

2 ESHB 2676 - S AMD - 000523

3 By Senator Vognild

4 RULED WITHIN SCOPE; ADOPTED - STANDING VOTE 3/8/94

5 On page 178, before line 1, insert the following:

6 NEW SECTION. **Sec. 872.** The Washington traffic safety commission
7 is hereby abolished and its powers, duties, and functions are hereby
8 transferred to the Washington state patrol.

9 NEW SECTION. **Sec. 873.** All reports, documents, surveys, books,
10 records, files, papers, or written material in the possession of the
11 Washington traffic safety commission shall be delivered to the custody
12 of the Washington state patrol. All cabinets, furniture, office
13 equipment, motor vehicles, and other tangible property employed by the
14 Washington traffic safety commission shall be made available to the
15 Washington state patrol. All funds, credits, or other assets held by
16 the Washington traffic safety commission shall be assigned to the
17 Washington state patrol.

18 Any appropriations made to the Washington traffic safety commission
19 shall, on the effective date of this section, be transferred and
20 credited to the Washington state patrol.

21 Whenever any question arises as to the transfer of any personnel,
22 funds, books, documents, records, papers, files, equipment, or other
23 tangible property used or held in the exercise of the powers and the
24 performance of the duties and functions transferred, the director of
25 financial management shall make a determination as to the proper
26 allocation and certify the same to the state agencies concerned.

27 NEW SECTION. **Sec. 874.** All employees of the Washington traffic
28 safety commission are transferred to the jurisdiction of the Washington
29 state patrol. All employees classified under chapter 41.06 RCW, the
30 state civil service law, are assigned to the Washington state patrol to
31 perform their usual duties upon the same terms as formerly, without any
32 loss of rights, subject to any action that may be appropriate
33 thereafter in accordance with the laws and rules governing state civil
34 service.

1 NEW SECTION. **Sec. 875.** All rules and all pending business before
2 the Washington traffic safety commission shall be continued and acted
3 upon by the Washington state patrol. All existing contracts and
4 obligations shall remain in full force and shall be performed by the
5 Washington state patrol.

6 NEW SECTION. **Sec. 876.** The transfer of the powers, duties,
7 functions, and personnel of the Washington traffic safety commission
8 shall not affect the validity of any act performed prior to the
9 effective date of this section.

10 NEW SECTION. **Sec. 877.** If apportionments of budgeted funds are
11 required because of the transfers directed by sections 873 through 876
12 of this act, the director of financial management shall certify the
13 apportionments to the agencies affected, the state auditor, and the
14 state treasurer. Each of these shall make the appropriate transfer and
15 adjustments in funds and appropriation accounts and equipment records
16 in accordance with the certification.

17 NEW SECTION. **Sec. 878.** Nothing contained in sections 872 through
18 877 of this act may be construed to alter any existing collective
19 bargaining unit or the provisions of any existing collective bargaining
20 agreement until the agreement has expired or until the bargaining unit
21 has been modified by action of the personnel board as provided by law.

22 NEW SECTION. **Sec. 879.** A new section is added to chapter 43.06
23 RCW to read as follows:

24 The governor shall be responsible for the administration of the
25 traffic safety program of the state and shall be the official of the
26 state having ultimate responsibility for dealing with the federal
27 government with respect to all programs and activities of the state and
28 local governments pursuant to the Highway Safety Act of 1966 (P.L. 89-
29 564; 80 Stat. 731). The governor is authorized and empowered to accept
30 and disburse federal grants or other funds or donations from any source
31 for the purpose of improving traffic safety programs in the state of
32 Washington, and is hereby empowered to contract and to do all other
33 things necessary in behalf of this state to secure the full benefits
34 available to this state under the federal Highway Safety Act of 1966
35 and in so doing, to cooperate with federal and state agencies, agencies

1 private and public, interested organizations, and with individuals, to
2 effectuate the purposes of that enactment, and any and all subsequent
3 amendments thereto. The governor shall be assisted in these duties and
4 responsibilities by the Washington state patrol.

