
HOUSE BILL 3228

State of Washington 60th Legislature 2008 Regular Session

By Representatives Warnick, Hinkle, and Dunn

Read first time 01/25/08. Referred to Committee on Transportation.

1 AN ACT Relating to allowing local governments to create golf cart
2 and snowmobile zones; amending RCW 46.04.320, 46.04.670, 46.16.010,
3 46.61.687, and 46.61.688; reenacting and amending RCW 46.37.010; adding
4 a new section to chapter 46.04 RCW; adding a new section to chapter
5 46.08 RCW; and adding a new section to chapter 46.10 RCW.

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

7 **Sec. 1.** RCW 46.04.320 and 2007 c 510 s 1 are each amended to read
8 as follows:

9 "Motor vehicle" means every vehicle that is self-propelled and
10 every vehicle that is propelled by electric power obtained from
11 overhead trolley wires, but not operated upon rails. "Motor vehicle"
12 includes a neighborhood electric vehicle as defined in RCW 46.04.357.
13 "Motor vehicle" includes a medium-speed electric vehicle as defined in
14 RCW 46.04.295. An electric personal assistive mobility device is not
15 considered a motor vehicle. A power wheelchair is not considered a
16 motor vehicle. A golf cart or snowmobile is not considered a motor
17 vehicle, except for the purposes of chapter 46.61 RCW.

1 **Sec. 2.** RCW 46.04.670 and 2003 c 141 s 6 are each amended to read
2 as follows:

3 "Vehicle" includes every device capable of being moved upon a
4 public highway and in, upon, or by which any persons or property is or
5 may be transported or drawn upon a public highway, including bicycles.
6 The term does not include power wheelchairs or devices other than
7 bicycles moved by human or animal power or used exclusively upon
8 stationary rails or tracks. Mopeds shall not be considered vehicles or
9 motor vehicles for the purposes of chapter 46.70 RCW. Bicycles shall
10 not be considered vehicles for the purposes of chapter 46.12, 46.16, or
11 46.70 RCW. Electric personal assistive mobility devices are not
12 considered vehicles or motor vehicles for the purposes of chapter
13 46.12, 46.16, 46.29, 46.37, or 46.70 RCW. A golf cart or snowmobile is
14 not considered a vehicle, except for the purposes of chapter 46.61 RCW.

15 NEW SECTION. **Sec. 3.** A new section is added to chapter 46.04 RCW
16 to read as follows:

17 "Golf cart" means a gas-powered or electric-powered four-wheeled
18 vehicle originally designed and manufactured for operation on a golf
19 course for sporting purposes and has a speed attainable in one mile of
20 not more than fifteen miles per hour. A golf cart is not a nonhighway
21 vehicle or off-road vehicle as defined in RCW 46.09.020.

22 NEW SECTION. **Sec. 4.** A new section is added to chapter 46.08 RCW
23 to read as follows:

24 (1) The legislative authority of a city or county may by ordinance
25 or resolution create a golf cart zone surrounding a golf course, for
26 the purposes of permitting the incidental operation of golf carts, as
27 defined in section 3 of this act, upon a street or highway of this
28 state having a speed limit of twenty-five miles per hour or less.

29 (2) Every person operating a golf cart upon a highway of this state
30 in a golf cart zone is granted all rights and is subject to all duties
31 applicable to the driver of a vehicle under chapter 46.61 RCW.

32 (3) Golf carts may not be operated in a golf cart zone at any time
33 from one-half hour after sunset to one-half hour before sunrise.

34 (4) If the golf course within the golf cart zone has a minimum age
35 requirement for cart rental or operation, or both, the city or county

1 shall include the same age requirement as a restriction on the
2 operation of golf carts within the golf cart zone.

3 NEW SECTION. **Sec. 5.** A new section is added to chapter 46.10 RCW
4 to read as follows:

5 (1) The legislative authority of a city or county may by ordinance
6 or resolution create a snowmobile zone for the purposes of permitting
7 the incidental operation of snowmobiles upon a street or highway of
8 this state. Snowmobiles must be limited to a maximum speed of twenty-
9 five miles per hour.

10 (2) Every person operating a snowmobile upon a highway of this
11 state in a snowmobile zone is granted all rights and is subject to all
12 duties applicable to the driver of a vehicle under chapter 46.61 RCW.

13 (3) Snowmobiles may not be operated in a snowmobile zone at any
14 time from one-half hour after sunset to one-half hour before sunrise.

