Exceptions.

A. Upon all roadways of sufficient width, but less than four (4) lanes, a vehicle shall be driven upon the right half of the roadway, except as follows:

1. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;

2. When an obstruction exists making it necessary to drive to the left of the centerline of the roadway: Provided, that any person so doing shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the roadway within such distance as to constitute an immediate hazard;

3. Upon a roadway divided into three (3) marked lanes for traffic under the rules applicable thereon; or

4. Upon a roadway restricted to one (1) way traffic; or

5. Upon a roadway having three (3) lanes or fewer, when approaching a stationary authorized emergency vehicle, tow truck or other vehicle providing roadside assistance while operating warning lights with three hundred sixty degree (360 degrees) visibility, or police vehicle as described under Section 11.58.272B.

B. Upon any roadway having four (4) or more lanes for moving traffic and providing for two (2) way movement of traffic, no vehicle shall be driven to the left of the centerline of the roadway except when authorized by official traffic

control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use such lanes, or except as permitted under subsection A2 hereof. However, this subsection shall not be construed as prohibiting the crossing of the centerline in making a left turn into or from an alley, private road or driveway. (RCW 46.61.100(1) and (5) (3)

Section 11. Section 11.53.200 of the Seattle Municipal Code and the title of that section are amended as follows:

11.53.200 Overtaking other traffic a vehicle on the left.

The operator of a vehicle overtaking other traffic another vehicle proceeding in the same direction shall pass to the left of such overtaken vehicle at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken traffic vehicle. (RCW 46.61.110(1)

Section 12. Chapter 11.53 of the Seattle Municipal Code is amended to add the following section:

11.53.205 Overtaking a pedestrian or bicycle.

The operator of a vehicle approaching a pedestrian or bicycle that is on the roadway or on the right-hand shoulder or bicycle lane of the roadway shall pass to the left at a safe distance to clearly avoid coming into contact with the pedestrian or bicyclist and shall not again drive to the right side of the roadway until safely clear of the overtaken pedestrian or bicyclist. (RCW 46.61.110(2))

Section 13. Section 11.53.210 of the Seattle Municipal Code is

amended as follows:

11.53.210 Limitation on overtaking in the left.

No person shall drive a vehicle to the left side of the center of the roadway in overtaking and passing other traffic another vehicle proceeding in the same direction unless authorized by the provisions of this chapter and Section 11.58.272 and unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the operation of any traffic vehicle approaching from the opposite direction or any traffic vehicle overtaken. In every event the overtaking vehicle must return to an authorized lane of travel as soon as practicable and in the event the passing movement involves the use of a lane authorized for vehicles approaching from the opposite direction, before coming within two hundred feet (200') of any approaching traffic vehicle. (RCW 46.61.120)

Section 14. Section 11.53.220 of the Seattle Municipal Code and the title of that section are amended as follows:

11.53.220 Overtaken traffic vehicle to give way.

Except when overtaking and passing on the right is permitted, the driver of a vehicle being overtaken traffic by a vehicle proceeding in the same direction shall give way to the right in favor of an the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle. (RCW 46.61.110 (3)(2)

Section 15. Section 11.53.240 of the Seattle Municipal Code is amended as follows:

11.53.240 Driving on left side of centerline when approaching a curve or hill crest.

No person shall operate a vehicle on the left side of the centerline when approaching or upon the crest of a grade or upon a curve where the operator's view is obstructed within such distance as to create a hazard in the event other traffic another vehicle might approach from the opposite direction. (RCW 46.61.125(1)(a

Section 16. Chapter 11.53 of the Seattle Municipal Code is amended to add the following section:

11.53.290 Driving on left side of centerline when approaching bicycle or pedestrian.

No person shall operate a vehicle on the left side of the centerline when a bicycle or pedestrian is within view of the driver and is approaching from the opposite direction, or is present in the roadway, shoulder or bicycle lane within a distance unsafe to the bicyclist or pedestrian due to the width or condition of the roadway, shoulder or bicycle lane. (RCW 46.61.125(1)d

Section 17. Section 11.53.300 of the Seattle Municipal Code is amended as follows:

11.53.300 Exceptions to limitations on driving on left side of centerline.

The limitations described in Sections 11.53.210, 11.53.240, 11.53.260, and 11.53.280, and 11.53.290 shall not apply upon a one (1) way roadway, nor under the conditions described in Section 11.53.020 A2 nor to the driver of a vehicle turning left into or from an alley, private road or driveway. (RCW 46.61.125(2))

Section 18. Section 11.56.025 of the Seattle Municipal Code is amended by adding the following subsection:

