
SUBSTITUTE HOUSE BILL 1624

State of Washington

53rd Legislature

1993 Regular Session

By House Committee on Judiciary (originally sponsored by Representative Appelwick)

Read first time 03/03/93.

1 AN ACT Relating to decriminalizing certain misdemeanors; amending
2 RCW 9.51.020, 43.51.180, 46.16.381, 46.29.610, 46.61.535, 46.63.020,
3 46.70.125, 46.87.290, 47.52.120, 70.93.060, 81.80.070, 81.80.371, and
4 88.02.020; and prescribing penalties.

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

6 **Sec. 1.** RCW 9.51.020 and 1909 c 249 s 76 are each amended to read
7 as follows:

8 ((Every)) No person ((who shall)) may, directly or indirectly,
9 solicit or request any person charged with the duty of preparing any
10 jury list to put his or her name, or the name of any other person, on
11 any such list(~~(, shall be guilty of a gross misdemeanor)~~). Violation
12 of this section is a class 1 infraction under chapter 7.80 RCW.

13 **Sec. 2.** RCW 43.51.180 and 1987 c 380 s 15 are each amended to read
14 as follows:

15 ((Every)) (1) No person ((who)) may:
16 ((+1)) (a) Cut((s)), break((s)), injure((s)), destroy((s)),
17 take((s)), or remove((s)) any tree, shrub, timber, plant, or natural
18 object in any park or parkway; or

1 ((+2)) (b) Kill((s)), or pursue((s)) with intent to kill, any bird
2 or animal in any park or parkway; or

3 ((+3)) (c) Take((s)) any fish from the waters of any park or
4 parkway, except in conformity with such general rules as the commission
5 may prescribe; or

6 ((+4)) (d) Willfully mutilate((s)), injure((s)), deface((s)), or
7 destroy((s)) any guidepost, notice, tablet, fence, inclosure, or work
8 for the protection or ornamentation of any park or parkway; or

9 ((+5)) (e) Light((s)) any fire upon any park or parkway, except in
10 such places as the commission has authorized, or willfully or
11 carelessly permit((s)) any fire which he or she has lighted or which is
12 under his or her charge, to spread or extend to or burn any of the
13 shrubbery, trees, timber, ornaments, or improvements upon any park or
14 parkway, or leave((s)) any campfire which he or she has lighted or
15 which has been left in his or her charge, unattended by a competent
16 person, without extinguishing it; or

17 ((+6)) (f) Place((s)) within any park or parkway or ((affixes))
18 affix to any object therein contained, without a written license from
19 the commission, any word, character, or device designed to advertise
20 any business, profession, article, thing, exhibition, matter, or event;
21 or

22 ((+7)) (g) Violate((s)) any rule adopted, promulgated, or issued
23 by the commission pursuant to the provisions of this chapter(~~(; shall~~
24 ~~be guilty of a misdemeanor unless the commission has specified by rule,~~
25 ~~when not inconsistent with applicable statutes, that violation of the~~
26 ~~rule is an infraction under chapter 7.84 RCW)).~~

27 (2) A violation of this section is a class 2 infraction under
28 chapter 7.80 RCW unless the violation is of a rule that the commission
29 has specified as an infraction under chapter 7.84 RCW.

30 **Sec. 3.** RCW 46.16.381 and 1992 c 148 s 1 are each amended to read
31 as follows:

32 (1) The director shall grant special parking privileges to any
33 person who has a disability that limits or impairs the ability to walk
34 and meets one of the following criteria, as determined by a licensed
35 physician:

36 (a) Cannot walk two hundred feet without stopping to rest;

37 (b) Is severely limited in ability to walk due to arthritic,
38 neurological, or orthopedic condition;

1 (c) Is so severely disabled, that the person cannot walk without
2 the use of or assistance from a brace, cane, another person, prosthetic
3 device, wheelchair, or other assistive device;

4 (d) Uses portable oxygen;

5 (e) Is restricted by lung disease to such an extent that forced
6 expiratory respiratory volume, when measured by spirometry is less than
7 one liter per second or the arterial oxygen tension is less than sixty
8 mm/hg on room air at rest;

9 (f) Impairment by cardiovascular disease or cardiac condition to
10 the extent that the person's functional limitations are classified as
11 class III or IV under standards accepted by the American Heart
12 Association; or

13 (g) Has a disability resulting from an acute sensitivity to
14 automobile emissions which limits or impairs the ability to walk. The
15 personal physician of the applicant shall document that the disability
16 is comparable in severity to the others listed in this subsection.

