
SUBSTITUTE SENATE BILL 6207

State of Washington **61st Legislature** **2010 Regular Session**

By Senate Transportation (originally sponsored by Senator Haugen)

READ FIRST TIME 01/20/10.

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, for the purposes of permitting
24 the incidental operation of golf carts, as defined in section 3 of this
25 act, upon a street or highway of this state having a speed limit of
26 twenty-five miles per hour or less.

27 (2) Every person operating a golf cart as authorized under this
28 section is granted all rights and is subject to all duties applicable
29 to the driver of a vehicle under chapter 46.61 RCW.

30 (3) Every person operating a golf cart as authorized under this
31 section must be at least sixteen years of age and must have completed
32 a driver education course or have previous experience driving as a
33 licensed driver.

34 (4) A person who has a revoked license under RCW 46.20.285 may not
35 operate a golf cart as authorized under this section.

1 (5) The legislative authority of a city or county may prohibit any
2 person from operating a golf cart as authorized under this section at
3 any time from a half hour after sunset to a half hour before sunrise.

4 (6) The legislative authority of a city or county may require a
5 decal or other identifying device to be displayed on golf carts
6 authorized on the streets and highways of this state under this
7 section. The city or county may charge a fee for the decal or other
8 identifying device.

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

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

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

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

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

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

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

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

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

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

5 (a) Motorized foot scooters;

6 (b) Electric-assisted bicycles;

7 (c) Off-road vehicles operating on nonhighway roads under RCW
8 46.09.115;

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

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

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

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

1 single mode of propulsion, used to transport persons from one location
2 to another;

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

27 Exclusions:

28 "Special highway construction equipment" does not include any of
29 the following:

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

37 (i) Golf carts, as defined in section 3 of this act, operating

1 within a designated golf cart zone as described in section 4 of this
2 act.

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

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

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

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

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

- 20 (i) Presents an unexpired Washington state driver's license; or
- 21 (ii) Certifies that he or she is:

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

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

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

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

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

37 (8) A vehicle with an expired registration of more than forty-five

1 days parked on a public street may be impounded by a police officer
2 under RCW 46.55.113(2).

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

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

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

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

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

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

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

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

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

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

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

35 (a) Motorcycles or motor-driven cycles except as herein made
36 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (b) This section does not apply to:

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

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

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

37 (4) No person may operate a motor vehicle unless all child

1 passengers under the age of sixteen years are either: (a) Wearing a
2 safety belt assembly or (b) are securely fastened into an approved
3 child restraint device.

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

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

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

16 (8) The state patrol may adopt rules exempting operators or
17 occupants of farm vehicles, construction equipment, and vehicles that
18 are required to make frequent stops from the requirement of wearing
19 safety belts.

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