

---

HOUSE BILL 1076

---

State of Washington

58th Legislature

2003 Regular Session

By Representatives Lovick, McDonald, O'Brien, Moeller, Chase, Haigh, Carrell, Simpson and Kagi

Read first time 01/15/2003. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to attempting to elude a pursuing police vehicle;  
2 amending RCW 46.61.024; and prescribing penalties.

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

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

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

16 (2) It is an affirmative defense to this section which must be  
17 established by a preponderance of the evidence that: (a) A reasonable  
18 person would not believe that the signal to stop was given by a police

1 officer; and (b) driving after the signal to stop was reasonable under  
2 the circumstances.

3 (3) The license or permit to drive or any nonresident driving  
4 privilege of a person convicted of a violation of this section shall be  
5 revoked by the department of licensing for not less than two years  
6 consecutive to any other periods of suspension or revocation. Any  
7 suspension or revocation is tolled while the offender is confined  
8 pursuant to any conviction.

--- END ---