
SENATE BILL 5841

State of Washington 65th Legislature 2017 Regular Session

By Senators Cleveland and Conway

Read first time 02/17/17. Referred to Committee on Transportation.

1 AN ACT Relating to worker safety on roadways and roadsides;
2 amending RCW 46.61.100, 46.61.212, 46.61.215, and 46.63.020; and
3 prescribing penalties.

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

5 **Sec. 1.** RCW 46.61.100 and 2007 c 83 s 2 are each amended to read
6 as follows:

7 (1) Upon all roadways of sufficient width a vehicle shall be
8 driven upon the right half of the roadway, except as follows:

9 (a) When overtaking and passing another vehicle proceeding in the
10 same direction under the rules governing such movement;

11 (b) When an obstruction exists making it necessary to drive to
12 the left of the center of the highway; provided, any person so doing
13 shall yield the right-of-way to all vehicles traveling in the proper
14 direction upon the unobstructed portion of the highway within such
15 distance as to constitute an immediate hazard;

16 (c) Upon a roadway divided into three marked lanes and providing
17 for two-way movement traffic under the rules applicable thereon;

18 (d) Upon a street or highway restricted to one-way traffic; or

19 (e) Upon a highway having three lanes or less, when approaching
20 the following vehicles in the manner described under RCW
21 46.61.212(1)(d)(ii): (i) A stationary authorized emergency

1 vehicle(~~(7)~~); (ii) a tow truck or other vehicle providing roadside
2 assistance while operating warning lights with three hundred sixty
3 degree visibility(~~(7-07)~~); (iii) a police vehicle (~~as described~~
4 under); or (iv) a stationary or slow moving highway construction
5 vehicle, highway maintenance vehicle, solid waste vehicle, or utility
6 service vehicle that meets the lighting requirements identified in
7 RCW 46.61.212(~~(2)~~)(1).

8 (2) Upon all roadways having two or more lanes for traffic moving
9 in the same direction, all vehicles shall be driven in the right-hand
10 lane then available for traffic, except (a) when overtaking and
11 passing another vehicle proceeding in the same direction, (b) when
12 traveling at a speed greater than the traffic flow, (c) when moving
13 left to allow traffic to merge, or (d) when preparing for a left turn
14 at an intersection, exit, or into a private road or driveway when
15 such left turn is legally permitted. On any such roadway, a vehicle
16 or combination over ten thousand pounds shall be driven only in the
17 right-hand lane except under the conditions enumerated in (a) through
18 (d) of this subsection.

19 (3) No vehicle towing a trailer or no vehicle or combination over
20 ten thousand pounds may be driven in the left-hand lane of a limited
21 access roadway having three or more lanes for traffic moving in one
22 direction except when preparing for a left turn at an intersection,
23 exit, or into a private road or driveway when a left turn is legally
24 permitted. This subsection does not apply to a vehicle using a high
25 occupancy vehicle lane. A high occupancy vehicle lane is not
26 considered the left-hand lane of a roadway. The department of
27 transportation, in consultation with the Washington state patrol,
28 shall adopt rules specifying (a) those circumstances where it is
29 permissible for other vehicles to use the left lane in case of
30 emergency or to facilitate the orderly flow of traffic, and (b) those
31 segments of limited access roadway to be exempt from this subsection
32 due to the operational characteristics of the roadway.

33 (4) It is a traffic infraction to drive continuously in the left
34 lane of a multilane roadway when it impedes the flow of other
35 traffic.

36 (5) Upon any roadway having four or more lanes for moving traffic
37 and providing for two-way movement of traffic, a vehicle shall not be
38 driven to the left of the center line of the roadway except when
39 authorized by official traffic control devices designating certain
40 lanes to the left side of the center of the roadway for use by

1 traffic not otherwise permitted to use such lanes, or except as
2 permitted under subsection (1)(b) of this section. However, this
3 subsection shall not be construed as prohibiting the crossing of the
4 center line in making a left turn into or from an alley, private road
5 or driveway.