11.56.025 Penalty for persons under the influence of intoxicating liquor or any drug.

* * *

L. The court shall require any person convicted of an alcohol- related violation of Subsection 11.56.020A or B to apply for an ignition interlock driver's license from the Washington Department of Licensing under Laws of 2008, chapter 282, section 9 and to have a functioning ignition interlock device installed on all motor vehicles operated by the person. The installation of an ignition interlock device is not necessary on vehicles owned by a person's employer and driven as a requirement of employment during working hours. An ignition interlock device imposed under this section shall be calibrated to prevent a motor vehicle from being started when the breath sample provided has an alcohol concentration of 0.025 or more. The court may waive the requirement that a person obtain an ignition interlock driver's license and operate only vehicles equipped with a functioning ignition interlock device if the court makes a specific finding in writing that the devices are not reasonably available in the local area, that the person does not operate a vehicle, or the person is not eligible to receive an ignition interlock driver's license under Laws of 2008, chapter 282, section 9. When the requirement that a person obtain an ignition interlock driver's license and operate only vehicles equipped with a functioning ignition interlock device is waived by the court, the court shall order the person to submit to alcohol monitoring through an alcohol detection breathalyzer device, transdermal sensor device, or other technology designed to detect alcohol in a person's system. The person shall pay for the cost of the monitoring. The period of time for which ignition interlock use or alcohol monitoring is required will be as follows: (i) For a person who has not previously been restricted under this subsection, a period of one (1) year; (ii) For a person who has previously been restricted under subsection L(i), a period of five (5) years; (iii) For a person who has previously been restricted under subsection L(ii), a period of ten (10) years.

Section 19. Subsection 11.56.320C4 of the Seattle Municipal Code is amended as follows:

11.56.320 Driving while license is suspended or revoked.

* * *

C. A person who violates this section while an order of suspension or revocation prohibiting such operation is in effect and while the person is not eligible to reinstate his or her driver's license or driving privilege, other than for a suspension for the reasons described in subsection D of this section, is guilty of driving while license suspended or revoked in the second degree, a gross misdemeanor. This subsection applies when a person's driver's license or driving privilege has been suspended or revoked by reason of:

* * *

4. A conviction relating to the violation of restrictions of an occupational ~~or driver's license~~, temporary restricted driver's license ~~or ignition interlock driver's license~~;

* * *

Section 20. Section 11.56.355 of the Seattle Municipal Code and the title of that section are amended as follows:

~~11.56.355 Tampering with or assisting Assisting another in circumventing an starting and operating motor vehicle in violation of court order regarding ignition interlock or other biological or technical device.~~

A. No person who is restricted to the use of a vehicle equipped with an ignition interlock device shall tamper with or direct, authorize, or request another to tamper with the device in order to circumvent it by modifying, detaching, disconnecting, or otherwise disabling it.

B. No person shall knowingly assist another person who is restricted to the use of a motor vehicle equipped with an ignition interlock or other biological or technical device to circumvent the device or to start and operate such a motor vehicle in violation of a court order regarding such device.

C. B. Subsection B of this section This section shall not apply to the starting of a motor vehicle or the request to start a motor vehicle equipped with an ignition interlock or other biological or technical device if done for the purpose of safety or mechanical repair of the device or the vehicle and the person subject to the court order does not operate the vehicle.

D. C. "Knowingly" has the same meaning as in Section 12A.04.030 B.

E. D. Violation of this section is a gross misdemeanor. (RCW 46.20.750)

Section 21. Section 11.57.160 of the Seattle Municipal Code is amended as follows:

11.57.160 Handlebars - Maximum height.

No person shall operate on a street or alley a motorcycle on which the handlebars or grips are more than ~~thirty (30)~~ ~~fifteen (15)~~ inches higher than the seat or saddle for the operator. (RCW 46.61.611)

Section 22. Section 11.58.140 of the Seattle Municipal Code is amended as follows:

11.58.140 Moving defective vehicle unlawful.

No person shall ~~drive operate or move, and no vehicle~~ owner shall cause or ~~knowingly~~ permit to be ~~driven~~ operated or moved, upon any street, alley or way open to the public ; any vehicle or combination of vehicles ~~that is in such unsafe condition as to endanger any person, which~~ is not at all times equipped in the manner required by Chapters 11.80, 11.82, 11.84, 11.86, and 11.88 or the equipment of which is not in a proper ~~working~~ condition and adjustment as required by those chapters ~~or by rules issued by the Washington state patrol or contains any parts in violation of this title or rules issued by the Washington state patrol~~. This section shall not be construed to prevent the operation of any such defective vehicle ~~to a place for correction of defective equipment~~ in the manner directed by

any peace officer or representative of the State ~~Patrol Commission on Equipment for the correction of defective equipment.~~ (RCW 46.32.060 & 46.37.010)

Section 23. Section 11.58.195 of the Seattle Municipal Code is amended as follows:

