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SENATE BILL 5503

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State of Washington

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2005 Regular Session

By Senators Carrell, Benton, Schoesler, Zarelli, Pflug, Johnson, Delvin, Honeyford, Esser, Morton, Mulliken, Deccio and McCaslin

Read first time 01/26/2005. Referred to Committee on Transportation.

1 AN ACT Relating to restricting the solicitation of money or  
2 employment from the side of a public highway; amending RCW 46.63.020;  
3 adding a new section to chapter 46.61 RCW; creating a new section; and  
4 prescribing penalties.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that persons  
7 attempting to solicit employment or contributions from the occupants of  
8 moving or idle vehicles on public highways is unsafe for both the  
9 person engaging in the solicitation and for traffic in general. The  
10 activity of soliciting employment or contributions from the occupants  
11 of vehicles distracts drivers from their primary duty to watch traffic  
12 and be alert for potential hazards in the roadway, to observe all  
13 traffic control signals, signs, or warnings, and to be prepared to move  
14 through intersections. Distracted drivers are more prone to be  
15 involved in automobile accidents, and accidents on public highways  
16 constitute a substantial traffic safety problem. The cumulative impact  
17 of this type of activity on public highways on a daily basis creates a  
18 potential safety hazard, which poses a significant and substantial risk  
19 to the interest of the public in the free flow of travel.

1           Additionally, the activity of soliciting employment or  
2 contributions from the occupants of vehicles also constitutes an  
3 impediment to the normal and safe flow of traffic on our public  
4 highways. The practice of soliciting employment or contributions on or  
5 next to a public highway subjects the solicitor and vehicles to an  
6 unacceptable level of danger by distracting drivers from their primary  
7 duty to watch traffic, results in the delay and obstruction of the  
8 public's free flow of travel, and causes congestion and blockage of  
9 public highways and its intersections when such persons approach the  
10 vehicles to negotiate with the occupants.

11           NEW SECTION.   **Sec. 2.** A new section is added to chapter 46.61 RCW  
12 to read as follows:

13           (1) No person shall stand or sit on a public highway, nor upon any  
14 shoulder or intersection control area of a public highway, for the  
15 purpose of soliciting employment or contributions from the occupant of  
16 any vehicle while such vehicle is operating on the respective public  
17 highway, shoulder, or intersection control area.

18           (2) For the purposes of this section, the following definitions  
19 apply:

20           (a) "Soliciting" means asking for money, objects of value, or  
21 employment, with the intention that the money or object be transferred  
22 or the employment offered at that time and at that place. "Soliciting"  
23 includes, but is not limited to, using the spoken, written, or printed  
24 word, bodily gestures, signs, or other means with the purpose of  
25 obtaining an immediate donation of money or other thing of value or  
26 soliciting the sale of goods or services.

27           (b) "Public highway" means the entire width between the boundary  
28 lines of every way publicly maintained when any part is open to the use  
29 of the public for purposes of vehicular travel.

30           (c) "Intersection control area" means an intersection area,  
31 together with any modification of the adjacent roadway area as results  
32 from the arc of curb corners and together with any marked or unmarked  
33 crosswalks adjacent to the intersection.

34           (3) A violation of this section constitutes a misdemeanor.

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

1 Failure to perform any act required or the performance of any act  
2 prohibited by this title or an equivalent administrative regulation or  
3 local law, ordinance, regulation, or resolution relating to traffic  
4 including parking, standing, stopping, and pedestrian offenses, is  
5 designated as a traffic infraction and may not be classified as a  
6 criminal offense, except for an offense contained in the following  
7 provisions of this title or a violation of an equivalent administrative  
8 regulation or local law, ordinance, regulation, or resolution:

9 (1) RCW 46.09.120(2) relating to the operation of a nonhighway  
10 vehicle while under the influence of intoxicating liquor or a  
11 controlled substance;

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

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

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

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

20 (6) RCW 46.16.010 relating to initial registration of motor  
21 vehicles;

22 (7) RCW 46.16.011 relating to permitting unauthorized persons to  
23 drive;

