

CERTIFICATION OF ENROLLMENT

HOUSE BILL 2465

59th Legislature
2006 Regular Session

Passed by the House March 6, 2006
Yeas 98 Nays 0

Speaker of the House of Representatives

Passed by the Senate March 3, 2006
Yeas 46 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 2465** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

HOUSE BILL 2465

AS AMENDED BY THE SENATE

Passed Legislature - 2006 Regular Session

State of Washington 59th Legislature 2006 Regular Session

By Representatives Lovick, Kessler, P. Sullivan, Haler and O'Brien;
by request of Washington State Patrol

Prefiled 1/6/2006. Read first time 01/09/2006. Referred to
Committee on Transportation.

1 AN ACT Relating to vehicle equipment standards related to original
2 equipment installed; and amending RCW 46.37.010, 46.37.070, 46.37.200,
3 and 46.37.390.

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

5 **Sec. 1.** RCW 46.37.010 and 2005 c 213 s 7 are each amended to read
6 as follows:

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

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

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

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

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

5 ~~((+2))~~ (3) Nothing contained in this chapter or the state patrol's
6 regulations shall be construed to prohibit the use of additional parts
7 and accessories on any vehicle not inconsistent with the provisions of
8 this chapter or the state patrol's regulations.

9 ~~((+3))~~ (4) The provisions of the chapter and the state patrol's
10 regulations with respect to equipment on vehicles shall not apply to
11 implements of husbandry, road machinery, road rollers, or farm tractors
12 except as herein made applicable.

13 ~~((+4))~~ (5) No owner or operator of a farm tractor, self-propelled
14 unit of farm equipment, or implement of husbandry shall be guilty of a
15 crime or subject to penalty for violation of RCW 46.37.160 as now or
16 hereafter amended unless such violation occurs on a public highway.

17 ~~((+5))~~ (6) It is a traffic infraction for any person to sell or
18 offer for sale vehicle equipment which is required to be approved by
19 the state patrol as prescribed in RCW 46.37.005 unless it has been
20 approved by the state patrol.

21 ~~((+6))~~ (7) The provisions of this chapter with respect to
22 equipment required on vehicles shall not apply to motorcycles or motor-
23 driven cycles except as herein made applicable.

24 ~~((+7))~~ (8) This chapter does not apply to off-road vehicles used
25 on nonhighway roads.

26 ~~((+8))~~ (9) This chapter does not apply to vehicles used by the
27 state parks and recreation commission exclusively for park maintenance
28 and operations upon public highways within state parks.

29 ~~((+9))~~ (10) Notices of traffic infraction issued to commercial
30 drivers under the provisions of this chapter with respect to equipment
31 required on commercial motor vehicles shall not be considered for
32 driver improvement purposes under chapter 46.20 RCW.

33 ~~((+10))~~ (11) Whenever a traffic infraction is chargeable to the
34 owner or lessee of a vehicle under subsection (1) of this section, the
35 driver shall not be arrested or issued a notice of traffic infraction
36 unless the vehicle is registered in a jurisdiction other than
37 Washington state, or unless the infraction is for an offense that is
38 clearly within the responsibility of the driver.

1 (~~(11)~~) (12) Whenever the owner or lessee is issued a notice of
2 traffic infraction under this section the court may, on the request of
3 the owner or lessee, take appropriate steps to make the driver of the
4 vehicle, or any other person who directs the loading, maintenance, or
5 operation of the vehicle, a codefendant. If the codefendant is held
6 solely responsible and is found to have committed the traffic
7 infraction, the court may dismiss the notice against the owner or
8 lessee.

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

11 (1) After January 1, 1964, every motor vehicle, trailer,
12 semitrailer, and pole trailer shall be equipped with two or more stop
13 lamps meeting the requirements of RCW 46.37.200, except that passenger
14 cars manufactured or assembled prior to January 1, 1964, shall be
15 equipped with at least one such stop lamp. On a combination of
16 vehicles, only the stop lamps on the rearmost vehicle need actually be
17 seen from the distance specified in RCW 46.37.200(1).