11.58.195 Child passenger restraint required.

A. Whenever a child who is less than sixteen (16) years of age is being transported in a motor vehicle that is in operation and that is required by RCW 46.37.510 to be equipped with a safety belt system in a passenger seating position, or is being transported in a neighborhood electric vehicle that is in operation, the driver of the vehicle shall keep the child properly restrained as follows:

1. A child must be restrained in a child restraint system, if the passenger seating position equipped with a safety belt system allows sufficient space for installation, until the child is eight (8) years old, unless the child is four feet nine inches (4' 9") or taller. The child restraint system must comply with standards of the United States department of transportation and must be secured in the vehicle in accordance with instructions of the vehicle manufacturer and the child restraint system manufacturer.
2. A child who is eight (8) years of age or older or four feet nine inches (4' 9") or taller shall be properly restrained with the motor vehicle's safety belt properly adjusted and fastened around the child's body or an appropriately fitting child restraint system.
3. The driver of a vehicle transporting a child who is under thirteen (13) years old shall transport the child in the back seat positions in the vehicle where it is practical to do so.

~~If the child is less than six (6) years old and/or sixty (60) pounds and the passenger seating position equipped with a safety belt system allows sufficient space for installation, then the child will be restrained in a child restraint system that complies with standards of the United States Department of Transportation and that is secured in the vehicle in accordance with instructions of the manufacturer of the child restraint system:~~

2. ~~If the child is less than one (1) year of age or weighs less than twenty (20) pounds, the child shall be properly restrained in a rear-facing infant seat;~~
3. ~~If the child is more than one (1) but less than four (4) years of age or weighs at least twenty (20) pounds but less than forty (40) pounds, the child shall be properly restrained in a forward facing child safety seat restraint system;~~
4. ~~If the child is at least four (4) but less than six (6) years of age or weighs at least forty (40) pounds but less than sixty (60) pounds, the child shall be properly restrained in a child booster seat;~~
5. ~~If the child is six (6) years of age or older or weighs more than sixty (60) pounds, the child shall be properly restrained with the motor vehicle's safety belt properly adjusted and fastened around the child's body or an appropriately fitting booster seat; and~~
6.

B. Enforcement of subsection A 1 through 5 of this section is subject to a visual inspection by law enforcement to determine if the child restraint system in use is appropriate for the child's individual height, weight, and age. The visual inspection for usage of a ~~forward facing child restraint system safety seat~~ must ensure that the child restraint system is being used in accordance with the instruction of the vehicle and the child restraint system manufacturers. The driver of a vehicle transporting a child who is under thirteen (13) years old shall transport the child in the back seat positions in the vehicle where it is practical to do so, ~~seat in use is equipped with a four-point shoulder harness system~~. The visual inspection for usage of a booster seat must ensure that the seat belt properly fits across the child's lap and the shoulder strap crosses the center of the child's chest. The visual inspection for the usage of a seat belt by a child must ensure that the lap belt properly fits across the child's lap and the shoulder strap crosses the center of the child's chest. In determining violations, consideration to the above criteria must be given in conjunction with the provisions of 1 through 5 of this subsection. The driver of a vehicle transporting a child who is under the age of six (6) years old or weighs less than sixty (60) pounds, when the vehicle is equipped with a passenger side air bag supplemental restraint system, and the air bag system is activated, shall transport the child in the back seat positions in the vehicle where it is practical to do so.

C. B. A person violating subsection A of this section may be issued a notice of traffic infraction under Chapter 11.31. If

the person to whom the notice was issued presents proof of acquisition of an approved child passenger restraint system or a child booster seat, as appropriate, within seven (7) days to the court and the person has not previously had a violation of this section or RCW 46.61.687 dismissed, the notice of traffic infraction shall be dismissed.

D. Failure to comply with the requirements of this section shall not constitute negligence by a parent or legal guardian. Failure to use a child restraint system shall not be admissible as evidence of negligence in any civil action.

E. E. This section does not apply to for hire vehicles, vehicles designed to transport sixteen (16) or fewer passengers, including the driver, operated by auto transportation companies, as defined in RCW 81.68.010, vehicles providing customer shuttle service between parking, convention, and hotel facilities, and airport terminals, or school buses.

