

SHB 1438 - H AMD 135

By Representative Sullivan

ADOPTED 03/13/2003

1 On page 2, after line 3, insert the following:

2 "Sec. 3. RCW 46.37.010 and 1997 c 241 s 14 are each amended to
3 read as follows:

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

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

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

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

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

1 (6) The provisions of this chapter with respect to equipment
2 required on vehicles shall not apply to neighborhood electric vehicles,
3 motorcycles, or motor-driven cycles except as herein made applicable.

4 (7) This chapter does not apply to vehicles used by the state parks
5 and recreation commission exclusively for park maintenance and
6 operations upon public highways within state parks.

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

11 (9) Whenever a traffic infraction is chargeable to the owner or
12 lessee of a vehicle under subsection (1) of this section, the driver
13 shall not be arrested or issued a notice of traffic infraction unless
14 the vehicle is registered in a jurisdiction other than Washington
15 state, or unless the infraction is for an offense that is clearly
16 within the responsibility of the driver.

17 (10) Whenever the owner or lessee is issued a notice of traffic
18 infraction under this section the court may, on the request of the
19 owner or lessee, take appropriate steps to make the driver of the
20 vehicle, or any other person who directs the loading, maintenance, or
21 operation of the vehicle, a codefendant. If the codefendant is held
22 solely responsible and is found to have committed the traffic
23 infraction, the court may dismiss the notice against the owner or
24 lessee."

25 Renumber the sections following consecutively, correct any internal
26 references accordingly, and correct the title.

EFFECT: Neighborhood electric vehicles are exempted from vehicle
equipment requirements prescribed for other vehicles. (The underlying
bill requires that these vehicles meet special standards prescribed by
the United States Department of Transportation for these type of
vehicles.) Seatbelt and child restraint requirements and other
standards prescribed in the bill are retained.

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