17 (2) Persons who qualify for special parking privileges are entitled
18 to receive from the department of licensing a removable windshield
19 placard bearing the international symbol of access. The department
20 shall design the placard to be displayed when the vehicle is parked by
21 suspending it from the rearview mirror, or in the absence of a rearview
22 mirror the card may be displayed on the dashboard of any vehicle used
23 to transport the disabled person. Instead of regular motor vehicle
24 license plates, disabled persons are entitled to receive special
25 license plates bearing the international symbol of access for one
26 vehicle registered in the disabled person's name. Disabled persons who
27 are not issued the special license plates are entitled to receive a
28 second special placard. Persons who have been issued the parking
29 privileges and who are using a vehicle or are riding in a vehicle
30 displaying the special license plates or placard may park in places
31 reserved for mobility disabled persons. The director shall adopt rules
32 providing for the issuance of special placards and license plates to
33 public transportation authorities, nursing homes licensed under chapter
34 18.51 RCW, boarding homes licensed under chapter 18.20 RCW, senior
35 citizen centers, and private nonprofit agencies as defined in chapter
36 24.03 RCW that regularly transport disabled persons who have been
37 determined eligible for special parking privileges provided under this
38 section. The director may issue special license plates for a vehicle
39 registered in the name of the public transportation authority, nursing

1 home, boarding homes, senior citizen center, or private nonprofit
2 agency if the vehicle is primarily used to transport persons with
3 disabilities described in this section. Public transportation
4 authorities, nursing homes, boarding homes, senior citizen centers, and
5 private nonprofit agencies are responsible for insuring that the
6 special placards and license plates are not used improperly and are
7 responsible for all fines and penalties for improper use.

8 (3) Whenever the disabled person transfers or assigns his or her
9 interest in the vehicle, the special license plates shall be removed
10 from the motor vehicle. If another vehicle is acquired by the disabled
11 person and the vehicle owner qualifies for a special plate, the plate
12 shall be attached to the vehicle, and the director shall be immediately
13 notified of the transfer of the plate. If another vehicle is not
14 acquired by the disabled person, the removed plate shall be immediately
15 surrendered to the director.

16 (4) The special license plate shall be renewed in the same manner
17 and at the time required for the renewal of regular motor vehicle
18 license plates under this chapter. No special license plate may be
19 issued to a person who is temporarily disabled. A person who has a
20 condition expected to improve within six months may be issued a
21 temporary placard for a period not to exceed six months. The director
22 may issue a second temporary placard during that period if requested by
23 the person who is temporarily disabled. If the condition exists after
24 six months a new temporary placard shall be issued upon receipt of a
25 new certification from the disabled person's physician. The parking
26 placard of a disabled person shall be renewed, when required by the
27 director, by satisfactory proof of the right to continued use of the
28 privileges.

29 (5) Additional fees shall not be charged for the issuance of the
30 special placards. No additional fee may be charged for the issuance of
31 the special license plates except the regular motor vehicle
32 registration fee and any other fees and taxes required to be paid upon
33 registration of a motor vehicle.

34 (6) Any unauthorized use of the special placard or the special
35 license plate is a (~~misdemeanor~~) traffic infraction.

36 (7) It is a traffic infraction, with a monetary penalty of not less
37 than fifteen and not more than fifty dollars for any person to park a
38 vehicle in a parking place provided on private property without charge
39 or on public property reserved for physically disabled persons without

1 a special license plate or placard. If a person is charged with a
2 violation, the person shall not be determined to have committed an
3 infraction if the person produces in court or before the court
4 appearance the special license plate or placard required under this
5 section.

6 (8) It is a (~~misdemeanor~~) traffic infraction for any person to
7 willfully obtain a special license plate or placard in a manner other
8 than that established under this section.

