
SUBSTITUTE HOUSE BILL 1238

State of Washington

63rd Legislature

2013 Regular Session

By House Transportation (originally sponsored by Representatives Moscoso, Hargrove, Kirby, Shea, Moeller, Upthegrove, Hunt, Orcutt, Short, Tharinger, Sells, Kagi, Haler, Riccelli, Springer, Haigh, Morrell, Bergquist, Schmick, Magendanz, Vick, Reykdal, Parker, Roberts, and Angel)

READ FIRST TIME 02/19/13.

1 AN ACT Relating to allowing motorcycles to stop and proceed through
2 traffic control signals under certain conditions; and adding a new
3 section to chapter 46.61 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 46.61 RCW
6 to read as follows:

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

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

15 (b) The traffic control signal continues to display a steady red
16 indicator for more than ninety seconds;

17 (c) The traffic control signal is apparently malfunctioning or, if
18 programmed or engineered to change to a steady green indicator only

1 after detecting the approach of a motor vehicle, the signal has
2 apparently failed to detect the arrival of the motorcycle; and

3 (d) Another motor vehicle or person is not approaching on the
4 street or highway to be crossed or entered or is at a far enough
5 distance from the intersection that it does not constitute an immediate
6 hazard.

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

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