

**SSB 6207** - H COMM AMD  
By Committee on Transportation

ADOPTED 03/03/2010

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 46.04.320 and 2007 c 510 s 1 are each amended to read  
4 as follows:

5 "Motor vehicle" means every vehicle that is self-propelled and  
6 every vehicle that is propelled by electric power obtained from  
7 overhead trolley wires, but not operated upon rails. "Motor vehicle"  
8 includes a neighborhood electric vehicle as defined in RCW 46.04.357.  
9 "Motor vehicle" includes a medium-speed electric vehicle as defined in  
10 RCW 46.04.295. An electric personal assistive mobility device is not  
11 considered a motor vehicle. A power wheelchair is not considered a  
12 motor vehicle. A golf cart is not considered a motor vehicle, except  
13 for the purposes of chapter 46.61 RCW.

14 "Sec. 2. RCW 46.04.670 and 2003 c 141 s 6 are each amended to read  
15 as follows:

16 "Vehicle" includes every device capable of being moved upon a  
17 public highway and in, upon, or by which any persons or property is or  
18 may be transported or drawn upon a public highway, including bicycles.  
19 The term does not include power wheelchairs or devices other than  
20 bicycles moved by human or animal power or used exclusively upon  
21 stationary rails or tracks. Mopeds shall not be considered vehicles or  
22 motor vehicles for the purposes of chapter 46.70 RCW. Bicycles shall  
23 not be considered vehicles for the purposes of chapter 46.12, 46.16, or  
24 46.70 RCW. Electric personal assistive mobility devices are not  
25 considered vehicles or motor vehicles for the purposes of chapter  
26 46.12, 46.16, 46.29, 46.37, or 46.70 RCW. A golf cart is not  
27 considered a vehicle, except for the purposes of chapter 46.61 RCW.



1 (9) A city or county that creates a golf cart zone under this  
2 section must clearly identify the zone by placing signage at the  
3 beginning and end of the golf cart zone on a street or road that is  
4 part of the golf cart zone. The signage must be in compliance with the  
5 department of transportation's manual on uniform traffic control  
6 devices for streets and highways.

7 (10) Accidents that involve golf carts operated upon streets and  
8 highways as authorized under this section must be recorded and tracked  
9 in compliance with chapter 46.52 RCW. The accident report must  
10 indicate that a golf cart operating within a golf cart zone is involved  
11 in the accident.

12 **Sec. 5.** RCW 46.16.010 and 2007 c 242 s 2 are each amended to read  
13 as follows:

14 (1) It is unlawful for a person to operate any vehicle over and  
15 along a public highway of this state without first having obtained and  
16 having in full force and effect a current and proper vehicle license  
17 and display vehicle license number plates therefor as by this chapter  
18 provided.

19 (2) Failure to make initial registration before operation on the  
20 highways of this state is a traffic infraction, and any person  
21 committing this infraction shall pay a penalty of five hundred twenty-  
22 nine dollars, no part of which may be suspended or deferred.

23 (3) Failure to renew an expired registration before operation on  
24 the highways of this state is a traffic infraction.

25 (4) The licensing of a vehicle in another state by a resident of  
26 this state, as defined in RCW 46.16.028, evading the payment of any tax  
27 or license fee imposed in connection with registration, is a gross  
28 misdemeanor punishable as follows:

29 (a) For a first offense, up to one year in the county jail and  
30 payment of a fine of five hundred twenty-nine dollars plus twice the  
31 amount of delinquent taxes and fees, no part of which may be suspended  
32 or deferred;

33 (b) For a second or subsequent offense, up to one year in the  
34 county jail and payment of a fine of five hundred twenty-nine dollars  
35 plus four times the amount of delinquent taxes and fees, no part of  
36 which may be suspended or deferred;

1 (c) For fines levied under (b) of this subsection, an amount equal  
2 to the avoided taxes and fees owed will be deposited in the vehicle  
3 licensing fraud account created in the state treasury;

4 (d) The avoided taxes and fees shall be deposited and distributed  
5 in the same manner as if the taxes and fees were properly paid in a  
6 timely fashion.

