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SENATE BILL 6725

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State of Washington

59th Legislature

2006 Regular Session

By Senator Haugen

Read first time 01/19/2006. Referred to Committee on Transportation.

1 AN ACT Relating to prohibiting motor vehicles towing trailers from  
2 using high-occupancy vehicle lanes; amending RCW 46.61.165, 46.61.100,  
3 and 47.52.025; reenacting and amending RCW 47.04.010; and adding a new  
4 section to chapter 46.04 RCW.

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

6 **Sec. 1.** RCW 46.61.165 and 1999 c 206 s 1 are each amended to read  
7 as follows:

8 The state department of transportation and the local authorities  
9 are authorized to reserve all or any portion of any highway under their  
10 respective jurisdictions, including any designated lane or ramp, for  
11 the exclusive or preferential use of public transportation vehicles or  
12 private motor vehicles carrying no fewer than a specified number of  
13 passengers when such limitation will increase the efficient utilization  
14 of the highway or will aid in the conservation of energy resources.  
15 Motor vehicles towing trailers are prohibited from using high-occupancy  
16 vehicle lanes on public highways designated under this section,  
17 regardless of the number of occupants in the vehicle. Regulations  
18 authorizing such exclusive or preferential use of a highway facility  
19 may be declared to be effective at all times or at specified times of

1 day or on specified days. Violation of a restriction of highway usage  
2 prescribed by the appropriate authority under this section is a traffic  
3 infraction.

4 **Sec. 2.** RCW 46.61.100 and 1997 c 253 s 1 are each amended to read  
5 as follows:

6 (1) Upon all roadways of sufficient width a vehicle shall be driven  
7 upon the right half of the roadway, except as follows:

8 (a) When overtaking and passing another vehicle proceeding in the  
9 same direction under the rules governing such movement;

10 (b) When an obstruction exists making it necessary to drive to the  
11 left of the center of the highway; provided, any person so doing shall  
12 yield the right of way to all vehicles traveling in the proper  
13 direction upon the unobstructed portion of the highway within such  
14 distance as to constitute an immediate hazard;

15 (c) Upon a roadway divided into three marked lanes and providing  
16 for two-way movement traffic under the rules applicable thereon; or

17 (d) Upon a street or highway restricted to one-way traffic.

18 (2) Upon all roadways having two or more lanes for traffic moving  
19 in the same direction, all vehicles shall be driven in the right-hand  
20 lane then available for traffic, except (a) when overtaking and passing  
21 another vehicle proceeding in the same direction, (b) when traveling at  
22 a speed greater than the traffic flow, (c) when moving left to allow  
23 traffic to merge, or (d) when preparing for a left turn at an  
24 intersection, exit, or into a private road or driveway when such left  
25 turn is legally permitted. On any such roadway, a vehicle or  
26 combination over ten thousand pounds shall be driven only in the right-  
27 hand lane except under the conditions enumerated in (a) through (d) of  
28 this subsection.

29 (3) No vehicle towing a trailer (~~(or)~~) and no vehicle or  
30 combination over ten thousand pounds may be driven in the left-hand  
31 lane of a limited access roadway having three or more lanes for traffic  
32 moving in one direction except when preparing for a left turn at an  
33 intersection, exit, or into a private road or driveway when a left turn  
34 is legally permitted. This subsection does not apply to a vehicle or  
35 combination over ten thousand pounds using a high-occupancy vehicle  
36 lane. A high-occupancy vehicle lane is not considered the left-hand  
37 lane of a roadway for vehicles or combinations over ten thousand

1 pounds. The department of transportation, in consultation with the  
2 Washington state patrol, shall adopt rules specifying (a) those  
3 circumstances where it is permissible for other vehicles to use the  
4 left lane in case of emergency or to facilitate the orderly flow of  
5 traffic, and (b) those segments of limited access roadway to be exempt  
6 from this subsection due to the operational characteristics of the  
7 roadway.

8 (4) It is a traffic infraction to drive continuously in the left  
9 lane of a multilane roadway when it impedes the flow of other traffic.

