
HOUSE BILL 3109

State of Washington 61st Legislature 2010 Regular Session

By Representatives Schmick, Warnick, Wallace, and McCune

Read first time 01/25/10. Referred to Committee on Transportation.

1 AN ACT Relating to allowing local governments to create golf cart
2 zones; amending RCW 46.04.320, 46.04.670, 46.16.010, 46.61.687, and
3 46.61.688; reenacting and amending RCW 46.37.010; adding a new section
4 to chapter 46.04 RCW; and adding a new section to chapter 46.08 RCW.

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

6 **Sec. 1.** RCW 46.04.320 and 2007 c 510 s 1 are each amended to read
7 as follows:

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

17 **Sec. 2.** RCW 46.04.670 and 2003 c 141 s 6 are each amended to read
18 as follows:

1 "Vehicle" includes every device capable of being moved upon a
2 public highway and in, upon, or by which any persons or property is or
3 may be transported or drawn upon a public highway, including bicycles.
4 The term does not include power wheelchairs or devices other than
5 bicycles moved by human or animal power or used exclusively upon
6 stationary rails or tracks. Mopeds shall not be considered vehicles or
7 motor vehicles for the purposes of chapter 46.70 RCW. Bicycles shall
8 not be considered vehicles for the purposes of chapter 46.12, 46.16, or
9 46.70 RCW. Electric personal assistive mobility devices are not
10 considered vehicles or motor vehicles for the purposes of chapter
11 46.12, 46.16, 46.29, 46.37, or 46.70 RCW. A golf cart is not
12 considered a vehicle, except for the purposes of chapter 46.61 RCW.

13 NEW SECTION. **Sec. 3.** A new section is added to chapter 46.04 RCW
14 to read as follows:

15 "Golf cart" means a gas-powered or electric-powered four-wheeled
16 vehicle originally designed and manufactured for operation on a golf
17 course for sporting purposes and has a speed attainable in one mile of
18 not more than twenty miles per hour. A golf cart is not a nonhighway
19 vehicle or off-road vehicle as defined in RCW 46.09.020.

20 NEW SECTION. **Sec. 4.** A new section is added to chapter 46.08 RCW
21 to read as follows:

22 (1) The legislative authority of a city or county may by ordinance
23 or resolution create a golf cart zone surrounding a golf course, for
24 the purposes of permitting the incidental operation of golf carts, as
25 defined in section 3 of this act, upon a street or highway of this
26 state having a speed limit of twenty-five miles per hour or less.

27 (2) Every person operating a golf cart upon a highway of this state
28 in a golf cart zone is granted all rights and is subject to all duties
29 applicable to the driver of a vehicle under chapter 46.61 RCW.

30 (3) If the golf course within the golf cart zone has a minimum age
31 requirement for cart rental or operation, or both, the city or county
32 shall include the same age requirement as a restriction on the
33 operation of golf carts within the golf cart zone.

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

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

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

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

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

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

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

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

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

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

31 (a) Motorized foot scooters;

32 (b) Electric-assisted bicycles;

33 (c) Off-road vehicles operating on nonhighway roads under RCW
34 46.09.115;

35 (d) Farm vehicles if operated within a radius of fifteen miles of
36 the farm where principally used or garaged, farm tractors and farm
37 implements including trailers designed as cook or bunk houses used
38 exclusively for animal herding temporarily operating or drawn upon the

1 public highways, and trailers used exclusively to transport farm
2 implements from one farm to another during the daylight hours or at
3 night when such equipment has lights that comply with the law;

4 (e) Spray or fertilizer applicator rigs designed and used
5 exclusively for spraying or fertilization in the conduct of
6 agricultural operations and not primarily for the purpose of
7 transportation, and nurse rigs or equipment auxiliary to the use of and
8 designed or modified for the fueling, repairing, or loading of spray
9 and fertilizer applicator rigs and not used, designed, or modified
10 primarily for the purpose of transportation;

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

17 (g) "Trams" used for transporting persons to and from facilities
18 related to the horse racing industry as regulated in chapter 67.16 RCW,
19 as long as the public right-of-way routes over which the trams operate
20 are not more than one mile from end to end, the public rights-of-way
21 over which the tram operates have an average daily traffic of not more
22 than 15,000 vehicles per day, and the activity is in conformity with
23 federal law. The operator must be a licensed driver and at least
24 eighteen years old. For the purposes of this section, "tram" also
25 means a vehicle, or combination of vehicles linked together with a
26 single mode of propulsion, used to transport persons from one location
27 to another;