5 NEW SECTION. **Sec. 880.** A new section is added to chapter 43.06
6 RCW to read as follows:

7 The governor shall be assisted in the duties and responsibilities
8 under section 879 of this act by the advisory committee on traffic
9 safety. The advisory committee on traffic safety shall be composed of
10 the governor as chair, the superintendent of public instruction, the
11 director of licensing, the secretary of transportation, the chief of
12 the state patrol, the secretary of health, the secretary of social and
13 health services, a representative of the association of Washington
14 cities to be appointed by the governor, a member of the Washington
15 state association of counties to be appointed by the governor, a
16 representative of the judiciary to be appointed by the governor, and
17 four public citizens representing traffic safety interests to be
18 appointed by the governor. In addition, appointments to any vacancies
19 among appointee members shall be as in the case of original
20 appointment.

21 The governor or any advisory committee member except those
22 appointed by the governor under this section may designate an employee
23 of his or her office or agency to act on his or her behalf during the
24 absence of the governor or member at one or more of the meetings of the
25 committee. The vote of the designee shall have the same effect as if
26 cast by the member if the designation is in writing and is presented to
27 the person presiding at the meetings included within the designation.

28 The governor may designate a member to preside during the
29 governor's absence.

30 The chief of the state patrol shall be responsible for convening
31 the committee and shall serve as secretary.

32 NEW SECTION. **Sec. 881.** A new section is added to chapter 43.06
33 RCW to read as follows:

34 The advisory committee on traffic safety shall provide assistance
35 and guidance in the development of the highway safety plan required
36 pursuant to the Highway Safety Act of 1966; develop recommendations for
37 the creation, revision, or enforcement of traffic safety laws; promote

1 programs to improve traffic safety; and advise and assist the governor
2 and the state patrol, as requested, in carrying out their duties and
3 responsibilities pertaining to the state's traffic safety program.
4 Staff support for the committee shall be provided by the state patrol.
5 The committee shall meet at least one time per year.

6 NEW SECTION. **Sec. 882.** A new section is added to chapter 43.43
7 RCW to read as follows:

8 In addition to other responsibilities set forth in this chapter the
9 state patrol shall:

10 (1) Assist the governor to carry out duties and responsibilities
11 pertaining to the traffic safety program of the state and the Highway
12 Safety Act of 1966 (P.L. 89-564; 80 Stat. 731) as provided in section
13 879 of this act;

14 (2) Advise and confer with the governing authority of any political
15 subdivision of the state deemed eligible under the federal Highway
16 Safety Act of 1966 for participation in the aims and programs and
17 purposes of that act;

18 (3) Advise and confer with all agencies of state government whose
19 programs and activities are within the scope of the Highway Safety Act
20 including those agencies that are not subject to direct supervision,
21 administration, and control by the governor under existing laws;

22 (4) Provide staff support to the advisory committee on traffic
23 safety as provided under section 881 of this act;

24 (5) Succeed to and be vested with all powers, duties, and
25 jurisdictions previously vested in the Washington traffic safety
26 commission;

27 (6) Carry out such other responsibilities as may be consistent with
28 section 883 of this act.

29 NEW SECTION. **Sec. 883.** A new section is added to chapter 43.43
30 RCW to read as follows:

31 The governor's traffic safety program as provided in section 879 of
32 this act shall be located in the office of the chief. As the agency
33 carrying out the governor's traffic safety program, the Washington
34 state patrol shall have the following responsibilities: To find
35 solutions to the problems that have been created as a result of the
36 tremendous increase of motor vehicles on our highways and the attendant
37 traffic death and accident tolls; to plan and supervise programs for

1 the prevention of accidents on streets and highways including but not
2 limited to educational campaigns designed to reduce traffic accidents
3 in cooperation with all official and unofficial organizations
4 interested in traffic safety; to coordinate the activities at the state
5 and local levels in the development of state-wide and local traffic
6 safety programs; to promote a uniform enforcement of traffic safety
7 laws and establish standards for investigation and reporting of traffic
8 accidents; to promote and improve driver education; and to authorize
9 the governor to perform all functions required to be performed under
10 the federal Highway Safety Act of 1966.