10 (5) Upon any roadway having four or more lanes for moving traffic  
11 and providing for two-way movement of traffic, a vehicle shall not be  
12 driven to the left of the center line of the roadway except when  
13 authorized by official traffic control devices designating certain  
14 lanes to the left side of the center of the roadway for use by traffic  
15 not otherwise permitted to use such lanes, or except as permitted under  
16 subsection (1)(b) of this section. However, this subsection shall not  
17 be construed as prohibiting the crossing of the center line in making  
18 a left turn into or from an alley, private road or driveway.

19 **Sec. 3.** RCW 47.52.025 and 1974 ex.s. c 133 s 1 are each amended to  
20 read as follows:

21 Highway authorities of the state, counties, and incorporated cities  
22 and towns, in addition to the specific powers granted in this chapter,  
23 shall also have, and may exercise, relative to limited access  
24 facilities, any and all additional authority, now or hereafter vested  
25 in them relative to highways or streets within their respective  
26 jurisdictions, and may regulate, restrict, or prohibit the use of such  
27 limited access facilities by various classes of vehicles or traffic.  
28 Such highway authorities may reserve any limited access facility or  
29 portions thereof, including designated lanes or ramps for the exclusive  
30 or preferential use of public transportation vehicles, privately owned  
31 buses, or private motor vehicles carrying not less than a specified  
32 number of passengers when such limitation will increase the efficient  
33 utilization of the highway facility or will aid in the conservation of  
34 energy resources. Motor vehicles towing trailers are prohibited from  
35 using high-occupancy vehicle lanes on public highways designated under  
36 this section, regardless of the number of occupants in the vehicle.

1 Regulations authorizing such exclusive or preferential use of a highway  
2 facility may be declared to be effective at all time or at specified  
3 times of day or on specified days.

4 NEW SECTION. **Sec. 4.** A new section is added to chapter 46.04 RCW  
5 to read as follows:

6 "High-occupancy vehicle" means a public transportation vehicle or  
7 a private motor vehicle carrying no fewer than a specified number of  
8 passengers as designated under RCW 46.61.165 and 47.52.025. A motor  
9 vehicle towing a trailer, regardless of the number of occupants in the  
10 vehicle, is not considered a high-occupancy vehicle.

11 **Sec. 5.** RCW 47.04.010 and 2003 c 244 s 2 and 2003 c 141 s 8 are  
12 each reenacted and amended to read as follows:

13 The following words and phrases, wherever used in this title, shall  
14 have the meaning as in this section ascribed to them, unless where used  
15 the context thereof shall clearly indicate to the contrary or unless  
16 otherwise defined in the chapter of which they are a part:

17 (1) "Alley." A highway within the ordinary meaning of alley not  
18 designated for general travel and primarily used as a means of access  
19 to the rear of residences and business establishments;

20 (2) "Arterial highway." Every highway, as herein defined, or  
21 portion thereof designated as such by proper authority;

22 (3) "Business district." The territory contiguous to and including  
23 a highway, as herein defined, when within any six hundred feet along  
24 such highway there are buildings in use for business or industrial  
25 purposes, including but not limited to hotels, banks, or office  
26 buildings, railroad stations, and public buildings which occupy at  
27 least three hundred feet of frontage on one side or three hundred feet  
28 collectively on both sides of the highway;

29 (4) "Center line." The line, marked or unmarked parallel to and  
30 equidistant from the sides of a two-way traffic roadway of a highway  
31 except where otherwise indicated by painted lines or markers;

32 (5) "Center of intersection." The point of intersection of the  
33 center lines of the roadways of intersecting highways;

34 (6) "City street." Every highway as herein defined, or part  
35 thereof located within the limits of incorporated cities and towns,  
36 except alleys;

1 (7) "Combination of vehicles." Every combination of motor vehicle  
2 and motor vehicle, motor vehicle and trailer, or motor vehicle and  
3 semitrailer;

4 (8) "Commercial vehicle." Any vehicle the principal use of which  
5 is the transportation of commodities, merchandise, produce, freight,  
6 animals, or passengers for hire;

7 (9) "County road." Every highway as herein defined, or part  
8 thereof, outside the limits of incorporated cities and towns and which  
9 has not been designated as a state highway, or branch thereof;

