

SHB 1478 - S AMD 586

By Senators Hargrove, Kline, Esser

ADOPTED 04/14/2005

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

3 "Sec. 1. RCW 46.61.655 and 1990 c 250 s 56 are each amended to
4 read as follows:

5 (1) No vehicle shall be driven or moved on any public highway
6 unless such vehicle is so constructed or loaded as to prevent any of
7 its load from dropping, sifting, leaking, or otherwise escaping
8 therefrom, except that sand may be dropped for the purpose of securing
9 traction. ~~((Any person operating a vehicle from which any glass or
10 objects have fallen or escaped, which would constitute an obstruction
11 or injure a vehicle or otherwise endanger travel upon such public
12 highway shall immediately cause the public highway to be cleaned of all
13 such glass or objects and shall pay any costs therefor.))~~

14 (2) No person may operate on any public highway any vehicle with
15 any load unless the load and such covering as required thereon by
16 subsection (3) of this section is securely fastened to prevent the
17 covering or load from becoming loose, detached, or in any manner a
18 hazard to other users of the highway.

19 (3) Any vehicle operating on a paved public highway with a load of
20 dirt, sand, or gravel susceptible to being dropped, spilled, leaked, or
21 otherwise escaping therefrom shall be covered so as to prevent
22 spillage. Covering of such loads is not required if six inches of
23 freeboard is maintained within the bed.

24 (4)(a) Any person operating a vehicle from which any glass or
25 objects have fallen or escaped, which would constitute an obstruction
26 or injure a vehicle or otherwise endanger travel upon such public
27 highway shall immediately cause the public highway to be cleaned of all
28 such glass or objects and shall pay any costs therefor.

29 (b) Any vehicle with deposits of mud, rocks, or other debris on the

1 vehicle's body, fenders, frame, undercarriage, wheels, or tires shall
2 be cleaned of such material before the operation of the vehicle on a
3 paved public highway.

4 (5) The state patrol may make necessary rules to carry into effect
5 the provisions of this section, applying such provisions to specific
6 conditions and loads and prescribing means, methods, and practices to
7 effectuate such provisions.

8 (6) Nothing in this section may be construed to prohibit a public
9 maintenance vehicle from dropping sand on a highway to enhance
10 traction, or sprinkling water or other substances to clean or maintain
11 a highway.

12 (7)(a)(i) A person is guilty of failure to secure a load in the
13 first degree if he or she, with criminal negligence, fails to secure a
14 load or part of a load to his or her vehicle in compliance with
15 subsection (1), (2), or (3) of this section and causes substantial
16 bodily harm to another.

17 (ii) Failure to secure a load in the first degree is a gross
18 misdemeanor.

19 (b)(i) A person is guilty of failure to secure a load in the second
20 degree if he or she, with criminal negligence, fails to secure a load
21 or part of a load to his or her vehicle in compliance with subsection
22 (1) or (2) of this section and causes damage to property of another.

23 (ii) Failure to secure a load in the second degree is a
24 misdemeanor.

25 (c) A person who fails to secure a load or part of a load to his or
26 her vehicle in compliance with subsection (1), (2), or (3) of this
27 section is guilty of an infraction if such failure does not amount to
28 a violation of (a) or (b) of this subsection.

29 **Sec. 2.** RCW 46.63.020 and 2004 c 95 s 14 are each amended to read
30 as follows:

31 Failure to perform any act required or the performance of any act
32 prohibited by this title or an equivalent administrative regulation or
33 local law, ordinance, regulation, or resolution relating to traffic
34 including parking, standing, stopping, and pedestrian offenses, is
35 designated as a traffic infraction and may not be classified as a
36 criminal offense, except for an offense contained in the following

1 provisions of this title or a violation of an equivalent administrative
2 regulation or local law, ordinance, regulation, or resolution:

3 (1) RCW 46.09.120(2) relating to the operation of a nonhighway
4 vehicle while under the influence of intoxicating liquor or a
5 controlled substance;

6 (2) RCW 46.09.130 relating to operation of nonhighway vehicles;

7 (3) RCW 46.10.090(2) relating to the operation of a snowmobile
8 while under the influence of intoxicating liquor or narcotics or habit-
9 forming drugs or in a manner endangering the person of another;

10 (4) RCW 46.10.130 relating to the operation of snowmobiles;

11 (5) Chapter 46.12 RCW relating to certificates of ownership and
12 registration and markings indicating that a vehicle has been destroyed
13 or declared a total loss;

14 (6) RCW 46.16.010 relating to initial registration of motor
15 vehicles;

16 (7) RCW 46.16.011 relating to permitting unauthorized persons to
17 drive;

18 (8) RCW 46.16.160 relating to vehicle trip permits;

19 (9) RCW 46.16.381(2) relating to knowingly providing false
20 information in conjunction with an application for a special placard or
21 license plate for disabled persons' parking;

22 (10) RCW 46.20.005 relating to driving without a valid driver's
23 license;

24 (11) RCW 46.20.091 relating to false statements regarding a
25 driver's license or instruction permit;

26 (12) RCW 46.20.0921 relating to the unlawful possession and use of
27 a driver's license;

28 (13) RCW 46.20.342 relating to driving with a suspended or revoked
29 license or status;

