
SUBSTITUTE SENATE BILL 6523

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

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

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

28 In addition to other responsibilities set forth in this chapter the
29 state patrol shall:

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

34 (2) Advise and confer with the governing authority of any political
35 subdivision of the state deemed eligible under the federal Highway
36 Safety Act of 1966 for participation in the aims and programs and
37 purposes of that act;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32 A bicycle awareness program is created within the Washington state
33 patrol. In developing the curriculum for the bicycle awareness program
34 the patrol shall consult with (~~the traffic safety commission and~~
35 ~~with~~) bicycling groups providing bicycle safety education. The patrol
36 shall conduct the program in conjunction with the safety education
37 officer program and may use other law enforcement personnel and
38 volunteers to implement the program for children in grades kindergarten

1 through six. The patrol shall ensure that each safety educator
2 presenting the bicycle awareness program has received specialized
3 training in bicycle safety education and has been trained in effective
4 defensive bicycle riding skills.

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

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

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

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

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

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

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

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

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

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

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

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

- 30 (1) driver examining and licensing;
- 31 (2) driver improvement;
- 32 (3) driver records;
- 33 (4) financial responsibility;
- 34 (5) certificates of ownership;
- 35 (6) certificates of license registration and license plates;
- 36 (7) proration and reciprocity;
- 37 (8) liquid fuel tax collections;

1 (9) licensing of dealers, motor vehicle transporters, motor vehicle
2 wreckers, for hire vehicles, and drivers' schools;

3 (10) general highway safety promotion in cooperation with the
4 Washington state patrol (~~and traffic safety commission~~);

5 (11) such other activities as the legislature may provide.

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

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

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

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

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

36 (1) The director shall be assisted in the duties and
37 responsibilities of this chapter by the driver instructors' advisory

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

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

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

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

20 (b) Review violations of this chapter and to recommend to the
21 director appropriate enforcement or disciplinary action as provided in
22 this chapter;

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

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

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

32 In consultation with the chief of the Washington state patrol (~~and~~
33 ~~the traffic safety commission~~), the director shall adopt in accordance
34 with chapter 34.05 RCW a model traffic ordinance for use by any city,
35 town, or county. The addition of any new section to, or amendment or
36 repeal of any section in, the model traffic ordinance is deemed to
37 amend any city, town, or county, ordinance which has adopted by
38 reference the model traffic ordinance or any part thereof, and it shall

1 not be necessary for the legislative authority of any city, town, or
2 county to take any action with respect to such addition, amendment, or
3 repeal notwithstanding the provisions of RCW 35.21.180, 35A.12.140,
4 35A.13.180, and 36.32.120(7).

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

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

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

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

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

- 1 (2) RCW 43.59.020 and 1967 ex.s. c 147 s 2;
2 (3) RCW 43.59.030 and 1991 c 3 s 298, 1982 c 30 s 1, 1979 c 158 s
3 105, 1971 ex.s. c 85 s 7, 1969 ex.s. c 105 s 1, & 1967 ex.s. c 147 s 3;
4 (4) RCW 43.59.040 and 1983 1st ex.s. c 14 s 1 & 1967 ex.s. c 147 s
5 4;
6 (5) RCW 43.59.050 and 1975-'76 2nd ex.s. c 34 s 120 & 1967 ex.s. c
7 147 s 6;
8 (6) RCW 43.59.060 and 1967 ex.s. c 147 s 7;
9 (7) RCW 43.59.070 and 1967 ex.s. c 147 s 8;
10 (8) RCW 43.59.080 and 1967 ex.s. c 147 s 9;
11 (9) RCW 43.59.130 and 1987 c 505 s 31, 1971 ex.s. c 195 s 5, & 1967
12 ex.s. c 147 s 14; and
13 (10) RCW 43.59.140 and 1991 c 290 s 4 & 1983 c 165 s 42.

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

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