28 (h) "Special highway construction equipment" defined as follows:
29 Any vehicle which is designed and used primarily for grading of
30 highways, paving of highways, earth moving, and other construction work
31 on highways and which is not designed or used primarily for the
32 transportation of persons or property on a public highway and which is
33 only incidentally operated or moved over the highway. It includes, but
34 is not limited to, road construction and maintenance machinery so
35 designed and used such as portable air compressors, air drills, asphalt
36 spreaders, bituminous mixers, bucket loaders, track laying tractors,
37 ditchers, leveling graders, finishing machines, motor graders, paving
38 mixers, road rollers, scarifiers, earth moving scrapers and carryalls,

1 lighting plants, welders, pumps, power shovels and draglines, self-
2 propelled and tractor-drawn earth moving equipment and machinery,
3 including dump trucks and tractor-dump trailer combinations which
4 either (i) are in excess of the legal width, or (ii) which, because of
5 their length, height, or unladen weight, may not be moved on a public
6 highway without the permit specified in RCW 46.44.090 and which are not
7 operated laden except within the boundaries of the project limits as
8 defined by the contract, and other similar types of construction
9 equipment, or (iii) which are driven or moved upon a public highway
10 only for the purpose of crossing such highway from one property to
11 another, provided such movement does not exceed five hundred feet and
12 the vehicle is equipped with wheels or pads which will not damage the
13 roadway surface.

14 Exclusions:

15 "Special highway construction equipment" does not include any of
16 the following:

17 Dump trucks originally designed to comply with the legal size and
18 weight provisions of this code notwithstanding any subsequent
19 modification which would require a permit, as specified in RCW
20 46.44.090, to operate such vehicles on a public highway, including
21 trailers, truck-mounted transit mixers, cranes and shovels, or other
22 vehicles designed for the transportation of persons or property to
23 which machinery has been attached; and

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

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

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

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

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

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

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

7 (ii) Certifies that he or she is:

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

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

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

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

17 (d) The department may adopt rules necessary to implement this
18 subsection, including rules under which a natural person applying for
19 registration may be exempt from the requirements of this subsection
20 where the person provides evidence satisfactory to the department that
21 he or she has a valid and compelling reason for not being able to meet
22 the requirements of this subsection.

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

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

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

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

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

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

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

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

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

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

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

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

22 (a) Motorcycles or motor-driven cycles except as herein made
23 applicable;

24 (b) Golf carts, as defined in section 3 of this act, operating
25 within a designated golf cart zone as described in section 4 of this
26 act.

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

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

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

37 (11) Whenever a traffic infraction is chargeable to the owner or
38 lessee of a vehicle under subsection (1) of this section, the driver

1 shall not be arrested or issued a notice of traffic infraction unless
2 the vehicle is registered in a jurisdiction other than Washington
3 state, or unless the infraction is for an offense that is clearly
4 within the responsibility of the driver.

5 (12) Whenever the owner or lessee is issued a notice of traffic
6 infraction under this section the court may, on the request of the
7 owner or lessee, take appropriate steps to make the driver of the
8 vehicle, or any other person who directs the loading, maintenance, or
9 operation of the vehicle, a codefendant. If the codefendant is held
10 solely responsible and is found to have committed the traffic
11 infraction, the court may dismiss the notice against the owner or
12 lessee.

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

15 (1) Whenever a child who is less than sixteen years of age is being
16 transported in a motor vehicle that is in operation and that is
17 required by RCW 46.37.510 to be equipped with a safety belt system in
18 a passenger seating position, or is being transported in a neighborhood
19 electric vehicle or medium-speed electric vehicle that is in operation,
20 the driver of the vehicle shall keep the child properly restrained as
21 follows:

22 (a) A child must be restrained in a child restraint system, if the
23 passenger seating position equipped with a safety belt system allows
24 sufficient space for installation, until the child is eight years old,
25 unless the child is four feet nine inches or taller. The child
26 restraint system must comply with standards of the United States
27 department of transportation and must be secured in the vehicle in
28 accordance with instructions of the vehicle manufacturer and the child
29 restraint system manufacturer.

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

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

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

10 (3) A person violating subsection (1) of this section may be issued
11 a notice of traffic infraction under chapter 46.63 RCW. If the person
12 to whom the notice was issued presents proof of acquisition of an
13 approved child passenger restraint system or a child booster seat, as
14 appropriate, within seven days to the jurisdiction issuing the notice
15 and the person has not previously had a violation of this section
16 dismissed, the jurisdiction shall dismiss the notice of traffic
17 infraction.

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

22 (5) This section does not apply to: (a) For hire vehicles, (b)
23 vehicles designed to transport sixteen or less passengers, including
24 the driver, operated by auto transportation companies, as defined in
25 RCW 81.68.010, (c) vehicles providing customer shuttle service between
26 parking, convention, and hotel facilities, and airport terminals,
27 ~~((and))~~ (d) golf carts, as defined in section 3 of this act, operating
28 within a designated golf cart zone as described in section 4 of this
29 act, and (e) school buses.

