

the previous license year for which an annual license period is prescribed and who continues to engage in the activity shall, upon failure to make timely application for renewal of the license, pay a late renewal fee as follows:

a. If the renewal application is received after the date of expiration of the previous license but before the end of thirty days into the new license year, ten percent of the annual license fee or Ten Dollars (\$10.00) whichever is greater;

b. If the renewal application is received after thirty days into the new license year, twenty percent or Twenty-five Dollars (\$25.00), whichever is greater.

2. No annual license shall be issued until any late renewal fee has been paid; provided, that payment of the late renewal fee may be waived whenever the Director finds that timely application was beyond the control of the licensee by reason of severe circumstances; for example, serious illness of the licensee, death or incapacity of an accountant or other person who retains possession of the licensee's license records, loss of business records due to theft, fire, flood or other similar acts.

(Ord. 109494 § 2, 1980: Ord. 108675 § 5, 1979: Ord. 107158 § 11, 1978: Ord. 106025 § 2, 1976: Ord. 102626 § 2, 1973: Ord. 96787 § 1, 1968: Ord. 96125 § 9, 1967: Ord. 88241 § 3, 1959: Ord. 80601 § 9, 1951: Ord. 80028 § 16, 1951.)

#### 10.14.180 Inspection of licensed premises.

The Director may inspect any place or premises licensed or for which a certificate of registration has been issued under this chapter at any time, or the place or premises of all wholesale meat shops licensed under Ordinance No. 94465,<sup>1</sup> as amended, and approved by the Director for the preparation of processing of poultry, rabbit or fish. Whenever any inspection is made of any such place or premises located more than one mile beyond the city limits, either upon an application for a license or otherwise, the applicant or the licensee shall pay the city for such inspection the actual travel cost of the inspector or the estimated travel cost for use of city or private motor vehicle at the rate of ten cents (\$.10) per mile for each mile of travel. Such payment shall be made within ten days after a bill therefor is presented; and the money paid therefor shall be placed in the City-County Health Fund.

(Ord. 108675 § 6, 1979: Ord. 96125 § 7, 1967: Ord. 80601 § 5, 1951: Ord. 80028 § 9, 1951.)

1. Editor's Note: Ord. 94465 is codified in Chapter 10.12 of this Code.

#### 10.14.250 Fees placed in the City-County Health Fund.

All fees required under this chapter shall be paid to the City Treasurer and placed in the City-County Health Fund.

(Ord. 108675 § 7, 1979: Ord. 96125 § 13, 1967: Ord. 80028 § 20, 1951.)

### Subchapter II Poultry Processing Plants

#### 10.14.410 Payment of charges.

Each such poultry processing plant using the wholesomeness inspection label shall pay such fees and charges as required in this subchapter to the Director not later than ten days after a statement is rendered showing the amount due; and upon payment of such fees and charges, the Director shall remit the same to the City Treasurer to be credited to the City-County Health Fund.

(Ord. 108675 § 8, 1979: Ord. 85679 § 3, 1956.)

## Title 11

## VEHICLES AND TRAFFIC

### Subtitle I Traffic Code

#### Part I General Provisions and Administration

#### Chapter 11.16

### TRAFFIC ADMINISTRATION

#### Sections:

11.16.420 Official foreign career consul vehicle—Director of engineering's functions.

**11.16.420 Official foreign career consul vehicle—Director of engineering's functions.**

The Director of Engineering further shall:

(1) Locate and appropriately mark, within two weeks after receiving the Mayor's certification, the parking space mentioned in Sections 11.16.380 and 11.16.400 for the official foreign career consul vehicle;

(2) Inform the Seattle Police Department, the Violations Bureau and the City Treasurer, in writing, of the parking space location and consular corps' license plate number of the certified vehicle and of any change of such location or license plate number;

(3) Maintain each such parking space in accordance with the standards provided for in this subtitle; and

(4) Furnish to the Mayor, in writing, any information concerning the abuse of any of the privileges provided by Section 11.16.400.

(Ord. 109475 § 1(part), 1980: Ord. 108200 § 2(11.16.420), 1979.)

