

ESHB 1076 - S COMM AMD
By Committee on Judiciary

ADOPTED 04/15/2003

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

3 "Sec. 1. RCW 46.61.024 and 1983 c 80 s 1 are each amended to read
4 as follows:

5 (1) Any driver of a motor vehicle who willfully fails or refuses to
6 immediately bring his vehicle to a stop and who drives his vehicle in
7 a reckless manner (~~((indicating a wanton or wilful disregard for the
8 lives or property of others))~~) while attempting to elude a pursuing
9 police vehicle, after being given a visual or audible signal to bring
10 the vehicle to a stop, shall be guilty of a class C felony. The signal
11 given by the police officer may be by hand, voice, emergency light, or
12 siren. The officer giving such a signal shall be in uniform and
13 ~~((his))~~ the vehicle shall be ~~((appropriately marked showing it to be an
14 official police vehicle))~~ equipped with lights and sirens.

15 (2) It is an affirmative defense to this section which must be
16 established by a preponderance of the evidence that: (a) A reasonable
17 person would not believe that the signal to stop was given by a police
18 officer; and (b) driving after the signal to stop was reasonable under
19 the circumstances.

20 (3) The license or permit to drive or any nonresident driving
21 privilege of a person convicted of a violation of this section shall be
22 revoked by the department of licensing."

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1 On page 1, line 1 of the title, after "vehicle;" strike the
2 remainder of the title and insert "amending RCW 46.61.024; and
3 prescribing penalties."

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