11 NEW SECTION. **Sec. 884.** A new section is added to chapter 43.43
12 RCW to read as follows:

13 The Washington state patrol shall submit a report each biennium
14 outlining programs planned and steps taken toward improving traffic
15 safety to the chair of the legislative transportation committee.

16 NEW SECTION. **Sec. 885.** A new section is added to chapter 43.43
17 RCW to read as follows:

18 The Washington state patrol shall produce and disseminate through
19 all possible media, informational and educational materials explaining
20 the extent of the problems caused by drinking drivers, the need for
21 public involvement in their solution, and the penalties of existing and
22 new laws against driving while under the influence of intoxicating
23 liquor or any drug.

24 **Sec. 886.** RCW 28A.170.050 and 1987 c 518 s 209 are each amended to
25 read as follows:

26 The superintendent of public instruction shall appoint a substance
27 abuse advisory committee comprised of: Representatives of certificated
28 and noncertificated staff; administrators; parents; students; school
29 directors; the bureau of alcohol and substance abuse within the
30 department of social and health services; the (~~traffic safety~~
31 ~~commission~~) Washington state patrol; and county coordinators of
32 alcohol and drug treatment. The committee shall advise the
33 superintendent on matters of local program development, coordination,
34 and evaluation.

1 **Sec. 887.** RCW 43.03.028 and 1993 c 281 s 45 and 1993 c 101 s 14
2 are each reenacted and amended to read as follows:

3 (1) There is hereby created a state committee on agency officials'
4 salaries to consist of seven members, or their designees, as follows:
5 The president of the University of Puget Sound; the chairperson of the
6 council of presidents of the state's four-year institutions of higher
7 education; the chairperson of the Washington personnel resources board;
8 the president of the Association of Washington Business; the president
9 of the Pacific Northwest Personnel Managers' Association; the president
10 of the Washington State Bar Association; and the president of the
11 Washington State Labor Council. If any of the titles or positions
12 mentioned in this subsection are changed or abolished, any person
13 occupying an equivalent or like position shall be qualified for
14 appointment by the governor to membership upon the committee.

15 (2) The committee shall study the duties and salaries of the
16 directors of the several departments and the members of the several
17 boards and commissions of state government, who are subject to
18 appointment by the governor or whose salaries are fixed by the
19 governor, and of the chief executive officers of the following agencies
20 of state government:

21 The arts commission; the human rights commission; the board of
22 accountancy; the board of pharmacy; the eastern Washington historical
23 society; the Washington state historical society; the interagency
24 committee for outdoor recreation; the criminal justice training
25 commission; the department of personnel; the state finance committee;
26 the state library; (~~the traffic safety commission;~~) the horse racing
27 commission; the advisory council on vocational education; the public
28 disclosure commission; the state conservation commission; the
29 commission on Hispanic affairs; the commission on Asian-American
30 affairs; the state board for volunteer fire fighters; the
31 transportation improvement board; the public employment relations
32 commission; the forest practices appeals board; and the energy
33 facilities site evaluation council.

34 The committee shall report to the governor or the chairperson of
35 the appropriate salary fixing authority at least once in each fiscal
36 biennium on such date as the governor may designate, but not later than
37 seventy-five days prior to the convening of each regular session of the
38 legislature during an odd-numbered year, its recommendations for the
39 salaries to be fixed for each position.

1 (3) Committee members shall be reimbursed by the department of
2 personnel for travel expenses under RCW 43.03.050 and 43.03.060.