F. D. As used in this section, "child restraint system" "child booster seat" means a child passenger restraint system that meets the Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. 571.213 ~~that is designed to elevate a child to properly sit in a federally approved lap/shoulder belt system.~~

G. E. The requirements of subsection A ~~A1 through 5~~ of this section do not apply in any seating position where there is only a lap belt available and the child weighs more than forty (40) pounds. (RCW 46.61.687)

Section 24. Chapter 11.58 of the Seattle Municipal Code is amended to add the following section:

11.58.272 Operation of vehicle approaching stationary authorized emergency vehicles.

The driver of any motor vehicle, upon approaching a stationary authorized emergency vehicle that is making use of audible and/or visual signals meeting the requirements of Section 11.82.520, a tow truck that is making use of visual red lights meeting the requirements of Section 11.82.530, other vehicles providing roadside assistance that are making use of warning lights with three hundred sixty degree (360 degrees) visibility, or a police vehicle properly and lawfully displaying a flashing, blinking, or alternating emergency light or lights, shall:

- A. On a street having four (4) or more lanes, at least two (2) of which are intended for traffic proceeding in the same direction as the approaching vehicle, proceed with caution and, if reasonable, with due regard for safety and traffic conditions, yield the right-of-way by making a lane change or moving away from the lane or shoulder occupied by the stationary authorized emergency vehicle or police vehicle; or
- B. On a street having fewer than four (4) lanes, proceed with caution, reduce the speed of the vehicle, and, if reasonable, with due regard for safety and traffic conditions, and under the rules of this chapter, yield the right-of-way by passing to the left at a safe distance and simultaneously yield the right-of-way to all vehicles traveling in the proper direction upon the street; or
- C. If changing lanes or moving away would be unreasonable or unsafe, proceed with due caution and reduce the speed of the vehicle. (RCW 46.61.212)

Section 25. Chapter 11.58 of the Seattle Municipal Code is amended to add the following section:

11.58.295 Ferry queue.

No person driving a motor vehicle shall block a residential driveway while waiting to board a Washington state ferry or, without the authorization of a state ferry system employee, move in front of another vehicle in a queue already waiting to board a ferry. Vehicles qualifying for preferential loading privileges under rules adopted by the state department of transportation are exempt from this section. In addition to any other penalty imposed for a violation of this section, the driver will be directed to immediately move the motor vehicle to the end of the queue of vehicles waiting to board the ferry. (RCW 46.61.735)

Section 26. Section 11.70.200 of the Seattle Municipal Code is amended as follows:

11.70.200 Use of street or alley for parking by business prohibited.

No person shall park or store any motor vehicle upon any street or alley when such motor vehicle is in the custody or control of the owner or operator of any parking lot, garage, new or used car lot, service business, valet parking service or car rental business, or his agent. The provisions of this section shall be applicable whether or not such owner or operator has title to, or an ownership interest in, the motor vehicle, and whether or not any consideration has been paid, directly or indirectly, by the person leaving a motor vehicle in the custody or control of such owner or operator, or his agent. A finding or determination that The arrest and conviction of any owner or operator of such business, or his agent, has violated for violating the provisions of this section, either made at an infraction hearing or because the person failed to respond to the notice of infraction, shall be sufficient cause to warrant a revocation of the business license held by the owner under the License Code of the City.

Section 27. Subsection 11.72.065 A of the Seattle Municipal Code is amended as follows:

11.72.065 Disabled parking -- Violation.

A. A parking space or stall for a ~~physically disabled person with a disability~~ shall be indicated by a vertical sign ; ~~between thirty-six (36) and eighty-four (84) inches off the ground~~, with the international symbol of access, whose colors are white on a blue background, described under RCW 70.92.120 ~~displaying the notice "State disabled parking permit required"~~ and a warning that other vehicles without permits will be impounded.

* * *

Section 28. Section 11.74.150 of the Seattle Municipal Code is amended as follows:

11.74.150 Loads to be securely fastened.

No person shall operate a vehicle upon any street or alley without having the load thereon securely fastened and protected by safety chains or other device, and covered, tied down, confined or otherwise secured so as to prevent the material from spilling, escaping, or being deposited outside the vehicle. The City may enforce ~~Washington Administrative Code Chapter 204-44 rules and regulations adopted by the State Commission on Equipment, which are adopted by reference and are on file with the City Clerk~~, as to what shall constitute adequate and safe chains or other devices for the fastening and protection of loads upon vehicles. ~~Derived in part from RCW 46.37.490)~~

Section 29. Section 11.74.160 of the Seattle Municipal Code is amended as follows:

11.74.160 Driving a vehicle capable of dropping obstacles or debris prohibited.

A. 1. No vehicle shall be driven or moved ~~on in~~ any street or alley unless such vehicle is so constructed or loaded ~~and the load covered or tied down or confined or otherwise secured~~, as to prevent any of the load from dropping, sifting, leaking, spilling, or depositing any matter by dragging, tracking, or otherwise escaping, except that sand may be dropped for the purpose of securing traction, or water or other substances may be sprinkled on a roadway in the cleaning or maintaining of such roadway by the public authority having jurisdiction.

2. No person may operate on any street or alley any vehicle with any load unless the load and such covering as required thereon by subsection A3 of this section is securely fastened to prevent the covering or load from becoming loose, detached, or in any manner a hazard to other users of the street or alley.