**Part 2 LICENSES, PERMITS AND COLLISION REPORTS**

**Chapter 11.20**

**DRIVER LICENSING**

**Sections:**

**11.20.010 Driver's license required—**

**Exception.**

**11.20.020 License to be in immediate possession and displayed on demand.**

**11.20.010 Driver's license required—Exception.**

No person, except those expressly exempted by RCW Chapter 46.20, shall operate a motor vehicle upon any street or alley unless such person has a valid driver's license issued under the provisions of RCW Chapter 46.20 (RCW 46.20.021). (Ord. 109476 § 3(part), 1980: Ord. 108200 § 1(11.20.010), 1979.)

**11.20.020 License to be in immediate possession and displayed on demand.**

Every licensee shall have his driver's license in his immediate possession at all times when operating a motor vehicle and shall display the same upon demand to any police officer or to any other person when and if required by law to do so. (RCW 46.20.190)

(Ord. 109476 § 4, 1980: Ord. 108200 § 1(11.20.020), 1979.)

**Chapter 11.23**

**SPECIAL PERMITS AND PERMIT PROCEDURES—DRIVERS AND VEHICLES**

**Sections:**

**11.23.380 Disabled person's parking card.**

**11.23.400 Disabled parking—Location—Enforcement.**

**11.23.380 Disabled person's parking card.**

A person who has received a current and valid special disabled person's card, decal or license plate from the Washington State Department of Licensing under RCW 46.16.380 shall be allowed to park a vehicle being used to transport such person in parking meter spaces free of charge and for unlimited periods of time in parking zones or areas which are otherwise restricted as to the length of time parking is permitted. This section shall have no application to those zones or areas in which the stopping, parking, or standing of all vehicles is prohibited or which are reserved for special types of vehicles. Such person shall not be permitted the foregoing privilege unless he obtains and displays a distinguishing card, decal, or license plate issued pursuant to RCW 46.16.380. (RCW 46.61.380) (Ord. 109476 § 3(part), 1980: Ord. 108200 § 2(11.23.380), 1979.)

**11.23.400 Disabled parking—Location—Enforcement.**

The unauthorized use of a disabled person's card, decal or license plate issued by the State Department of Licensing under RCW 46.16.380 is a traffic infraction. Any peace officer or parking checker finding any unauthorized use of such card, decal or license plate shall issue

and affix a notice indicating the unauthorized uses thereof in the form and in the manner required by Section 11.31.030.

(Ord. 109476 § 3(part), 1980: Ord. 108200 § 2(11.23.400), 1979.)

### Part 3

## ENFORCEMENT

### Chapter 11.30

## IMPOUNDING

#### Sections:

**11.30.180 Responsibility for fees as to standby time, stolen vehicles or vehicles held for investigatory purposes.**

**11.30.360 Violations constituting abandoning—Evidence—Penalty.**

**11.30.180 Responsibility for fees as to standby time, stolen vehicles or vehicles held for investigatory purposes.**

(a) No fee shall be assessed against the owner of a vehicle for time elapsed after the towing equipment has arrived at the location of the vehicle to be towed and prior to the operation of the towing equipment or performance of the impound service.

(b) No impoundment fee and/or towing or storage charges shall be assessed against the owner of a vehicle when the vehicle is impounded by order of the Police Department, and not by direction of the vehicle owner, and verified as stolen by the Police Department, when:

(1) Substantial evidence of theft exists, as determined by the recovering officer, or

(2) The vehicle was reported stolen before it was impounded, and there is no tangible evidence of negligence by an authorized user which contributed to the theft, including, but not limited to, keys left on or in the vehicle.

Provided, that the owner or the person authorized to redeem the vehicle shall pay storage charges commencing on the sixth day after impoundment for such purpose.

(c) No impoundment fee and/or towing or

storage charges shall be assessed against the owner of a vehicle which is being held for investigatory purposes pursuant to Section 11.40.040(e) and which is redeemed within ninety-six hours after the Police Department shall have notified the owner of the release of such vehicle in writing in the manner provided in Section 11.30.100(c); provided that such owner or person authorized to obtain possession of such impounded vehicle shall pay any charges assessed for storage after such ninety-six hour period; provided further, that if the registered owner or the driver authorized by the registered owner is arrested or charged with a crime in connection with the incident leading to impoundment, the owner is not exempted from towing or storage charges.