15 **Sec. 6.** RCW 46.16.010 and 2007 c 242 s 2 are each amended to read
16 as follows:

17 (1) It is unlawful for a person to operate any vehicle over and
18 along a public highway of this state without first having obtained and
19 having in full force and effect a current and proper vehicle license
20 and display vehicle license number plates therefor as by this chapter
21 provided.

22 (2) Failure to make initial registration before operation on the
23 highways of this state is a traffic infraction, and any person
24 committing this infraction shall pay a penalty of five hundred twenty-
25 nine dollars, no part of which may be suspended or deferred.

26 (3) Failure to renew an expired registration before operation on
27 the highways of this state is a traffic infraction.

28 (4) The licensing of a vehicle in another state by a resident of
29 this state, as defined in RCW 46.16.028, evading the payment of any tax
30 or license fee imposed in connection with registration, is a gross
31 misdemeanor punishable as follows:

32 (a) For a first offense, up to one year in the county jail and
33 payment of a fine of five hundred twenty-nine dollars plus twice the
34 amount of delinquent taxes and fees, no part of which may be suspended
35 or deferred;

1 (b) For a second or subsequent offense, up to one year in the
2 county jail and payment of a fine of five hundred twenty-nine dollars
3 plus four times the amount of delinquent taxes and fees, no part of
4 which may be suspended or deferred;

5 (c) For fines levied under (b) of this subsection, an amount equal
6 to the avoided taxes and fees owed will be deposited in the vehicle
7 licensing fraud account created in the state treasury;

8 (d) The avoided taxes and fees shall be deposited and distributed
9 in the same manner as if the taxes and fees were properly paid in a
10 timely fashion.

11 (5) These provisions shall not apply to the following vehicles:

12 (a) Motorized foot scooters;

13 (b) Electric-assisted bicycles;

14 (c) Off-road vehicles operating on nonhighway roads under RCW
15 46.09.115;

16 (d) Farm vehicles if operated within a radius of fifteen miles of
17 the farm where principally used or garaged, farm tractors and farm
18 implements including trailers designed as cook or bunk houses used
19 exclusively for animal herding temporarily operating or drawn upon the
20 public highways, and trailers used exclusively to transport farm
21 implements from one farm to another during the daylight hours or at
22 night when such equipment has lights that comply with the law;

23 (e) Spray or fertilizer applicator rigs designed and used
24 exclusively for spraying or fertilization in the conduct of
25 agricultural operations and not primarily for the purpose of
26 transportation, and nurse rigs or equipment auxiliary to the use of and
27 designed or modified for the fueling, repairing, or loading of spray
28 and fertilizer applicator rigs and not used, designed, or modified
29 primarily for the purpose of transportation;

30 (f) Fork lifts operated during daylight hours on public highways
31 adjacent to and within five hundred feet of the warehouses which they
32 serve: PROVIDED FURTHER, That these provisions shall not apply to
33 vehicles used by the state parks and recreation commission exclusively
34 for park maintenance and operations upon public highways within state
35 parks;

36 (g) "Trams" used for transporting persons to and from facilities
37 related to the horse racing industry as regulated in chapter 67.16 RCW,
38 as long as the public right-of-way routes over which the trams operate

1 are not more than one mile from end to end, the public rights-of-way
2 over which the tram operates have an average daily traffic of not more
3 than 15,000 vehicles per day, and the activity is in conformity with
4 federal law. The operator must be a licensed driver and at least
5 eighteen years old. For the purposes of this section, "tram" also
6 means a vehicle, or combination of vehicles linked together with a
7 single mode of propulsion, used to transport persons from one location
8 to another;

9 (h) "Special highway construction equipment" defined as follows:
10 Any vehicle which is designed and used primarily for grading of
11 highways, paving of highways, earth moving, and other construction work
12 on highways and which is not designed or used primarily for the
13 transportation of persons or property on a public highway and which is
14 only incidentally operated or moved over the highway. It includes, but
15 is not limited to, road construction and maintenance machinery so
16 designed and used such as portable air compressors, air drills, asphalt
17 spreaders, bituminous mixers, bucket loaders, track laying tractors,
18 ditchers, leveling graders, finishing machines, motor graders, paving
19 mixers, road rollers, scarifiers, earth moving scrapers and carryalls,
20 lighting plants, welders, pumps, power shovels and draglines, self-
21 propelled and tractor-drawn earth moving equipment and machinery,
22 including dump trucks and tractor-dump trailer combinations which
23 either (i) are in excess of the legal width, or (ii) which, because of
24 their length, height, or unladen weight, may not be moved on a public
25 highway without the permit specified in RCW 46.44.090 and which are not
26 operated laden except within the boundaries of the project limits as
27 defined by the contract, and other similar types of construction
28 equipment, or (iii) which are driven or moved upon a public highway
29 only for the purpose of crossing such highway from one property to
30 another, provided such movement does not exceed five hundred feet and
31 the vehicle is equipped with wheels or pads which will not damage the
32 roadway surface.

