
SENATE BILL 5572

State of Washington

68th Legislature

2023 Regular Session

By Senators Valdez, Kauffman, Kuderer, Nguyen, Nobles, and C. Wilson

Read first time 01/26/23. Referred to Committee on Transportation.

1 AN ACT Relating to improving traffic safety by addressing
2 compliance, enforcement, and data collection; amending RCW 46.20.349,
3 46.37.005, 46.37.320, 46.37.365, 46.37.470, 46.64.030, and 46.64.070;
4 adding a new section to chapter 46.64 RCW; adding a new section to
5 chapter 10.118 RCW; and creating new sections.

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

7 NEW SECTION. **Sec. 1.** (1) The legislature finds the following:

8 (a) The state of Washington and its political subdivisions
9 undertake to protect the safety of all individuals who use public
10 roadways, including people who drive, bike, walk, and roll;

11 (b) Focusing enforcement resources on high-risk behavior such as
12 impaired driving, distracted driving, unrestrained passengers, and
13 speeding, has been shown to reduce traffic accidents and fatalities;

14 (c) Research shows that prioritizing safety stops reduces traffic
15 crash and injury outcomes and reduces racial disparities in traffic
16 stops;

17 (d) Limited law enforcement resources are most effective when
18 focused on highest risk behavior, and enforcement only through
19 citations, fines, and fees is not proven to improve road safety and
20 further entangles many low-income road users in the criminal and debt
21 collection systems, causing financial hardship and harming their

1 ability to drive to work and contribute to the economic vitality of
2 the state;

3 (e) National and local data show that high discretion, low-risk
4 traffic violations, including those that are unrelated to road
5 safety, fall disproportionately on black, brown, and indigenous road
6 users, as well as low-income road users and people with older
7 vehicles; and

8 (f) Biased traffic stops result in a decreased sense of safety
9 for all road users and law enforcement.

10 (2) As a result of these findings, the legislature has a
11 compelling interest in managing public safety resources to address
12 vehicle violations that impact road safety, and to reduce punitive
13 enforcement of high-discretion traffic violations, so that road
14 safety is improved for all road users.

15 NEW SECTION. **Sec. 2.** Subject to the availability of amounts
16 appropriated for this specific purpose, a grant program is
17 established. The Washington traffic safety commission shall develop
18 and implement a grant program to support local initiatives that
19 provide solution-oriented responses to nonmoving violations for low-
20 income road users. The commission must prioritize the award of grants
21 to local initiatives that expand or establish civilian intervention
22 programs for nonmoving violations, and focus on nonpunitive
23 interventions such as helmet voucher programs, fee offset programs,
24 fix-it tickets, and repair vouchers that provide solutions for
25 vehicle equipment failures for low-income road users.

26 (1) Grants must be awarded to local jurisdictions based on
27 locally developed proposals to establish or expand existing programs,
28 including programs with community-lead organizations. Eligible
29 jurisdictions under the grant program include cities, counties,
30 tribal government entities, tribal organizations, or nonprofit
31 organizations.

32 (2) The commission shall report on its website by December 1st of
33 each year on the recipients, locations, and types of projects funded
34 under this program.

35 (3) Beginning September 1, 2024, and biennially thereafter, the
36 commission shall provide a report to the governor and the
37 transportation committees of the legislature detailing findings on
38 the effectiveness of programs funded under this section and any

1 recommendations for enhancements or modifications to the grant
2 program established under this section.

3 NEW SECTION. **Sec. 3.** A new section is added to chapter 46.64
4 RCW to read as follows:

5 (1)(a) Except as provided in (b) of this subsection, a peace
6 officer may not stop, or otherwise detain, an operator of a vehicle
7 to enforce one or more of the following violations:

8 (i) Any nonmoving violation;

9 (ii) Driving while license suspended or revoked in the third
10 degree under RCW 46.20.342(1)(c) (ii), (iv), (v), or (viii); or

11 (iii) Any warrant for a misdemeanor, other than a misdemeanor
12 warrant for driving under the influence under RCW 46.61.502 or a
13 domestic violence violation, or a civil court order.

