

2 SHB 1971 - S AMD - 374
3 By Senator Goings and Haugen

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5 On page 3, after line 21, insert the following:

6 "Sec. 4. RCW 46.63.030 and 1995 c 219 s 5 are each amended to read
7 as follows:

8 (1) A law enforcement officer has the authority to issue a notice
9 of traffic infraction:

10 (a) When the infraction is committed in the officer's presence;

11 (b) When the officer is acting upon the request of a law
12 enforcement officer in whose presence the traffic infraction was
13 committed; or

14 (c) If an officer investigating at the scene of a motor vehicle
15 accident has reasonable cause to believe that the driver of a motor
16 vehicle involved in the accident has committed a traffic infraction.

17 (2) A court may issue a notice of traffic infraction upon receipt
18 of a written statement of the officer that there is reasonable cause to
19 believe that an infraction was committed.

20 (3) If any motor vehicle without a driver is found parked,
21 standing, or stopped in violation of this title or an equivalent
22 administrative regulation or local law, ordinance, regulation, or
23 resolution, the officer finding the vehicle shall take its registration
24 number and may take any other information displayed on the vehicle
25 which may identify its user, and shall conspicuously affix to the
26 vehicle a notice of traffic infraction.

27 (4) In the case of failure to redeem an abandoned vehicle under RCW
28 46.55.120, upon receiving a complaint by a registered tow truck
29 operator that has incurred costs in removing, storing, and disposing of
30 an abandoned vehicle, an officer of the law enforcement agency
31 responsible for directing the removal of the vehicle shall send a
32 notice of infraction by certified mail to the last known address of the
33 registered owner of the vehicle. The officer shall append to the
34 notice of infraction, on a form prescribed by the department of
35 licensing, a notice indicating the amount of costs incurred as a result
36 of removing, storing, and disposing of the abandoned vehicle, less any

1 amount realized at auction, and a statement that monetary penalties for
2 the infraction will not be considered as having been paid until the
3 monetary penalty payable under this chapter has been paid and the court
4 is satisfied that the person has made restitution in the amount of the
5 deficiency remaining after disposal of the vehicle.

6 (5) A city or county law enforcement officer may issue a notice of
7 infraction by mail to the registered owner of a vehicle if the
8 infraction occurred in a location designated a serious traffic concern
9 under subsection (6) of this section, and the officer issuing the
10 infraction has reasonable cause to believe that the registered owner's
11 vehicle was the vehicle being operated when the infraction occurred.
12 The registered owner of the vehicle is responsible for the infraction,
13 unless the registered owner indicates that he or she was not driving
14 when the infraction occurred. The registered owner may indicate that
15 he or she was not driving when the infraction occurred by checking the
16 appropriate box on the notice of infraction and mailing or delivering
17 it to the issuing agency. Nothing in this section prevents the
18 registered owner from contesting the infraction under this chapter.

19 (6) A chief law enforcement officer of a city or county may
20 designate a location as a serious traffic concern. The designation is
21 permissible only if the chief law enforcement officer of the city or
22 county provides evidence, during a public hearing, that an unacceptable
23 amount of traffic offenses have occurred at a proposed location. The
24 chief law enforcement officer of the city or county must have the
25 public hearing before the local government legislative body that has
26 jurisdiction of the designated area, and the designation is permissible
27 only if a majority of the local government legislative body votes to
28 approve the designation.

29 NEW SECTION. Sec. 5. The legislature respectfully requests the
30 Washington State Supreme Court to amend the Infraction Rules of Courts
31 of Limited Jurisdiction to conform with RCW 46.63.030(5). Furthermore,
32 the legislature respectfully requests the court and the department of
33 licensing to create a notice of infraction that is consistent with RCW
34 46.63.030(5) and any rules necessary to implement RCW 46.63.030(5).

35 NEW SECTION. Sec. 6. A new section is added to chapter 46.61 RCW
36 to read as follows:

1 It is a traffic infraction for a driver of a motor vehicle
2 intending to board a Washington state ferry, to: (1) Block a
3 residential driveway while waiting to board the ferry; or (2) move in
4 front of another vehicle in a queue already waiting to board the ferry,
5 without the authorization of a state ferry system employee. Vehicles
6 qualifying for preferential loading privileges under rules adopted by
7 the department of transportation are exempt from this subsection. In
8 addition to any other penalty imposed for a violation of this section,
9 the driver shall be directed to immediately move the motor vehicle to
10 the end of the queue of vehicles waiting to board the ferry.

11 NEW SECTION. **Sec. 7.** A new section is added to chapter 47.60 RCW
12 to read as follows:

13 The department shall take steps to mitigate problems associated
14 with lengthy ferry queues, including the blockage of residential
15 driveways, by implementing appropriate mitigation procedures and any
16 feasible infrastructural changes to enforce section 6 of this act."

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20 In line 1 of the title, after "safety;" strike "and"

21 In line 2 of the title, after "46.52.070," strike "and" and after
22 "46.20.305" insert ", and 46.63.030; adding a new section to chapter
23 46.61 RCW; adding a new section to chapter 47.60 RCW; and creating a
24 new section"

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