33 Exclusions:

34 "Special highway construction equipment" does not include any of
35 the following:

36 Dump trucks originally designed to comply with the legal size and
37 weight provisions of this code notwithstanding any subsequent
38 modification which would require a permit, as specified in RCW

1 46.44.090, to operate such vehicles on a public highway, including
2 trailers, truck-mounted transit mixers, cranes and shovels, or other
3 vehicles designed for the transportation of persons or property to
4 which machinery has been attached;

5 (i) Golf carts, as defined in section 3 of this act, operating
6 within a designated golf cart zone as described in section 4 of this
7 act; and

8 (j) Snowmobiles, as defined in RCW 46.10.010, operating within a
9 designated snowmobile zone as described in section 5 of this act.

10 (6) The following vehicles, whether operated solo or in
11 combination, are exempt from license registration and displaying
12 license plates as required by this chapter:

13 (a) A converter gear used to convert a semitrailer into a trailer
14 or a two-axle truck or tractor into a three or more axle truck or
15 tractor or used in any other manner to increase the number of axles of
16 a vehicle. Converter gear includes an auxiliary axle, booster axle,
17 dolly, and jeep axle.

18 (b) A tow dolly that is used for towing a motor vehicle behind
19 another motor vehicle. The front or rear wheels of the towed vehicle
20 are secured to and rest on the tow dolly that is attached to the towing
21 vehicle by a tow bar.

22 (c) An off-road vehicle operated on a street, road, or highway as
23 authorized under RCW 46.09.180.

24 (7)(a) A motor vehicle subject to initial or renewal registration
25 under this section shall not be registered to a natural person unless
26 the person at time of application:

27 (i) Presents an unexpired Washington state driver's license; or

28 (ii) Certifies that he or she is:

29 (A) A Washington resident who does not operate a motor vehicle on
30 public roads; or

31 (B) Exempt from the requirement to obtain a Washington state
32 driver's license under RCW 46.20.025.

33 (b) For shared or joint ownership, the department will set up
34 procedures to verify that all owners meet the requirements of this
35 subsection.

36 (c) A person falsifying residency is guilty of a gross misdemeanor
37 punishable only by a fine of five hundred twenty-nine dollars.

1 (d) The department may adopt rules necessary to implement this
2 subsection, including rules under which a natural person applying for
3 registration may be exempt from the requirements of this subsection
4 where the person provides evidence satisfactory to the department that
5 he or she has a valid and compelling reason for not being able to meet
6 the requirements of this subsection.

7 (8) A vehicle with an expired registration of more than forty-five
8 days parked on a public street may be impounded by a police officer
9 under RCW 46.55.113(2).

10 **Sec. 7.** RCW 46.37.010 and 2006 c 306 s 1 and 2006 c 212 s 5 are
11 each reenacted and amended to read as follows:

12 (1) It is a traffic infraction for any person to drive or move, or
13 for a vehicle owner to cause or knowingly permit to be driven or moved,
14 on any highway any vehicle or combination of vehicles that:

15 (a) Is in such unsafe condition as to endanger any person;

16 (b) Is not at all times equipped with such lamps and other
17 equipment in proper working condition and adjustment as required by
18 this chapter or by rules issued by the Washington state patrol;

19 (c) Contains any parts in violation of this chapter or rules issued
20 by the Washington state patrol.

21 (2) It is a traffic infraction for any person to do any act
22 forbidden or fail to perform any act required under this chapter or
23 rules issued by the Washington state patrol.

24 (3) Nothing contained in this chapter or the state patrol's
25 regulations shall be construed to prohibit the use of additional parts
26 and accessories on any vehicle not inconsistent with the provisions of
27 this chapter or the state patrol's regulations.

28 (4) The provisions of the chapter and the state patrol's
29 regulations with respect to equipment on vehicles shall not apply to
30 implements of husbandry, road machinery, road rollers, or farm tractors
31 except as herein made applicable.

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

36 (6) It is a traffic infraction for any person to sell or offer for

1 sale vehicle equipment which is required to be approved by the state
2 patrol as prescribed in RCW 46.37.005 unless it has been approved by
3 the state patrol.