9 **Sec. 4.** RCW 46.29.610 and 1990 c 250 s 54 are each amended to read
10 as follows:

11 (1) Any person whose license shall have been suspended under any
12 provision of this chapter, or whose policy of insurance or bond, when
13 required under this chapter, shall have been canceled or terminated,
14 shall immediately return the license to the department.

15 (2) (~~Any person willfully failing~~) A willful failure to return a
16 license as required in subsection (1) of this section is (~~guilty of a~~
17 ~~misdemeanor~~) a traffic infraction.

18 **Sec. 5.** RCW 46.61.535 and 1979 ex.s. c 136 s 88 are each amended
19 to read as follows:

20 It shall be unlawful for any manufacturer, dealer, distributor, or
21 any person, firm, or corporation to publish or advertise or offer for
22 publication or advertisement, or to consent or cause to be published or
23 advertised, the time consumed or speed attained by a vehicle between
24 given points or over given or designated distances upon any public
25 highways of this state when such published or advertised time consumed
26 or speed attained shall indicate an average rate of speed between given
27 points or over a given or designated distance in excess of the maximum
28 rate of speed allowed between such points or at a rate of speed which
29 would constitute reckless driving between such points. Violation of
30 any of the provisions of this section (~~shall be prima facie evidence~~
31 ~~of reckless driving and shall subject such person, firm, or corporation~~
32 ~~to the penalties in such cases provided~~) is a traffic infraction.

33 **Sec. 6.** RCW 46.63.020 and 1992 c 32 s 4 are each amended to read
34 as follows:

35 Failure to perform any act required or the performance of any act
36 prohibited by this title or an equivalent administrative regulation or

1 local law, ordinance, regulation, or resolution relating to traffic
2 including parking, standing, stopping, and pedestrian offenses, is
3 designated as a traffic infraction and may not be classified as a
4 criminal offense, except for an offense contained in the following
5 provisions of this title or a violation of an equivalent administrative
6 regulation or local law, ordinance, regulation, or resolution:

7 (1) RCW 46.09.120(2) relating to the operation of a nonhighway
8 vehicle while under the influence of intoxicating liquor or a
9 controlled substance;

10 (2) RCW 46.09.130 relating to operation of nonhighway vehicles;

11 (3) RCW 46.10.090(2) relating to the operation of a snowmobile
12 while under the influence of intoxicating liquor or narcotics or habit-
13 forming drugs or in a manner endangering the person of another;

14 (4) RCW 46.10.130 relating to the operation of snowmobiles;

15 (5) Chapter 46.12 RCW relating to certificates of ownership and
16 registration;

17 (6) RCW 46.16.010 relating to initial registration of motor
18 vehicles;

19 (7) RCW 46.16.011 relating to permitting unauthorized persons to
20 drive;

21 (8) RCW 46.16.160 relating to vehicle trip permits;

22 (9) (~~RCW 46.16.381 (6) or (8) relating to unauthorized use or~~
23 ~~acquisition of a special placard or license plate for disabled persons'~~
24 ~~parking;~~

25 ~~(10))~~ RCW 46.20.021 relating to driving without a valid driver's
26 license;

27 ~~((11))~~ (10) RCW 46.20.336 relating to the unlawful possession and
28 use of a driver's license;

29 ~~((12))~~ (11) RCW 46.20.342 relating to driving with a suspended or
30 revoked license or status;

31 ~~((13))~~ (12) RCW 46.20.410 relating to the violation of
32 restrictions of an occupational driver's license;

33 ~~((14))~~ (13) RCW 46.20.420 relating to the operation of a motor
34 vehicle with a suspended or revoked license;

35 ~~((15))~~ (14) RCW 46.20.750 relating to assisting another person to
36 start a vehicle equipped with an ignition interlock device;

37 ~~((16))~~ (15) RCW 46.25.170 relating to commercial driver's
38 licenses;

1 (~~(17)~~) (16) Chapter 46.29 RCW relating to financial
2 responsibility;

3 (~~(18)~~) (17) RCW 46.30.040 relating to providing false evidence of
4 financial responsibility;

5 (~~(19)~~) (18) RCW 46.37.435 relating to wrongful installation of
6 sunscreening material;

7 (~~(20)~~) (19) RCW 46.44.180 relating to operation of mobile home
8 pilot vehicles;

