

HB 2465 - S COMM AMD

By Committee on Transportation

ADOPTED 03/03/2006

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

3 "Sec. 1. RCW 46.37.010 and 2005 c 213 s 7 are each amended to read
4 as follows:

5 (1) It is a traffic infraction for any person to drive or move, or
6 for ~~((the))~~ a vehicle owner to cause or knowingly permit to be driven
7 or moved, on any highway any vehicle or combination of vehicles
8 ~~((which))~~ that:

9 (a) Is in such unsafe condition as to endanger any person~~((, or~~
10 ~~which does not contain those parts or))~~);

11 (b) Is not at all times equipped with such lamps and other
12 equipment in proper working condition and adjustment as required ~~((in))~~
13 by this chapter or ~~((in regulations))~~ by rules issued by ~~((the chief~~
14 ~~of))~~ the Washington state patrol~~((, or which is equipped in any~~
15 ~~manner))~~);

16 (c) Contains any parts in violation of this chapter or ~~((the state~~
17 ~~patrol's regulations, or))~~ rules issued by the Washington state patrol.

18 (2) It is a traffic infraction for any person to do any act
19 forbidden or fail to perform any act required under this chapter or
20 ~~((the state patrol's regulations))~~ rules issued by the Washington state
21 patrol.

22 ~~((+2))~~ (3) Nothing contained in this chapter or the state patrol's
23 regulations shall be construed to prohibit the use of additional parts
24 and accessories on any vehicle not inconsistent with the provisions of
25 this chapter or the state patrol's regulations.

26 ~~((+3))~~ (4) The provisions of the chapter and the state patrol's
27 regulations with respect to equipment on vehicles shall not apply to
28 implements of husbandry, road machinery, road rollers, or farm tractors
29 except as herein made applicable.

1 ~~((4))~~ (5) No owner or operator of a farm tractor, self-propelled
2 unit of farm equipment, or implement of husbandry shall be guilty of a
3 crime or subject to penalty for violation of RCW 46.37.160 as now or
4 hereafter amended unless such violation occurs on a public highway.

5 ~~((5))~~ (6) It is a traffic infraction for any person to sell or
6 offer for sale vehicle equipment which is required to be approved by
7 the state patrol as prescribed in RCW 46.37.005 unless it has been
8 approved by the state patrol.

9 ~~((6))~~ (7) The provisions of this chapter with respect to
10 equipment required on vehicles shall not apply to motorcycles or motor-
11 driven cycles except as herein made applicable.

12 ~~((7))~~ (8) This chapter does not apply to off-road vehicles used
13 on nonhighway roads.

14 ~~((8))~~ (9) This chapter does not apply to vehicles used by the
15 state parks and recreation commission exclusively for park maintenance
16 and operations upon public highways within state parks.

17 ~~((9))~~ (10) Notices of traffic infraction issued to commercial
18 drivers under the provisions of this chapter with respect to equipment
19 required on commercial motor vehicles shall not be considered for
20 driver improvement purposes under chapter 46.20 RCW.

21 ~~((10))~~ (11) Whenever a traffic infraction is chargeable to the
22 owner or lessee of a vehicle under subsection (1) of this section, the
23 driver shall not be arrested or issued a notice of traffic infraction
24 unless the vehicle is registered in a jurisdiction other than
25 Washington state, or unless the infraction is for an offense that is
26 clearly within the responsibility of the driver.

27 ~~((11))~~ (12) Whenever the owner or lessee is issued a notice of
28 traffic infraction under this section the court may, on the request of
29 the owner or lessee, take appropriate steps to make the driver of the
30 vehicle, or any other person who directs the loading, maintenance, or
31 operation of the vehicle, a codefendant. If the codefendant is held
32 solely responsible and is found to have committed the traffic
33 infraction, the court may dismiss the notice against the owner or
34 lessee.

35 **Sec. 2.** RCW 46.37.070 and 1977 ex.s. c 355 s 7 are each amended to
36 read as follows:

37 (1) After January 1, 1964, every motor vehicle, trailer,

1 semitrailer, and pole trailer shall be equipped with two or more stop
2 lamps meeting the requirements of RCW 46.37.200, except that passenger
3 cars manufactured or assembled prior to January 1, 1964, shall be
4 equipped with at least one such stop lamp. On a combination of
5 vehicles, only the stop lamps on the rearmost vehicle need actually be
6 seen from the distance specified in RCW 46.37.200(1).

7 (2) After January 1, 1960, every motor vehicle, trailer,
8 semitrailer and pole trailer shall be equipped with electric turn
9 signal lamps meeting the requirements of RCW 46.37.200(2), except that
10 passenger cars, trailers, semitrailers, pole trailers, and trucks less
11 than eighty inches in width, manufactured or assembled prior to January
12 1, 1953, need not be equipped with electric turn signal lamps.

13 (3) Every passenger car manufactured or assembled after September
14 1, 1985; and every passenger truck, passenger van, or passenger sports
15 utility vehicle manufactured or assembled after September 1, 1993, must
16 be equipped with a rear center high-mounted stop lamp meeting the
17 requirements of RCW 46.37.200(3).

