

CERTIFICATION OF ENROLLMENT  
**ENGROSSED SUBSTITUTE HOUSE BILL 2439**

55th Legislature  
1998 Regular Session

Passed by the House March 12, 1998  
Yeas 98 Nays 0

\_\_\_\_\_  
**Speaker of the  
House of Representatives**

Passed by the Senate March 12, 1998  
Yeas 49 Nays 0

\_\_\_\_\_  
**President of the Senate**

Approved

\_\_\_\_\_  
**Governor of the State of Washington**

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 2439** as passed by the House of Representatives and the Senate on the dates hereon set forth.

\_\_\_\_\_  
**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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ENGROSSED SUBSTITUTE HOUSE BILL 2439

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AS AMENDED BY THE SENATE

Passed Legislature - 1998 Regular Session

State of Washington                      55th Legislature                      1998 Regular Session

By House Committee on Transportation Policy & Budget (originally sponsored by Representatives D. Sommers, Costa, Benson, Sterk, Gombosky and O'Brien)

Read first time 02/05/98. Referred to Committee on .

1            AN ACT Relating to traffic safety education; amending RCW  
2 43.59.010, 46.20.095, 46.82.430, 46.83.040, 46.52.070, 46.52.100,  
3 46.52.120, 46.52.130, 46.20.291, 46.20.305, 46.37.280, and 46.61.780;  
4 adding a new section to chapter 43.59 RCW; adding a new section to  
5 chapter 46.20 RCW; creating new sections; prescribing penalties; making  
6 an appropriation; and providing an effective date.

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

8            NEW SECTION.    **Sec. 1.** This act may be known and cited as the  
9 Cooper Jones Act.

10           **Sec. 2.** RCW 43.59.010 and 1967 ex.s. c 147 s 1 are each amended to  
11 read as follows:

12           (1) The purpose of this chapter is to establish a new agency of  
13 state government to be known as the Washington traffic safety  
14 commission. The functions and purpose of this commission shall be to  
15 find solutions to the problems that have been created as a result of  
16 the tremendous increase of motor vehicles on our highways and the  
17 attendant traffic death and accident tolls; to plan and supervise  
18 programs for the prevention of accidents on streets and highways

1 including but not limited to educational campaigns designed to reduce  
2 traffic accidents in cooperation with all official and unofficial  
3 organizations interested in traffic safety; to coordinate the  
4 activities at the state and local level in the development of state-  
5 wide and local traffic safety programs; to promote a uniform  
6 enforcement of traffic safety laws and establish standards for  
7 investigation and reporting of traffic accidents; to promote and  
8 improve driver education; and to authorize the governor to perform all  
9 functions required to be performed by him under the federal Highway  
10 Safety Act of 1966 (Public Law 89-564; 80 Stat. 731).

11 (2) The legislature finds and declares that bicycling and walking  
12 are becoming increasingly popular in Washington as clean and efficient  
13 modes of transportation, as recreational activities, and as organized  
14 sports. Future plans for the state's transportation system will  
15 require increased access and safety for bicycles and pedestrians on our  
16 common roadways, and federal transportation legislation and funding  
17 programs have created strong incentives to implement these changes  
18 quickly. As a result, many more people are likely to take up bicycling  
19 in Washington both as a leisure activity and as a convenient,  
20 inexpensive form of transportation. Bicyclists are more vulnerable to  
21 injury and accident than motorists, and should be as knowledgeable as  
22 possible about traffic laws, be highly visible and predictable when  
23 riding in traffic, and be encouraged to wear bicycle safety helmets.  
24 Hundreds of bicyclists and pedestrians are seriously injured every year  
25 in accidents, and millions of dollars are spent on health care costs  
26 associated with these accidents. There is clear evidence that  
27 organized training in the rules and techniques of safe and effective  
28 cycling can significantly reduce the incidence of serious injury and  
29 accidents, increase cooperation among road users, and significantly  
30 increase the incidence of bicycle helmet use, particularly among  
31 minors. A reduction in accidents benefits the entire community.  
32 Therefore it is appropriate for businesses and community organizations  
33 to provide donations to bicycle and pedestrian safety training  
34 programs.