14 (b)(i) A peace officer may only stop or detain an operator of a
15 vehicle when the primary reason for the stop is an equipment failure
16 violation when necessary to protect against an immediate, serious
17 threat to the safety of the operator or others on the roadway.

18 (ii) Prior to stopping the operator of the vehicle under this
19 subsection (1)(b), the peace officer must log digitally or notify
20 dispatch of the primary reason for the stop before initiating,
21 including a detailed description of the immediate, serious threat to
22 the safety of the operator or others on the roadway.

23 (iii) Upon first contact with the operator of the vehicle during
24 a stop under this subsection (1)(b), the peace officer must inform
25 the operator of the reason for the stop, and may not request a
26 consent search of the operator, any passengers, or the vehicle. The
27 peace officer may not question the operator or any passenger of the
28 vehicle on a subject other than the equipment failure violation that
29 initiated the stop, unless the peace officer sees evidence in plain
30 view that establishes reasonable suspicion sufficient to question the
31 operator about an independent criminal offense.

32 (2)(a) Prior to stopping or detaining the operator of a vehicle
33 for a moving violation, a peace officer must log digitally or notify
34 dispatch of the primary reason for the stop before initiating.

35 (b) Upon first contact with the operator of the vehicle, the
36 peace officer must inform the operator of the reason for the stop.

37 (c) For moving violations that are infractions or simple
38 misdemeanors, the peace officer may not request a consent search of
39 the operator of the vehicle, any passengers, or the vehicle. The

1 peace officer may not question the operator of the vehicle or any
2 passenger on a subject other than the moving violation that initiated
3 the stop, unless the peace officer sees evidence in plain view that
4 establishes reasonable suspicion sufficient to question the operator
5 about an independent criminal offense.

6 (3) Before engaging in any consent search of a vehicle, the
7 operator, or any passengers that is not prohibited under subsection
8 (1) or (2) of this section, the peace officer must obtain written
9 consent. To obtain consent, the peace officer must provide the
10 operator and any passengers with an oral explanation and a written
11 consent form that explains the purpose of the search, that the search
12 is voluntary, that such persons may ask to speak with an attorney,
13 and that such persons may choose not to consent to the search or
14 decline the search at any point. The form must state explicitly that
15 such persons will not be punished or suffer retaliation for not
16 consenting or declining to be searched. The form must be available at
17 least in English and Spanish and explained orally to a person who is
18 unable to read the form, using, when necessary, an interpreter from
19 the district communications center language line or other agency
20 resources.

21 (4) Any evidence recovered during a stop, detention, or search
22 made in violation of this section is inadmissible in any criminal
23 proceeding.

24 (5) For purposes of this section:

25 (a) "Immediate, serious threat to the safety of the operator or
26 others on the roadway" means that, based on the totality of the
27 circumstances, it is reasonable for an objective observer to believe
28 that an equipment failure on the vehicle may cause immediate, serious
29 injury to the operator or other persons in the vicinity of the
30 vehicle. Depending on the circumstances, such an immediate threat may
31 include, but is not limited to: Having both taillights, headlights,
32 or brake lights out at nighttime; a shattered windshield impairing
33 the operator's ability to see; or a dragging muffler.

34 (b) "Moving violation" is defined by rule pursuant to RCW
35 46.20.2891.

36 (c) "Nonmoving violation" means any parking violation, equipment
37 violation, or paperwork violation relating to insurance,
38 registration, licensing, and inspection.

39 (d) "Peace officer" has the same meaning as in RCW 43.101.010.

1 (e) "Vehicle" has the same meaning as in RCW 46.04.670, but does
2 not include any commercial motor vehicle as defined in RCW 46.32.005.