3 **Sec. 888.** RCW 43.43.390 and 1991 c 214 s 1 are each amended to
4 read as follows:

5 Bicycling is increasing in popularity as a form of recreation and
6 as an alternative mode of transportation. To make bicycling safer, the
7 various law enforcement agencies should enforce traffic regulations for
8 bicyclists. By enforcing bicycle regulations, law enforcement officers
9 are reinforcing educational programs. Bicycling takes more skill than
10 most people realize. Since bicyclists have a low profile in traffic
11 and are unprotected, they need more defensive riding skills than
12 motorists do.

13 A bicycle awareness program is created within the Washington state
14 patrol. In developing the curriculum for the bicycle awareness program
15 the patrol shall consult with (~~the traffic safety commission and~~
16 ~~with~~) bicycling groups providing bicycle safety education. The patrol
17 shall conduct the program in conjunction with the safety education
18 officer program and may use other law enforcement personnel and
19 volunteers to implement the program for children in grades kindergarten
20 through six. The patrol shall ensure that each safety educator
21 presenting the bicycle awareness program has received specialized
22 training in bicycle safety education and has been trained in effective
23 defensive bicycle riding skills.

24 **Sec. 889.** RCW 43.70.410 and 1990 c 270 s 3 are each amended to
25 read as follows:

26 As used in RCW 43.70.400 through 43.70.440, the term "head injury"
27 means traumatic brain injury.

28 A head injury prevention program is created in the department of
29 health. The program's functions may be integrated with those of
30 similar programs to promote comprehensive, integrated, and effective
31 health promotion and disease prevention.

32 In consultation with the (~~traffic safety commission~~) Washington
33 state patrol, the department shall, directly or by contract, identify
34 and coordinate public education efforts currently underway within state
35 government and among private groups to prevent traumatic brain injury,
36 including, but not limited to, bicycle safety, pedestrian safety,
37 bicycle passenger seat safety, motorcycle safety, motor vehicle safety,

1 and sports safety. If the department finds that programs are not
2 available or not in use, it may, within funds appropriated for the
3 purpose, provide grants to promote public education efforts. Grants
4 may be awarded only after recipients have demonstrated coordination
5 with relevant and knowledgeable groups within their communities,
6 including at least schools, brain injury support organizations,
7 hospitals, physicians, traffic safety specialists, police, and the
8 public. The department may accept grants, gifts, and donations from
9 public or private sources to use to carry out the head injury
10 prevention program.

11 The department may assess or contract for the assessment of the
12 effectiveness of public education efforts coordinated or initiated by
13 any agency of state government. Agencies are directed to cooperate
14 with assessment efforts by providing access to data and program records
15 as reasonably required. The department may seek and receive additional
16 funds from the federal government or private sources for assessments.
17 Assessments shall contain findings and recommendations that will
18 improve the effectiveness of public education efforts. These findings
19 shall be distributed among public and private groups concerned with
20 traumatic brain injury prevention.

21 **Sec. 890.** RCW 43.70.420 and 1990 c 270 s 4 are each amended to
22 read as follows:

23 The department of health, the department of licensing, and the
24 (~~traffic safety commission~~) Washington state patrol shall jointly
25 prepare information for driver license manuals, driver education
26 programs, and driving tests to increase driver awareness of pedestrian
27 safety, to increase driver skills in avoiding pedestrian and motor
28 vehicle accidents, and to determine drivers' abilities to avoid
29 pedestrian motor vehicle accidents.

30 **Sec. 891.** RCW 44.40.070 and 1988 c 167 s 10 are each amended to
31 read as follows:

32 Prior to October 1st of each even-numbered year all state agencies
33 whose major programs consist of transportation activities, including
34 the department of transportation, the utilities and transportation
35 commission, the transportation improvement board, the Washington state
36 patrol, the department of licensing, (~~the traffic safety commission,~~)
37 the county road administration board, and the board of pilotage

1 commissioners, shall adopt or revise, after consultation with the
2 legislative transportation committee, a comprehensive six-year program
3 and financial plan for all transportation activities under each
4 agency's jurisdiction.

5 The comprehensive six-year program and financial plan shall state
6 the general objectives and needs of each agency's major transportation
7 programs, including workload and performance estimates.