35 NEW SECTION. Sec. 3. A new section is added to chapter 43.59 RCW  
36 to read as follows:

37 (1) The Washington state traffic safety commission shall establish  
38 a program for improving bicycle and pedestrian safety, and shall

1 cooperate with the stakeholders and independent representatives to form  
2 an advisory committee to develop programs and create public private  
3 partnerships which promote bicycle and pedestrian safety. The traffic  
4 safety commission shall report and make recommendations to the  
5 legislative transportation committee and the fiscal committees of the  
6 house of representatives and the senate by December 1, 1998, regarding  
7 the conclusions of the advisory committee.

8 (2) The bicycle and pedestrian safety account is created in the  
9 state treasury. To the extent that private contributions are received  
10 by the traffic safety commission for the purposes of bicycle and  
11 pedestrian safety programs established under this section, the  
12 appropriations from the highway safety account for this purpose shall  
13 lapse.

14 NEW SECTION. **Sec. 4.** A new section is added to chapter 46.20 RCW  
15 to read as follows:

16 The department of licensing shall incorporate a section on bicycle  
17 safety and sharing the road into its instructional publications for  
18 drivers and shall include questions in the written portion of the  
19 driver's license examination on bicycle safety and sharing the road  
20 with bicycles.

21 **Sec. 5.** RCW 46.20.095 and 1986 c 93 s 3 are each amended to read  
22 as follows:

23 The department shall include information on the proper use of the  
24 left-hand lane by motor vehicles on multilane highways and on  
25 bicyclists' and pedestrians' rights and responsibilities in its  
26 instructional publications for drivers.

27 **Sec. 6.** RCW 46.82.430 and 1986 c 93 s 5 are each amended to read  
28 as follows:

29 Instructional material used in driver training schools shall  
30 include information on the proper use of the left-hand lane by motor  
31 vehicles on multilane highways and on bicyclists' and pedestrians'  
32 rights and responsibilities and suggested riding procedures in common  
33 traffic situations.

34 **Sec. 7.** RCW 46.83.040 and 1961 c 12 s 46.83.040 are each amended  
35 to read as follows:

1 It shall be the purpose of every traffic school which may be  
2 established hereunder to instruct, educate, and inform all persons  
3 appearing for training in the proper, lawful, and safe operation of  
4 motor vehicles, including but not limited to rules of the road and the  
5 limitations of persons, vehicles, and bicycles and roads, streets, and  
6 highways under varying conditions and circumstances.

7 **Sec. 8.** RCW 46.52.070 and 1967 c 32 s 57 are each amended to read  
8 as follows:

9 (1) Any police officer of the state of Washington or of any county,  
10 city, town or other political subdivision, present at the scene of any  
11 accident or in possession of any facts concerning any accident whether  
12 by way of official investigation or otherwise shall make report thereof  
13 in the same manner as required of the parties to such accident and as  
14 fully as the facts in his possession concerning such accident will  
15 permit.

16 (2) The police officer shall report to the department, on a form  
17 prescribed by the director: (a) When an accident has occurred that  
18 results in a fatality or serious injury; (b) the identity of the  
19 operator of a vehicle involved in the accident when the officer has  
20 reasonable grounds to believe the operator who caused the fatality or  
21 serious injury may not be competent to operate a motor vehicle; and (c)  
22 the reason or reasons for such belief.

23 **Sec. 9.** RCW 46.52.100 and 1995 c 219 s 3 are each amended to read  
24 as follows:

25 Every district court, municipal court, and clerk of superior court  
26 shall keep or cause to be kept a record of every traffic complaint,  
27 traffic citation, notice of infraction, or other legal form of traffic  
28 charge deposited with or presented to the court or a traffic violations  
29 bureau, and shall keep a record of every official action by the court  
30 or its traffic violations bureau in reference thereto, including but  
31 not limited to a record of every conviction, forfeiture of bail,  
32 judgment of acquittal, finding that a traffic infraction has been  
33 committed, dismissal of a notice of infraction, and the amount of fine,  
34 forfeiture, or penalty resulting from every traffic complaint,  
35 citation, or notice of infraction deposited with or presented to the  
36 district court, municipal court, superior court, or traffic violations  
37 bureau.