3. Any vehicle operating on a paved street or alley with a load of dirt, sand, or gravel susceptible to being dropped, spilled, leaked, or otherwise escaping therefrom shall be covered so as to prevent spillage. Covering of such loads is not required if six (6) inches of freeboard is maintained within the bed.

B. 1. A person is guilty of failure to secure load in the first degree if he or she negligently fails to secure a load or part of a load to his or her vehicle in compliance with subsection A of this section and causes substantial bodily harm to

another.

2. "Negligently" has the same meaning as in Section 12A.04.030 D.

3. "Substantial bodily harm" has the same meaning as in RCW 9A.04.110.

4. Failure to secure load in the first degree is a gross misdemeanor.

C. 1. A person is guilty of failure to secure load in the second degree if he or she negligently fails to secure a load or part of a load to his or her vehicle in compliance with subsections A1 or A2 of this section and causes damage to property of another.

2. "Negligently" has the same meaning as in Section 12A.04.030 D.

3. "Damage" has the same meaning as in Section 12A.08.010 B.

4. "Property of another" has the same meaning as in Section 12A.08.010 F

5. Failure to secure load in the second degree is a misdemeanor.

D. A person who fails to secure a load or part of a load to his or her vehicle in compliance with subsection A of this section is guilty of an infraction if such failure does not amount to a violation of subsection B or C of this section. (Derived in part from RCW 46.61.655)

Section 30. Section 11.82.360 of the Seattle Municipal Code is amended as follows:

11.82.360 Stop lamps.

A. Any vehicle may be equipped and when required under this chapter shall be equipped with a stop lamp or lamps on the rear of the vehicle which shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than one hundred feet (100') and on any vehicle manufactured or assembled after January 1, 1964, three hundred feet (300') to the rear in normal sunlight, and which shall be actuated upon application of a service brake, and which may but need not be incorporated with one (1) or more other rear lamps.

B. Any vehicle may be equipped and when required under this chapter shall be equipped with a center high-mounted stop lamp mounted on the center line of the rear of the vehicle. This stop lamp shall display a red light visible from a distance of not less than three hundred feet (300') to the rear in normal sunlight, shall be activated upon application of a service brake and may not be incorporated with any other rear lamps. (RCW 46.37.200(1))

Section 31. Section 11.82.400 of the Seattle Municipal Code is amended as follows:

11.82.400 Stop lamps required.

A. Every motor vehicle, trailer, semitrailer and pole trailer shall be equipped with two (2) or more stop lamps meeting the requirements of Sections 11.82.360 and 11.82.380, except that passenger cars manufactured or assembled prior to January 1, 1964, and motorcycles and motor-driven cycles shall be equipped with at least one (1) such stop lamp. On a combination of vehicles, only the stop lamps on the rearmost vehicle need actually be seen from the distance specified in Section 11.82.360.

B. Every passenger car manufactured or assembled after September 1, 1985, and every passenger truck, passenger van or passenger sports utility vehicle manufactured or assembled after September 1, 1993 must be equipped with a rear center high-mounted stop lamp meeting the requirements of Subsection 11.82.360B. (RCW 46.37.070(1))

Section 32. Section 11.82.520 of the Seattle Municipal Code and the title of that section are amended as follows:

11.82.520 Red lights on emergency vehicles, school buses, private carrier buses, police vehicles -- Sirens on emergency vehicles - ~~Blue lights authorized on certain police vehicles~~ -- Driver's duty to yield and stop.

A. Every authorized emergency vehicle shall, in addition to any other equipment and distinctive marking required by this chapter, be equipped with at least one (1) lamp capable of displaying a red light visible from at least five hundred feet (500') in normal sunlight and a siren capable of giving an audible signal.

B. Every school bus and private carrier bus shall, in addition to any other equipment and distinctive markings required by this chapter, be equipped with a stop signal upon a background not less than fourteen (14) by eighteen inches (18") displaying the word "stop" in letters of distinctly contrasting colors not less than eight inches (8") high. ~~The stop signal shall be mounted on the left side of the bus just below the window line and adjacent to the driver of the bus. In addition, the sign shall be mounted so that it does not interfere with the driver's vision to the rear when the sign is extended.~~ Every school bus and private carrier bus shall further be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, which shall be capable of displaying to the front two (2) alternately flashing red lights located at the same level and to the rear two (2) alternately flashing red lights located at the same level and these lights shall have sufficient intensity to be visible at five hundred feet (500') in normal sunlight.

