

SHB 1513 - H AMD TO H AMD (H-1648.2/23) 436

By Representative Cheney

NOT CONSIDERED 01/02/2024

1 On page 2, line 30 of the striking amendment, after "may" strike
2 all material through "(3)" on page 3, line 38 and insert "stop, or
3 otherwise detain, an operator of a vehicle to enforce one or more of
4 the following violations as a primary offense:

5 (i) Violations of RCW 46.37.190, or where a vehicle does not have
6 license plates, or where the license plate does not match the
7 registered make, model, year, and color of the vehicle;

8 (ii) Driving while license suspended or revoked in the third
9 degree under RCW 46.20.342(1)(c)(ii), (iv), (v), or (viii); or

10 (iii) Misdemeanor warrant for driving under the influence under
11 RCW 46.61.502 or a domestic violence violation, or a civil court
12 order.

13 (b)(i) A peace officer may stop or detain an operator of a vehicle
14 when the primary reason for the stop is an equipment failure violation
15 when necessary to protect against an immediate, serious threat to the
16 safety of the operator or others on the roadway.

17 (ii) Upon first contact with the operator of the vehicle during a
18 stop under this subsection (1)(b), the peace officer must inform the
19 operator of the reason for the stop, and may request a consent search
20 of the operator, any passengers, or the vehicle. The peace officer may
21 not question the operator or any passenger of the vehicle on a subject
22 other than the equipment violation that initiated the stop, unless the
23 peace officer detects evidence that establishes a reasonable suspicion
24 sufficient to question the operator or passengers about a criminal
25 offense.

26 (2)"

27

1 Renumber the remaining subsections consecutively and correct any
2 internal references accordingly.

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4 On page 4, line 10 of the striking amendment, after "necessary"
5 insert "and available"

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7 On page 4, line 15 of the striking amendment, after "proceeding"
8 insert "based upon the rules of evidence"

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10 On page 4, line 23 of the striking amendment, after "Having"
11 strike everything through "muffler" on line 25 and insert "taillights,
12 headlights, or brake lights out at nighttime; a shattered windshield
13 impairing the operator's ability to see; or a dragging muffler or
14 other vehicle parts"

15
.. Correct the title.

EFFECT: Makes the following changes:

- (1) Removes language preventing officers from stopping or detaining vehicles for non-moving violations;
- (2) Permits officers to stop or detain vehicles violating improper use of a warning device or license plates that do not match the vehicle;
- (3) Permits officers to stop or detain vehicles for most misdemeanor warrants;
- (4) Removes the requirement that an officer log digitally or notify dispatch of the reason for the stop prior to contacting the vehicle driver;
- (5) Permits an officer to question the passengers or the operator of a vehicle when the officer detects evidence of an independent criminal offense;
- (6) Requires the use of an interpreter only when an interpreter is available at the time of the stop or detention;
- (7) Removes the prohibition on request for consent searches when an officer detains or stops a vehicle for a moving violation that is an infraction or simple misdemeanor;
- (8) Applies evidentiary rules to evidence recovered during a stop, detention, or search; and
- (9) Defines an "immediate, serious threat to safety" as any headlight, taillight, or brake light out at nighttime or dragging of any vehicle parts.

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