7 (5) These provisions shall not apply to the following vehicles:

8 (a) Motorized foot scooters;

9 (b) Electric-assisted bicycles;

10 (c) Off-road vehicles operating on nonhighway roads under RCW  
11 46.09.115;

12 (d) Farm vehicles if operated within a radius of fifteen miles of  
13 the farm where principally used or garaged, farm tractors and farm  
14 implements including trailers designed as cook or bunk houses used  
15 exclusively for animal herding temporarily operating or drawn upon the  
16 public highways, and trailers used exclusively to transport farm  
17 implements from one farm to another during the daylight hours or at  
18 night when such equipment has lights that comply with the law;

19 (e) Spray or fertilizer applicator rigs designed and used  
20 exclusively for spraying or fertilization in the conduct of  
21 agricultural operations and not primarily for the purpose of  
22 transportation, and nurse rigs or equipment auxiliary to the use of and  
23 designed or modified for the fueling, repairing, or loading of spray  
24 and fertilizer applicator rigs and not used, designed, or modified  
25 primarily for the purpose of transportation;

26 (f) Fork lifts operated during daylight hours on public highways  
27 adjacent to and within five hundred feet of the warehouses which they  
28 serve: PROVIDED FURTHER, That these provisions shall not apply to  
29 vehicles used by the state parks and recreation commission exclusively  
30 for park maintenance and operations upon public highways within state  
31 parks;

32 (g) "Trams" used for transporting persons to and from facilities  
33 related to the horse racing industry as regulated in chapter 67.16 RCW,  
34 as long as the public right-of-way routes over which the trams operate  
35 are not more than one mile from end to end, the public rights-of-way  
36 over which the tram operates have an average daily traffic of not more  
37 than 15,000 vehicles per day, and the activity is in conformity with  
38 federal law. The operator must be a licensed driver and at least

1 eighteen years old. For the purposes of this section, "tram" also  
2 means a vehicle, or combination of vehicles linked together with a  
3 single mode of propulsion, used to transport persons from one location  
4 to another;

5 (h) "Special highway construction equipment" defined as follows:  
6 Any vehicle which is designed and used primarily for grading of  
7 highways, paving of highways, earth moving, and other construction work  
8 on highways and which is not designed or used primarily for the  
9 transportation of persons or property on a public highway and which is  
10 only incidentally operated or moved over the highway. It includes, but  
11 is not limited to, road construction and maintenance machinery so  
12 designed and used such as portable air compressors, air drills, asphalt  
13 spreaders, bituminous mixers, bucket loaders, track laying tractors,  
14 ditchers, leveling graders, finishing machines, motor graders, paving  
15 mixers, road rollers, scarifiers, earth moving scrapers and carryalls,  
16 lighting plants, welders, pumps, power shovels and draglines, self-  
17 propelled and tractor-drawn earth moving equipment and machinery,  
18 including dump trucks and tractor-dump trailer combinations which  
19 either (i) are in excess of the legal width, or (ii) which, because of  
20 their length, height, or unladen weight, may not be moved on a public  
21 highway without the permit specified in RCW 46.44.090 and which are not  
22 operated laden except within the boundaries of the project limits as  
23 defined by the contract, and other similar types of construction  
24 equipment, or (iii) which are driven or moved upon a public highway  
25 only for the purpose of crossing such highway from one property to  
26 another, provided such movement does not exceed five hundred feet and  
27 the vehicle is equipped with wheels or pads which will not damage the  
28 roadway surface.

29 Exclusions:

30 "Special highway construction equipment" does not include any of  
31 the following:

32 Dump trucks originally designed to comply with the legal size and  
33 weight provisions of this code notwithstanding any subsequent  
34 modification which would require a permit, as specified in RCW  
35 46.44.090, to operate such vehicles on a public highway, including  
36 trailers, truck-mounted transit mixers, cranes and shovels, or other  
37 vehicles designed for the transportation of persons or property to  
38 which machinery has been attached; and

1        (i) Golf carts, as defined in section 3 of this act, operating  
2 within a designated golf cart zone as described in section 4 of this  
3 act.

4        (6) The following vehicles, whether operated solo or in  
5 combination, are exempt from license registration and displaying  
6 license plates as required by this chapter:

7        (a) A converter gear used to convert a semitrailer into a trailer  
8 or a two-axle truck or tractor into a three or more axle truck or  
9 tractor or used in any other manner to increase the number of axles of  
10 a vehicle. Converter gear includes an auxiliary axle, booster axle,  
11 dolly, and jeep axle.

12        (b) A tow dolly that is used for towing a motor vehicle behind  
13 another motor vehicle. The front or rear wheels of the towed vehicle  
14 are secured to and rest on the tow dolly that is attached to the towing  
15 vehicle by a tow bar.

16        (c) An off-road vehicle operated on a street, road, or highway as  
17 authorized under RCW 46.09.180.

