
SUBSTITUTE HOUSE BILL 1513

State of Washington

68th Legislature

2023 Regular Session

By House Community Safety, Justice, & Reentry (originally sponsored by Representatives Street, Simmons, Doglio, Pollet, Berry, Gregerson, Ryu, Farivar, Alvarado, Reed, Bateman, Thai, Chopp, Macri, Fitzgibbon, Morgan, Peterson, Santos, Mena, Duerr, Orwall, Ormsby, and Fosse)

READ FIRST TIME 02/15/23.

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 department of commerce shall develop and implement a
18 grant program to support local initiatives that provide solution-
19 oriented responses to nonmoving violations for low-income road users.
20 The department of commerce must prioritize the award of grants to
21 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, law enforcement
31 agencies, or nonprofit organizations.

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

35 (3) Beginning September 1, 2024, and biennially thereafter, the
36 department of commerce 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 as a primary
8 offense:

9 (i) Any nonmoving violation, except violations of RCW 46.37.190,
10 or where a vehicle does not have any license plates, or where the
11 license plate does not match the registered make, model, year, and
12 color of the vehicle;

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

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

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

22 (ii) Prior to first contact with the operator of the vehicle
23 under this subsection (1)(b), the peace officer must log digitally or
24 notify dispatch of the primary reason for the stop, including a
25 detailed description of the immediate, serious threat to the safety
26 of the operator or others on the roadway.

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

36 (c) Enforcement of nonmoving violations may be accomplished as a
37 secondary action when a driver of a motor vehicle has been stopped or
38 detained for a suspected violation of a separate moving violation.

1 (2) (a) Prior to first contact with the operator of a vehicle for
2 a moving violation, a peace officer must log digitally or notify
3 dispatch of the primary reason for the stop.

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

6 (c) For moving violations that are infractions or simple
7 misdemeanors, the peace officer may not request a consent search of
8 the operator of the vehicle, any passengers, or the vehicle. The
9 peace officer may not question the operator of the vehicle or any
10 passenger on a subject other than the moving violation that initiated
11 the stop, unless the peace officer detects evidence that establishes
12 reasonable suspicion sufficient to question the operator about an
13 independent criminal offense.

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

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

32 (5) For purposes of this section:

33 (a) "Immediate, serious threat to the safety of the operator or
34 others on the roadway" means that, based on the totality of the
35 circumstances, it is reasonable for an objective observer to believe
36 that an equipment failure on the vehicle may cause immediate, serious
37 injury to the operator or other persons in the vicinity of the
38 vehicle. Depending on the circumstances, such an immediate threat may
39 include, but is not limited to: Having both taillights, headlights,

1 or brake lights out at nighttime; a shattered windshield impairing
2 the operator's ability to see; or a dragging muffler.

3 (b) "Moving violation" is defined by rule pursuant to RCW
4 46.20.2891.

5 (c) "Nonmoving violation" means any parking violation, equipment
6 violation, or paperwork violation relating to insurance,
7 registration, licensing, and inspection.

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

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

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

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

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

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

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

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

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

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

28 (g) Whether a consent search was requested, and whether the
29 operator or any passengers provided or declined written consent to
30 the search request;

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

35 (i) Whether the vehicle, personal effects, operator, or any
36 passengers were searched, and the approximate age, gender, race, and
37 ethnicity, if known, or tribal affiliation if applicable, of each
38 person searched;

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

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

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

10 (2) Each law enforcement agency in the state must submit the
11 reports required under this section in accordance with the
12 requirements of the statewide use of force data program under RCW
13 10.118.030.

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

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

19 (~~Any~~) Subject to section 3 of this act, any police officer who
20 has received notice of the suspension or revocation of a driver's
21 license from the department of licensing may, during the reported
22 period of such suspension or revocation, stop any motor vehicle
23 identified by its (~~vehicle~~) license plate number as being
24 registered to the person whose driver's license has been suspended or
25 revoked. The driver of such vehicle shall display his or her driver's
26 license upon request of the police officer.

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

29 (~~It~~) Subject to section 3 of this act, in addition to those
30 powers and duties elsewhere granted, the chief of the Washington
31 state patrol shall have the power and the duty to adopt, apply, and
32 enforce such reasonable rules and regulations (1) relating to proper
33 types of vehicles or combinations thereof for hauling passengers,
34 commodities, freight, and supplies, (2) relating to vehicle
35 equipment, and (3) relating to the enforcement of the provisions of
36 this title with regard to vehicle equipment, as may be deemed
37 necessary for the public welfare and safety in addition to but not
38 inconsistent with the provisions of this title.

1 The chief of the Washington state patrol is authorized to adopt
2 by regulation, federal standards relating to motor vehicles and
3 vehicle equipment, issued pursuant to the National Traffic and Motor
4 Vehicle Safety Act of 1966, or any amendment to said act,
5 notwithstanding any provision in Title 46 RCW inconsistent with such
6 standards. Federal standards adopted pursuant to this section shall
7 be applicable only to vehicles manufactured in a model year following
8 the adoption of such standards.