C. ~~Vehicles operated by public agencies whose law enforcement duties include the authority to stop and detain motor vehicles on the public highways of the state may be equipped with a siren and lights of a color and type designated by the state patrol for that purpose. A police vehicle, when used as an authorized emergency vehicle, may but need not be equipped with alternately flashing red lights specified herein. A police vehicle may, in addition to or in lieu of the red lights specified in subsection A, be equipped with one (1) or more blue lights.~~

D. ~~The lights described in this section shall not be mounted nor used on any vehicle other than a school bus, a private carrier bus, or an authorized emergency or law enforcement vehicle. The alternately flashing red lights described in subsections B and C shall not be used on any vehicle other than a school bus, a private carrier bus, or an authorized emergency vehicle. The blue lights described in subsection C may only be used on publicly owned police vehicles of a Police Department, Sheriff's office and the Washington State Patrol.~~

E. ~~The use of the signal equipment described in this section and Section 11.84.370, except the signal preemption devices used by public transit vehicles and department of transportation, city, or county maintenance vehicles that are not used in conjunction with emergency equipment, shall impose upon drivers of other vehicles the obligation to yield right of way and stop as prescribed in Section 11.58.270, 11.53.440, and 11.53.460. (RCW 46.37.190)~~

Section 33. Chapter 11.84 of the Seattle Municipal Code is amended to add the following section:

11.84.070 Compression brakes.

A. 1. This subsection applies to all motor vehicles with a declared gross weight in excess of 10,000 pounds operated on a street or alley and equipped with engine compression brake devices. An engine compression brake device is any device that uses the engine and transmission to impede the forward motion of the motor vehicle by compression of the engine.

2. The driver of a motor vehicle equipped with a device that uses the compression of the motor vehicle engine shall not use the device unless:

a. The motor vehicle is equipped with an operational muffler and exhaust system to prevent excess noise. The muffler and exhaust system must maintain the noise level at eighty three (83) decibels or less for motor vehicles manufactured after January 1, 1979, and eighty (80) decibels or less for motor vehicles manufactured after January 1, 1988; or

b. The driver reasonably believes that an emergency exists which requires the use of the device to protect against an immediate threat to the physical safety of the driver or others, protect against immediate threat of damage to property, or effectively reduce the speed of the motor vehicle using the manufacturer's motor vehicle braking system when

declining from an elevated roadway.

3. The monetary penalty for violating this subsection is two hundred fifty dollars (\$250.00) for the first violation, five hundred dollars (\$500.00) for the second violation, and (c) seven hundred fifty dollars (\$750.00) for each violation thereafter. (RCW 46.37.395)

B. 1. In addition to the restriction imposed by subsection A of this section, no person shall use an engine compression brake device while operating a motor vehicle on any street where signs prohibit the use of compression brakes, except where an immediate stoppage or slowing of the vehicle is necessary in order to prevent injury to persons or damage to property or to remedy an injury that has already occurred, and that friction brakes are either not available or would not have been as effective in bringing the vehicle to a stop or slowing it.

2. This subsection shall not apply to vehicles of a municipal fire department, whether or not responding to an emergency, participating in an exercise in emergency management, or rendering assistance under a mutual aid pact.

Section 34. Section 11.84.150 of the Seattle Municipal Code is amended as follows:

11.84.150 Application of tinting or coloring material.

A. No film screening tinting or coloring material that reduces light transmittance to any degree, ~~unless it meets standards for such material adopted by the State Patrol~~, may be applied to the surface of the safety glazing material in a motor vehicle unless it meets the following standards for such material:

1. The maximum level of film sun screening material to be applied to any window, except the windshield, shall have a total reflectance of thirty-five percent (35%) or less, plus or minus three percent (3%), and a light transmission of thirty-five percent (35%) or more, plus or minus three percent (3%), when measured against clear glass resulting in a minimum of twenty-four percent (24%) light transmission on AS-2 glazing where the vehicle is equipped with outside rearview mirrors on both the right and left. Installation of more than a single sheet of film sun screening material to any window is prohibited. The same maximum levels of film sun screen material may be applied to windows to the immediate right and left of the driver on limousines and passenger buses used to transport persons for compensation and vehicles identified by the manufacturer as multi-use, multipurpose, or other similar designation. All windows to the rear of the driver on such vehicles may have film sun screening material applied that has less than thirty-five percent (35%) light transmittance, if the light reflectance is thirty-five percent (35%) or less and the vehicle is equipped with outside rearview mirrors on both the right and left. A person or business tinting windows for profit who tints windows within restricted areas of the glazing system shall supply a sticker to be affixed to the driver's door post, in the area adjacent to the manufacturer's identification tag. Installation of this sticker certifies that the glazing application meets this chapter's standards for light transmission, reflectance, and placement requirements. Stickers must be no smaller than three-quarters of an inch (3/4") by one and one-half inches (1 1/2"), and no larger than two inches (2") by two and one-half inches (2 1/2"). The stickers must be of sufficient quality to endure exposure to harsh climate conditions. The business name and state tax identification number of the installer must be clearly visible on the sticker.