3 NEW SECTION. **Sec. 4.** A new section is added to chapter 10.118
4 RCW to read as follows:

5 (1) Each peace officer in the state as defined in RCW 43.101.010
6 must report each incident when they stop or detain an operator of a
7 vehicle. Each report must include the following information:

8 (a) The date, time, location (address, latitude and longitude, or
9 GPS information), and duration of the incident;

10 (b) The primary reason for the stop, and whether it was peace
11 officer-initiated or in response to a call for service from the
12 public;

13 (c) The perceived or known age, gender, race, ethnicity of the
14 operator of the vehicle, and tribal affiliation of the operator, if
15 applicable, and the language of interpretation used, if applicable;

16 (d) Make, model, and year of the vehicle;

17 (e) The agency or agencies employing the peace officer;

18 (f) The name, approximate age, gender, race, and ethnicity of the
19 peace officer;

20 (g) Whether a consent search was requested, and whether the
21 operator or any passengers provided or declined written consent to
22 the search request;

23 (h) Whether a search was conducted, and if so, who and what was
24 searched, and whether the search was conducted pursuant to a warrant,
25 written consent, or an exception to the warrant requirement with a
26 description of the basis for the exception;

27 (i) Whether the vehicle, personal effects, operator, or any
28 passengers were searched, and the approximate age, gender, race, and
29 ethnicity, if known, or tribal affiliation if applicable, of each
30 person searched;

31 (j) Whether any property was seized, with a specific description
32 of that property, or whether any contraband such as a firearm, other
33 weapon, or narcotics was found and the specific type, size, and
34 amount of any such contraband as applicable;

35 (k) Whether the stop resulted in no action, the issuance of a
36 verbal warning, written warning, or citation, an arrest, or other
37 action; and

38 (l) Whether dashboard or body worn camera footage was recorded
39 for the incident.

1 (2) Each law enforcement agency in the state must submit the
2 reports required under this section in accordance with the
3 requirements of the statewide use of force data program under RCW
4 10.118.030.

5 (3) For the purposes of this section, "vehicle" has the same
6 meaning as in RCW 46.04.670, but does not include any commercial
7 motor vehicle as defined in RCW 46.32.005.

8 **Sec. 5.** RCW 46.20.349 and 2010 c 8 s 9026 are each amended to
9 read as follows:

10 (~~Any~~) Subject to section 3 of this act, any police officer who
11 has received notice of the suspension or revocation of a driver's
12 license from the department of licensing may, during the reported
13 period of such suspension or revocation, stop any motor vehicle
14 identified by its (~~vehicle~~) license plate number as being
15 registered to the person whose driver's license has been suspended or
16 revoked. The driver of such vehicle shall display his or her driver's
17 license upon request of the police officer.

18 **Sec. 6.** RCW 46.37.005 and 1987 c 330 s 706 are each amended to
19 read as follows:

20 (~~It~~) Subject to section 3 of this act, in addition to those
21 powers and duties elsewhere granted, the chief of the Washington
22 state patrol shall have the power and the duty to adopt, apply, and
23 enforce such reasonable rules and regulations (1) relating to proper
24 types of vehicles or combinations thereof for hauling passengers,
25 commodities, freight, and supplies, (2) relating to vehicle
26 equipment, and (3) relating to the enforcement of the provisions of
27 this title with regard to vehicle equipment, as may be deemed
28 necessary for the public welfare and safety in addition to but not
29 inconsistent with the provisions of this title.

30 The chief of the Washington state patrol is authorized to adopt
31 by regulation, federal standards relating to motor vehicles and
32 vehicle equipment, issued pursuant to the National Traffic and Motor
33 Vehicle Safety Act of 1966, or any amendment to said act,
34 notwithstanding any provision in Title 46 RCW inconsistent with such
35 standards. Federal standards adopted pursuant to this section shall
36 be applicable only to vehicles manufactured in a model year following
37 the adoption of such standards.