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

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

36 (8)(a) Except as provided in (b) of this subsection, a person who
37 has a current national certification as a child passenger safety
38 technician and who in good faith provides inspection, adjustment, or

1 educational services regarding child passenger restraint systems is not
2 liable for civil damages resulting from any act or omission in
3 providing the services, other than acts or omissions constituting gross
4 negligence or willful or wanton misconduct.

5 (b) The immunity provided in this subsection does not apply to a
6 certified child passenger safety technician who is employed by a
7 retailer of child passenger restraint systems and who, during his or
8 her hours of employment and while being compensated, provides
9 inspection, adjustment, or educational services regarding child
10 passenger restraint systems.

11 **Sec. 8.** RCW 46.61.688 and 2009 c 275 s 8 are each amended to read
12 as follows:

13 (1) For the purposes of this section, "motor vehicle" includes:

14 (a) "Buses," meaning motor vehicles with motive power, except
15 trailers, designed to carry more than ten passengers;

16 (b) "Medium-speed electric vehicle" meaning a self-propelled,
17 electrically powered four-wheeled motor vehicle, equipped with a roll
18 cage or crush-proof body design, whose speed attainable in one mile is
19 more than thirty miles per hour but not more than thirty-five miles per
20 hour and otherwise meets or exceeds the federal regulations set forth
21 in 49 C.F.R. Sec. 571.500;

22 (c) "Motorcycle," meaning a three-wheeled motor vehicle that is
23 designed (i) so that the driver rides on a seat in a partially or
24 completely enclosed seating area that is equipped with safety belts and
25 (ii) to be steered with a steering wheel;

26 (d) "Multipurpose passenger vehicles," meaning motor vehicles with
27 motive power, except trailers, designed to carry ten persons or less
28 that are constructed either on a truck chassis or with special features
29 for occasional off-road operation;

30 (e) "Neighborhood electric vehicle," meaning a self-propelled,
31 electrically powered four-wheeled motor vehicle whose speed attainable
32 in one mile is more than twenty miles per hour and not more than
33 twenty-five miles per hour and conforms to federal regulations under 49
34 C.F.R. Sec. 571.500;

35 (f) "Passenger cars," meaning motor vehicles with motive power,
36 except multipurpose passenger vehicles, motorcycles, or trailers,
37 designed for carrying ten passengers or less; and

1 (g) "Trucks," meaning motor vehicles with motive power, except
2 trailers, designed primarily for the transportation of property.

3 (2)(a) This section only applies to:

4 (i) Motor vehicles that meet the manual seat belt safety standards
5 as set forth in 49 C.F.R. Sec. 571.208;

6 (ii) Motorcycles, when equipped with safety belts that meet the
7 standards set forth in 49 C.F.R. Part 571; and

8 (iii) Neighborhood electric vehicles and medium-speed electric
9 vehicles that meet the seat belt standards as set forth in 49 C.F.R.
10 Sec. 571.500.

11 (b) This section does not apply to:

12 (i) A vehicle occupant for whom no safety belt is available when
13 all designated seating positions as required under 49 C.F.R. Part 571
14 are occupied; and

15 (ii) Golf carts, as defined in section 3 of this act, operating
16 within a designated golf cart zone as described in section 4 of this
17 act.

18 (3) Every person sixteen years of age or older operating or riding
19 in a motor vehicle shall wear the safety belt assembly in a properly
20 adjusted and securely fastened manner.

21 (4) No person may operate a motor vehicle unless all child
22 passengers under the age of sixteen years are either: (a) Wearing a
23 safety belt assembly or (b) are securely fastened into an approved
24 child restraint device.

25 (5) A person violating this section shall be issued a notice of
26 traffic infraction under chapter 46.63 RCW. A finding that a person
27 has committed a traffic infraction under this section shall be
28 contained in the driver's abstract but shall not be available to
29 insurance companies or employers.

30 (6) Failure to comply with the requirements of this section does
31 not constitute negligence, nor may failure to wear a safety belt
32 assembly be admissible as evidence of negligence in any civil action.

33 (7) This section does not apply to an operator or passenger who
34 possesses written verification from a licensed physician that the
35 operator or passenger is unable to wear a safety belt for physical or
36 medical reasons.

37 (8) The state patrol may adopt rules exempting operators or

1 occupants of farm vehicles, construction equipment, and vehicles that
2 are required to make frequent stops from the requirement of wearing
3 safety belts.

--- END ---