10 (10) "Crosswalk." The portion of the roadway between the  
11 intersection area and a prolongation or connection of the farthest  
12 sidewalk line or in the event there are no sidewalks then between the  
13 intersection area and a line ten feet therefrom, except as modified by  
14 a marked crosswalk;

15 (11) "High-occupancy vehicle." A public transportation vehicle or  
16 a private motor vehicle carrying no fewer than a specified number of  
17 passengers as designated under RCW 46.61.165 and 47.52.025. A motor  
18 vehicle towing a trailer, regardless of the number of occupants in the  
19 vehicle, is not considered a high-occupancy vehicle;

20 (12) "Highway." Every way, lane, road, street, boulevard, and  
21 every way or place in the state of Washington open as a matter of right  
22 to public vehicular travel both inside and outside the limits of  
23 incorporated cities and towns;

24 ((+12)) (13) "Intersection area." (a) The area embraced within  
25 the prolongation or connection of the lateral curb lines, or, if none,  
26 then the lateral boundary lines of the roadways of two or more highways  
27 which join one another at, or approximately at, right angles, or the  
28 area within which vehicles traveling upon different highways joining at  
29 any other angle may come in conflict;

30 (b) Where a highway includes two roadways thirty feet or more  
31 apart, then every crossing of each roadway of such divided highway by  
32 an intersecting highway shall be regarded as a separate intersection.  
33 In the event such intersecting highway also includes two roadways  
34 thirty feet or more apart, then every crossing of two roadways of such  
35 highways shall be regarded as a separate intersection;

36 (c) The junction of an alley with a street or highway shall not  
37 constitute an intersection;

1        (~~(13)~~) (14) "Intersection control area." The intersection area  
2 as herein defined, together with such modification of the adjacent  
3 roadway area as results from the arc or curb corners and together with  
4 any marked or unmarked crosswalks adjacent to the intersection;

5        (~~(14)~~) (15) "Laned highway." A highway the roadway of which is  
6 divided into clearly marked lanes for vehicular traffic;

7        (~~(15)~~) (16) "Local authorities." Every county, municipal, or  
8 other local public board or body having authority to adopt local police  
9 regulations under the Constitution and laws of this state;

10       (~~(16)~~) (17) "Marked crosswalk." Any portion of a roadway  
11 distinctly indicated for pedestrian crossing by lines or other markings  
12 on the surface thereof;

13       (~~(17)~~) (18) "Metal tire." Every tire, the bearing surface of  
14 which in contact with the highway is wholly or partly of metal or other  
15 hard, nonresilient material;

16       (~~(18)~~) (19) "Motor truck." Any motor vehicle, as herein defined,  
17 designed or used for the transportation of commodities, merchandise,  
18 produce, freight, or animals;

19       (~~(19)~~) (20) "Motor vehicle." Every vehicle, as herein defined,  
20 which is in itself a self-propelled unit;

21       (~~(20)~~) (21) "Multiple lane highway." Any highway the roadway of  
22 which is of sufficient width to reasonably accommodate two or more  
23 separate lanes of vehicular traffic in the same direction, each lane of  
24 which shall be not less than the maximum legal vehicle width, and  
25 whether or not such lanes are marked;

26       (~~(21)~~) (22) "Operator." Every person who drives or is in actual  
27 physical control of a vehicle as herein defined;

28       (~~(22)~~) (23) "Peace officer." Any officer authorized by law to  
29 execute criminal process or to make arrests for the violation of the  
30 statutes generally or of any particular statute or statutes relative to  
31 the highways of this state;

32       (~~(23)~~) (24) "Pedestrian." Any person afoot or who is using a  
33 wheelchair, power wheelchair as defined in RCW 46.04.415, or a means of  
34 conveyance propelled by human power other than a bicycle;

35       (~~(24)~~) (25) "Person." Every natural person, firm, copartnership,  
36 corporation, association, or organization;

37       (~~(25)~~) (26) "Personal wireless service." Any federally licensed  
38 personal wireless service;

1        ~~((26))~~ (27) "Personal wireless service facilities." Unstaffed  
2 facilities that are used for the transmission or reception, or both, of  
3 personal wireless services including, but not necessarily limited to,  
4 antenna arrays, transmission cables, equipment shelters, and support  
5 structures;