30 (14) RCW 46.20.345 relating to the operation of a motor vehicle
31 with a suspended or revoked license;

32 (15) RCW 46.20.410 relating to the violation of restrictions of an
33 occupational or temporary restricted driver's license;

34 (16) RCW 46.20.740 relating to operation of a motor vehicle without
35 an ignition interlock device in violation of a license notation that
36 the device is required;

37 (17) RCW 46.20.750 relating to assisting another person to start a
38 vehicle equipped with an ignition interlock device;

- 1 (18) RCW 46.25.170 relating to commercial driver's licenses;
- 2 (19) Chapter 46.29 RCW relating to financial responsibility;
- 3 (20) RCW 46.30.040 relating to providing false evidence of
- 4 financial responsibility;
- 5 (21) RCW 46.37.435 relating to wrongful installation of
- 6 sunscreening material;
- 7 (22) RCW 46.37.650 relating to the sale, resale, distribution, or
- 8 installation of a previously deployed air bag;
- 9 (23) RCW 46.44.180 relating to operation of mobile home pilot
- 10 vehicles;
- 11 (24) RCW 46.48.175 relating to the transportation of dangerous
- 12 articles;
- 13 (25) RCW 46.52.010 relating to duty on striking an unattended car
- 14 or other property;
- 15 (26) RCW 46.52.020 relating to duty in case of injury to or death
- 16 of a person or damage to an attended vehicle;
- 17 (27) RCW 46.52.090 relating to reports by repairmen, storagemen,
- 18 and appraisers;
- 19 (28) RCW 46.52.130 relating to confidentiality of the driving
- 20 record to be furnished to an insurance company, an employer, and an
- 21 alcohol/drug assessment or treatment agency;
- 22 (29) RCW 46.55.020 relating to engaging in the activities of a
- 23 registered tow truck operator without a registration certificate;
- 24 (30) RCW 46.55.035 relating to prohibited practices by tow truck
- 25 operators;
- 26 (31) RCW 46.61.015 relating to obedience to police officers,
- 27 flaggers, or fire fighters;
- 28 (32) RCW 46.61.020 relating to refusal to give information to or
- 29 cooperate with an officer;
- 30 (33) RCW 46.61.022 relating to failure to stop and give
- 31 identification to an officer;
- 32 (34) RCW 46.61.024 relating to attempting to elude pursuing police
- 33 vehicles;
- 34 (35) RCW 46.61.500 relating to reckless driving;
- 35 (36) RCW 46.61.502 and 46.61.504 relating to persons under the
- 36 influence of intoxicating liquor or drugs;
- 37 (37) RCW 46.61.503 relating to a person under age twenty-one
- 38 driving a motor vehicle after consuming alcohol;

1 (38) RCW 46.61.520 relating to vehicular homicide by motor vehicle;
2 (39) RCW 46.61.522 relating to vehicular assault;
3 (40) RCW 46.61.5249 relating to first degree negligent driving;
4 (41) RCW 46.61.527(4) relating to reckless endangerment of roadway
5 workers;
6 (42) RCW 46.61.530 relating to racing of vehicles on highways;
7 (43) RCW 46.61.655(7) (a) and (b) relating to failure to secure a
8 load;
9 (44) RCW 46.61.685 relating to leaving children in an unattended
10 vehicle with the motor running;
11 ~~((44))~~ (45) RCW 46.61.740 relating to theft of motor vehicle
12 fuel;
13 ~~((45))~~ (46) RCW 46.64.010 relating to unlawful cancellation of or
14 attempt to cancel a traffic citation;
15 ~~((46))~~ (47) RCW 46.64.048 relating to attempting, aiding,
16 abetting, coercing, and committing crimes;
17 ~~((47))~~ (48) Chapter 46.65 RCW relating to habitual traffic
18 offenders;
19 ~~((48))~~ (49) RCW 46.68.010 relating to false statements made to
20 obtain a refund;
21 ~~((49))~~ (50) Chapter 46.70 RCW relating to unfair motor vehicle
22 business practices, except where that chapter provides for the
23 assessment of monetary penalties of a civil nature;
24 ~~((50))~~ (51) Chapter 46.72 RCW relating to the transportation of
25 passengers in for hire vehicles;
26 ~~((51))~~ (52) RCW 46.72A.060 relating to limousine carrier
27 insurance;
28 ~~((52))~~ (53) RCW 46.72A.070 relating to operation of a limousine
29 without a vehicle certificate;
30 ~~((53))~~ (54) RCW 46.72A.080 relating to false advertising by a
31 limousine carrier;
32 ~~((54))~~ (55) Chapter 46.80 RCW relating to motor vehicle wreckers;
33 ~~((55))~~ (56) Chapter 46.82 RCW relating to driver's training
34 schools;
35 ~~((56))~~ (57) RCW 46.87.260 relating to alteration or forgery of a
36 cab card, letter of authority, or other temporary authority issued
37 under chapter 46.87 RCW;

1 (~~(57)~~) (58) RCW 46.87.290 relating to operation of an
2 unregistered or unlicensed vehicle under chapter 46.87 RCW."

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3 On page 1, line 1 of the title, after "highways;" strike the
4 remainder of the title and insert "amending RCW 46.61.655 and
5 46.63.020; and prescribing penalties."

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