

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5078

60th Legislature
2007 Regular Session

Passed by the Senate March 12, 2007
YEAS 49 NAYS 0

President of the Senate

Passed by the House April 5, 2007
YEAS 97 NAYS 0

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5078** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5078

Passed Legislature - 2007 Regular Session

State of Washington 60th Legislature 2007 Regular Session

By Senate Committee on Transportation (originally sponsored by
Senators Honeyford and Kline)

READ FIRST TIME 02/15/07.

1 AN ACT Relating to approaching stationary emergency, roadside
2 assistance, or police vehicles; and amending RCW 46.61.212, 46.61.100,
3 and 46.61.120.

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

5 **Sec. 1.** RCW 46.61.212 and 2005 c 413 s 1 are each amended to read
6 as follows:

7 The driver of any motor vehicle, upon approaching a stationary
8 authorized emergency vehicle that is making use of audible and/or
9 visual signals meeting the requirements of RCW 46.37.190, a tow truck
10 that is making use of visual red lights meeting the requirements of RCW
11 46.37.196, other vehicles providing roadside assistance that are making
12 use of warning lights with three hundred sixty degree visibility, or
13 ((of)) a police vehicle properly and lawfully displaying a flashing,
14 blinking, or alternating emergency light or lights, shall:

15 (1) On a highway having ((at least)) four or more lanes, at least
16 two of which are intended for traffic proceeding in the same direction
17 as the approaching vehicle, proceed with caution and, if reasonable,
18 with due regard for safety and traffic conditions, yield the

1 right-of-way by making a lane change or moving away from the lane or
2 shoulder occupied by the stationary authorized emergency vehicle or
3 police vehicle; (~~or~~)

4 (2) On a highway having less than four lanes, proceed with caution,
5 reduce the speed of the vehicle, and, if reasonable, with due regard
6 for safety and traffic conditions, and under the rules of this chapter,
7 yield the right-of-way by passing to the left at a safe distance and
8 simultaneously yield the right-of-way to all vehicles traveling in the
9 proper direction upon the highway; or

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

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

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

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

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

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

25 (d) Upon a street or highway restricted to one-way traffic; or

26 (e) Upon a highway having three lanes or less, when approaching a
27 stationary authorized emergency vehicle, tow truck or other vehicle
28 providing roadside assistance while operating warning lights with three
29 hundred sixty degree visibility, or police vehicle as described under
30 RCW 46.61.212(2).

31 (2) Upon all roadways having two or more lanes for traffic moving
32 in the same direction, all vehicles shall be driven in the right-hand
33 lane then available for traffic, except (a) when overtaking and passing
34 another vehicle proceeding in the same direction, (b) when traveling at
35 a speed greater than the traffic flow, (c) when moving left to allow
36 traffic to merge, or (d) when preparing for a left turn at an
37 intersection, exit, or into a private road or driveway when such left

1 turn is legally permitted. On any such roadway, a vehicle or
2 combination over ten thousand pounds shall be driven only in the right-
3 hand lane except under the conditions enumerated in (a) through (d) of
4 this subsection.

5 (3) No vehicle towing a trailer or no vehicle or combination over
6 ten thousand pounds may be driven in the left-hand lane of a limited
7 access roadway having three or more lanes for traffic moving in one
8 direction except when preparing for a left turn at an intersection,
9 exit, or into a private road or driveway when a left turn is legally
10 permitted. This subsection does not apply to a vehicle using a high-
11 occupancy vehicle lane. A high-occupancy vehicle lane is not
12 considered the left-hand lane of a roadway. The department of
13 transportation, in consultation with the Washington state patrol, shall
14 adopt rules specifying (a) those circumstances where it is permissible
15 for other vehicles to use the left lane in case of emergency or to
16 facilitate the orderly flow of traffic, and (b) those segments of
17 limited access roadway to be exempt from this subsection due to the
18 operational characteristics of the roadway.

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

21 (5) Upon any roadway having four or more lanes for moving traffic
22 and providing for two-way movement of traffic, a vehicle shall not be
23 driven to the left of the center line of the roadway except when
24 authorized by official traffic control devices designating certain
25 lanes to the left side of the center of the roadway for use by traffic
26 not otherwise permitted to use such lanes, or except as permitted under
27 subsection (1)(b) of this section. However, this subsection shall not
28 be construed as prohibiting the crossing of the center line in making
29 a left turn into or from an alley, private road or driveway.

30 **Sec. 3.** RCW 46.61.120 and 2005 c 396 s 2 are each amended to read
31 as follows:

32 No vehicle shall be driven to the left side of the center of the
33 roadway in overtaking and passing other traffic proceeding in the same
34 direction unless authorized by the provisions of RCW 46.61.100 through
35 46.61.160 and 46.61.212 and unless such left side is clearly visible
36 and is free of oncoming traffic for a sufficient distance ahead to
37 permit such overtaking and passing to be completely made without

1 interfering with the operation of any traffic approaching from the
2 opposite direction or any traffic overtaken. In every event the
3 overtaking vehicle must return to an authorized lane of travel as soon
4 as practicable and in the event the passing movement involves the use
5 of a lane authorized for vehicles approaching from the opposite
6 direction, before coming within two hundred feet of any approaching
7 traffic.

--- END ---