1 **Sec. 7.** RCW 46.37.320 and 1987 c 330 s 717 are each amended to
2 read as follows:

3 (1) (~~The~~) Subject to section 3 of this act, the chief of the
4 state patrol is hereby authorized to adopt and enforce rules
5 establishing standards and specifications governing the performance
6 of lighting devices and their installation, adjustment, and aiming,
7 when in use on motor vehicles, and other safety equipment,
8 components, or assemblies of a type for which regulation is required
9 in this chapter or in rules adopted by the state patrol. Such rules
10 shall correlate with and, so far as practicable, conform to federal
11 motor vehicle safety standards adopted pursuant to the national
12 traffic and motor vehicle safety act of 1966 (15 U.S.C. Sec. 1381 et
13 seq.) covering the same aspect of performance, or in the absence of
14 such federal standards, to the then current standards and
15 specifications of the society of automotive engineers applicable to
16 such equipment: PROVIDED, That the sale, installation, and use of any
17 headlamp meeting the standards of either the society of automotive
18 engineers or the United Nations agreement concerning motor vehicle
19 equipment and parts done at Geneva on March 20, 1958, or as amended
20 and adopted by the Canadian standards association (CSA standard
21 D106.2), as amended, shall be lawful in this state.

22 (2) Every manufacturer who sells or offers for sale lighting
23 devices or other safety equipment subject to requirements established
24 by the state patrol shall, if the lighting device or safety equipment
25 is not in conformance with applicable federal motor vehicle safety
26 standards, provide for submission of such lighting device or safety
27 equipment to any recognized organization or agency such as, but not
28 limited to, the American national standards institute, the society of
29 automotive engineers, or the American association of motor vehicle
30 administrators, as the agent of the state patrol. Issuance of a
31 certificate of compliance for any lighting device or item of safety
32 equipment by that agent is deemed to comply with the standards set
33 forth by the state patrol. Such certificate shall be issued by the
34 agent of the state before sale of the product within the state.

35 (3) The state patrol may at any time request from the
36 manufacturer a copy of the test data showing proof of compliance of
37 any device with the requirements established by the state patrol and
38 additional evidence that due care was exercised in maintaining
39 compliance during production. If the manufacturer fails to provide
40 such proof of compliance within (~~sixty~~) 60 days of notice from the

1 state patrol, the state patrol may prohibit the sale of the device in
2 this state until acceptable proof of compliance is received by the
3 state patrol.

4 (4) The state patrol or its agent may purchase any lighting
5 device or other safety equipment, component, or assembly subject to
6 this chapter or rules adopted by the state patrol under this chapter,
7 for purposes of testing or retesting the equipment as to its
8 compliance with applicable standards or specifications.

9 **Sec. 8.** RCW 46.37.365 and 1987 c 330 s 719 are each amended to
10 read as follows:

11 (1) The term "hydraulic brake fluid" as used in this section
12 shall mean the liquid medium through which force is transmitted to
13 the brakes in the hydraulic brake system of a vehicle.

14 (2) Hydraulic brake fluid shall be distributed and serviced with
15 due regard for the safety of the occupants of the vehicle and the
16 public.

17 (3) ~~((The))~~ Subject to section 3 of this act, the chief of the
18 Washington state patrol shall, in compliance with ~~((the provisions~~
19 ~~of))~~ chapter 34.05 RCW, ~~((the administrative procedure act, which~~
20 ~~govern the adoption of rules,))~~ adopt and enforce regulations for the
21 administration of this section and shall adopt and publish standards
22 and specifications for hydraulic brake fluid which shall correlate
23 with, and so far as practicable conform to, the then current
24 standards and specifications of the society of automotive engineers
25 applicable to such fluid.

