

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 6207

61st Legislature
2010 Regular Session

Passed by the Senate March 8, 2010
YEAS 44 NAYS 1

President of the Senate

Passed by the House March 3, 2010
YEAS 96 NAYS 2

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 6207** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 6207

AS AMENDED BY THE HOUSE

Passed Legislature - 2010 Regular Session

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, and 46.61.687;
3 reenacting and amending RCW 46.37.010; adding a new section to chapter
4 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 (7) The legislative authority of a city or county may prohibit the
10 operation of golf carts in designated bicycle lanes that are within a
11 golf cart zone.

12 (8) Golf carts must be equipped with reflectors, seat belts, and
13 rearview mirrors when operated upon streets and highways as authorized
14 under this section.

15 (9) A city or county that creates a golf cart zone under this
16 section must clearly identify the zone by placing signage at the
17 beginning and end of the golf cart zone on a street or road that is
18 part of the golf cart zone. The signage must be in compliance with the
19 department of transportation's manual on uniform traffic control
20 devices for streets and highways.

21 (10) Accidents that involve golf carts operated upon streets and
22 highways as authorized under this section must be recorded and tracked
23 in compliance with chapter 46.52 RCW. The accident report must
24 indicate that a golf cart operating within a golf cart zone is involved
25 in the accident.

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

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

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

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

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

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

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

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

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

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

22 (a) Motorized foot scooters;

23 (b) Electric-assisted bicycles;

24 (c) Off-road vehicles operating on nonhighway roads under RCW
25 46.09.115;

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

33 (e) Spray or fertilizer applicator rigs designed and used
34 exclusively for spraying or fertilization in the conduct of
35 agricultural operations and not primarily for the purpose of
36 transportation, and nurse rigs or equipment auxiliary to the use of and
37 designed or modified for the fueling, repairing, or loading of spray

1 and fertilizer applicator rigs and not used, designed, or modified
2 primarily for the purpose of transportation;

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

9 (g) "Trams" used for transporting persons to and from facilities
10 related to the horse racing industry as regulated in chapter 67.16 RCW,
11 as long as the public right-of-way routes over which the trams operate
12 are not more than one mile from end to end, the public rights-of-way
13 over which the tram operates have an average daily traffic of not more
14 than 15,000 vehicles per day, and the activity is in conformity with
15 federal law. The operator must be a licensed driver and at least
16 eighteen years old. For the purposes of this section, "tram" also
17 means a vehicle, or combination of vehicles linked together with a
18 single mode of propulsion, used to transport persons from one location
19 to another;

20 (h) "Special highway construction equipment" defined as follows:
21 Any vehicle which is designed and used primarily for grading of
22 highways, paving of highways, earth moving, and other construction work
23 on highways and which is not designed or used primarily for the
24 transportation of persons or property on a public highway and which is
25 only incidentally operated or moved over the highway. It includes, but
26 is not limited to, road construction and maintenance machinery so
27 designed and used such as portable air compressors, air drills, asphalt
28 spreaders, bituminous mixers, bucket loaders, track laying tractors,
29 ditchers, leveling graders, finishing machines, motor graders, paving
30 mixers, road rollers, scarifiers, earth moving scrapers and carryalls,
31 lighting plants, welders, pumps, power shovels and draglines, self-
32 propelled and tractor-drawn earth moving equipment and machinery,
33 including dump trucks and tractor-dump trailer combinations which
34 either (i) are in excess of the legal width, or (ii) which, because of
35 their length, height, or unladen weight, may not be moved on a public
36 highway without the permit specified in RCW 46.44.090 and which are not
37 operated laden except within the boundaries of the project limits as
38 defined by the contract, and other similar types of construction

1 equipment, or (iii) which are driven or moved upon a public highway
2 only for the purpose of crossing such highway from one property to
3 another, provided such movement does not exceed five hundred feet and
4 the vehicle is equipped with wheels or pads which will not damage the
5 roadway surface.

6 Exclusions:

7 "Special highway construction equipment" does not include any of
8 the following:

9 Dump trucks originally designed to comply with the legal size and
10 weight provisions of this code notwithstanding any subsequent
11 modification which would require a permit, as specified in RCW
12 46.44.090, to operate such vehicles on a public highway, including
13 trailers, truck-mounted transit mixers, cranes and shovels, or other
14 vehicles designed for the transportation of persons or property to
15 which machinery has been attached; and

16 (i) Golf carts, as defined in section 3 of this act, operating
17 within a designated golf cart zone as described in section 4 of this
18 act.

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

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

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

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

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

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

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

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

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

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

10 (d) The department may adopt rules necessary to implement this
11 subsection, including rules under which a natural person applying for
12 registration may be exempt from the requirements of this subsection
13 where the person provides evidence satisfactory to the department that
14 he or she has a valid and compelling reason for not being able to meet
15 the requirements of this subsection.

16 (8) A vehicle with an expired registration of more than forty-five
17 days parked on a public street may be impounded by a police officer
18 under RCW 46.55.113(2).

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

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

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

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

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

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

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

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

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

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

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

15 (a) Motorcycles or motor-driven cycles except as herein made
16 applicable;

17 (b) Golf carts, as defined in section 3 of this act, operating
18 within a designated golf cart zone as described in section 4 of this
19 act, except as provided in section 4(8) of this act.

