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ENGROSSED SUBSTITUTE SENATE BILL 6523

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State of Washington

53rd Legislature

1994 Regular Session

By Senate Committee on Transportation (originally sponsored by Senator Vognild)

Read first time 02/08/94.

1 AN ACT Relating to transferring the responsibilities of traffic  
2 safety; amending RCW 28A.170.050, 43.43.390, 43.70.410, 43.70.420,  
3 44.40.070, 46.01.030, 46.52.120, 46.82.300, 46.90.010, and 47.01.250;  
4 reenacting and amending RCW 43.03.028; adding new sections to chapter  
5 43.06 RCW; adding new sections to chapter 43.43 RCW; creating new  
6 sections; repealing RCW 43.59.010, 43.59.020, 43.59.030, 43.59.040,  
7 43.59.050, 43.59.060, 43.59.070, 43.59.080, 43.59.130, and 43.59.140;  
8 and providing an effective date.

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

10 NEW SECTION. **Sec. 1.** The Washington traffic safety commission is  
11 hereby abolished and its powers, duties, and functions are hereby  
12 transferred to the Washington state patrol.

13 NEW SECTION. **Sec. 2.** All reports, documents, surveys, books,  
14 records, files, papers, or written material in the possession of the  
15 Washington traffic safety commission shall be delivered to the custody  
16 of the Washington state patrol. All cabinets, furniture, office  
17 equipment, motor vehicles, and other tangible property employed by the  
18 Washington traffic safety commission shall be made available to the

1 Washington state patrol. All funds, credits, or other assets held by  
2 the Washington traffic safety commission shall be assigned to the  
3 Washington state patrol.

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

7 Whenever any question arises as to the transfer of any personnel,  
8 funds, books, documents, records, papers, files, equipment, or other  
9 tangible property used or held in the exercise of the powers and the  
10 performance of the duties and functions transferred, the director of  
11 financial management shall make a determination as to the proper  
12 allocation and certify the same to the state agencies concerned.

13 NEW SECTION. **Sec. 3.** All employees of the Washington traffic  
14 safety commission are transferred to the jurisdiction of the Washington  
15 state patrol. All employees classified under chapter 41.06 RCW, the  
16 state civil service law, are assigned to the Washington state patrol to  
17 perform their usual duties upon the same terms as formerly, without any  
18 loss of rights, subject to any action that may be appropriate  
19 thereafter in accordance with the laws and rules governing state civil  
20 service.

21 NEW SECTION. **Sec. 4.** All rules and all pending business before  
22 the Washington traffic safety commission shall be continued and acted  
23 upon by the Washington state patrol. All existing contracts and  
24 obligations shall remain in full force and shall be performed by the  
25 Washington state patrol.

26 NEW SECTION. **Sec. 5.** The transfer of the powers, duties,  
27 functions, and personnel of the Washington traffic safety commission  
28 shall not affect the validity of any act performed prior to the  
29 effective date of this section.

30 NEW SECTION. **Sec. 6.** If apportionments of budgeted funds are  
31 required because of the transfers directed by sections 2 through 5 of  
32 this act, the director of financial management shall certify the  
33 apportionments to the agencies affected, the state auditor, and the  
34 state treasurer. Each of these shall make the appropriate transfer and

1 adjustments in funds and appropriation accounts and equipment records  
2 in accordance with the certification.

3 NEW SECTION. **Sec. 7.** Nothing contained in sections 1 through 6 of  
4 this act may be construed to alter any existing collective bargaining  
5 unit or the provisions of any existing collective bargaining agreement  
6 until the agreement has expired or until the bargaining unit has been  
7 modified by action of the personnel board as provided by law.

8 NEW SECTION. **Sec. 8.** A new section is added to chapter 43.06 RCW  
9 to read as follows:

10 The governor shall be responsible for the administration of the  
11 traffic safety program of the state and shall be the official of the  
12 state having ultimate responsibility for dealing with the federal  
13 government with respect to all programs and activities of the state and  
14 local governments pursuant to the Highway Safety Act of 1966 (P.L. 89-  
15 564; 80 Stat. 731). The governor is authorized and empowered to accept  
16 and disburse federal grants or other funds or donations from any source  
17 for the purpose of improving traffic safety programs in the state of  
18 Washington, and is hereby empowered to contract and to do all other  
19 things necessary in behalf of this state to secure the full benefits  
20 available to this state under the federal Highway Safety Act of 1966  
21 and in so doing, to cooperate with federal and state agencies, agencies  
22 private and public, interested organizations, and with individuals, to  
23 effectuate the purposes of that enactment, and any and all subsequent  
24 amendments thereto. The governor shall be assisted in these duties and  
25 responsibilities by the Washington state patrol.