1       The Monday following the conviction, forfeiture of bail, or finding  
2 that a traffic infraction was committed for violation of any provisions  
3 of this chapter or other law regulating the operating of vehicles on  
4 highways, every magistrate of the court or clerk of the court of record  
5 in which such conviction was had, bail was forfeited, or the finding  
6 made shall prepare and immediately forward to the director of licensing  
7 at Olympia an abstract of the record of the court covering the case,  
8 which abstract must be certified by the person so required to prepare  
9 the same to be true and correct. Report need not be made of any  
10 finding involving the illegal parking or standing of a vehicle.

11       The abstract must be made upon a form or forms furnished by the  
12 director and shall include the name and address of the party charged,  
13 the number, if any, of the party's driver's or chauffeur's license, the  
14 registration number of the vehicle involved if required by the  
15 director, the nature of the offense, the date of hearing, the plea, the  
16 judgment, whether the offense was an alcohol-related offense as defined  
17 in RCW 46.01.260(2), whether the incident that gave rise to the offense  
18 charged resulted in any fatality, whether bail forfeited, whether the  
19 determination that a traffic infraction was committed was contested,  
20 and the amount of the fine, forfeiture, or penalty as the case may be.

21       Every court of record shall also forward a like report to the  
22 director upon the conviction of any person of a felony in the  
23 commission of which a vehicle was used.

24       The failure of any such judicial officer to comply with any of the  
25 requirements of this section shall constitute misconduct in office and  
26 shall be grounds for removal therefrom.

27       The director shall keep all abstracts received hereunder at the  
28 director's office in Olympia and the same shall be open to public  
29 inspection during reasonable business hours.

30       Venue in all district courts shall be before one of the two nearest  
31 district judges in incorporated cities and towns nearest to the point  
32 the violation allegedly occurred: PROVIDED, That in counties with  
33 populations of one hundred twenty-five thousand or more such cases may  
34 be tried in the county seat at the request of the defendant.

35       It shall be the duty of the officer, prosecuting attorney, or city  
36 attorney signing the charge or information in any case involving a  
37 charge of driving under the influence of intoxicating liquor or any  
38 drug immediately to make request to the director for an abstract of  
39 convictions and forfeitures which the director shall furnish.

1       **Sec. 10.** RCW 46.52.120 and 1993 c 501 s 12 are each amended to  
2 read as follows:

3       (1) The director shall keep a case record on every motor vehicle  
4 driver licensed under the laws of this state, together with information  
5 on each driver, showing all the convictions and findings of traffic  
6 infractions certified by the courts, together with an index cross-  
7 reference record of each accident reported relating to such individual  
8 with a brief statement of the cause of the accident and whether or not  
9 the accident resulted in any fatality. The chief of the Washington  
10 state patrol shall furnish the index cross-reference record to the  
11 director, with reference to each driver involved in the reported  
12 accidents.

13       (2) The records shall be for the confidential use of the director,  
14 the chief of the Washington state patrol, the director of the  
15 Washington traffic safety commission, and for such police officers or  
16 other cognizant public officials as may be designated by law. Such  
17 case records shall not be offered as evidence in any court except in  
18 case appeal is taken from the order of the director, suspending,  
19 revoking, canceling, or refusing a vehicle driver's license.

