

ESB 5450 - H COMM AMD
By Committee on Transportation

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 46.04.320 and 2002 c 247 s 2 are each amended to read
4 as follows:

5 "Motor vehicle" (~~shall~~) means every vehicle which is self-
6 propelled and every vehicle which is propelled by electric power
7 obtained from overhead trolley wires, but not operated upon rails.
8 "Motor vehicle" includes a neighborhood electric vehicle as defined in
9 section 2 of this act. An electric personal assistive mobility device
10 is not considered a motor vehicle.

11 NEW SECTION. Sec. 2. A new section is added to chapter 46.04 RCW
12 to read as follows:

13 "Neighborhood electric vehicle" means a self-propelled,
14 electrically powered four-wheeled motor vehicle whose speed attainable
15 in one mile is more than twenty miles per hour and not more than
16 twenty-five miles per hour and conforms to federal regulations under
17 Title 49 C.F.R. Part 571.500.

18 Sec. 3. RCW 46.37.010 and 1997 c 241 s 14 are each amended to read
19 as follows:

20 (1) It is a traffic infraction for any person to drive or move or
21 for the owner to cause or knowingly permit to be driven or moved on any
22 highway any vehicle or combination of vehicles which is in such unsafe
23 condition as to endanger any person, or which does not contain those
24 parts or is not at all times equipped with such lamps and other
25 equipment in proper condition and adjustment as required in this
26 chapter or in regulations issued by the chief of the Washington state
27 patrol, or which is equipped in any manner in violation of this chapter

1 or the state patrol's regulations, or for any person to do any act
2 forbidden or fail to perform any act required under this chapter or the
3 state patrol's regulations.

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

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

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

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

20 (6) The provisions of this chapter with respect to equipment
21 required on vehicles shall not apply to neighborhood electric vehicles,
22 motorcycles, or motor-driven cycles except as herein made applicable.

23 (7) This chapter does not apply to vehicles used by the state parks
24 and recreation commission exclusively for park maintenance and
25 operations upon public highways within state parks.

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

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

36 (10) Whenever the owner or lessee is issued a notice of traffic
37 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.

7 NEW SECTION. **Sec. 4.** A new section is added to chapter 46.61 RCW
8 to read as follows:

9 (1) Absent prohibition by local authorities authorized under this
10 section and except as prohibited elsewhere in this section, a person
11 may operate a neighborhood electric vehicle upon a highway of this
12 state having a speed limit of thirty-five miles per hour or less if:

13 (a) The person does not operate a neighborhood electric vehicle
14 upon state highways that are listed in chapter 47.17 RCW;

15 (b) The person does not operate a neighborhood electric vehicle
16 upon a highway of this state without first having obtained and having
17 in full force and effect a current and proper vehicle license and
18 display vehicle license number plates in compliance with chapter 46.16
19 RCW;

20 (c) The person does not operate a neighborhood electric vehicle
21 upon a highway of this state without first obtaining a valid driver's
22 license issued to Washington residents in compliance with chapter 46.20
23 RCW;

24 (d) The person does not operate a neighborhood electric vehicle
25 subject to registration under chapter 46.16 RCW on a highway of this
26 state unless the person is insured under a motor vehicle liability
27 policy in compliance with chapter 46.30 RCW; and

28 (e) The person operating a neighborhood electric vehicle does not
29 cross a roadway with a speed limit in excess of thirty-five miles per
30 hour, unless the crossing begins and ends on a roadway with a speed
31 limit of thirty-five miles per hour or less and occurs at an
32 intersection of approximately ninety degrees, except that the operator
33 of a neighborhood electric vehicle must not cross an uncontrolled
34 intersection of streets and highways that are part of the state highway
35 system subject to Title 47 RCW unless that intersection has been
36 authorized by local authorities provided elsewhere in this section.

1 (2) Any person who violates this section commits a traffic
2 infraction.

3 (3) This section does not prevent local authorities, with respect
4 to streets and highways under their jurisdiction and within the
5 reasonable exercise of their police power, from regulating the
6 operation of neighborhood electric vehicles on streets and highways
7 under their jurisdiction, including the prohibition of neighborhood
8 electric vehicles on certain streets and highways, by resolution or
9 ordinance of the governing body, if the regulation is consistent with
10 the provisions of this title, except that:

11 (a) Local authorities may not authorize the operation of
12 neighborhood electric vehicles on streets and highways that are part of
13 the state highway system subject to the provisions of Title 47 RCW; and

14 (b) Local authorities are prohibited from establishing any
15 requirements for the registration and licensing of neighborhood
16 electric vehicles.

17 **Sec. 5.** RCW 46.61.688 and 2002 c 328 s 2 are each amended to read
18 as follows:

19 (1) For the purposes of this section, the term "motor vehicle"
20 includes:

21 (a) "Buses," meaning motor vehicles with motive power, except
22 trailers, designed to carry more than ten passengers;

23 (b) "Multipurpose passenger vehicles," meaning motor vehicles with
24 motive power, except trailers, designed to carry ten persons or less
25 that are constructed either on a truck chassis or with special features
26 for occasional off-road operation;

27 (c) "Neighborhood electric vehicle," meaning a self-propelled,
28 electrically powered four-wheeled motor vehicle whose speed attainable
29 in one mile is more than twenty miles per hour and not more than
30 twenty-five miles per hour and conforms to federal regulations under
31 Title 49 C.F.R. Part 571.500;

32 (d) "Passenger cars," meaning motor vehicles with motive power,
33 except multipurpose passenger vehicles, motorcycles, or trailers,
34 designed for carrying ten passengers or less; and

35 ~~((d))~~ (e) "Trucks," meaning motor vehicles with motive power,
36 except trailers, designed primarily for the transportation of property.