9 (~~(21)~~) (20) RCW 46.48.175 relating to the transportation of
10 dangerous articles;

11 (~~(22)~~) (21) RCW 46.52.010 relating to duty on striking an
12 unattended car or other property;

13 (~~(23)~~) (22) RCW 46.52.020 relating to duty in case of injury to
14 or death of a person or damage to an attended vehicle;

15 (~~(24)~~) (23) RCW 46.52.090 relating to reports by repairmen,
16 storagemen, and appraisers;

17 (~~(25)~~) (24) RCW 46.52.100 relating to driving under the influence
18 of liquor or drugs;

19 (~~(26)~~) (25) RCW 46.52.130 relating to confidentiality of the
20 driving record to be furnished to an insurance company, an employer,
21 and an alcohol/drug assessment or treatment agency;

22 (~~(27)~~) (26) RCW 46.55.020 relating to engaging in the activities
23 of a registered tow truck operator without a registration certificate;

24 (~~(28)~~) (27) RCW 46.55.035 relating to prohibited practices by tow
25 truck operators;

26 (~~(29)~~) (28) RCW 46.61.015 relating to obedience to police
27 officers, flagmen, or fire fighters;

28 (~~(30)~~) (29) RCW 46.61.020 relating to refusal to give information
29 to or cooperate with an officer;

30 (~~(31)~~) (30) RCW 46.61.022 relating to failure to stop and give
31 identification to an officer;

32 (~~(32)~~) (31) RCW 46.61.024 relating to attempting to elude
33 pursuing police vehicles;

34 (~~(33)~~) (32) RCW 46.61.500 relating to reckless driving;

35 (~~(34)~~) (33) RCW 46.61.502 and 46.61.504 relating to persons under
36 the influence of intoxicating liquor or drugs;

37 (~~(35)~~) (34) RCW 46.61.520 relating to vehicular homicide by motor
38 vehicle;

39 (~~(36)~~) (35) RCW 46.61.522 relating to vehicular assault;

1 (~~(37)~~) (36) RCW 46.61.525 relating to negligent driving;
2 (~~(38)~~) (37) RCW 46.61.530 relating to racing of vehicles on
3 highways;
4 (~~(39)~~) (38) RCW 46.61.685 relating to leaving children in an
5 unattended vehicle with the motor running;
6 (~~(40)~~) (39) RCW 46.64.010 relating to unlawful cancellation of or
7 attempt to cancel a traffic citation;
8 (~~(41)~~) (40) RCW 46.64.020 relating to nonappearance after a
9 written promise;
10 (~~(42)~~) (41) RCW 46.64.027 relating to failure to comply;
11 (~~(43)~~) (42) RCW 46.64.048 relating to attempting, aiding,
12 abetting, coercing, and committing crimes;
13 (~~(44)~~) (43) Chapter 46.65 RCW relating to habitual traffic
14 offenders;
15 (~~(45)~~) (44) Chapter 46.70 RCW relating to unfair motor vehicle
16 business practices(~~(, except where that chapter provides for the~~
17 ~~assessment of monetary penalties of a civil nature))~~);
18 (~~(46)~~) (45) Chapter 46.72 RCW relating to the transportation of
19 passengers in for hire vehicles;
20 (~~(47)~~) (46) Chapter 46.80 RCW relating to motor vehicle wreckers;
21 (~~(48)~~) (47) Chapter 46.82 RCW relating to driver's training
22 schools;
23 (~~(49)~~) (48) RCW 46.87.260 relating to alteration or forgery of a
24 cab card, letter of authority, or other temporary authority issued
25 under chapter 46.87 RCW(~~(+~~
26 ~~(50) RCW 46.87.290 relating to operation of an unregistered or~~
27 ~~unlicensed vehicle under chapter 46.87 RCW))~~).

28 **Sec. 7.** RCW 46.70.125 and 1986 c 165 s 1 are each amended to read
29 as follows:

30 A vehicle dealer who sells used vehicles shall either display on
31 the vehicle, or disclose upon request, the written asking price of a
32 specific vehicle offered for sale by the dealer as of that time.

33 A violation of this section is a traffic infraction and is an
34 unfair business practice under chapter 19.86 RCW, the Consumer
35 Protection Act, and the provisions of chapter 46.70 RCW.