20       (3) The director shall tabulate and analyze vehicle driver's case  
21 records and suspend, revoke, cancel, or refuse a vehicle driver's  
22 license to a person when it is deemed from facts contained in the case  
23 record of such person that it is for the best interest of public safety  
24 that such person be denied the privilege of operating a motor vehicle.  
25 The director shall also suspend a person's driver's license if the  
26 person fails to attend or complete a driver improvement interview or  
27 fails to abide by conditions of probation under RCW 46.20.335.  
28 Whenever the director orders the vehicle driver's license of any such  
29 person suspended, revoked, or canceled, or refuses the issuance of a  
30 vehicle driver's license, such suspension, revocation, cancellation, or  
31 refusal is final and effective unless appeal from the decision of the  
32 director is taken as provided by law.

33       **Sec. 11.** RCW 46.52.130 and 1997 c 66 s 12 are each amended to read  
34 as follows:

35       A certified abstract of the driving record shall be furnished only  
36 to the individual named in the abstract, an employer or prospective  
37 employer or an agent acting on behalf of an employer or prospective  
38 employer, the insurance carrier that has insurance in effect covering

1 the employer or a prospective employer, the insurance carrier that has  
2 insurance in effect covering the named individual, the insurance  
3 carrier to which the named individual has applied, an alcohol/drug  
4 assessment or treatment agency approved by the department of social and  
5 health services, to which the named individual has applied or been  
6 assigned for evaluation or treatment, or city and county prosecuting  
7 attorneys. City attorneys and county prosecuting attorneys may provide  
8 the driving record to alcohol/drug assessment or treatment agencies  
9 approved by the department of social and health services to which the  
10 named individual has applied or been assigned for evaluation or  
11 treatment. The director, upon proper request, shall furnish a  
12 certified abstract covering the period of not more than the last three  
13 years to insurance companies. Upon proper request, the director shall  
14 furnish a certified abstract covering a period of not more than the  
15 last five years to state approved alcohol/drug assessment or treatment  
16 agencies, except that the certified abstract shall also include records  
17 of alcohol-related offenses as defined in RCW 46.01.260(2) covering a  
18 period of not more than the last ten years. Upon proper request, a  
19 certified abstract of the full driving record maintained by the  
20 department shall be furnished to a city or county prosecuting attorney,  
21 to the individual named in the abstract or to an employer or  
22 prospective employer or an agent acting on behalf of an employer or  
23 prospective employer of the named individual. The abstract, whenever  
24 possible, shall include an enumeration of motor vehicle accidents in  
25 which the person was driving; the total number of vehicles involved;  
26 whether the vehicles were legally parked or moving; whether the  
27 vehicles were occupied at the time of the accident; whether the  
28 accident resulted in any fatality; any reported convictions,  
29 forfeitures of bail, or findings that an infraction was committed based  
30 upon a violation of any motor vehicle law; and the status of the  
31 person's driving privilege in this state. The enumeration shall  
32 include any reports of failure to appear in response to a traffic  
33 citation or failure to respond to a notice of infraction served upon  
34 the named individual by an arresting officer. Certified abstracts  
35 furnished to prosecutors and alcohol/drug assessment or treatment  
36 agencies shall also indicate whether a recorded violation is an  
37 alcohol-related offense as defined in RCW 46.01.260(2) that was  
38 originally charged as one of the alcohol-related offenses designated in  
39 RCW 46.01.260(2)(b)(i).

1       The abstract provided to the insurance company shall exclude any  
2 information, except that related to the commission of misdemeanors or  
3 felonies by the individual, pertaining to law enforcement officers or  
4 fire fighters as defined in RCW 41.26.030, or any officer of the  
5 Washington state patrol, while driving official vehicles in the  
6 performance of occupational duty. The abstract provided to the  
7 insurance company shall include convictions for RCW 46.61.5249 and  
8 46.61.525 except that the abstract shall report them only as negligent  
9 driving without reference to whether they are for first or second  
10 degree negligent driving. The abstract provided to the insurance  
11 company shall exclude any deferred prosecution under RCW 10.05.060,  
12 except that if a person is removed from a deferred prosecution under  
13 RCW 10.05.090, the abstract shall show the deferred prosecution as well  
14 as the removal.

