

SB 5141 - H AMD TO TR COMM AMD (H2254.1) **363**

By Representative Klippert

NOT CONSIDERED

1 On page 1 of the striking amendment, strike all material after
2 line 2 and insert the following:

3 "NEW SECTION. Sec. 1. A new section is added to chapter 46.61 RCW
4 to read as follows:

5 (1) Law enforcement personnel may not find an operator of a
6 motorcycle who enters or crosses an intersection controlled by a
7 traffic control signal against a steady red indicator, including
8 traffic control signals equipped with automated traffic safety
9 cameras, to be in violation of this chapter, chapter 46.63 RCW, or
10 local laws if, as an affirmative defense to such a violation, the
11 operator establishes all of the following conditions:

12 (a) The motorcycle has been brought to a complete stop;

13 (b) The traffic control signal continues to display a steady red
14 indicator;

15 (c) The traffic control signal is apparently malfunctioning or, if
16 programmed or engineered to change signal phase only after detecting
17 the approach of a motor vehicle, the signal has apparently failed to
18 detect the presence of the motorcycle; and

19 (d) Another motor vehicle or person is not approaching on the
20 street or highway to be crossed or entered, or an approaching motor
21 vehicle or person is at a far enough distance that they do not
22 constitute an immediate hazard.

23 (2) The affirmative defense in subsection (1) of this section
24 applies only to a violation of entering or crossing an intersection
25 controlled by a traffic control signal against a steady red indicator
26 and is not a defense to any other civil or criminal action.

27

1 (3) By October 31, 2015, the Washington traffic safety commission,
2 with input from the Washington state patrol and local law enforcement,
3 shall submit a report to the legislature regarding the implementation
4 of this act. This report must describe the act's effectiveness in
5 helping motorcyclists, note any increase or decrease in the frequency
6 of traffic accidents as a result of this act, summarize any issues
7 related to ticketing or automated traffic safety cameras, explore
8 whether all motor vehicles and bicycles should be given the same
9 ability to proceed through traffic signals, and provide appropriate
10 recommendations."

11

EFFECT:

Strikes provisions of the underlying striking amendment which:

- Allowed operators of motorcycles to proceed through an intersection controlled by a traffic control device if the operator brings the motorcycle to a complete stop at an intersection controlled by a triggered traffic control signal, the signal fails to operate after one full cycle, and the operator exercises due care in proceeding;
- Provided for the expiration of the action on August 1, 2016.

Provides instead:

- That an operator of a motorcycle may proceed through an intersection if the operator brings the motorcycle to a complete stop, the light does not change signal phase, the light appears to be malfunctioning or failed to detect the presence of the motorcycle, and another vehicle or pedestrian is not approaching; and
- That this change is an affirmative defense only to a violation for entering or crossing an intersection but not any other criminal or civil action.

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