8 **Sec. 892.** RCW 46.01.030 and 1990 c 250 s 14 are each amended to
9 read as follows:

10 The department shall be responsible for administering and
11 recommending the improvement of the motor vehicle laws of this state
12 relating to:

- 13 (1) driver examining and licensing;
- 14 (2) driver improvement;
- 15 (3) driver records;
- 16 (4) financial responsibility;
- 17 (5) certificates of ownership;
- 18 (6) certificates of license registration and license plates;
- 19 (7) proration and reciprocity;
- 20 (8) liquid fuel tax collections;
- 21 (9) licensing of dealers, motor vehicle transporters, motor vehicle
22 wreckers, for hire vehicles, and drivers' schools;
- 23 (10) general highway safety promotion in cooperation with the
24 Washington state patrol (~~and traffic safety commission~~);
- 25 (11) such other activities as the legislature may provide.

26 **Sec. 893.** RCW 46.52.120 and 1993 c 501 s 12 are each amended to
27 read as follows:

28 (1) The director shall keep a case record on every motor vehicle
29 driver licensed under the laws of this state, together with information
30 on each driver, showing all the convictions and findings of traffic
31 infractions certified by the courts, together with an index cross-
32 reference record of each accident reported relating to such individual
33 with a brief statement of the cause of the accident. The chief of the
34 Washington state patrol shall furnish the index cross-reference record
35 to the director, with reference to each driver involved in the reported
36 accidents.

1 (2) The records shall be for the confidential use of the director,
2 the chief of the Washington state patrol, (~~the director of the~~
3 ~~Washington traffic safety commission~~)), and for such police officers or
4 other cognizant public officials as may be designated by law. Such
5 case records shall not be offered as evidence in any court except in
6 case appeal is taken from the order of the director, suspending,
7 revoking, canceling, or refusing a vehicle driver's license.

8 (3) The director shall tabulate and analyze vehicle driver's case
9 records and suspend, revoke, cancel, or refuse a vehicle driver's
10 license to a person when it is deemed from facts contained in the case
11 record of such person that it is for the best interest of public safety
12 that such person be denied the privilege of operating a motor vehicle.
13 Whenever the director orders the vehicle driver's license of any such
14 person suspended, revoked, or canceled, or refuses the issuance of a
15 vehicle driver's license, such suspension, revocation, cancellation, or
16 refusal is final and effective unless appeal from the decision of the
17 director is taken as provided by law.

18 **Sec. 894.** RCW 46.82.300 and 1984 c 287 s 93 are each amended to
19 read as follows:

20 (1) The director shall be assisted in the duties and
21 responsibilities of this chapter by the driver instructors' advisory
22 committee, consisting of five members. Members of the advisory
23 committee shall be appointed by the director for two-year terms and
24 shall consist of a representative of the driver training schools, a
25 representative of the driving instructors (who shall not be from the
26 same school as the school member), a representative of the
27 superintendent of public instruction, a representative of the
28 department of licensing, and a representative from the Washington state
29 (~~traffic safety commission~~) patrol. Members shall be reimbursed for
30 travel expenses in accordance with RCW 43.03.050 and 43.03.060. A
31 member who is receiving a salary from the state shall not receive
32 compensation other than travel expenses incurred in such service.

33 (2) The advisory committee shall meet at least semiannually and
34 shall have additional meetings as may be called by the director. The
35 director or the director's representative shall attend all meetings of
36 the advisory committee and shall serve as chairman.

37 (3) Duties of the advisory committee shall be to:

1 (a) Advise and confer with the director or the director's
2 representative on matters pertaining to the establishment of rules
3 necessary to carry out this chapter;

4 (b) Review violations of this chapter and to recommend to the
5 director appropriate enforcement or disciplinary action as provided in
6 this chapter;

7 (c) Review and update when necessary a curriculum consisting of a
8 list of items of knowledge and the processes of driving a motor vehicle
9 specifying the minimum requirements adjudged necessary in teaching a
10 proper and adequate course of driver education; and

11 (d) Prepare the examination for a driver instructor's certificate
12 and review examination results at least once each calendar year for the
13 purpose of updating and revising examination standards.