26 NEW SECTION. **Sec. 9.** A new section is added to chapter 43.06 RCW  
27 to read as follows:

28 The governor shall be assisted in the duties and responsibilities  
29 under section 8 of this act by the advisory committee on traffic  
30 safety. The advisory committee on traffic safety shall be composed of  
31 the governor as chair, the superintendent of public instruction, the  
32 director of licensing, the secretary of transportation, the chief of  
33 the state patrol, the secretary of health, the secretary of social and  
34 health services, a representative of the association of Washington  
35 cities to be appointed by the governor, a member of the Washington  
36 state association of counties to be appointed by the governor, a

1 representative of the judiciary to be appointed by the governor, and  
2 four public citizens representing traffic safety interests to be  
3 appointed by the governor. In addition, appointments to any vacancies  
4 among appointee members shall be as in the case of original  
5 appointment.

6 The governor or any advisory committee member except those  
7 appointed by the governor under this section may designate an employee  
8 of his or her office or agency to act on his or her behalf during the  
9 absence of the governor or member at one or more of the meetings of the  
10 committee. The vote of the designee shall have the same effect as if  
11 cast by the member if the designation is in writing and is presented to  
12 the person presiding at the meetings included within the designation.

13 The governor may designate a member to preside during the  
14 governor's absence.

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

17 NEW SECTION. **Sec. 10.** A new section is added to chapter 43.06 RCW  
18 to read as follows:

19 The advisory committee on traffic safety shall provide assistance  
20 and guidance in the development of the highway safety plan required  
21 pursuant to the Highway Safety Act of 1966; develop recommendations for  
22 the creation, revision, or enforcement of traffic safety laws; promote  
23 programs to improve traffic safety; and advise and assist the governor  
24 and the state patrol, as requested, in carrying out their duties and  
25 responsibilities pertaining to the state's traffic safety program.  
26 Staff support for the committee shall be provided by the state patrol.  
27 The committee shall meet at least one time per year.

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

30 In addition to other responsibilities set forth in this chapter the  
31 state patrol shall:

32 (1) Assist the governor to carry out duties and responsibilities  
33 pertaining to the traffic safety program of the state and the Highway  
34 Safety Act of 1966 (P.L. 89-564; 80 Stat. 731) as provided in section  
35 8 of this act;

36 (2) Advise and confer with the governing authority of any political  
37 subdivision of the state deemed eligible under the federal Highway

1 Safety Act of 1966 for participation in the aims and programs and  
2 purposes of that act;

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

7 (4) Provide staff support to the advisory committee on traffic  
8 safety as provided under section 10 of this act;

9 (5) Succeed to and be vested with all powers, duties, and  
10 jurisdictions previously vested in the Washington traffic safety  
11 commission;

12 (6) Carry out such other responsibilities as may be consistent with  
13 section 12 of this act.

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

16 The governor's traffic safety program as provided in section 8 of  
17 this act shall be located in the office of the chief. As the agency  
18 carrying out the governor's traffic safety program, the Washington  
19 state patrol shall have the following responsibilities: To find  
20 solutions to the problems that have been created as a result of the  
21 tremendous increase of motor vehicles on our highways and the attendant  
22 traffic death and accident tolls; to plan and supervise programs for  
23 the prevention of accidents on streets and highways including but not  
24 limited to educational campaigns designed to reduce traffic accidents  
25 in cooperation with all official and unofficial organizations  
26 interested in traffic safety; to coordinate the activities at the state  
27 and local levels in the development of state-wide and local traffic  
28 safety programs; to promote a uniform enforcement of traffic safety  
29 laws and establish standards for investigation and reporting of traffic  
30 accidents; to promote and improve driver education; and to authorize  
31 the governor to perform all functions required to be performed under  
32 the federal Highway Safety Act of 1966.