15       The director shall collect for each abstract the sum of four  
16 dollars and fifty cents which shall be deposited in the highway safety  
17 fund.

18       Any insurance company or its agent receiving the certified abstract  
19 shall use it exclusively for its own underwriting purposes and shall  
20 not divulge any of the information contained in it to a third party.  
21 No policy of insurance may be canceled, nonrenewed, denied, or have the  
22 rate increased on the basis of such information unless the policyholder  
23 was determined to be at fault. No insurance company or its agent for  
24 underwriting purposes relating to the operation of commercial motor  
25 vehicles may use any information contained in the abstract relative to  
26 any person's operation of motor vehicles while not engaged in such  
27 employment, nor may any insurance company or its agent for underwriting  
28 purposes relating to the operation of noncommercial motor vehicles use  
29 any information contained in the abstract relative to any person's  
30 operation of commercial motor vehicles.

31       Any employer or prospective employer or an agent acting on behalf  
32 of an employer or prospective employer receiving the certified abstract  
33 shall use it exclusively for his or her own purpose to determine  
34 whether the licensee should be permitted to operate a commercial  
35 vehicle or school bus upon the public highways of this state and shall  
36 not divulge any information contained in it to a third party.

37       Any alcohol/drug assessment or treatment agency approved by the  
38 department of social and health services receiving the certified  
39 abstract shall use it exclusively for the purpose of assisting its

1 employees in making a determination as to what level of treatment, if  
2 any, is appropriate. The agency, or any of its employees, shall not  
3 divulge any information contained in the abstract to a third party.

4 Release of a certified abstract of the driving record of an  
5 employee or prospective employee requires a statement signed by: (1)  
6 The employee or prospective employee that authorizes the release of the  
7 record, and (2) the employer attesting that the information is  
8 necessary to determine whether the licensee should be employed to  
9 operate a commercial vehicle or school bus upon the public highways of  
10 this state. If the employer or prospective employer authorizes an  
11 agent to obtain this information on their behalf, this must be noted in  
12 the statement.

13 Any violation of this section is a gross misdemeanor.

14 **Sec. 12.** RCW 46.20.291 and 1997 c 58 s 806 are each amended to  
15 read as follows:

16 The department is authorized to suspend the license of a driver  
17 upon a showing by its records or other sufficient evidence that the  
18 licensee:

19 (1) Has committed an offense for which mandatory revocation or  
20 suspension of license is provided by law;

21 (2) Has, by reckless or unlawful operation of a motor vehicle,  
22 caused or contributed to an accident resulting in death or injury to  
23 any person or serious property damage;

24 (3) Has been convicted of offenses against traffic regulations  
25 governing the movement of vehicles, or found to have committed traffic  
26 infractions, with such frequency as to indicate a disrespect for  
27 traffic laws or a disregard for the safety of other persons on the  
28 highways;

29 (4) Is incompetent to drive a motor vehicle under RCW 46.20.031(3);

30 (5) Has failed to respond to a notice of traffic infraction, failed  
31 to appear at a requested hearing, violated a written promise to appear  
32 in court, or has failed to comply with the terms of a notice of traffic  
33 infraction or citation, as provided in RCW 46.20.289;

34 (6) Is subject to suspension under RCW 46.20.305;

35 (7) Has committed one of the prohibited practices relating to  
36 drivers' licenses defined in RCW 46.20.336; or

37 ~~((+7))~~ (8) Has been certified by the department of social and  
38 health services as a person who is not in compliance with a child

1 support order or a residential or visitation order as provided in RCW  
2 74.20A.320.

3 **Sec. 13.** RCW 46.20.305 and 1965 ex.s. c 121 s 26 are each amended  
4 to read as follows:

5 (1) The department, having good cause to believe that a licensed  
6 driver is incompetent or otherwise not qualified to be licensed may  
7 upon notice require him or her to submit to an examination.

8 (2) The department shall require a driver reported under RCW  
9 46.52.070(2), when a fatality occurred, to submit to an examination.  
10 The examination must be completed no later than one hundred twenty days  
11 after the accident report required under RCW 46.52.070(2) is received  
12 by the department unless the department, at the request of the  
13 operator, extends the time for examination.