6 **Sec. 2.** RCW 46.61.212 and 2010 c 252 s 1 are each amended to
7 read as follows:

8 (1) The driver of any motor vehicle, upon approaching an
9 emergency or work zone, which is defined as the adjacent lanes of the
10 roadway two hundred feet before and after (a) a stationary authorized
11 emergency vehicle that is making use of audible and/or visual signals
12 meeting the requirements of RCW 46.37.190, (b) a tow truck that is
13 making use of visual red lights meeting the requirements of RCW
14 46.37.196, (c) other vehicles providing roadside assistance that are
15 making use of warning lights with three hundred sixty degree
16 visibility, (~~(or)~~) (d) a police vehicle properly and lawfully
17 displaying a flashing, blinking, or alternating emergency light or
18 lights, or (e) a stationary or slow moving highway construction
19 vehicle, highway maintenance vehicle, solid waste vehicle, or utility
20 service vehicle making use of flashing lights that meet the
21 requirements of RCW 46.37.300 or warning lights with three hundred
22 sixty degree visibility shall:

23 (i) On a highway having four or more lanes, at least two of which
24 are intended for traffic proceeding in the same direction as the
25 approaching vehicle, proceed with caution and, if reasonable, with
26 due regard for safety and traffic conditions, yield the right-of-way
27 by making a lane change or moving away from the lane or shoulder
28 occupied by (~~the stationary authorized~~) an emergency or work zone
29 vehicle (~~or police vehicle~~) identified in subsection (1) of this
30 section;

31 (ii) On a highway having less than four lanes, proceed with
32 caution, reduce the speed of the vehicle, and, if reasonable, with
33 due regard for safety and traffic conditions, and under the rules of
34 this chapter, yield the right-of-way by passing to the left at a safe
35 distance and simultaneously yield the right-of-way to all vehicles
36 traveling in the proper direction upon the highway; or

37 (iii) If changing lanes or moving away would be unreasonable or
38 unsafe, proceed with due caution and reduce the speed of the vehicle.

1 (2) A person may not drive a vehicle in an emergency or work zone
2 at a speed greater than the posted speed limit.

3 (3) A person found to be in violation of this section, or any
4 infraction relating to speed restrictions in an emergency or work
5 zone, must be assessed a monetary penalty equal to twice the penalty
6 assessed under RCW 46.63.110. This penalty may not be waived,
7 reduced, or suspended.

8 (4) A person who drives a vehicle in an emergency or work zone in
9 such a manner as to endanger or be likely to endanger any emergency
10 or work zone worker or property is guilty of reckless endangerment of
11 emergency or work zone workers. A violation of this subsection is a
12 gross misdemeanor punishable under chapter 9A.20 RCW.

13 (5) The department shall suspend for sixty days the driver's
14 license, permit to drive, or nonresident driving privilege of a
15 person convicted of reckless endangerment of emergency or work zone
16 workers.

17 **Sec. 3.** RCW 46.61.215 and 1975 c 62 s 40 are each amended to
18 read as follows:

19 (1) The driver of a vehicle shall yield the right-of-way to any
20 authorized vehicle or pedestrian actually engaged in work upon a
21 highway, including highway construction and highway maintenance
22 workers, and flaggers, within any highway construction or maintenance
23 area indicated by official traffic control devices.

24 (2) The driver of a vehicle shall yield the right-of-way to any
25 authorized vehicle obviously and actually engaged in work upon a
26 highway whenever such vehicle displays flashing lights meeting the
27 requirements of RCW 46.37.300.