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

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

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

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

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

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

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

- 1 (15) RCW 46.20.410 relating to the violation of restrictions of an  
2 occupational or temporary restricted driver's license;
- 3 (16) RCW 46.20.740 relating to operation of a motor vehicle without  
4 an ignition interlock device in violation of a license notation that  
5 the device is required;
- 6 (17) RCW 46.20.750 relating to assisting another person to start a  
7 vehicle equipped with an ignition interlock device;
- 8 (18) RCW 46.25.170 relating to commercial driver's licenses;
- 9 (19) Chapter 46.29 RCW relating to financial responsibility;
- 10 (20) RCW 46.30.040 relating to providing false evidence of  
11 financial responsibility;
- 12 (21) RCW 46.37.435 relating to wrongful installation of  
13 sunscreening material;
- 14 (22) RCW 46.37.650 relating to the sale, resale, distribution, or  
15 installation of a previously deployed air bag;
- 16 (23) RCW 46.44.180 relating to operation of mobile home pilot  
17 vehicles;
- 18 (24) RCW 46.48.175 relating to the transportation of dangerous  
19 articles;
- 20 (25) RCW 46.52.010 relating to duty on striking an unattended car  
21 or other property;
- 22 (26) RCW 46.52.020 relating to duty in case of injury to or death  
23 of a person or damage to an attended vehicle;
- 24 (27) RCW 46.52.090 relating to reports by repairmen, storagemen,  
25 and appraisers;
- 26 (28) RCW 46.52.130 relating to confidentiality of the driving  
27 record to be furnished to an insurance company, an employer, and an  
28 alcohol/drug assessment or treatment agency;
- 29 (29) RCW 46.55.020 relating to engaging in the activities of a  
30 registered tow truck operator without a registration certificate;
- 31 (30) RCW 46.55.035 relating to prohibited practices by tow truck  
32 operators;
- 33 (31) RCW 46.61.015 relating to obedience to police officers,  
34 flaggers, or fire fighters;
- 35 (32) RCW 46.61.020 relating to refusal to give information to or  
36 cooperate with an officer;
- 37 (33) RCW 46.61.022 relating to failure to stop and give  
38 identification to an officer;

1 (34) RCW 46.61.024 relating to attempting to elude pursuing police  
2 vehicles;

3 (35) RCW 46.61.500 relating to reckless driving;

4 (36) RCW 46.61.502 and 46.61.504 relating to persons under the  
5 influence of intoxicating liquor or drugs;

6 (37) RCW 46.61.503 relating to a person under age twenty-one  
7 driving a motor vehicle after consuming alcohol;

8 (38) RCW 46.61.520 relating to vehicular homicide by motor vehicle;

9 (39) RCW 46.61.522 relating to vehicular assault;

10 (40) RCW 46.61.5249 relating to first degree negligent driving;

11 (41) RCW 46.61.527(4) relating to reckless endangerment of roadway  
12 workers;

13 (42) RCW 46.61.530 relating to racing of vehicles on highways;

14 (43) RCW 46.61.685 relating to leaving children in an unattended  
15 vehicle with the motor running;

16 (44) RCW 46.61.740 relating to theft of motor vehicle fuel;

17 (45) Section 2 of this act relating to panhandling;

18 (46) RCW 46.64.010 relating to unlawful cancellation of or attempt  
19 to cancel a traffic citation;

20 ~~((46))~~ (47) RCW 46.64.048 relating to attempting, aiding,  
21 abetting, coercing, and committing crimes;

22 ~~((47))~~ (48) Chapter 46.65 RCW relating to habitual traffic  
23 offenders;

24 ~~((48))~~ (49) RCW 46.68.010 relating to false statements made to  
25 obtain a refund;

26 ~~((49))~~ (50) Chapter 46.70 RCW relating to unfair motor vehicle  
27 business practices, except where that chapter provides for the  
28 assessment of monetary penalties of a civil nature;

29 ~~((50))~~ (51) Chapter 46.72 RCW relating to the transportation of  
30 passengers in for hire vehicles;

31 ~~((51))~~ (52) RCW 46.72A.060 relating to limousine carrier  
32 insurance;

33 ~~((52))~~ (53) RCW 46.72A.070 relating to operation of a limousine  
34 without a vehicle certificate;

35 ~~((53))~~ (54) RCW 46.72A.080 relating to false advertising by a  
36 limousine carrier;

37 ~~((54))~~ (55) Chapter 46.80 RCW relating to motor vehicle wreckers;

1        (~~(55)~~) (56) Chapter 46.82 RCW relating to driver's training  
2 schools;

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

6        (~~(57)~~) (58) RCW 46.87.290 relating to operation of an  
7 unregistered or unlicensed vehicle under chapter 46.87 RCW.

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