

---

SENATE BILL 5020

---

State of Washington

53rd Legislature

1993 Regular Session

By Senators Nelson and Winsley

Read first time 01/11/93. Referred to Committee on Transportation.

1 AN ACT Relating to defective vehicle equipment; and amending RCW  
2 46.37.010.

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

4 **Sec. 1.** RCW 46.37.010 and 1989 c 178 s 22 are each amended to read  
5 as follows:

6 (1) It is a traffic infraction for any person to drive or move or  
7 for the owner to cause or knowingly permit to be driven or moved on any  
8 highway any vehicle or combination of vehicles which is in such unsafe  
9 condition as to endanger any person, or which does not contain those  
10 parts or is not at all times equipped with such lamps and other  
11 equipment in proper condition and adjustment as required in this  
12 chapter or in regulations issued by the chief of the Washington state  
13 patrol, or which is equipped in any manner in violation of this chapter  
14 or the state patrol's regulations, or for any person to do any act  
15 forbidden or fail to perform any act required under this chapter or the  
16 state patrol's regulations.

17 Notwithstanding the provisions of RCW 46.37.005 and this  
18 subsection, all motorists are entitled to a mandatory repair notice  
19 providing them with ten days to repair any defective equipment prior to

1 the issuance of citation for a traffic infraction for the defective  
2 equipment. When a defect poses imminent danger to the driver or  
3 others, the motorist may be prohibited from driving the vehicle until  
4 it is repaired.

5 (2) Nothing contained in this chapter or the state patrol's  
6 regulations shall be construed to prohibit the use of additional parts  
7 and accessories on any vehicle not inconsistent with the provisions of  
8 this chapter or the state patrol's regulations.

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

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

17 (5) It is a traffic infraction for any person to sell or offer for  
18 sale vehicle equipment which is required to be approved by the state  
19 patrol as prescribed in RCW 46.37.005 unless it has been approved by  
20 the state patrol.

21 (6) The provisions of this chapter with respect to equipment  
22 required on vehicles shall not apply to motorcycles or motor-driven  
23 cycles except as herein made applicable.

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

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

34 (9) Whenever the owner or lessee is issued a notice of traffic  
35 infraction under this section the court may, on the request of the  
36 owner or lessee, take appropriate steps to make the driver of the  
37 vehicle, or any other person who directs the loading, maintenance, or  
38 operation of the vehicle, a codefendant. If the codefendant is held  
39 solely responsible and is found to have committed the traffic

1 infraction, the court may dismiss the notice against the owner or  
2 lessee.

--- END ---