18 **Sec. 3.** RCW 46.37.200 and 1977 ex.s. c 355 s 17 are each amended
19 to read as follows:

20 (1) Any vehicle may be equipped and when required under this
21 chapter shall be equipped with a stop lamp or lamps on the rear of the
22 vehicle which shall display a red or amber light, or any shade of color
23 between red and amber, visible from a distance of not less than one
24 hundred feet and on any vehicle manufactured or assembled after January
25 1, 1964, three hundred feet to the rear in normal sunlight, and which
26 shall be actuated upon application of a service brake, and which may
27 but need not be incorporated with one or more other rear lamps.

28 (2) Any vehicle may be equipped and when required under RCW
29 46.37.070(2) shall be equipped with electric turn signals which shall
30 indicate an intention to turn by flashing lights showing to the front
31 and rear of a vehicle or on a combination of vehicles on the side of
32 the vehicle or combination toward which the turn is to be made. The
33 lamps showing to the front shall be mounted on the same level and as
34 widely spaced laterally as practicable and, when signaling, shall emit
35 amber light: PROVIDED, That on any vehicle manufactured prior to
36 January 1, 1969, the lamps showing to the front may emit white or amber
37 light, or any shade of light between white and amber. The lamp showing

1 to the rear shall be mounted on the same level and as widely spaced
2 laterally as practicable, and, when signaling, shall emit a red or
3 amber light, or any shade of color between red and amber. Turn signal
4 lamps shall be visible from a distance of not less than five hundred
5 feet to the front and rear in normal sunlight. Turn signal lamps may,
6 but need not be, incorporated in other lamps on the vehicle.

7 (3) Any vehicle may be equipped and when required under this
8 chapter shall be equipped with a center high-mounted stop lamp mounted
9 on the center line of the rear of the vehicle. These stop lamps shall
10 display a red light visible from a distance of not less than three
11 hundred feet to the rear in normal sunlight, and shall be actuated upon
12 application of a service brake, and may not be incorporated with any
13 other rear lamps.

14 **Sec. 4.** RCW 46.37.390 and 2001 c 293 s 1 are each amended to read
15 as follows:

16 (1) Every motor vehicle shall at all times be equipped with a
17 muffler in good working order and in constant operation to prevent
18 excessive or unusual noise, and no person shall use a muffler cut-out,
19 bypass, or similar device upon a motor vehicle on a highway.

20 (2)(a) No motor vehicle first sold and registered as a new motor
21 vehicle on or after January 1, 1971, shall discharge into the
22 atmosphere at elevations of less than three thousand feet any air
23 contaminant for a period of more than ten seconds which is:

24 (i) As dark as or darker than the shade designated as No. 1 on the
25 Ringelmann chart, as published by the United States bureau of mines; or

26 (ii) Of such opacity as to obscure an observer's view to a degree
27 equal to or greater than does smoke described in subsection (a)(i)
28 above.

29 (b) No motor vehicle first sold and registered prior to January 1,
30 1971, shall discharge into the atmosphere at elevations of less than
31 three thousand feet any air contaminant for a period of more than ten
32 seconds which is:

33 (i) As dark as or darker than the shade designated as No. 2 on the
34 Ringelmann chart, as published by the United States bureau of mines; or

35 (ii) Of such opacity as to obscure an observer's view to a degree
36 equal to or greater than does smoke described in subsection (b)(i)
37 above.

1 (c) For the purposes of this subsection the following definitions
2 shall apply:

3 (i) "Opacity" means the degree to which an emission reduces the
4 transmission of light and obscures the view of an object in the
5 background;

6 (ii) "Ringelmann chart" means the Ringelmann smoke chart with
7 instructions for use as published by the United States bureau of mines
8 in May 1967 and as thereafter amended, information circular 7718.

9 (3) No person shall modify the exhaust system of a motor vehicle in
10 a manner which will amplify or increase the noise emitted by the engine
11 of such vehicle above that emitted by the muffler originally installed
12 on the vehicle, and it shall be unlawful for any person to operate a
13 motor vehicle not equipped as required by this subsection, or which has
14 been amplified as prohibited by this subsection (~~(so that the vehicle's~~
15 ~~exhaust noise exceeds ninety five decibels as measured by the Society~~
16 ~~of Automotive Engineers (SAE) test procedure J1169 (May, 1998). It is~~
17 ~~not a violation of this subsection unless proven by proper authorities~~
18 ~~that the exhaust system modification results in noise amplification in~~
19 ~~excess of ninety five decibels under the prescribed SAE test~~
20 ~~standard)). A court may dismiss an infraction notice for a violation~~
21 ~~of this subsection if there is reasonable grounds to believe that the~~
22 ~~vehicle was not operated in violation of this subsection.~~

23 This subsection (3) does not apply to vehicles twenty-five or more
24 years old or to passenger vehicles being operated off the highways in
25 an organized racing or competitive event conducted by a recognized
26 sanctioning body."

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27 On page 1, line 2 of the title, after "installed;" strike the
28 remainder of the title and insert "and amending RCW 46.37.010,
29 46.37.070, 46.37.200, and 46.37.390."

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