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

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

30 (2) Every manufacturer who sells or offers for sale lighting
31 devices or other safety equipment subject to requirements established
32 by the state patrol shall, if the lighting device or safety equipment
33 is not in conformance with applicable federal motor vehicle safety
34 standards, provide for submission of such lighting device or safety
35 equipment to any recognized organization or agency such as, but not
36 limited to, the American national standards institute, the society of
37 automotive engineers, or the American association of motor vehicle
38 administrators, as the agent of the state patrol. Issuance of a
39 certificate of compliance for any lighting device or item of safety

1 equipment by that agent is deemed to comply with the standards set
2 forth by the state patrol. Such certificate shall be issued by the
3 agent of the state before sale of the product within the state.

4 (3) The state patrol may at any time request from the
5 manufacturer a copy of the test data showing proof of compliance of
6 any device with the requirements established by the state patrol and
7 additional evidence that due care was exercised in maintaining
8 compliance during production. If the manufacturer fails to provide
9 such proof of compliance within ~~((sixty))~~ 60 days of notice from the
10 state patrol, the state patrol may prohibit the sale of the device in
11 this state until acceptable proof of compliance is received by the
12 state patrol.

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

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

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

23 (2) Hydraulic brake fluid shall be distributed and serviced with
24 due regard for the safety of the occupants of the vehicle and the
25 public.

26 (3) ~~((The))~~ Subject to section 3 of this act, the chief of the
27 Washington state patrol shall, in compliance with ~~((the provisions~~
28 ~~of))~~ chapter 34.05 RCW, ~~((the administrative procedure act, which~~
29 ~~govern the adoption of rules,))~~ adopt and enforce regulations for the
30 administration of this section and shall adopt and publish standards
31 and specifications for hydraulic brake fluid which shall correlate
32 with, and so far as practicable conform to, the then current
33 standards and specifications of the society of automotive engineers
34 applicable to such fluid.

35 (4) No person shall distribute, have for sale, offer for sale, or
36 sell any hydraulic brake fluid unless it complies with the
37 requirements of this section and the standard specifications adopted
38 by the state patrol. No person shall service any vehicle with brake

1 fluid unless it complies with the requirements of this section and
2 the standards and specifications adopted by the state patrol.

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

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

8 (1) "Air conditioning equipment," as used or referred to in this
9 section, means mechanical vapor compression refrigeration equipment
10 that is used to cool the driver's or passenger compartment of any
11 motor vehicle.

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

18 (3) (~~The~~) Subject to section 3 of this act, the state patrol
19 may enforce safety requirements, regulations, and specifications
20 consistent with the requirements of this section applicable to air
21 conditioning equipment which must correlate with and, so far as
22 possible, conform to the current recommended practice or standard
23 applicable to air conditioning equipment approved by the society of
24 automotive engineers.

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

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

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

33 (~~The~~) Subject to section 3 of this act, the provisions of this
34 title with regard to the apprehension and arrest of persons violating
35 this title shall govern all police officers in making arrests without
36 a warrant for violations of this title for offenses either committed
37 in their presence or believed to have been committed based on
38 probable cause pursuant to RCW 10.31.100, but the procedure

1 prescribed herein shall not otherwise be exclusive of any other
2 method prescribed by law for the arrest and prosecution of a person
3 for other like offenses.

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

6 To carry out the purpose of RCW 46.64.060 and (~~46.64.070~~)
7 subject to section 3 of this act, officers of the Washington state
8 patrol are hereby empowered during daylight hours and while using
9 plainly marked state patrol vehicles to require the driver of any
10 motor vehicle being operated on any highway of this state to stop and
11 display his or her driver's license and/or to submit the motor
12 vehicle being driven by such person to an inspection and test to
13 ascertain whether such vehicle complies with the minimum equipment
14 requirements prescribed by chapter 46.37 RCW, as now or hereafter
15 amended. No criminal citation shall be issued for a period of ten
16 days after giving a warning ticket pointing out the defect.

17 The powers conferred by (~~RCW 46.64.060 and 46.64.070~~) this
18 section are in addition to all other powers conferred by law upon
19 such officers(~~(7)~~) including, but not limited to, powers conferred
20 upon them as police officers pursuant to RCW 46.20.349 and powers
21 conferred by chapter 46.32 RCW.

22 NEW SECTION. **Sec. 12.** The provisions of this act must be
23 liberally construed to accomplish their purpose, and if any provision
24 of this act conflicts with any other statute, ordinance, rule, or
25 regulation of any public employer, the provision of this act
26 controls.

27 NEW SECTION. **Sec. 13.** If any provision of this act or its
28 application to any person or circumstance is held invalid, the
29 remainder of the act or the application of the provision to other
30 persons or circumstances is not affected.

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