4 (7) The provisions of this chapter with respect to equipment
5 required on vehicles shall not apply to:

6 (a) Motorcycles or motor-driven cycles except as herein made
7 applicable;

8 (b) Golf carts, as defined in section 3 of this act, operating
9 within a designated golf cart zone as described in section 4 of this
10 act;

11 (c) Snowmobiles, as defined in RCW 46.10.010, operating within a
12 designated snowmobile zone as described in section 5 of this act.

13 (8) This chapter does not apply to off-road vehicles used on
14 nonhighway roads or used on streets, roads, or highways as authorized
15 under RCW 46.09.180.

16 (9) This chapter does not apply to vehicles used by the state parks
17 and recreation commission exclusively for park maintenance and
18 operations upon public highways within state parks.

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

23 (11) Whenever a traffic infraction is chargeable to the owner or
24 lessee of a vehicle under subsection (1) of this section, the driver
25 shall not be arrested or issued a notice of traffic infraction unless
26 the vehicle is registered in a jurisdiction other than Washington
27 state, or unless the infraction is for an offense that is clearly
28 within the responsibility of the driver.

29 (12) Whenever the owner or lessee is issued a notice of traffic
30 infraction under this section the court may, on the request of the
31 owner or lessee, take appropriate steps to make the driver of the
32 vehicle, or any other person who directs the loading, maintenance, or
33 operation of the vehicle, a codefendant. If the codefendant is held
34 solely responsible and is found to have committed the traffic
35 infraction, the court may dismiss the notice against the owner or
36 lessee.

1 **Sec. 8.** RCW 46.61.687 and 2007 c 510 s 4 are each amended to read
2 as follows:

3 (1) Whenever a child who is less than sixteen years of age is being
4 transported in a motor vehicle that is in operation and that is
5 required by RCW 46.37.510 to be equipped with a safety belt system in
6 a passenger seating position, or is being transported in a neighborhood
7 electric vehicle or medium-speed electric vehicle that is in operation,
8 the driver of the vehicle shall keep the child properly restrained as
9 follows:

10 (a) A child must be restrained in a child restraint system, if the
11 passenger seating position equipped with a safety belt system allows
12 sufficient space for installation, until the child is eight years old,
13 unless the child is four feet nine inches or taller. The child
14 restraint system must comply with standards of the United States
15 department of transportation and must be secured in the vehicle in
16 accordance with instructions of the vehicle manufacturer and the child
17 restraint system manufacturer.

18 (b) A child who is eight years of age or older or four feet nine
19 inches or taller shall be properly restrained with the motor vehicle's
20 safety belt properly adjusted and fastened around the child's body or
21 an appropriately fitting child restraint system.

22 (c) The driver of a vehicle transporting a child who is under
23 thirteen years old shall transport the child in the back seat positions
24 in the vehicle where it is practical to do so.

25 (2) Enforcement of subsection (1) of this section is subject to a
26 visual inspection by law enforcement to determine if the child
27 restraint system in use is appropriate for the child's individual
28 height, weight, and age. The visual inspection for usage of a child
29 restraint system must ensure that the child restraint system is being
30 used in accordance with the instruction of the vehicle and the child
31 restraint system manufacturers. The driver of a vehicle transporting
32 a child who is under thirteen years old shall transport the child in
33 the back seat positions in the vehicle where it is practical to do so.

34 (3) A person violating subsection (1) of this section may be issued
35 a notice of traffic infraction under chapter 46.63 RCW. If the person
36 to whom the notice was issued presents proof of acquisition of an
37 approved child passenger restraint system or a child booster seat, as
38 appropriate, within seven days to the jurisdiction issuing the notice

1 and the person has not previously had a violation of this section
2 dismissed, the jurisdiction shall dismiss the notice of traffic
3 infraction.

4 (4) Failure to comply with the requirements of this section shall
5 not constitute negligence by a parent or legal guardian. Failure to
6 use a child restraint system shall not be admissible as evidence of
7 negligence in any civil action.

8 (5) This section does not apply to: (a) For hire vehicles, (b)
9 vehicles designed to transport sixteen or less passengers, including
10 the driver, operated by auto transportation companies, as defined in
11 RCW 81.68.010, (c) vehicles providing customer shuttle service between
12 parking, convention, and hotel facilities, and airport terminals,
13 ~~((and))~~ (d) golf carts, as defined in section 3 of this act, operating
14 within a designated golf cart zone as described in section 4 of this
15 act; (e) snowmobiles, as defined in RCW 46.10.010, operating within a
16 designated snowmobile zone as described in section 5 of this act, and
17 (f) school buses.