28 **Sec. 4.** RCW 46.63.020 and 2016 c 213 s 4 are each amended to
29 read as follows:

30 Failure to perform any act required or the performance of any act
31 prohibited by this title or an equivalent administrative regulation
32 or local law, ordinance, regulation, or resolution relating to
33 traffic including parking, standing, stopping, and pedestrian
34 offenses, is designated as a traffic infraction and may not be
35 classified as a criminal offense, except for an offense contained in
36 the following provisions of this title or a violation of an
37 equivalent administrative regulation or local law, ordinance,
38 regulation, or resolution:

- 1 (1) RCW 46.09.457(1)(b)(i) relating to a false statement
2 regarding the inspection of and installation of equipment on wheeled
3 all-terrain vehicles;
- 4 (2) RCW 46.09.470(2) relating to the operation of a nonhighway
5 vehicle while under the influence of intoxicating liquor or a
6 controlled substance;
- 7 (3) RCW 46.09.480 relating to operation of nonhighway vehicles;
- 8 (4) RCW 46.10.490(2) relating to the operation of a snowmobile
9 while under the influence of intoxicating liquor or narcotics or
10 habit-forming drugs or in a manner endangering the person of another;
- 11 (5) RCW 46.10.495 relating to the operation of snowmobiles;
- 12 (6) Chapter 46.12 RCW relating to certificates of title,
13 registration certificates, and markings indicating that a vehicle has
14 been destroyed or declared a total loss;
- 15 (7) RCW 46.16A.030 and 46.16A.050(3) relating to the nonpayment
16 of taxes and fees by failure to register a vehicle and falsifying
17 residency when registering a motor vehicle;
- 18 (8) RCW 46.16A.520 relating to permitting unauthorized persons to
19 drive;
- 20 (9) RCW 46.16A.320 relating to vehicle trip permits;
- 21 (10) RCW 46.19.050(1) relating to knowingly providing false
22 information in conjunction with an application for a special placard
23 or license plate for disabled persons' parking;
- 24 (11) RCW 46.19.050(8) relating to illegally obtaining a parking
25 placard, special license plate, special year tab, or identification
26 card;
- 27 (12) RCW 46.19.050(9) relating to sale of a parking placard,
28 special license plate, special year tab, or identification card;
- 29 (13) RCW 46.20.005 relating to driving without a valid driver's
30 license;
- 31 (14) RCW 46.20.091 relating to false statements regarding a
32 driver's license or instruction permit;
- 33 (15) RCW 46.20.0921 relating to the unlawful possession and use
34 of a driver's license;
- 35 (16) RCW 46.20.342 relating to driving with a suspended or
36 revoked license or status;
- 37 (17) RCW 46.20.345 relating to the operation of a motor vehicle
38 with a suspended or revoked license;

- 1 (18) RCW 46.20.410 relating to the violation of restrictions of
2 an occupational driver's license, temporary restricted driver's
3 license, or ignition interlock driver's license;
- 4 (19) RCW 46.20.740 relating to operation of a motor vehicle
5 without an ignition interlock device in violation of a license
6 notation that the device is required;
- 7 (20) RCW 46.20.750 relating to circumventing an ignition
8 interlock device;
- 9 (21) RCW 46.25.170 relating to commercial driver's licenses;
- 10 (22) Chapter 46.29 RCW relating to financial responsibility;
- 11 (23) RCW 46.30.040 relating to providing false evidence of
12 financial responsibility;
- 13 (24) RCW 46.35.030 relating to recording device information;
- 14 (25) RCW 46.37.435 relating to wrongful installation of
15 sunscreening material;
- 16 (26) RCW 46.37.650 relating to the manufacture, importation,
17 sale, distribution, or installation of a counterfeit air bag,
18 nonfunctional air bag, or previously deployed or damaged air bag;
- 19 (27) RCW 46.37.660 relating to the sale or installation of a
20 device that causes a vehicle's diagnostic system to inaccurately
21 indicate that the vehicle has a functional air bag when a counterfeit
22 air bag, nonfunctional air bag, or no air bag is installed;
- 23 (28) RCW 46.37.671 through 46.37.675 relating to signal
24 preemption devices;
- 25 (29) RCW 46.37.685 relating to switching or flipping license
26 plates, utilizing technology to flip or change the appearance of a
27 license plate, selling a license plate flipping device or technology
28 used to change the appearance of a license plate, or falsifying a
29 vehicle registration;
- 30 (30) RCW 46.44.180 relating to operation of mobile home pilot
31 vehicles;
- 32 (31) RCW 46.48.175 relating to the transportation of dangerous
33 articles;
- 34 (32) RCW 46.52.010 relating to duty on striking an unattended car
35 or other property;
- 36 (33) RCW 46.52.020 relating to duty in case of injury to or death
37 of a person or damage to an attended vehicle;
- 38 (34) RCW 46.52.090 relating to reports by repairers, storage
39 persons, and appraisers;