33 NEW SECTION. **Sec. 13.** A new section is added to chapter 43.43 RCW  
34 to read as follows:

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

1        NEW SECTION.    **Sec. 14.**    A new section is added to chapter 43.43 RCW  
2 to read as follows:

3        The Washington state patrol shall produce and disseminate through  
4 all possible media, informational and educational materials explaining  
5 the extent of the problems caused by drinking drivers, the need for  
6 public involvement in their solution, and the penalties of existing and  
7 new laws against driving while under the influence of intoxicating  
8 liquor or any drug.

9        **Sec. 15.**    RCW 28A.170.050 and 1987 c 518 s 209 are each amended to  
10 read as follows:

11        The superintendent of public instruction shall appoint a substance  
12 abuse advisory committee comprised of: Representatives of certificated  
13 and noncertificated staff; administrators; parents; students; school  
14 directors; the bureau of alcohol and substance abuse within the  
15 department of social and health services; the (~~traffic safety~~  
16 ~~commission~~) Washington state patrol; and county coordinators of  
17 alcohol and drug treatment.    The committee shall advise the  
18 superintendent on matters of local program development, coordination,  
19 and evaluation.

20        **Sec. 16.**    RCW 43.03.028 and 1993 c 281 s 45 and 1993 c 101 s 14 are  
21 each reenacted and amended to read as follows:

22        (1) There is hereby created a state committee on agency officials'  
23 salaries to consist of seven members, or their designees, as follows:  
24 The president of the University of Puget Sound; the chairperson of the  
25 council of presidents of the state's four-year institutions of higher  
26 education; the chairperson of the Washington personnel resources board;  
27 the president of the Association of Washington Business; the president  
28 of the Pacific Northwest Personnel Managers' Association; the president  
29 of the Washington State Bar Association; and the president of the  
30 Washington State Labor Council.    If any of the titles or positions  
31 mentioned in this subsection are changed or abolished, any person  
32 occupying an equivalent or like position shall be qualified for  
33 appointment by the governor to membership upon the committee.

34        (2) The committee shall study the duties and salaries of the  
35 directors of the several departments and the members of the several  
36 boards and commissions of state government, who are subject to  
37 appointment by the governor or whose salaries are fixed by the

1 governor, and of the chief executive officers of the following agencies  
2 of state government:

3 The arts commission; the human rights commission; the board of  
4 accountancy; the board of pharmacy; the eastern Washington historical  
5 society; the Washington state historical society; the interagency  
6 committee for outdoor recreation; the criminal justice training  
7 commission; the department of personnel; the state finance committee;  
8 the state library; (~~the traffic safety commission;~~) the horse racing  
9 commission; the advisory council on vocational education; the public  
10 disclosure commission; the state conservation commission; the  
11 commission on Hispanic affairs; the commission on Asian-American  
12 affairs; the state board for volunteer fire fighters; the  
13 transportation improvement board; the public employment relations  
14 commission; the forest practices appeals board; and the energy  
15 facilities site evaluation council.

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

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

24 **Sec. 17.** RCW 43.43.390 and 1991 c 214 s 1 are each amended to read  
25 as follows:

26 Bicycling is increasing in popularity as a form of recreation and  
27 as an alternative mode of transportation. To make bicycling safer, the  
28 various law enforcement agencies should enforce traffic regulations for  
29 bicyclists. By enforcing bicycle regulations, law enforcement officers  
30 are reinforcing educational programs. Bicycling takes more skill than  
31 most people realize. Since bicyclists have a low profile in traffic  
32 and are unprotected, they need more defensive riding skills than  
33 motorists do.

34 A bicycle awareness program is created within the Washington state  
35 patrol. In developing the curriculum for the bicycle awareness program  
36 the patrol shall consult with (~~the traffic safety commission and~~  
37 ~~with~~) bicycling groups providing bicycle safety education. The patrol  
38 shall conduct the program in conjunction with the safety education

1 officer program and may use other law enforcement personnel and  
2 volunteers to implement the program for children in grades kindergarten  
3 through six. The patrol shall ensure that each safety educator  
4 presenting the bicycle awareness program has received specialized  
5 training in bicycle safety education and has been trained in effective  
6 defensive bicycle riding skills.