18 (6) As used in this section, "child restraint system" means a child
19 passenger restraint system that meets the Federal Motor Vehicle Safety
20 Standards set forth in 49 C.F.R. 571.213.

21 (7) The requirements of subsection (1) of this section do not apply
22 in any seating position where there is only a lap belt available and
23 the child weighs more than forty pounds.

24 (8)(a) Except as provided in (b) of this subsection, a person who
25 has a current national certification as a child passenger safety
26 technician and who in good faith provides inspection, adjustment, or
27 educational services regarding child passenger restraint systems is not
28 liable for civil damages resulting from any act or omission in
29 providing the services, other than acts or omissions constituting gross
30 negligence or willful or wanton misconduct.

31 (b) The immunity provided in this subsection does not apply to a
32 certified child passenger safety technician who is employed by a
33 retailer of child passenger restraint systems and who, during his or
34 her hours of employment and while being compensated, provides
35 inspection, adjustment, or educational services regarding child
36 passenger restraint systems.

1 **Sec. 9.** RCW 46.61.688 and 2007 c 510 s 5 are each amended to read
2 as follows:

3 (1) For the purposes of this section, the term "motor vehicle"
4 includes:

5 (a) "Buses," meaning motor vehicles with motive power, except
6 trailers, designed to carry more than ten passengers;

7 (b) "Multipurpose passenger vehicles," meaning motor vehicles with
8 motive power, except trailers, designed to carry ten persons or less
9 that are constructed either on a truck chassis or with special features
10 for occasional off-road operation;

11 (c) "Neighborhood electric vehicle," meaning a self-propelled,
12 electrically powered four-wheeled motor vehicle whose speed attainable
13 in one mile is more than twenty miles per hour and not more than
14 twenty-five miles per hour and conforms to federal regulations under 49
15 C.F.R. Sec. 571.500;

16 (d) "Medium-speed electric vehicle" meaning a self-propelled,
17 electrically powered four-wheeled motor vehicle, equipped with a roll
18 cage or crush-proof body design, whose speed attainable in one mile is
19 more than thirty miles per hour but not more than thirty-five miles per
20 hour and otherwise meets or exceeds the federal regulations set forth
21 in 49 C.F.R. Sec. 571.500;

22 (e) "Passenger cars," meaning motor vehicles with motive power,
23 except multipurpose passenger vehicles, motorcycles, or trailers,
24 designed for carrying ten passengers or less; and

25 (f) "Trucks," meaning motor vehicles with motive power, except
26 trailers, designed primarily for the transportation of property.

27 (2) This section only applies to motor vehicles that meet the
28 manual seat belt safety standards as set forth in federal motor vehicle
29 safety standard 208 and to neighborhood electric vehicles and medium-
30 speed electric vehicles. This section does not apply to golf carts, as
31 defined in section 3 of this act, operating within a designated golf
32 cart zone as described in section 4 of this act, and snowmobiles, as
33 defined in RCW 46.10.010, operating within a designated snowmobile zone
34 as described in section 5 of this act. This section does not apply to
35 a vehicle occupant for whom no safety belt is available when all
36 designated seating positions as required by federal motor vehicle
37 safety standard 208 are occupied.

1 (3) Every person sixteen years of age or older operating or riding
2 in a motor vehicle shall wear the safety belt assembly in a properly
3 adjusted and securely fastened manner.

4 (4) No person may operate a motor vehicle unless all child
5 passengers under the age of sixteen years are either: (a) Wearing a
6 safety belt assembly or (b) are securely fastened into an approved
7 child restraint device.

8 (5) A person violating this section shall be issued a notice of
9 traffic infraction under chapter 46.63 RCW. A finding that a person
10 has committed a traffic infraction under this section shall be
11 contained in the driver's abstract but shall not be available to
12 insurance companies or employers.

13 (6) Failure to comply with the requirements of this section does
14 not constitute negligence, nor may failure to wear a safety belt
15 assembly be admissible as evidence of negligence in any civil action.

16 (7) This section does not apply to an operator or passenger who
17 possesses written verification from a licensed physician that the
18 operator or passenger is unable to wear a safety belt for physical or
19 medical reasons.

20 (8) The state patrol may adopt rules exempting operators or
21 occupants of farm vehicles, construction equipment, and vehicles that
22 are required to make frequent stops from the requirement of wearing
23 safety belts.

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