

# HOUSE BILL REPORT

## HB 1103

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As Reported By House Committee On:  
Transportation

**Title:** An act relating to the model traffic ordinance.

**Brief Description:** Changing the model traffic ordinance from statute to rule.

**Sponsors:** Representatives R. Fisher, Brown, Schmidt, Wood, Jones, Franklin and Johanson.

**Brief History:**

Reported by House Committee on:  
Transportation, February 2, 1993, DPS.

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### HOUSE COMMITTEE ON TRANSPORTATION

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 22 members: Representatives R. Fisher, Chair; Brown, Vice Chair; Jones, Vice Chair; Schmidt, Ranking Minority Member; Brough; Brumsickle; Cothorn; Eide; Finkbeiner; Forner; Hansen; Heavey; Horn; Johanson; J. Kohl; Miller; Orr; Quall; Sheldon; Shin; Wood; and Zellinsky.

**Staff:** Mary McLaughlin (786-7309).

**Background:** The Model Traffic Ordinance (MTO) is a listing of state traffic and motor vehicle laws that a city, town or county may adopt, by reference, to serve as its local traffic ordinance. The MTO may be adopted in whole or in part, and a local government may exclude any sections it does not wish to include in its local laws. The model is now being used by 185 cities and 15 counties.

Because the model is statutory, legislative action is required each year to incorporate recently enacted traffic statutes. Guiding the measure through the legislative process each year has become increasingly more difficult. In fact, enactments from the 1991 and 1992 sessions currently are not part of the model. A more efficient method of updating the model may be adoption by Washington Administrative Code (WAC) rule.

**Summary of Substitute Bill:** The procedure by which the Model Traffic Ordinance is updated is changed from a

statutory process to administrative rule. The Department of Licensing (DOL), in consultation with Washington State Patrol and Traffic Safety Commission, is responsible for periodically updating the model. DOL's authority to develop the model by rule is effective July 1, 1993.

The following 1991 and 1992 legislative enactments are added to the model, effective immediately:

- (1) school buses must be equipped with a crossing arm mounted to the bus effective September 1, 1992;
- (2) initial tow movements are exempt from the state's highway weight limitation requirements;
- (3) it is a traffic infraction for anyone to knowingly direct the loading of a vehicle in excess of the weight limitations for highway usage;
- (4) refusal of a person to submit to alcohol blood or breath test is admissible evidence at a subsequent criminal trial;
- (5) compensation for private impounds by tow truck operators;
- (6) negligent driving and vehicular assault are delineated as crimes which may occur on private property; and
- (7) reporting and investigation of violators of school bus stop sign laws.

The statutory MTO is repealed on July 1, 1994 and is replaced by a model developed through WAC rule.

**Substitute Bill Compared to Original Bill:** Technical changes are made to clarify intent. Repeal of the model is delayed six months until July 1, 1994.

**Fiscal Note:** Not requested.

**Effective Date of Substitute Bill:** Incorporation of 1991/92 traffic laws into the model is effective immediately; authorization to develop model by rule is effective July 1, 1993; repeal of statutory model is effective July 1, 1994.

**Testimony For:** The bill streamlines the method by which the model is updated.

**Testimony Against:** None.

**Witnesses:** Jim Justin, Association of Washington Cities; and Jim Wadsworth, Department of Licensing.