14 **Sec. 895.** RCW 46.90.010 and 1993 c 400 s 2 are each amended to
15 read as follows:

16 In consultation with the chief of the Washington state patrol (~~and~~
17 ~~the traffic safety commission~~), the director shall adopt in accordance
18 with chapter 34.05 RCW a model traffic ordinance for use by any city,
19 town, or county. The addition of any new section to, or amendment or
20 repeal of any section in, the model traffic ordinance is deemed to
21 amend any city, town, or county, ordinance which has adopted by
22 reference the model traffic ordinance or any part thereof, and it shall
23 not be necessary for the legislative authority of any city, town, or
24 county to take any action with respect to such addition, amendment, or
25 repeal notwithstanding the provisions of RCW 35.21.180, 35A.12.140,
26 35A.13.180, and 36.32.120(7).

27 **Sec. 896.** RCW 47.01.250 and 1990 c 266 s 5 are each amended to
28 read as follows:

29 The chief of the Washington state patrol, (~~the director of the~~
30 ~~traffic safety commission,~~) the executive director of the county road
31 administration board, and the director of licensing are designated as
32 official consultants to the transportation commission so that the goals
33 and activities of their respective agencies which relate to
34 transportation are fully coordinated with other related
35 responsibilities of the department of transportation. In this
36 capacity, the chief of the Washington state patrol, (~~the director of~~
37 ~~the traffic safety commission,~~) the executive director of the county

1 road administration board, and the director of licensing shall consult
2 with the transportation commission and the secretary of transportation
3 on the implications and impacts on the transportation related functions
4 and duties of their respective agencies of any proposed comprehensive
5 transportation plan, program, or policy.

6 In order to develop fully integrated, balanced, and coordinated
7 transportation plans, programs, and budgets the chief of the Washington
8 state patrol, (~~the director of the traffic safety commission,~~) the
9 executive director of the county road administration board, and the
10 director of licensing shall consult with the secretary of
11 transportation on the matter of relative priorities during the
12 development of their respective agencies' plans, programs, and budgets
13 as they pertain to transportation activities. The secretary of
14 transportation shall provide written comments to the governor and the
15 legislature on the extent to which the state patrol's, (~~the traffic
16 safety commission's,~~) the county road administration board's, and the
17 department of licensing's final plans, programs, and budgets are
18 compatible with the priorities established in the department of
19 transportation's final plans, programs, and budgets.

20 NEW SECTION. **Sec. 897.** The following acts or parts of acts are
21 each repealed:

22 (1) RCW 43.59.010 and 1967 ex.s. c 147 s 1;

23 (2) RCW 43.59.020 and 1967 ex.s. c 147 s 2;

24 (3) RCW 43.59.030 and 1991 c 3 s 298, 1982 c 30 s 1, 1979 c 158 s
25 105, 1971 ex.s. c 85 s 7, 1969 ex.s. c 105 s 1, & 1967 ex.s. c 147 s 3;

26 (4) RCW 43.59.040 and 1983 1st ex.s. c 14 s 1 & 1967 ex.s. c 147 s
27 4;

28 (5) RCW 43.59.050 and 1975-'76 2nd ex.s. c 34 s 120 & 1967 ex.s. c
29 147 s 6;

30 (6) RCW 43.59.060 and 1967 ex.s. c 147 s 7;

31 (7) RCW 43.59.070 and 1967 ex.s. c 147 s 8;

32 (8) RCW 43.59.080 and 1967 ex.s. c 147 s 9;

33 (9) RCW 43.59.130 and 1987 c 505 s 31, 1971 ex.s. c 195 s 5, & 1967
34 ex.s. c 147 s 14; and

35 (10) RCW 43.59.140 and 1991 c 290 s 4 & 1983 c 165 s 42.