18 (2) After January 1, 1960, every motor vehicle, trailer,
19 semitrailer and pole trailer shall be equipped with electric turn
20 signal lamps meeting the requirements of RCW 46.37.200(2), except that
21 passenger cars, trailers, semitrailers, pole trailers, and trucks less
22 than eighty inches in width, manufactured or assembled prior to January
23 1, 1953, need not be equipped with electric turn signal lamps.

24 (3) Every passenger car manufactured or assembled after September
25 1, 1985; and every passenger truck, passenger van, or passenger sports
26 utility vehicle manufactured or assembled after September 1, 1993, must
27 be equipped with a rear center high-mounted stop lamp meeting the
28 requirements of RCW 46.37.200(3).

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

31 (1) Any vehicle may be equipped and when required under this
32 chapter shall be equipped with a stop lamp or lamps on the rear of the
33 vehicle which shall display a red or amber light, or any shade of color
34 between red and amber, visible from a distance of not less than one
35 hundred feet and on any vehicle manufactured or assembled after January

1 1, 1964, three hundred feet to the rear in normal sunlight, and which
2 shall be actuated upon application of a service brake, and which may
3 but need not be incorporated with one or more other rear lamps.

4 (2) Any vehicle may be equipped and when required under RCW
5 46.37.070(2) shall be equipped with electric turn signals which shall
6 indicate an intention to turn by flashing lights showing to the front
7 and rear of a vehicle or on a combination of vehicles on the side of
8 the vehicle or combination toward which the turn is to be made. The
9 lamps showing to the front shall be mounted on the same level and as
10 widely spaced laterally as practicable and, when signaling, shall emit
11 amber light: PROVIDED, That on any vehicle manufactured prior to
12 January 1, 1969, the lamps showing to the front may emit white or amber
13 light, or any shade of light between white and amber. The lamp showing
14 to the rear shall be mounted on the same level and as widely spaced
15 laterally as practicable, and, when signaling, shall emit a red or
16 amber light, or any shade of color between red and amber. Turn signal
17 lamps shall be visible from a distance of not less than five hundred
18 feet to the front and rear in normal sunlight. Turn signal lamps may,
19 but need not be, incorporated in other lamps on the vehicle.

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

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

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

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

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

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

6 (b) No motor vehicle first sold and registered prior to January 1,
7 1971, shall discharge into the atmosphere at elevations of less than
8 three thousand feet any air contaminant for a period of more than ten
9 seconds which is:

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

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

15 (c) For the purposes of this subsection the following definitions
16 shall apply:

17 (i) "Opacity" means the degree to which an emission reduces the
18 transmission of light and obscures the view of an object in the
19 background;

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

23 (3) No person shall modify the exhaust system of a motor vehicle in
24 a manner which will amplify or increase the noise emitted by the engine
25 of such vehicle above that emitted by the muffler originally installed
26 on the vehicle, and it shall be unlawful for any person to operate a
27 motor vehicle not equipped as required by this subsection, or which has
28 been amplified as prohibited by this subsection (~~so that the vehicle's~~
29 ~~exhaust noise exceeds ninety five decibels as measured by the Society~~
30 ~~of Automotive Engineers (SAE) test procedure J1169 (May, 1998). It is~~
31 ~~not a violation of this subsection unless proven by proper authorities~~
32 ~~that the exhaust system modification results in noise amplification in~~
33 ~~excess of ninety five decibels under the prescribed SAE test~~
34 ~~standard)). A court may dismiss an infraction notice for a violation~~
35 of this subsection if there is reasonable grounds to believe that the
36 vehicle was not operated in violation of this subsection.

37 This subsection (3) does not apply to vehicles twenty-five or more

1 years old or to passenger vehicles being operated off the highways in
2 an organized racing or competitive event conducted by a recognized
3 sanctioning body.

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