6        ~~((27))~~ (28) "Pneumatic tires." Every tire of rubber or other  
7 resilient material designed to be inflated with compressed air to  
8 support the load thereon;

9        ~~((28))~~ (29) "Private road or driveway." Every way or place in  
10 private ownership and used for travel of vehicles by the owner or those  
11 having express or implied permission from the owner, but not by other  
12 persons;

13        ~~((29))~~ (30) "Railroad." A carrier of persons or property upon  
14 vehicles, other than street cars, operated upon stationary rails, the  
15 route of which is principally outside incorporated cities and towns;

16        ~~((30))~~ (31) "Railroad sign or signal." Any sign, signal, or  
17 device erected by authority of a public body or official or by a  
18 railroad and intended to give notice of the presence of railroad tracks  
19 or the approach of a railroad train;

20        ~~((31))~~ (32) "Residence district." The territory contiguous to  
21 and including the highway, as herein defined, not comprising a business  
22 district, as herein defined, when the property on such highway for a  
23 continuous distance of three hundred feet or more on either side  
24 thereof is in the main improved with residences or residences and  
25 buildings in use for business;

26        ~~((32))~~ (33) "Roadway." The paved, improved, or proper driving  
27 portion of a highway designed, or ordinarily used for vehicular travel;

28        ~~((33))~~ (34) "Safety zone." The area or space officially set  
29 apart within a roadway for the exclusive use of pedestrians and which  
30 is protected or is marked or indicated by painted marks, signs,  
31 buttons, standards, or otherwise so as to be plainly discernible;

32        ~~((34))~~ (35) "Sidewalk." That property between the curb lines or  
33 the lateral lines of a roadway, as herein defined, and the adjacent  
34 property, set aside and intended for the use of pedestrians or such  
35 portion of private property parallel and in proximity to a highway and  
36 dedicated to use by pedestrians;

37        ~~((35))~~ (36) "Solid tire." Every tire of rubber or other

1 resilient material which does not depend upon inflation with compressed  
2 air for the support of the load thereon;

3 ~~((+36+))~~ (37) "State highway." Every highway as herein defined, or  
4 part thereof, which has been designated as a state highway, or branch  
5 thereof, by legislative enactment;

6 ~~((+37+))~~ (38) "Street car." A vehicle other than a train, as  
7 herein defined, for the transporting of persons or property and  
8 operated upon stationary rails principally within incorporated cities  
9 and towns;

10 ~~((+38+))~~ (39) "Traffic." Pedestrians, ridden or herded animals,  
11 vehicles, street cars, and other conveyances either singly or together  
12 while using any highways for purposes of travel;

13 ~~((+39+))~~ (40) "Traffic control signal." Any traffic device, as  
14 herein defined, whether manually, electrically, or mechanically  
15 operated, by which traffic alternately is directed to stop or proceed  
16 or otherwise controlled;

17 ~~((+40+))~~ (41) "Traffic devices." All signs, signals, markings, and  
18 devices not inconsistent with this title placed or erected by authority  
19 of a public body or official having jurisdiction, for the purpose of  
20 regulating, warning, or guiding traffic;

21 ~~((+41+))~~ (42) "Train." A vehicle propelled by steam, electricity,  
22 or other motive power with or without cars coupled thereto, operated  
23 upon stationary rails, except street cars;

24 ~~((+42+))~~ (43) "Vehicle." Every device capable of being moved upon  
25 a highway and in, upon, or by which any person or property is or may be  
26 transported or drawn upon a highway, excepting power wheelchairs, as  
27 defined in RCW 46.04.415, or devices moved by human or animal power or  
28 used exclusively upon stationary rails or tracks.

29 Words and phrases used herein in the past, present, or future tense  
30 shall include the past, present, and future tenses; words and phrases  
31 used herein in the masculine, feminine, or neuter gender shall include  
32 the masculine, feminine, and neuter genders; and words and phrases used  
33 herein in the singular or plural shall include the singular and plural;  
34 unless the context thereof shall indicate to the contrary.

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