(Ord. 109031 § 1, 1980: Ord. 108200 § 2(11.30.180), 1979.)

**11.30.360 Violations constituting abandoning—Evidence—Penalty.**

No person shall wilfully leave an abandoned vehicle on private property for more than twenty-four hours without the permission of the person having the right to possession of the property, or a wrecked, dismantled, or inoperative vehicle or automobile hulk on a street, alley or way open to the public for twenty-four hours or longer without notification to the Chief of Police of the reasons for leaving the motor vehicle in such a place. Any such vehicle or hulk shall be abated and removed in accordance with the provisions of Ordinance 98223,<sup>1</sup> as amended, and enforcement shall be by the City Engineer in accordance with said ordinance as amended. For the purposes of this section, the fact that a motor vehicle has been so left without permission or notification is prima facie evidence of abandonment.

Any person found to have abandoned a vehicle or hulk shall, in addition to any penalty imposed, also be assessed any costs incurred by the city in disposing of such abandoned vehicles or hulks less any moneys accruing to the city from such disposal. (RCW 46.52.160) (Ord. 109476 § 3(part), 1980: Ord. 108200 § 2(11.30.360), 1979.)

1. Editor's Note: Ord. 98223 is codified in Chapter 11.92 of this Code.

## Chapter 11.31

## DISPOSITION OF TRAFFIC OFFENSES

## Sections:

- 11.31.010 Violations as traffic infractions—Exceptions.
- 11.31.020 Notice of traffic infraction—Issuance.
- 11.31.030 Parking Notices.
- 11.31.040 Notice of traffic infraction—Determination—Response.
- 11.31.050 Response to notice of traffic infraction—Contesting determination—Hearing—Failure to appear.
- 11.31.060 Hearing—Contesting determination that infraction committed—Appeal.
- 11.31.070 Hearings—Explanation of mitigating circumstances.
- 11.31.080 Owner responsible for stopping, standing or parking violation.
- 11.31.090 Failure to respond—Written and signed promise.
- 11.31.100 Failure to respond—Parked, stopped or standing notice.
- 11.31.110 Charging violations of speed regulations.
- 11.31.120 Monetary penalties.
- 11.31.130 Order of court—Civil in nature.
- 11.31.010 Violations as traffic infractions—Exceptions.
- Failure to perform any act required or the performance of any act prohibited by this title is designated as a traffic infraction and may not be classified as a criminal offense, except for an offense contained in the following provisions of this title:
- (1) Section 11.20.010 Driver's license required—Exception;
  - (2) Section 11.20.100 Display of nonvalid driver's license;
  - (3) Section 11.20.120 Loaning driver's license;
  - (4) Section 11.20.140 Displaying the driver's license of another;
  - (5) Section 11.20.160 Unlawful use of driver's license;
  - (6) Section 11.31.090 Failure to respond—Written and signed promise;
  - (7) Section 11.31.100 Failure to respond—

Parked, stopped or standing notice;

- (8) Section 11.32.100 Failure to appear;
- (9) Section 11.32.120 Failure to answer;
- (10) Section 11.34.040 Aiding and abetting violation;
- (11) Section 11.55.340 Vehicles carrying explosives, flammable liquids and poison gas, liquefied petroleum gas (LPG) and cryogenics must stop at all railroad grade crossings;
- (12) Section 11.56.020 Persons under the influence of intoxicating liquor or any drug, chemical analysis, tests, evidence, penalties;
- (13) Section 11.56.120 Reckless driving;
- (14) Section 11.56.130 Racing of vehicles prohibited;
- (15) Section 11.56.180 Collision with unattended vehicle—Notice required;
- (16) Section 11.56.200 Collision by unattended vehicle—Duty;
- (17) Section 11.56.220 Collision with occupied vehicle—Duty;
- (18) Section 11.56.240 Collision with property—Duty;
- (19) Section 11.56.260 Collision where injury or death involved;
- (20) Section 11.56.280 Duty when injury, death or damage occur;
- (21) Section 11.56.300 Duty when injury, death or damage occur in collision—Penalty;
- (22) Section 11.56.310 Duty when specified persons are not in condition to receive information;
- (23) Section 11.56.320 Driving while license is suspended or revoked;
- (24) Section 11.56.340 Operation of motor vehicle prohibited while license is suspended or revoked;
- (25) Section 11.58.005 Operating motor vehicle in a negligent manner;
- (26) Section 11.58.190 Leaving minor children in unattended vehicle;
- (27) Section 11.59.010 Obedience to peace officers, flaggers, and firefighters;
- (28) Section 11.59.040 Refusal to give information to or to cooperate with officer;
- (29) Section 11.59.060 Refusal to stop;
- (30) Section 11.59.080 Examination of equipment;
- (31) Section 11.59.090 Duty to obey peace officer—Traffic infraction;
- (32) Section 11.60.690 Transportation of liquefied petroleum gas;
- (33) Section 11.62.020 Flammable liquids, combustible liquids and hazardous chemicals;