18        (7)(a) A motor vehicle subject to initial or renewal registration  
19 under this section shall not be registered to a natural person unless  
20 the person at time of application:

21        (i) Presents an unexpired Washington state driver's license; or

22        (ii) Certifies that he or she is:

23        (A) A Washington resident who does not operate a motor vehicle on  
24 public roads; or

25        (B) Exempt from the requirement to obtain a Washington state  
26 driver's license under RCW 46.20.025.

27        (b) For shared or joint ownership, the department will set up  
28 procedures to verify that all owners meet the requirements of this  
29 subsection.

30        (c) A person falsifying residency is guilty of a gross misdemeanor  
31 punishable only by a fine of five hundred twenty-nine dollars.

32        (d) The department may adopt rules necessary to implement this  
33 subsection, including rules under which a natural person applying for  
34 registration may be exempt from the requirements of this subsection  
35 where the person provides evidence satisfactory to the department that  
36 he or she has a valid and compelling reason for not being able to meet  
37 the requirements of this subsection.

1 (8) A vehicle with an expired registration of more than forty-five  
2 days parked on a public street may be impounded by a police officer  
3 under RCW 46.55.113(2).

4 **Sec. 6.** RCW 46.37.010 and 2006 c 306 s 1 and 2006 c 212 s 5 are  
5 each reenacted and amended to read as follows:

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

9 (a) Is in such unsafe condition as to endanger any person;

10 (b) Is not at all times equipped with such lamps and other  
11 equipment in proper working condition and adjustment as required by  
12 this chapter or by rules issued by the Washington state patrol;

13 (c) Contains any parts in violation of this chapter or rules issued  
14 by the Washington state patrol.

15 (2) It is a traffic infraction for any person to do any act  
16 forbidden or fail to perform any act required under this chapter or  
17 rules issued by the Washington state patrol.

18 (3) Nothing contained in this chapter or the state patrol's  
19 regulations shall be construed to prohibit the use of additional parts  
20 and accessories on any vehicle not inconsistent with the provisions of  
21 this chapter or the state patrol's regulations.

22 (4) The provisions of the chapter and the state patrol's  
23 regulations with respect to equipment on vehicles shall not apply to  
24 implements of husbandry, road machinery, road rollers, or farm tractors  
25 except as herein made applicable.

26 (5) No owner or operator of a farm tractor, self-propelled unit of  
27 farm equipment, or implement of husbandry shall be guilty of a crime or  
28 subject to penalty for violation of RCW 46.37.160 as now or hereafter  
29 amended unless such violation occurs on a public highway.

30 (6) It is a traffic infraction for any person to sell or offer for  
31 sale vehicle equipment which is required to be approved by the state  
32 patrol as prescribed in RCW 46.37.005 unless it has been approved by  
33 the state patrol.

34 (7) The provisions of this chapter with respect to equipment  
35 required on vehicles shall not apply to:

36 (a) Motorcycles or motor-driven cycles except as herein made  
37 applicable;

1       (b) Golf carts, as defined in section 3 of this act, operating  
2 within a designated golf cart zone as described in section 4 of this  
3 act, except as provided in section 4(8) of this act.

4       (8) This chapter does not apply to off-road vehicles used on  
5 nonhighway roads or used on streets, roads, or highways as authorized  
6 under RCW 46.09.180.

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

10       (10) Notices of traffic infraction issued to commercial drivers  
11 under the provisions of this chapter with respect to equipment required  
12 on commercial motor vehicles shall not be considered for driver  
13 improvement purposes under chapter 46.20 RCW.

14       (11) Whenever a traffic infraction is chargeable to the owner or  
15 lessee of a vehicle under subsection (1) of this section, the driver  
16 shall not be arrested or issued a notice of traffic infraction unless  
17 the vehicle is registered in a jurisdiction other than Washington  
18 state, or unless the infraction is for an offense that is clearly  
19 within the responsibility of the driver.

20       (12) Whenever the owner or lessee is issued a notice of traffic  
21 infraction under this section the court may, on the request of the  
22 owner or lessee, take appropriate steps to make the driver of the  
23 vehicle, or any other person who directs the loading, maintenance, or  
24 operation of the vehicle, a codefendant. If the codefendant is held  
25 solely responsible and is found to have committed the traffic  
26 infraction, the court may dismiss the notice against the owner or  
27 lessee.

