
ENGROSSED SENATE BILL 5020

State of Washington

53rd Legislature

1993 Regular Session

By Senators Nelson and Winsley

Read first time 01/11/93. Referred to Committee on Transportation.

1 AN ACT Relating to defective vehicle equipment; and amending RCW
2 46.37.010.

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

4 **Sec. 1.** RCW 46.37.010 and 1989 c 178 s 22 are each amended to read
5 as follows:

6 (1) It is a traffic infraction for any person to drive or move or
7 for the owner to cause or knowingly permit to be driven or moved on any
8 highway any vehicle or combination of vehicles which is in such unsafe
9 condition as to endanger any person, or which does not contain those
10 parts or is not at all times equipped with such lamps and other
11 equipment in proper condition and adjustment as required in this
12 chapter or in regulations issued by the chief of the Washington state
13 patrol, or which is equipped in any manner in violation of this chapter
14 or the state patrol's regulations, or for any person to do any act
15 forbidden or fail to perform any act required under this chapter or the
16 state patrol's regulations.

17 For lesser degrees of equipment violations, law enforcement
18 officers shall issue a mandatory repair notice. The repair notice
19 shall provide a motorist with at least ten days to repair the deficient

1 equipment. If at the end of the ten day period, or greater period of
2 time if designated on the repair notice, the motorist has not contacted
3 the law enforcement agency that issued the mandatory repair notice and
4 produced satisfactory evidence that the equipment deficiency has been
5 corrected, the law enforcement agency shall issue a traffic infraction.
6 When a defect poses imminent danger to the driver or others, the
7 motorist may be prohibited from driving the vehicle until it is
8 repaired.

9 (2) Nothing contained in this chapter or the state patrol's
10 regulations shall be construed to prohibit the use of additional parts
11 and accessories on any vehicle not inconsistent with the provisions of
12 this chapter or the state patrol's regulations.

13 (3) The provisions of the chapter and the state patrol's
14 regulations with respect to equipment on vehicles shall not apply to
15 implements of husbandry, road machinery, road rollers, or farm tractors
16 except as herein made applicable.

17 (4) No owner or operator of a farm tractor, self-propelled unit of
18 farm equipment, or implement of husbandry shall be guilty of a crime or
19 subject to penalty for violation of RCW 46.37.160 as now or hereafter
20 amended unless such violation occurs on a public highway.

21 (5) It is a traffic infraction for any person to sell or offer for
22 sale vehicle equipment which is required to be approved by the state
23 patrol as prescribed in RCW 46.37.005 unless it has been approved by
24 the state patrol.

25 (6) The provisions of this chapter with respect to equipment
26 required on vehicles shall not apply to motorcycles or motor-driven
27 cycles except as herein made applicable.

28 (7) Notices of traffic infraction issued to commercial drivers
29 under the provisions of this chapter with respect to equipment required
30 on commercial motor vehicles shall not be considered for driver
31 improvement purposes under chapter 46.20 RCW.

32 (8) Whenever a traffic infraction is chargeable to the owner or
33 lessee of a vehicle under subsection (1) of this section, the driver
34 shall not be arrested or issued a notice of traffic infraction unless
35 the vehicle is registered in a jurisdiction other than Washington
36 state, or unless the infraction is for an offense that is clearly
37 within the responsibility of the driver.

38 (9) Whenever the owner or lessee is issued a notice of traffic
39 infraction under this section the court may, on the request of the

1 owner or lessee, take appropriate steps to make the driver of the
2 vehicle, or any other person who directs the loading, maintenance, or
3 operation of the vehicle, a codefendant. If the codefendant is held
4 solely responsible and is found to have committed the traffic
5 infraction, the court may dismiss the notice against the owner or
6 lessee.

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