1 (35) RCW 46.52.130 relating to confidentiality of the driving
2 record to be furnished to an insurance company, an employer, and an
3 alcohol/drug assessment or treatment agency;

4 (36) RCW 46.55.020 relating to engaging in the activities of a
5 registered tow truck operator without a registration certificate;

6 (37) RCW 46.55.035 relating to prohibited practices by tow truck
7 operators;

8 (38) RCW 46.55.300 relating to vehicle immobilization;

9 (39) RCW 46.61.015 relating to obedience to police officers,
10 flaggers, or firefighters;

11 (40) RCW 46.61.020 relating to refusal to give information to or
12 cooperate with an officer;

13 (41) RCW 46.61.022 relating to failure to stop and give
14 identification to an officer;

15 (42) RCW 46.61.024 relating to attempting to elude pursuing
16 police vehicles;

17 (43) RCW 46.61.212(4) relating to reckless endangerment of
18 emergency or work zone workers;

19 (44) RCW 46.61.500 relating to reckless driving;

20 (45) RCW 46.61.502 and 46.61.504 relating to persons under the
21 influence of intoxicating liquor or drugs;

22 (46) RCW 46.61.503 relating to a person under age twenty-one
23 driving a motor vehicle after consuming alcohol;

24 (47) RCW 46.61.520 relating to vehicular homicide by motor
25 vehicle;

26 (48) RCW 46.61.522 relating to vehicular assault;

27 (49) RCW 46.61.5249 relating to first degree negligent driving;

28 (50) RCW 46.61.527(4) relating to reckless endangerment of
29 roadway workers;

30 (51) RCW 46.61.530 relating to racing of vehicles on highways;

31 (52) RCW 46.61.655(7) (a) and (b) relating to failure to secure a
32 load;

33 (53) RCW 46.61.685 relating to leaving children in an unattended
34 vehicle with the motor running;

35 (54) RCW 46.61.740 relating to theft of motor vehicle fuel;

36 (55) RCW 46.64.010 relating to unlawful cancellation of or
37 attempt to cancel a traffic citation;

38 (56) RCW 46.64.048 relating to attempting, aiding, abetting,
39 coercing, and committing crimes;

40 (57) Chapter 46.65 RCW relating to habitual traffic offenders;

1 (58) RCW 46.68.010 relating to false statements made to obtain a
2 refund;

3 (59) Chapter 46.70 RCW relating to unfair motor vehicle business
4 practices, except where that chapter provides for the assessment of
5 monetary penalties of a civil nature;

6 (60) Chapter 46.72 RCW relating to the transportation of
7 passengers in for hire vehicles;

8 (61) RCW 46.72A.060 relating to limousine carrier insurance;

9 (62) RCW 46.72A.070 relating to operation of a limousine without
10 a vehicle certificate;

11 (63) RCW 46.72A.080 relating to false advertising by a limousine
12 carrier;

13 (64) Chapter 46.80 RCW relating to motor vehicle wreckers;

14 (65) Chapter 46.82 RCW relating to driver's training schools;

15 (66) RCW 46.87.260 relating to alteration or forgery of a cab
16 card, letter of authority, or other temporary authority issued under
17 chapter 46.87 RCW;

18 (67) RCW 46.87.290 relating to operation of an unregistered or
19 unlicensed vehicle under chapter 46.87 RCW.

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