7 **Sec. 18.** RCW 43.70.410 and 1990 c 270 s 3 are each amended to read  
8 as follows:

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

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

15 In consultation with the (~~traffic safety commission~~) Washington  
16 state patrol, the department shall, directly or by contract, identify  
17 and coordinate public education efforts currently underway within state  
18 government and among private groups to prevent traumatic brain injury,  
19 including, but not limited to, bicycle safety, pedestrian safety,  
20 bicycle passenger seat safety, motorcycle safety, motor vehicle safety,  
21 and sports safety. If the department finds that programs are not  
22 available or not in use, it may, within funds appropriated for the  
23 purpose, provide grants to promote public education efforts. Grants  
24 may be awarded only after recipients have demonstrated coordination  
25 with relevant and knowledgeable groups within their communities,  
26 including at least schools, brain injury support organizations,  
27 hospitals, physicians, traffic safety specialists, police, and the  
28 public. The department may accept grants, gifts, and donations from  
29 public or private sources to use to carry out the head injury  
30 prevention program.

31 The department may assess or contract for the assessment of the  
32 effectiveness of public education efforts coordinated or initiated by  
33 any agency of state government. Agencies are directed to cooperate  
34 with assessment efforts by providing access to data and program records  
35 as reasonably required. The department may seek and receive additional  
36 funds from the federal government or private sources for assessments.  
37 Assessments shall contain findings and recommendations that will  
38 improve the effectiveness of public education efforts. These findings

1 shall be distributed among public and private groups concerned with  
2 traumatic brain injury prevention.

3 **Sec. 19.** RCW 43.70.420 and 1990 c 270 s 4 are each amended to read  
4 as follows:

5 The department of health, the department of licensing, and the  
6 (~~traffic safety commission~~) Washington state patrol shall jointly  
7 prepare information for driver license manuals, driver education  
8 programs, and driving tests to increase driver awareness of pedestrian  
9 safety, to increase driver skills in avoiding pedestrian and motor  
10 vehicle accidents, and to determine drivers' abilities to avoid  
11 pedestrian motor vehicle accidents.

12 **Sec. 20.** RCW 44.40.070 and 1988 c 167 s 10 are each amended to  
13 read as follows:

14 Prior to October 1st of each even-numbered year all state agencies  
15 whose major programs consist of transportation activities, including  
16 the department of transportation, the utilities and transportation  
17 commission, the transportation improvement board, the Washington state  
18 patrol, the department of licensing, (~~the traffic safety commission,~~)  
19 the county road administration board, and the board of pilotage  
20 commissioners, shall adopt or revise, after consultation with the  
21 legislative transportation committee, a comprehensive six-year program  
22 and financial plan for all transportation activities under each  
23 agency's jurisdiction.

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

27 **Sec. 21.** RCW 46.01.030 and 1990 c 250 s 14 are each amended to  
28 read as follows:

29 The department shall be responsible for administering and  
30 recommending the improvement of the motor vehicle laws of this state  
31 relating to:

- 32 (1) driver examining and licensing;
- 33 (2) driver improvement;
- 34 (3) driver records;
- 35 (4) financial responsibility;
- 36 (5) certificates of ownership;

- 1 (6) certificates of license registration and license plates;
- 2 (7) proration and reciprocity;
- 3 (8) liquid fuel tax collections;
- 4 (9) licensing of dealers, motor vehicle transporters, motor vehicle  
5 wreckers, for hire vehicles, and drivers' schools;
- 6 (10) general highway safety promotion in cooperation with the  
7 Washington state patrol (~~and traffic safety commission~~);
- 8 (11) such other activities as the legislature may provide.

9 **Sec. 22.** RCW 46.52.120 and 1993 c 501 s 12 are each amended to  
10 read as follows:

11 (1) The director shall keep a case record on every motor vehicle  
12 driver licensed under the laws of this state, together with information  
13 on each driver, showing all the convictions and findings of traffic  
14 infractions certified by the courts, together with an index cross-  
15 reference record of each accident reported relating to such individual  
16 with a brief statement of the cause of the accident. The chief of the  
17 Washington state patrol shall furnish the index cross-reference record  
18 to the director, with reference to each driver involved in the reported  
19 accidents.

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

27 (3) The director shall tabulate and analyze vehicle driver's case  
28 records and suspend, revoke, cancel, or refuse a vehicle driver's  
29 license to a person when it is deemed from facts contained in the case  
30 record of such person that it is for the best interest of public safety  
31 that such person be denied the privilege of operating a motor vehicle.  
32 Whenever the director orders the vehicle driver's license of any such  
33 person suspended, revoked, or canceled, or refuses the issuance of a  
34 vehicle driver's license, such suspension, revocation, cancellation, or  
35 refusal is final and effective unless appeal from the decision of the  
36 director is taken as provided by law.