36 **Sec. 8.** RCW 46.87.290 and 1987 c 244 s 42 are each amended to read
37 as follows:

1 If the director or the director's designee determines at any time
2 that an applicant for proportional registration of a vehicle or a fleet
3 of vehicles is not entitled to a cab card for a vehicle or fleet of
4 vehicles, the director may refuse to issue the cab card(s) or to
5 license the vehicle or fleet of vehicles and may for like reason, after
6 notice, and in the exercise of discretion, cancel the cab card(s) and
7 license plate(s) already issued. The notice shall be served personally
8 or sent by certified mail (registered mail for Canadian addresses),
9 return receipt requested. If sent by mail, service is deemed to have
10 been accomplished on the date the notice was deposited in the United
11 States mail, postage prepaid, addressed to the owner of the vehicle in
12 question at the owner's address as it appears in the proportional
13 registration records of the department. It is then unlawful for any
14 person to remove, drive, or operate the vehicle(s) until a proper
15 certificate(s) of registration or cab card(s) has been issued. Any
16 person removing, driving, or operating the vehicle(s) after the refusal
17 of the director or the director's designee to issue a cab card(s),
18 certificate(s) of registration, license plate(s), or the revocation
19 thereof is guilty of a (~~gross misdemeanor~~) traffic infraction. At
20 the discretion of the director or the director's designee, a vehicle
21 that has been moved, driven, or operated in violation of this section
22 may be impounded by the Washington state patrol, county sheriff, or
23 city police in a manner directed for such cases by the chief of the
24 Washington state patrol until proper registration and license plate
25 have been issued.

26 **Sec. 9.** RCW 47.52.120 and 1987 c 330 s 748 are each amended to
27 read as follows:

28 After the opening of any limited access highway facility, (~~it~~
29 ~~shall be unlawful for any~~) no person may (1) (~~to~~) drive a vehicle
30 over, upon, or across any curb, central dividing section, or other
31 separation or dividing line on limited access facilities; (2) (~~to~~)
32 make a left turn or semicircular or U-turn except through an opening
33 provided for that purpose in the dividing curb section, separation, or
34 line; (3) (~~to~~) drive any vehicle except in the proper lane provided
35 for that purpose and in the proper direction and to the right of the
36 central dividing curb, separation section, or line; (4) (~~to~~) drive
37 any vehicle into the limited access facility from a local service road
38 except through an opening provided for that purpose in the dividing

1 curb, dividing section, or dividing line which separates such service
2 road from the limited access facility proper; (5) ~~((tø))~~ stop or park
3 any vehicle or equipment within the right of way of such facility,
4 including the shoulders thereof, except at points specially provided
5 therefor, and to make only such use of such specially provided stopping
6 or parking points as is permitted by the designation thereof:
7 PROVIDED, That this subsection shall not apply to authorized emergency
8 vehicles, law enforcement vehicles, assistance vans, or to vehicles
9 stopped for emergency causes or equipment failures; (6) ~~((tø))~~ travel
10 to or from such facility at any point other than a point designated by
11 the establishing authority as an approach to the facility or to use an
12 approach to such facility for any use in excess of that specified by
13 the establishing authority. For the purposes of this section, an
14 assistance van is a vehicle rendering aid free of charge to vehicles
15 with equipment or fuel problems. The state patrol shall establish by
16 rule additional standards and operating procedures, as needed, for
17 assistance vans.

18 ~~((Any person who violates any of the provisions of this section is
19 guilty of a misdemeanor and upon arrest and conviction therefor shall
20 be punished by a fine of not less than five dollars nor more than one
21 hundred dollars, or by imprisonment in the city or county jail for not
22 less than five days nor more than ninety days, or by both fine and
23 imprisonment.))~~ A violation of this section is a class 2 infraction
24 under chapter 7.80 RCW. Nothing contained in this section prevents the
25 highway authority from proceeding to enforce the prohibitions or
26 limitations of access to such facilities by injunction or as otherwise
27 provided by law.