28       **Sec. 7.** RCW 46.61.687 and 2007 c 510 s 4 are each amended to read  
29 as follows:

30       (1) Whenever a child who is less than sixteen years of age is being  
31 transported in a motor vehicle that is in operation and that is  
32 required by RCW 46.37.510 to be equipped with a safety belt system in  
33 a passenger seating position, or is being transported in a neighborhood  
34 electric vehicle or medium-speed electric vehicle that is in operation,  
35 the driver of the vehicle shall keep the child properly restrained as  
36 follows:



1 (a) A child must be restrained in a child restraint system, if the  
2 passenger seating position equipped with a safety belt system allows  
3 sufficient space for installation, until the child is eight years old,  
4 unless the child is four feet nine inches or taller. The child  
5 restraint system must comply with standards of the United States  
6 department of transportation and must be secured in the vehicle in  
7 accordance with instructions of the vehicle manufacturer and the child  
8 restraint system manufacturer.

9 (b) A child who is eight years of age or older or four feet nine  
10 inches or taller shall be properly restrained with the motor vehicle's  
11 safety belt properly adjusted and fastened around the child's body or  
12 an appropriately fitting child restraint system.

13 (c) The driver of a vehicle transporting a child who is under  
14 thirteen years old shall transport the child in the back seat positions  
15 in the vehicle where it is practical to do so.

16 (2) Enforcement of subsection (1) of this section is subject to a  
17 visual inspection by law enforcement to determine if the child  
18 restraint system in use is appropriate for the child's individual  
19 height, weight, and age. The visual inspection for usage of a child  
20 restraint system must ensure that the child restraint system is being  
21 used in accordance with the instruction of the vehicle and the child  
22 restraint system manufacturers. The driver of a vehicle transporting  
23 a child who is under thirteen years old shall transport the child in  
24 the back seat positions in the vehicle where it is practical to do so.

25 (3) A person violating subsection (1) of this section may be issued  
26 a notice of traffic infraction under chapter 46.63 RCW. If the person  
27 to whom the notice was issued presents proof of acquisition of an  
28 approved child passenger restraint system or a child booster seat, as  
29 appropriate, within seven days to the jurisdiction issuing the notice  
30 and the person has not previously had a violation of this section  
31 dismissed, the jurisdiction shall dismiss the notice of traffic  
32 infraction.

33 (4) Failure to comply with the requirements of this section shall  
34 not constitute negligence by a parent or legal guardian. Failure to  
35 use a child restraint system shall not be admissible as evidence of  
36 negligence in any civil action.

37 (5) This section does not apply to: (a) For hire vehicles, (b)  
38 vehicles designed to transport sixteen or less passengers, including

1 the driver, operated by auto transportation companies, as defined in  
2 RCW 81.68.010, (c) vehicles providing customer shuttle service between  
3 parking, convention, and hotel facilities, and airport terminals,  
4 ((and)) (d) golf carts, as defined in section 3 of this act, operating  
5 within a designated golf cart zone as described in section 4 of this  
6 act, and (e) school buses.

7 (6) As used in this section, "child restraint system" means a child  
8 passenger restraint system that meets the Federal Motor Vehicle Safety  
9 Standards set forth in 49 C.F.R. 571.213.

10 (7) The requirements of subsection (1) of this section do not apply  
11 in any seating position where there is only a lap belt available and  
12 the child weighs more than forty pounds.

13 (8)(a) Except as provided in (b) of this subsection, a person who  
14 has a current national certification as a child passenger safety  
15 technician and who in good faith provides inspection, adjustment, or  
16 educational services regarding child passenger restraint systems is not  
17 liable for civil damages resulting from any act or omission in  
18 providing the services, other than acts or omissions constituting gross  
19 negligence or willful or wanton misconduct.

20 (b) The immunity provided in this subsection does not apply to a  
21 certified child passenger safety technician who is employed by a  
22 retailer of child passenger restraint systems and who, during his or  
23 her hours of employment and while being compensated, provides  
24 inspection, adjustment, or educational services regarding child  
25 passenger restraint systems."

26 Correct the title.

EFFECT: The legislative authority of a city or county may prohibit the operation of golf carts in designated bicycle lanes that are within a golf cart zone.

The city or county that authorizes a golf cart zone must clearly identify the zone with signage that complies with the Department of Transportation's Manual on Uniform Traffic Control Devices.

Golf carts operated within golf cart zones must be equipped with reflectors, seat belts, and rearview mirrors.

Accidents that involve golf carts operated within golf cart zones must be recorded and tracked in compliance with chapter 46.52 RCW.

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