26 (4) No person shall distribute, have for sale, offer for sale, or
27 sell any hydraulic brake fluid unless it complies with the
28 requirements of this section and the standard specifications adopted
29 by the state patrol. No person shall service any vehicle with brake
30 fluid unless it complies with the requirements of this section and
31 the standards and specifications adopted by the state patrol.

32 (5) Subsections (3) and (4) of this section shall not apply to
33 petroleum base fluids in vehicles with brake systems designed to use
34 them.

35 **Sec. 9.** RCW 46.37.470 and 2021 c 65 s 51 are each amended to
36 read as follows:

37 (1) "Air conditioning equipment," as used or referred to in this
38 section, means mechanical vapor compression refrigeration equipment

1 that is used to cool the driver's or passenger compartment of any
2 motor vehicle.

3 (2) Air conditioning equipment must be manufactured, installed,
4 and maintained with due regard for the safety of the occupants of the
5 vehicle and the public. Air conditioning equipment may not contain
6 any refrigerant that is toxic to persons or that is flammable, unless
7 the refrigerant is allowed under the department of ecology's motor
8 vehicle emission standards adopted under RCW 70A.30.010.

9 (3) ~~((The))~~ Subject to section 3 of this act, the state patrol
10 may enforce safety requirements, regulations, and specifications
11 consistent with the requirements of this section applicable to air
12 conditioning equipment which must correlate with and, so far as
13 possible, conform to the current recommended practice or standard
14 applicable to air conditioning equipment approved by the society of
15 automotive engineers.

16 (4) A person may not sell or equip, for use in this state, a new
17 motor vehicle with any air conditioning equipment unless it complies
18 with the requirements of this section.

19 (5) A person may not register or license for use on any highway
20 any new motor vehicle equipped with any air conditioning equipment
21 unless the equipment complies with the requirements of this section.

22 **Sec. 10.** RCW 46.64.030 and 1979 ex.s. c 28 s 3 are each amended
23 to read as follows:

24 ~~((The))~~ Subject to section 3 of this act, the provisions of this
25 title with regard to the apprehension and arrest of persons violating
26 this title shall govern all police officers in making arrests without
27 a warrant for violations of this title for offenses either committed
28 in their presence or believed to have been committed based on
29 probable cause pursuant to RCW 10.31.100, but the procedure
30 prescribed herein shall not otherwise be exclusive of any other
31 method prescribed by law for the arrest and prosecution of a person
32 for other like offenses.

33 **Sec. 11.** RCW 46.64.070 and 1999 c 6 s 26 are each amended to
34 read as follows:

35 To carry out the purpose of RCW 46.64.060 and ~~((46.64.070))~~
36 subject to section 3 of this act, officers of the Washington state
37 patrol are hereby empowered during daylight hours and while using
38 plainly marked state patrol vehicles to require the driver of any

1 motor vehicle being operated on any highway of this state to stop and
2 display his or her driver's license and/or to submit the motor
3 vehicle being driven by such person to an inspection and test to
4 ascertain whether such vehicle complies with the minimum equipment
5 requirements prescribed by chapter 46.37 RCW, as now or hereafter
6 amended. No criminal citation shall be issued for a period of ten
7 days after giving a warning ticket pointing out the defect.

8 The powers conferred by (~~RCW 46.64.060 and 46.64.070~~) this
9 section are in addition to all other powers conferred by law upon
10 such officers(~~(7)~~) including, but not limited to, powers conferred
11 upon them as police officers pursuant to RCW 46.20.349 and powers
12 conferred by chapter 46.32 RCW.

13 NEW SECTION. **Sec. 12.** The provisions of this act must be
14 liberally construed to accomplish their purpose, and if any provision
15 of this act conflicts with any other statute, ordinance, rule, or
16 regulation of any public employer, the provision of this act
17 controls.

18 NEW SECTION. **Sec. 13.** If any provision of this act or its
19 application to any person or circumstance is held invalid, the
20 remainder of the act or the application of the provision to other
21 persons or circumstances is not affected.

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