
SUBSTITUTE SENATE BILL 5038

State of Washington

59th Legislature

2005 Regular Session

By Senate Committee on Judiciary (originally sponsored by Senators Honeyford, Oke, Kline, Mulliken and Eide)

READ FIRST TIME 02/21/05.

1 AN ACT Relating to the duty to yield to emergency and police
2 vehicles; amending RCW 46.61.210 and 46.63.020; adding a new section to
3 chapter 46.61 RCW; and prescribing penalties.

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

5 **Sec. 1.** RCW 46.61.210 and 1965 ex.s. c 155 s 32 are each amended
6 to read as follows:

7 (1) Upon the immediate approach of an authorized emergency vehicle
8 making use of audible and visual signals meeting the requirements of
9 RCW 46.37.190, or of a police vehicle properly and lawfully making use
10 of an audible signal only the driver of every other vehicle shall yield
11 the right of way and shall immediately drive to a position parallel to,
12 and as close as possible to, the right-hand edge or curb of the roadway
13 clear of any intersection and shall stop and remain in such position
14 until the authorized emergency vehicle has passed, except when
15 otherwise directed by a police officer.

16 (2)(a)(i) A person is guilty of failure to yield the right of way
17 in the first degree if he or she, with criminal negligence, obstructs
18 or impedes the passage of any authorized emergency vehicle making use

1 of audible and visual signals meeting the requirements of RCW
2 46.37.190, or of a police vehicle properly and lawfully making use of
3 an audible signal.

4 (ii) Failure to yield the right of way in the first degree is a
5 gross misdemeanor.

6 (b) A person who fails to yield the right of way to an authorized
7 emergency vehicle in compliance with subsection (1) of this section is
8 guilty of an infraction if such failure does not amount to a violation
9 of (a) of this subsection.

10 (3) This section shall not operate to relieve the driver of an
11 authorized emergency vehicle from the duty to drive with due regard for
12 the safety of all persons using the highway.

13 NEW SECTION. Sec. 2. A new section is added to chapter 46.61 RCW
14 to read as follows:

15 The driver of any motor vehicle, upon approaching a stationary
16 authorized emergency vehicle that is making use of audible and/or
17 visual signals meeting the requirements of RCW 46.37.190 or of a police
18 vehicle properly and lawfully displaying a flashing, blinking, or
19 alternating emergency light or lights, shall:

20 (1) On a highway having at least four lanes, at least two of which
21 are intended for traffic proceeding in the same direction as the
22 approaching vehicle, proceed with caution and, if reasonable, with due
23 regard for safety and traffic conditions, yield the right of way by
24 making a lane change or moving away from the lane or shoulder occupied
25 by the stationary authorized emergency vehicle or police vehicle; or

26 (2) If changing lanes or moving away would be unreasonable or
27 unsafe, proceed with due caution and reduce the speed of the vehicle.

28 **Sec. 3.** RCW 46.63.020 and 2004 c 95 s 14 are each amended to read
29 as follows:

30 Failure to perform any act required or the performance of any act
31 prohibited by this title or an equivalent administrative regulation or
32 local law, ordinance, regulation, or resolution relating to traffic
33 including parking, standing, stopping, and pedestrian offenses, is
34 designated as a traffic infraction and may not be classified as a
35 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 46.61.210(2)(a) relating to failure to yield the right of
35 way to authorized emergency vehicles or police vehicles;
- 36 (36) RCW 46.61.500 relating to reckless driving;
- 37 ~~((+36))~~ (37) RCW 46.61.502 and 46.61.504 relating to persons under
38 the influence of intoxicating liquor or drugs;

1 ~~((37))~~ (38) RCW 46.61.503 relating to a person under age twenty-
2 one driving a motor vehicle after consuming alcohol;
3 ~~((38))~~ (39) RCW 46.61.520 relating to vehicular homicide by motor
4 vehicle;
5 ~~((39))~~ (40) RCW 46.61.522 relating to vehicular assault;
6 ~~((40))~~ (41) RCW 46.61.5249 relating to first degree negligent
7 driving;
8 ~~((41))~~ (42) RCW 46.61.527(4) relating to reckless endangerment of
9 roadway workers;
10 ~~((42))~~ (43) RCW 46.61.530 relating to racing of vehicles on
11 highways;
12 ~~((43))~~ (44) RCW 46.61.685 relating to leaving children in an
13 unattended vehicle with the motor running;
14 ~~((44))~~ (45) RCW 46.61.740 relating to theft of motor vehicle
15 fuel;
16 ~~((45))~~ (46) RCW 46.64.010 relating to unlawful cancellation of or
17 attempt to cancel a traffic citation;
18 ~~((46))~~ (47) RCW 46.64.048 relating to attempting, aiding,
19 abetting, coercing, and committing crimes;
20 ~~((47))~~ (48) Chapter 46.65 RCW relating to habitual traffic
21 offenders;
22 ~~((48))~~ (49) RCW 46.68.010 relating to false statements made to
23 obtain a refund;
24 ~~((49))~~ (50) Chapter 46.70 RCW relating to unfair motor vehicle
25 business practices, except where that chapter provides for the
26 assessment of monetary penalties of a civil nature;
27 ~~((50))~~ (51) Chapter 46.72 RCW relating to the transportation of
28 passengers in for hire vehicles;
29 ~~((51))~~ (52) RCW 46.72A.060 relating to limousine carrier
30 insurance;
31 ~~((52))~~ (53) RCW 46.72A.070 relating to operation of a limousine
32 without a vehicle certificate;
33 ~~((53))~~ (54) RCW 46.72A.080 relating to false advertising by a
34 limousine carrier;
35 ~~((54))~~ (55) Chapter 46.80 RCW relating to motor vehicle wreckers;
36 ~~((55))~~ (56) Chapter 46.82 RCW relating to driver's training
37 schools;

1 (~~(+56+)~~) (57) RCW 46.87.260 relating to alteration or forgery of a
2 cab card, letter of authority, or other temporary authority issued
3 under chapter 46.87 RCW;

4 (~~(+57+)~~) (58) RCW 46.87.290 relating to operation of an
5 unregistered or unlicensed vehicle under chapter 46.87 RCW.

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