2. A greater degree of light reduction is permitted on all windows and the top six inches (6") of windshields of a vehicle operated by or carrying as a passenger a person who possesses a written verification from a licensed physician that the operator or passenger must be protected from exposure to sunlight for physical or medical reasons.

3. Windshield application. A greater degree of light reduction is permitted on the top six-inch (6") area of a vehicle's windshield. Clear film sun screening material that reduces or eliminates ultraviolet light may be applied to windshields.

4. When film sun screening material is applied to any window except the windshield, outside mirrors on both the left and right sides shall be located so as to reflect to the driver a view of the roadway, through each mirror, a distance of at least two hundred feet (200') to the rear of the vehicle.

5. The following types of film sun screening material are not permitted:

a. Mirror finish products;

b. Red, gold, yellow, or black material; or

c. Film sunscreening material that is in liquid preapplication form and brushed or sprayed on. in any of the following locations:

1. Windshields;

2. Windows to the immediate right and left of the driving including windwings, or

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

B. The side and rear windows of law enforcement vehicles are exempt from the requirements of subsection A of this section.

C. Nothing in this section subsection prohibits the use of shaded or heat-absorbing safety glazing material in which the shading or heat-absorbing characteristics have been applied at the time of manufacture of the safety glazing material and which meet federal standards and the standards of the State Patrol for such safety glazing materials.

D E. 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. (RCW 46.37.430)

Section 35. Subsection 11.84.200 A of the Seattle Municipal Code is amended as follows:

11.84.200 Tire cleats and chains.

A. No tire on a vehicle moved on a street or alley shall have on its periphery any block, stud, flange, cleat or spike or any other protuberance of any material other than rubber which projects beyond

the tread of the traction surface of the tire, except that it shall be permissible to use farm machinery with tires having protuberances which will not injure the street and except also that it shall be permissible to use tire chains or metal studs imbedded within the tire of reasonable proportions and of a type conforming to rules adopted by the State Patrol approved by the State Commission on Equipment, upon any vehicle when required for safety because of snow, ice, or other conditions tending to cause a vehicle to skid:~~Provided, that it shall be unlawful to use metal studs imbedded within the tire between April 1st and November 1st, except that a vehicle may be equipped year-round with tires that have retractable studs if the studs retract pneumatically or mechanically to below the wear bar of the tire when not in use and are engaged only between November 1st and April 1st: Provided further, that the use of tires with metal studs imbedded therein shall be lawful during additional periods when the State Department of Transportation Highway Commission so determines.

* * *

Section 36. Chapter 11.84 of the Seattle Municipal Code is amended to add the following section:

11.84.370 Signal preemption devices prohibited except on certain vehicles - Exceptions - Penalty for possession, use, sale or purchase.

A. Signal preemption devices shall not be installed or used on or with any vehicle other than an emergency vehicle authorized by the state patrol, a publicly owned law enforcement or emergency vehicle, a department of transportation, city, or county maintenance vehicle, or a public transit vehicle.

B. This section does not apply to any of the following:

1. A law enforcement agency and law enforcement personnel in the course of providing law enforcement services;
2. A fire station or a fire fighter in the course of providing fire prevention or fire extinguishing services;
3. An emergency medical service or ambulance in the course of providing emergency medical transportation or ambulance services;
4. An operator, passenger, or owner of an authorized emergency vehicle in the course of his or her emergency duties;
5. Department of transportation, city, or county maintenance personnel while performing maintenance;
6. Public transit personnel in the performance of their duties. However, public transit personnel operating a signal preemption device shall have second degree priority to law enforcement personnel, fire fighters, emergency medical personnel, and other authorized emergency vehicle personnel, when simultaneously approaching the same traffic control signal;
7. A mail or package delivery service or employee or agent of a mail or package delivery service in the course of shipping or delivering a signal preemption device;
8. An employee or agent of a signal preemption device manufacturer or retailer in the course of his or her employment in providing, selling, manufacturing, or transporting a signal preemption device to an individual or agency described in this subsection. (RCW 46.37.670)

C. Possessing a signal preemption device except as otherwise authorized by this section is a misdemeanor. (RCW 46.37.671)

D. Using a signal preemption device except as otherwise authorized by this section, selling a signal preemption device to a person other than a person described in this section, or purchasing a signal preemption device for use other than a duty as described in this section is a gross misdemeanor. (RCW 46.37.672)

Section 37. Section 11.84.440 of the Seattle Municipal Code is amended as follows:

11.84.440 Television viewers -- Earphones.

A. No person shall drive any motor vehicle equipped with any television viewer, screen or other means of visually receiving a television broadcast which is located in the motor vehicle at any point forward of the back of the driver's seat, or which is visible to the driver while operating the motor vehicle. This subsection does not apply to law enforcement vehicles communicating with mobile computer networks.