14 (3) The department may require a driver reported under RCW  
15 46.52.070(2) to submit to an examination, or suspend the person's  
16 license subject to RCW 46.20.322, when a serious injury occurred. The  
17 examination must be completed no later than one hundred twenty days  
18 after the accident report required under RCW 46.52.070(2) is received  
19 by the department.

20 (4) The department may in addition to an examination under this  
21 section require such person to obtain a certificate showing his or her  
22 condition signed by a licensed physician or other proper authority  
23 designated by the department.

24 (5) Upon the conclusion of ((such)) an examination under this  
25 section the department shall take driver improvement action as may be  
26 appropriate and may suspend or revoke the license of such person or  
27 permit him or her to retain such license, or may issue a license  
28 subject to restrictions as permitted under RCW 46.20.041. The  
29 department may suspend or revoke the license of such person who refuses  
30 or neglects to submit to such examination.

31 (6) The department may require payment of a fee by a person subject  
32 to examination under this section. The department shall set the fee in  
33 an amount that is sufficient to cover the additional cost of  
34 administering examinations required by this section.

35 NEW SECTION. **Sec. 14.** The department of licensing may adopt rules  
36 as necessary to implement this act.

1        NEW SECTION.    **Sec. 15.**    Sections 8 through 14 of this act take  
2 effect January 1, 1999.

3        **Sec. 16.**    RCW 46.37.280 and 1987 c 330 s 713 are each amended to  
4 read as follows:

5        (1) During the times specified in RCW 46.37.020, any lighted lamp  
6 or illuminating device upon a motor vehicle, other than head lamps,  
7 spot lamps, auxiliary lamps, flashing turn signals, emergency vehicle  
8 warning lamps, warning lamps authorized by the state patrol and school  
9 bus warning lamps, which projects a beam of light of an intensity  
10 greater than three hundred candlepower shall be so directed that no  
11 part of the high intensity portion of the beam will strike the level of  
12 the roadway on which the vehicle stands at a distance of more than  
13 seventy-five feet from the vehicle.

14        (2) Except as required in RCW 46.37.190 no person shall drive or  
15 move any vehicle or equipment upon any highway with any lamp or device  
16 thereon displaying a red light visible from directly in front of the  
17 center thereof.

18        (3) Flashing lights are prohibited except as required in RCW  
19 46.37.190, 46.37.200, 46.37.210, 46.37.215, and 46.37.300, (~~and~~)  
20 warning lamps authorized by the state patrol, and light-emitting diode  
21 flashing taillights on bicycles.

22        **Sec. 17.**    RCW 46.61.780 and 1987 c 330 s 746 are each amended to  
23 read as follows:

24        (1) Every bicycle when in use during the hours of darkness as  
25 defined in RCW 46.37.020 shall be equipped with a lamp on the front  
26 which shall emit a white light visible from a distance of at least five  
27 hundred feet to the front and with a red reflector on the rear of a  
28 type approved by the state patrol which shall be visible from all  
29 distances (~~from one hundred feet~~) up to six hundred feet to the rear  
30 when directly in front of lawful lower beams of head lamps on a motor  
31 vehicle. A lamp emitting a red light visible from a distance of five  
32 hundred feet to the rear may be used in addition to the red reflector.  
33 A light-emitting diode flashing taillight visible from a distance of  
34 five hundred feet to the rear may also be used in addition to the red  
35 reflector.

1           (2) Every bicycle shall be equipped with a brake which will enable  
2 the operator to make the braked wheels skid on dry, level, clean  
3 pavement.

4           NEW SECTION.   **Sec. 18.** The sum of one hundred thousand dollars, or  
5 as much thereof as may be necessary, is appropriated for the biennium  
6 ending June 30, 1999, from the highway safety account to the bicycle  
7 and pedestrian safety account for the purposes of this act.

--- END ---