20 (8) This chapter does not apply to off-road vehicles used on
21 nonhighway roads or used on streets, roads, or highways as authorized
22 under RCW 46.09.180.

23 (9) This chapter does not apply to vehicles used by the state parks
24 and recreation commission exclusively for park maintenance and
25 operations upon public highways within state parks.

26 (10) Notices of traffic infraction issued to commercial drivers
27 under the provisions of this chapter with respect to equipment required
28 on commercial motor vehicles shall not be considered for driver
29 improvement purposes under chapter 46.20 RCW.

30 (11) Whenever a traffic infraction is chargeable to the owner or
31 lessee of a vehicle under subsection (1) of this section, the driver
32 shall not be arrested or issued a notice of traffic infraction unless
33 the vehicle is registered in a jurisdiction other than Washington
34 state, or unless the infraction is for an offense that is clearly
35 within the responsibility of the driver.

36 (12) Whenever the owner or lessee is issued a notice of traffic
37 infraction under this section the court may, on the request of the
38 owner or lessee, take appropriate steps to make the driver of the

1 vehicle, or any other person who directs the loading, maintenance, or
2 operation of the vehicle, a codefendant. If the codefendant is held
3 solely responsible and is found to have committed the traffic
4 infraction, the court may dismiss the notice against the owner or
5 lessee.

6 **Sec. 7.** RCW 46.61.687 and 2007 c 510 s 4 are each amended to read
7 as follows:

8 (1) Whenever a child who is less than sixteen years of age is being
9 transported in a motor vehicle that is in operation and that is
10 required by RCW 46.37.510 to be equipped with a safety belt system in
11 a passenger seating position, or is being transported in a neighborhood
12 electric vehicle or medium-speed electric vehicle that is in operation,
13 the driver of the vehicle shall keep the child properly restrained as
14 follows:

15 (a) A child must be restrained in a child restraint system, if the
16 passenger seating position equipped with a safety belt system allows
17 sufficient space for installation, until the child is eight years old,
18 unless the child is four feet nine inches or taller. The child
19 restraint system must comply with standards of the United States
20 department of transportation and must be secured in the vehicle in
21 accordance with instructions of the vehicle manufacturer and the child
22 restraint system manufacturer.

23 (b) A child who is eight years of age or older or four feet nine
24 inches or taller shall be properly restrained with the motor vehicle's
25 safety belt properly adjusted and fastened around the child's body or
26 an appropriately fitting child restraint system.

27 (c) The driver of a vehicle transporting a child who is under
28 thirteen years old shall transport the child in the back seat positions
29 in the vehicle where it is practical to do so.

30 (2) Enforcement of subsection (1) of this section is subject to a
31 visual inspection by law enforcement to determine if the child
32 restraint system in use is appropriate for the child's individual
33 height, weight, and age. The visual inspection for usage of a child
34 restraint system must ensure that the child restraint system is being
35 used in accordance with the instruction of the vehicle and the child
36 restraint system manufacturers. The driver of a vehicle transporting

1 a child who is under thirteen years old shall transport the child in
2 the back seat positions in the vehicle where it is practical to do so.

3 (3) A person violating subsection (1) of this section may be issued
4 a notice of traffic infraction under chapter 46.63 RCW. If the person
5 to whom the notice was issued presents proof of acquisition of an
6 approved child passenger restraint system or a child booster seat, as
7 appropriate, within seven days to the jurisdiction issuing the notice
8 and the person has not previously had a violation of this section
9 dismissed, the jurisdiction shall dismiss the notice of traffic
10 infraction.

11 (4) Failure to comply with the requirements of this section shall
12 not constitute negligence by a parent or legal guardian. Failure to
13 use a child restraint system shall not be admissible as evidence of
14 negligence in any civil action.

15 (5) This section does not apply to: (a) For hire vehicles, (b)
16 vehicles designed to transport sixteen or less passengers, including
17 the driver, operated by auto transportation companies, as defined in
18 RCW 81.68.010, (c) vehicles providing customer shuttle service between
19 parking, convention, and hotel facilities, and airport terminals,
20 ~~((and))~~ (d) golf carts, as defined in section 3 of this act, operating
21 within a designated golf cart zone as described in section 4 of this
22 act, and (e) school buses.

23 (6) As used in this section, "child restraint system" means a child
24 passenger restraint system that meets the Federal Motor Vehicle Safety
25 Standards set forth in 49 C.F.R. 571.213.

26 (7) The requirements of subsection (1) of this section do not apply
27 in any seating position where there is only a lap belt available and
28 the child weighs more than forty pounds.

29 (8)(a) Except as provided in (b) of this subsection, a person who
30 has a current national certification as a child passenger safety
31 technician and who in good faith provides inspection, adjustment, or
32 educational services regarding child passenger restraint systems is not
33 liable for civil damages resulting from any act or omission in
34 providing the services, other than acts or omissions constituting gross
35 negligence or willful or wanton misconduct.

36 (b) The immunity provided in this subsection does not apply to a
37 certified child passenger safety technician who is employed by a
38 retailer of child passenger restraint systems and who, during his or

1 her hours of employment and while being compensated, provides
2 inspection, adjustment, or educational services regarding child
3 passenger restraint systems.

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