B. No person shall operate any motor vehicle on a public highway while wearing any headset or earphones connected to any electronic device capable of receiving a radio broadcast or playing a sound recording for the purpose of transmitting a sound to the human auditory senses and which headset or earphones muffle or exclude other sounds. This subsection does not apply to students and instructors participating in a Washington state motorcycle safety program.

C. This section does not apply to authorized emergency vehicles, motorcyclists wearing a helmet with built-in headsets or earphones as approved by the Washington state patrol, or motorists using hands-free, wireless communications systems, as approved by the equipment section of the Washington state patrol. (RCW 46.37.480)

Section 38. Chapter 11.84 of the Seattle Municipal Code is amended to add the following section:

11.84.460 Text message on wireless device.

A. Except as provided in subsection B of this section, no person operating a moving motor vehicle shall, by means of an electronic wireless communications device, other than a voice- activated global positioning or navigation system that is permanently affixed to the vehicle, send, read, or write a text message:~~Provided, however, that a person does not send, read, or write a text message when he or she reads, selects, or enters a phone number or name in a wireless communications device for the purpose of making a phone call.

B. Subsection A of this section does not apply to a person operating:

1. An authorized emergency vehicle; or

2. A moving motor vehicle while using an electronic wireless communications device to:

a. Report illegal activity;

b. Summon medical or other emergency help;

c. Prevent injury to a person or property; or

d. Relay information between a transit or for-hire operator and that operator's dispatcher, in which the device is permanently affixed to the vehicle.

C. Enforcement of this section by law enforcement officers may be accomplished only as a secondary action when a driver of a motor vehicle has been detained for a suspected violation of RCW Title 46, this title or some other offense. (RCW 46.61.668)

Section 39. Chapter 11.84 of the Seattle Municipal Code is amended to add the following section:

11.84.480 Cell phones.

A. Except as provided by subsection B of this section, no person shall operate a moving motor vehicle while holding a wireless communications device to his or her ear.

B. Subsection A of this section does not apply to a person operating:

1. An authorized emergency vehicle, or a tow truck responding to a disabled vehicle;

2. A moving motor vehicle using a wireless communications device in hands-free mode;

3. A moving motor vehicle using a hand-held wireless communications device to:

a. Report illegal activity;

b. Summon medical or other emergency help;

c. Prevent injury to a person or property;

4. A moving motor vehicle while using a hearing aid.

C. Subsection A of this section does not restrict the operation of an amateur radio station by a person who holds a valid amateur radio operator license issued by the federal communications commission.

D. For purposes of this section, "hands-free mode" means the use of a wireless communications device with a speaker phone, headset, or earpiece.

E. Enforcement of this section by law enforcement officers may be accomplished only as a secondary action when a driver of a motor vehicle has been detained for a suspected violation of RCW Title 46, this title or some other offense. (RCW 46.61.667)

Section 40. Chapter 11.84 of the Seattle Municipal Code is amended to add the following section:

11.84.500 Vehicle sound system components.

A. All vehicle sound system components, including any supplemental speaker systems or components, must be securely attached to the vehicle regardless of where the components are located so that the components cannot become dislodged or loose during operation of the vehicle.

B. Enforcement of this section by law enforcement officers may be accomplished only as a secondary action when a driver of a vehicle has been detained for a suspected violation of RCW Title 46, this title or some other offense. (RCW 46.37.680)

Section 41. Section 25.08.450 of the Seattle Municipal Code is amended as follows:

25.08.450 Modification to motor vehicles.

No person shall modify the exhaust system of a motor vehicle in a manner which will amplify or increase, the noise emitted by the engine of such vehicle above that emitted by the muffler originally installed on the vehicle, and it shall be unlawful for any person to operate a motor vehicle not equipped as required by Sections 11.84.060 and 11.84.080 or which has been amplified as prohibited by this section ~~so that the vehicle's exhaust noise exceeds ninety-five (95) decibels as measured by the Society of Automotive Engineers (SAE) test procedure J1169 (May, 1998)~~. (RCW 46.37.390(3))

Section 42. Section 11.58.015 of the Seattle Municipal Code is repealed.

Section 43. Sections 3, 18 and 19 of this ordinance shall take effect and be in force on January 1, 2009. Otherwise, this ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the ____ day of _____, 2008, and signed by me in open session in authentication of its passage this ____ day of _____, 2008. _____ President _____ of the City Council

Approved by me this ____ day of _____, 2008. _____ Gregory J. Nickels,
Mayor

Filed by me this ____ day of _____, 2008. _____ City Clerk

07/16/08 V3 ta