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**HOUSE BILL 1865**

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**State of Washington**

**68th Legislature**

**2024 Regular Session**

**By** Representatives Christian, Dye, Graham, Couture, and Schmidt

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1 AN ACT Relating to modifying enforcement of motor vehicle  
2 liability insurance and fiscal responsibilities; amending RCW  
3 46.30.020 and 46.55.113; adding a new section to chapter 43.59 RCW;  
4 creating a new section; and prescribing penalties.

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

6 NEW SECTION. **Sec. 1.** Many people have been victims of  
7 irresponsible drivers who damaged lives and property and also were  
8 uninsured, thus further aggravating the injury to the other person.  
9 Washington requires drivers to have motor vehicle liability insurance  
10 or be sufficiently fiscally responsible to cover damages if the  
11 driver damages another person or property. The legislature intends to  
12 improve compliance with these requirements through modification of  
13 enforcement mechanisms. The changes in this act are intended to  
14 prevent repeat offenders and people who have damaged persons or  
15 property while driving from continuing to drive in violation of the  
16 law.

17 **Sec. 2.** RCW 46.30.020 and 2019 c 60 s 1 are each amended to read  
18 as follows:

19 (1)(a) No person may operate a motor vehicle subject to  
20 registration under chapter 46.16A RCW in this state unless the person

1 is insured under a motor vehicle liability policy with liability  
2 limits of at least the amounts provided in RCW 46.29.090, is self-  
3 insured as provided in RCW 46.29.630, is covered by a certificate of  
4 deposit in conformance with RCW 46.29.550, or is covered by a  
5 liability bond of at least the amounts provided in RCW 46.29.090.  
6 Proof of financial responsibility for motor vehicle operation must be  
7 provided on the request of a law enforcement officer in the format  
8 specified under RCW 46.30.030.

9 (b) A person who drives a motor vehicle that is required to be  
10 registered in another state that requires drivers and owners of  
11 vehicles in that state to maintain insurance or financial  
12 responsibility shall, when requested by a law enforcement officer,  
13 provide evidence of financial responsibility or insurance as is  
14 required by the laws of the state in which the vehicle is registered.

15 (c) When asked to do so by a law enforcement officer, failure to  
16 display proof of financial responsibility for motor vehicle operation  
17 as specified under RCW 46.30.030 creates a presumption that the  
18 person does not have motor vehicle insurance.

19 (d) Failure to provide proof of motor vehicle insurance is a  
20 traffic infraction and is subject to penalties as set by the supreme  
21 court under RCW 46.63.110 or community restitution and a law  
22 enforcement officer is authorized to take steps to prevent a person  
23 from driving a vehicle in violation of (a) of this subsection as  
24 authorized by law.

25 (e) For the purposes of this section, when a person uses a  
26 portable electronic device to display proof of financial security to  
27 a law enforcement officer, the officer may only view the proof of  
28 financial security and is otherwise prohibited from viewing any other  
29 content on the portable electronic device.

30 (f) Whenever a person presents a portable electronic device  
31 pursuant to this section, that person assumes all liability for any  
32 damage to the portable electronic device.

33 (2) (a) Whenever a law enforcement officer discovers that a person  
34 is driving a vehicle in violation of subsection (1)(a) of this  
35 section, the law enforcement officer has the discretion to take steps  
36 to prevent the person from continuing to drive in violation of  
37 subsection (1)(a) of this section when:

38 (i) The person has been given citations for a violation of this  
39 section at least twice in the prior three years; or

1        (ii) The person has been the cause of an accident that involves  
2 damage to another person or property while driving in violation of  
3 subsection (1)(a) of this section in the last three years.

4        (b) A law enforcement officer may detain the person and vehicle  
5 until a person with a valid driver's license and proof of motor  
6 vehicle liability insurance or financial responsibility arrives to  
7 drive the vehicle.

8        (c) A law enforcement officer may authorize the impoundment of  
9 the vehicle.

10       (d) If the driver of the vehicle has been given citations for a  
11 violation of this section at least twice in the prior three years and  
12 the driver has been the cause of an accident that involves damage to  
13 another person or property while driving in violation of subsection  
14 (1)(a) of this section, then the law enforcement officer must impound  
15 the vehicle.

16       (3) If a person cited for a violation of subsection (1) of this  
17 section appears in person before the court or a violations bureau and  
18 provides written evidence that at the time the person was cited, he  
19 or she was in compliance with the financial responsibility  
20 requirements of subsection (1) of this section, the citation shall be  
21 dismissed and the court or violations bureau may assess court  
22 administrative costs of ((~~twenty-five dollars~~)) \$25 at the time of  
23 dismissal. In lieu of personal appearance, a person cited for a  
24 violation of subsection (1) of this section may, before the date  
25 scheduled for the person's appearance before the court or violations  
26 bureau, submit by mail to the court or violations bureau written  
27 evidence that at the time the person was cited, he or she was in  
28 compliance with the financial responsibility requirements of  
29 subsection (1) of this section, in which case the citation shall be  
30 dismissed without cost, except that the court or violations bureau  
31 may assess court administrative costs of ((~~twenty-five dollars~~)) \$25  
32 at the time of dismissal.

33       ~~((3))~~ (4) The provisions of this chapter shall not govern:

34       (a) The operation of a motor vehicle registered under RCW  
35 46.18.220 or 46.18.255, governed by RCW 46.16A.170, or registered  
36 with the Washington utilities and transportation commission as common  
37 or contract carriers; or

38       (b) The operation of a motor-driven cycle as defined in RCW  
39 46.04.332, a moped as defined in RCW 46.04.304, or a wheeled all-  
40 terrain vehicle as defined in RCW 46.09.310.