28 **Sec. 10.** RCW 70.93.060 and 1983 c 277 s 1 are each amended to read
29 as follows:

30 No person shall throw, drop, deposit, discard, or otherwise dispose
31 of litter upon any public property in the state or upon private
32 property in this state not owned by him or her or in the waters of this
33 state whether from a vehicle or otherwise including but not limited to
34 any public highway, public park, beach, campground, forest land,
35 recreational area, trailer park, highway, road, street, or alley
36 except:

37 (1) When such property is designated by the state or by any of its
38 agencies or political subdivisions for the disposal of garbage and

1 refuse, and such person is authorized to use such property for such
2 purpose;

3 (2) Into a litter receptacle in such a manner that the litter will
4 be prevented from being carried away or deposited by the elements upon
5 any part of said private or public property or waters.

6 ~~((Any person violating the provisions of this section shall be
7 guilty of a misdemeanor and the fine for such violation shall not be
8 less than fifty dollars for each offense. In addition thereto, except
9 where infirmity or age or other circumstance would create a hardship,
10 such person shall be directed by the court in which conviction is
11 obtained to pick up and remove litter from public property and/or
12 private property, with prior permission of the legal owner, for not
13 less than eight hours nor more than sixteen hours for each separate
14 offense. The court shall schedule the time to be spent on such
15 activities in such a manner that it does not interfere with the
16 person's employment and does not interfere substantially with the
17 person's family responsibilities.))~~ A violation of this section is a
18 class 2 infraction under chapter 7.80 RCW.

19 **Sec. 11.** RCW 81.80.070 and 1963 c 242 s 1 are each amended to read
20 as follows:

21 No "common carrier," "contract carrier," or "temporary carrier"
22 shall operate for the transportation of property for compensation in
23 this state without first obtaining from the commission a permit so to
24 do. A violation of this provision is a class 2 infraction under
25 chapter 7.80 RCW. Permits heretofore issued or hereafter issued to any
26 carrier, shall be exercised by said carrier to the fullest extent so as
27 to render reasonable service to the public. Applications for common or
28 contract carrier permits or extensions thereof shall be on file for a
29 period of at least thirty days prior to the granting thereof unless the
30 commission finds that special conditions require the earlier granting
31 thereof.

32 A permit or extension thereof shall be issued to any qualified
33 applicant therefor, authorizing the whole or any part of the operations
34 covered by the application, if it is found that the applicant is fit,
35 willing, and able properly to perform the services proposed and conform
36 to the provisions of this chapter and the requirements, rules and
37 regulations of the commission thereunder, and that such operations will
38 be consistent with the public interest, and, in the case of common

1 carriers, that the same are or will be required by the present or
2 future public convenience and necessity, otherwise such application
3 shall be denied.

4 Nothing contained in this chapter shall be construed to confer upon
5 any person or persons the exclusive right or privilege of transporting
6 property for compensation over the public highways of the state.

7 **Sec. 12.** RCW 81.80.371 and 1963 c 59 s 9 are each amended to read
8 as follows:

9 ~~((It shall be unlawful for any))~~ No carrier ~~((to))~~ may perform a
10 transportation service for compensation upon the public highways of
11 this state without first having secured appropriate authority from the
12 Interstate Commerce Commission, if such authority is required, and
13 without first having registered such authority, if any, with the
14 commission.

15 ~~((It shall also be unlawful for a))~~ No carrier ~~((to))~~ may perform
16 a transportation service for compensation on the public highways of
17 this state as an interstate carrier of commodities included in the
18 exemptions provided in section 203(b) of the Interstate Commerce Act
19 without having first registered as such a carrier with the commission.

20 Such registration shall be granted upon application, without
21 hearing, upon payment of the appropriate filing fee prescribed by this
22 chapter for other applications for operating authority.

23 A violation of this section is a class 2 infraction under chapter
24 7.80 RCW.

25 **Sec. 13.** RCW 88.02.020 and 1985 c 267 s 1 are each amended to read
26 as follows:

27 Except as provided in this chapter, no person may own or operate
28 any vessel on the waters of this state unless the vessel has been
29 registered and displays a registration number and a valid decal in
30 accordance with this chapter, except that a vessel which has or is
31 required to have a valid marine document as a vessel of the United
32 States is only required to display a valid decal. A violation of this
33 section is a class 2 infraction under chapter 7.80 RCW.

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