1       **Sec. 23.** RCW 46.82.300 and 1984 c 287 s 93 are each amended to  
2 read as follows:

3       (1) The director shall be assisted in the duties and  
4 responsibilities of this chapter by the driver instructors' advisory  
5 committee, consisting of five members. Members of the advisory  
6 committee shall be appointed by the director for two-year terms and  
7 shall consist of a representative of the driver training schools, a  
8 representative of the driving instructors (who shall not be from the  
9 same school as the school member), a representative of the  
10 superintendent of public instruction, a representative of the  
11 department of licensing, and a representative from the Washington state  
12 (~~traffic safety commission~~) patrol. Members shall be reimbursed for  
13 travel expenses in accordance with RCW 43.03.050 and 43.03.060. A  
14 member who is receiving a salary from the state shall not receive  
15 compensation other than travel expenses incurred in such service.

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

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

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

24       (b) Review violations of this chapter and to recommend to the  
25 director appropriate enforcement or disciplinary action as provided in  
26 this chapter;

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

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

34       **Sec. 24.** RCW 46.90.010 and 1993 c 400 s 2 are each amended to read  
35 as follows:

36       In consultation with the chief of the Washington state patrol (~~and~~  
37 ~~the traffic safety commission~~), the director shall adopt in accordance  
38 with chapter 34.05 RCW a model traffic ordinance for use by any city,

1 town, or county. The addition of any new section to, or amendment or  
2 repeal of any section in, the model traffic ordinance is deemed to  
3 amend any city, town, or county, ordinance which has adopted by  
4 reference the model traffic ordinance or any part thereof, and it shall  
5 not be necessary for the legislative authority of any city, town, or  
6 county to take any action with respect to such addition, amendment, or  
7 repeal notwithstanding the provisions of RCW 35.21.180, 35A.12.140,  
8 35A.13.180, and 36.32.120(7).

9 **Sec. 25.** RCW 47.01.250 and 1990 c 266 s 5 are each amended to read  
10 as follows:

11 The chief of the Washington state patrol, (~~the director of the~~  
12 ~~traffic safety commission,~~) the executive director of the county road  
13 administration board, and the director of licensing are designated as  
14 official consultants to the transportation commission so that the goals  
15 and activities of their respective agencies which relate to  
16 transportation are fully coordinated with other related  
17 responsibilities of the department of transportation. In this  
18 capacity, the chief of the Washington state patrol, (~~the director of~~  
19 ~~the traffic safety commission,~~) the executive director of the county  
20 road administration board, and the director of licensing shall consult  
21 with the transportation commission and the secretary of transportation  
22 on the implications and impacts on the transportation related functions  
23 and duties of their respective agencies of any proposed comprehensive  
24 transportation plan, program, or policy.

25 In order to develop fully integrated, balanced, and coordinated  
26 transportation plans, programs, and budgets the chief of the Washington  
27 state patrol, (~~the director of the traffic safety commission,~~) the  
28 executive director of the county road administration board, and the  
29 director of licensing shall consult with the secretary of  
30 transportation on the matter of relative priorities during the  
31 development of their respective agencies' plans, programs, and budgets  
32 as they pertain to transportation activities. The secretary of  
33 transportation shall provide written comments to the governor and the  
34 legislature on the extent to which the state patrol's, (~~the traffic~~  
35 ~~safety commission's,~~) the county road administration board's, and the  
36 department of licensing's final plans, programs, and budgets are  
37 compatible with the priorities established in the department of  
38 transportation's final plans, programs, and budgets.

1        NEW SECTION.    **Sec. 26.**    The following acts or parts of acts are  
2 each repealed:

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

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

5        (3) RCW 43.59.030 and 1991 c 3 s 298, 1982 c 30 s 1, 1979 c 158 s  
6 105, 1971 ex.s. c 85 s 7, 1969 ex.s. c 105 s 1, & 1967 ex.s. c 147 s 3;

7        (4) RCW 43.59.040 and 1983 1st ex.s. c 14 s 1 & 1967 ex.s. c 147 s  
8 4;

9        (5) RCW 43.59.050 and 1975-'76 2nd ex.s. c 34 s 120 & 1967 ex.s. c  
10 147 s 6;

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

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

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

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

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

17        NEW SECTION.    **Sec. 27.**    This act shall take effect July 1, 1994.

--- END ---