1        (~~(4)~~) (5) RCW 46.29.490 shall not be deemed to govern all motor  
2 vehicle liability policies required by this chapter but only those  
3 certified for the purposes stated in chapter 46.29 RCW.

4        **Sec. 3.** RCW 46.55.113 and 2023 c 283 s 6 are each amended to  
5 read as follows:

6        (1) Whenever the driver of a vehicle is arrested for a violation  
7 of RCW 46.20.342 or 46.20.345, the vehicle is subject to summary  
8 impoundment, pursuant to the terms and conditions of an applicable  
9 local ordinance or state agency rule at the direction of a law  
10 enforcement officer.

11        (2) In addition, a police officer may take custody of a vehicle,  
12 at his or her discretion, and provide for its prompt removal to a  
13 place of safety under any of the following circumstances:

14        (a) Whenever a police officer finds a vehicle standing upon the  
15 roadway in violation of any of the provisions of RCW 46.61.560, the  
16 officer may provide for the removal of the vehicle or require the  
17 driver or other person in charge of the vehicle to move the vehicle  
18 to a position off the roadway;

19        (b) Whenever a police officer finds a vehicle unattended upon a  
20 highway where the vehicle constitutes an obstruction to traffic or  
21 jeopardizes public safety;

22        (c) Whenever a police officer finds an unattended vehicle at the  
23 scene of an accident or when the driver of a vehicle involved in an  
24 accident is physically or mentally incapable of deciding upon steps  
25 to be taken to protect his or her property;

26        (d) Whenever the driver of a vehicle is arrested and taken into  
27 custody by a police officer;

28        (e) Whenever the driver of a vehicle is arrested for a violation  
29 of RCW 46.61.502 or 46.61.504;

30        (f) Whenever a police officer discovers a vehicle that the  
31 officer determines to be a stolen vehicle;

32        (g) Whenever a vehicle without a special license plate, placard,  
33 or decal indicating that the vehicle is being used to transport a  
34 person with disabilities under RCW 46.19.010 is parked in a stall or  
35 space clearly and conspicuously marked under RCW 46.61.581 which  
36 space is provided on private property without charge or on public  
37 property;

1 (h) Upon determining that a person is operating a motor vehicle  
2 without a valid and, if required, a specially endorsed driver's  
3 license or with a license that has been expired for 90 days or more;

4 (i) When a vehicle is illegally occupying a truck, commercial  
5 loading zone, restricted parking zone, bus, loading, hooded-meter,  
6 taxi, street construction or maintenance, or other similar zone  
7 where, by order of the director of transportation or chiefs of police  
8 or fire or their designees, parking is limited to designated classes  
9 of vehicles or is prohibited during certain hours, on designated days  
10 or at all times, if the zone has been established with signage for at  
11 least 24 hours and where the vehicle is interfering with the proper  
12 and intended use of the zone. Signage must give notice to the public  
13 that a vehicle will be removed if illegally parked in the zone;

14 (j) When a vehicle with an expired registration of more than 45  
15 days is parked on a public street;

16 (k) Upon determining that a person restricted to use of only a  
17 motor vehicle equipped with a functioning ignition interlock device  
18 is operating a motor vehicle that is not equipped with such a device  
19 in violation of RCW 46.20.740(2);

20 (l) Whenever the driver of a vehicle is arrested for illegal  
21 racing conduct in violation of RCW 46.61.500 or 46.61.530 or a  
22 comparable municipal ordinance;

23 (m) Whenever the driver of a vehicle is driving in violation of  
24 RCW 46.30.020(2).

25 (3) When an arrest is made for a violation of RCW 46.20.342, if  
26 the vehicle is a commercial vehicle or farm transport vehicle and the  
27 driver of the vehicle is not the owner of the vehicle, before the  
28 summary impoundment directed under subsection (1) of this section,  
29 the police officer shall attempt in a reasonable and timely manner to  
30 contact the owner of the vehicle and may release the vehicle to the  
31 owner if the owner is reasonably available, as long as the owner was  
32 not in the vehicle at the time of the stop and arrest and the owner  
33 has not received a prior release under this subsection or RCW  
34 46.55.120(1)(b)(ii).

35 (4) The additional procedures outlined in RCW 46.55.360 apply to  
36 any impoundment of a vehicle under subsection (2)(e) of this section.

37 (5) Nothing in this section may derogate from the powers of  
38 police officers under the common law. For the purposes of this  
39 section, a place of safety may include the business location of a  
40 registered tow truck operator.

1 (6) For purposes of this section "farm transport vehicle" means a  
2 motor vehicle owned by a farmer and that is being actively used in  
3 the transportation of the farmer's or another farmer's farm, orchard,  
4 aquatic farm, or dairy products, including livestock and plant or  
5 animal wastes, from point of production to market or disposal, or  
6 supplies or commodities to be used on the farm, orchard, aquatic  
7 farm, or dairy, and that has a gross vehicle weight rating of 7,258  
8 kilograms (16,001 pounds) or more.

9 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.59  
10 RCW to read as follows:

11 (1) Subject to the availability of amounts appropriated for this  
12 specific purpose, by December 31, 2026, the Washington traffic safety  
13 commission, in consultation with members of the towing industry, law  
14 enforcement, and businesses in the insurance industry, is directed to  
15 do an awareness campaign to educate the public about the potential  
16 consequences of driving without motor vehicle insurance and the new  
17 provisions in this act.

18 (2) The campaign must include posting information on the  
19 commission's website and department of licensing's website and  
20 dissemination of informational and educational materials to members  
21 of the media, law enforcement organizations, insurance companies, and  
22 driver's education schools.

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