1 (2) This section only applies to motor vehicles that meet the
2 manual seat belt safety standards as set forth in federal motor vehicle
3 safety standard 208 and to neighborhood electric vehicles. This
4 section does not apply to a vehicle occupant for whom no safety belt is
5 available when all designated seating positions as required by federal
6 motor vehicle safety standard 208 are occupied.

7 (3) Every person sixteen years of age or older operating or riding
8 in a motor vehicle shall wear the safety belt assembly in a properly
9 adjusted and securely fastened manner.

10 (4) No person may operate a motor vehicle unless all child
11 passengers under the age of sixteen years are either: (a) Wearing a
12 safety belt assembly or (b) are securely fastened into an approved
13 child restraint device.

14 (5) A person violating this section shall be issued a notice of
15 traffic infraction under chapter 46.63 RCW. A finding that a person
16 has committed a traffic infraction under this section shall be
17 contained in the driver's abstract but shall not be available to
18 insurance companies or employers.

19 (6) Failure to comply with the requirements of this section does
20 not constitute negligence, nor may failure to wear a safety belt
21 assembly be admissible as evidence of negligence in any civil action.

22 (7) This section does not apply to an operator or passenger who
23 possesses written verification from a licensed physician that the
24 operator or passenger is unable to wear a safety belt for physical or
25 medical reasons.

26 (8) The state patrol may adopt rules exempting operators or
27 occupants of farm vehicles, construction equipment, and vehicles that
28 are required to make frequent stops from the requirement of wearing
29 safety belts.

30 **Sec. 6.** RCW 46.61.687 and 2000 c 190 s 2 are each amended to read
31 as follows:

32 (1) Whenever a child who is less than sixteen years of age is being
33 transported in a motor vehicle that is in operation and that is
34 required by RCW 46.37.510 to be equipped with a safety belt system in
35 a passenger seating position, or is being transported in a neighborhood

1 electric vehicle that is in operation, the driver of the vehicle shall
2 keep the child properly restrained as follows:

3 (a) If the child is less than six years old and/or sixty pounds and
4 the passenger seating position equipped with a safety belt system
5 allows sufficient space for installation, then the child will be
6 restrained in a child restraint system that complies with standards of
7 the United States department of transportation and that is secured in
8 the vehicle in accordance with instructions of the manufacturer of the
9 child restraint system;

10 (b) If the child is less than one year of age or weighs less than
11 twenty pounds, the child shall be properly restrained in a rear-facing
12 infant seat;

13 (c) If the child is more than one but less than four years of age
14 or weighs less than forty pounds but at least twenty pounds, the child
15 shall be properly restrained in a forward facing child safety seat
16 restraint system;

17 (d) If the child is less than six but at least four years of age or
18 weighs less than sixty pounds but at least forty pounds, the child
19 shall be properly restrained in a child booster seat;

20 (e) If the child is six years of age or older or weighs more than
21 sixty pounds, the child shall be properly restrained with the motor
22 vehicle's safety belt properly adjusted and fastened around the child's
23 body or an appropriately fitting booster seat; and

24 (f) Enforcement of (a) through (e) of this subsection is subject to
25 a visual inspection by law enforcement to determine if the child
26 restraint system in use is appropriate for the child's individual
27 height, weight, and age. The visual inspection for usage of a forward
28 facing child safety seat must ensure that the seat in use is equipped
29 with a four-point shoulder harness system. The visual inspection for
30 usage of a booster seat must ensure that the seat belt properly fits
31 across the child's lap and the shoulder strap crosses the center of the
32 child's chest. The visual inspection for the usage of a seat belt by
33 a child must ensure that the lap belt properly fits across the child's
34 lap and the shoulder strap crosses the center of the child's chest. In
35 determining violations, consideration to the above criteria must be
36 given in conjunction with the provisions of (a) through (e) of this
37 subsection. The driver of a vehicle transporting a child who is under

1 the age of six years old or weighs less than sixty pounds, when the
2 vehicle is equipped with a passenger side air bag supplemental
3 restraint system, and the air bag system is activated, shall transport
4 the child in the back seat positions in the vehicle where it is
5 practical to do so.

6 (2) A person violating subsection (1)(a) through (e) of this
7 section may be issued a notice of traffic infraction under chapter
8 46.63 RCW. If the person to whom the notice was issued presents proof
9 of acquisition of an approved child passenger restraint system or a
10 child booster seat, as appropriate, within seven days to the
11 jurisdiction issuing the notice and the person has not previously had
12 a violation of this section dismissed, the jurisdiction shall dismiss
13 the notice of traffic infraction.

14 (3) Failure to comply with the requirements of this section shall
15 not constitute negligence by a parent or legal guardian; nor shall
16 failure to use a child restraint system be admissible as evidence of
17 negligence in any civil action.

18 (4) This section does not apply to: (a) For hire vehicles, (b)
19 vehicles designed to transport sixteen or less passengers, including
20 the driver, operated by auto transportation companies, as defined in
21 RCW 81.68.010, (c) vehicles providing customer shuttle service between
22 parking, convention, and hotel facilities, and airport terminals, and
23 (d) school buses.

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

28 (6) The requirements of subsection (1)(a) through (e) of this
29 section do not apply in any seating position where there is only a lap
30 belt available and the child weighs more than forty pounds.

31 NEW SECTION. **Sec. 7.** This act takes effect August 1, 2003."

32 Correct the title.

--- END ---