- (34) Section 11.62.040 Explosives;
  - (35) Section 11.80.140(2) Certain vehicles to carry flares or other warning devices (subsection 2 only);
  - (36) Section 11.80.160(5) Display of warning devices when vehicle disabled (subsection 5 only);
  - (37) Section 11.84.380 Fire extinguishers;
  - (38) Section 11.86.080 Flammable or combustible labeling;
  - (39) Section 11.86.100 Explosive cargo labeling. (RCW 46.63.020)
- (Ord. 109476 § 1, 1980: Ord. 108200 § 2(11.31.010), 1979.)

#### 11.31.020 Notice of traffic infraction— Issuance.

(1) A peace officer has the authority to issue a notice of traffic infraction when the infraction is committed in the officer's presence or if an officer investigating at the scene of a motor vehicle accident has reasonable cause to believe that the driver of a motor vehicle involved in the accident has committed a traffic infraction.

(2) A court may issue a notice of traffic infraction upon receipt of a written statement of the officer that there is reasonable cause to believe that an infraction was committed. (RCW 46.63.030).  
(Ord. 109476 § 1(part), 1980: Ord. 108200 § 2(11.31.020), 1979.)

#### 11.31.030 Parking Notices.

Whenever any motor vehicle without an operator is found parked, standing or stopped in violation of this subtitle, the officer finding it may take its registration number and any other information displayed on the vehicle which may identify its user, and shall fix conspicuously to such vehicle a notice of traffic infraction. (RCW 46.63.030(3))  
(Ord. 109476 § 2(part), 1980: Ord. 108200 § 2(11.31.030), 1979.)

#### 11.31.040 Notice of traffic infraction— Determination—Response.

A notice of traffic infraction represents a determination that an infraction has been committed. The determination will be final unless contested as provided in this chapter. (RCW 46.63.060)  
(Ord. 109476 § 1(part), 1980: Ord. 108200 § 2(11.31.040), 1979.)

#### 11.31.050 Response to notice of traffic infraction—Contesting determination—Hearing—Failure to appear.

(1) Any person who receives a notice of traffic infraction shall respond to such notice as provided in this section within seven days of the date of the notice.

(2) If the person determined to have committed the infraction does not contest the determination the person shall respond by completing the appropriate portion of the notice of infraction and submitting it, either by mail or in person, to the Municipal Court of Seattle. A check or money order in the amount of the penalty prescribed for the infraction must be submitted with the response. When a response which does not contest the determination is received, an appropriate order shall be entered in the court's records, and a record of the response and order shall be furnished to the Department of Licensing in accordance with RCW 46.20.270.

(3) If the person determined to have committed the infraction wishes to contest the determination the person shall respond by completing the portion of the notice of infraction requesting a hearing and submitting it, either by mail or in person, to the Municipal Court of Seattle. The court shall notify the person in writing of the time, place, and date of the hearing, and that date shall not be sooner than seven days from the date of the notice, except by agreement.

(4) If the person determined to have committed the infraction does not contest the determination but wishes to explain mitigating circumstances surrounding the infraction the person shall respond by completing the portion of the notice of infraction requesting a hearing for that purpose and submitting it, either by mail or in person, to the Municipal Court of Seattle. The court shall notify the person in writing of the time, place, and date of the hearing.

(5) If any person issued a notice of traffic infraction:

(a) Fails to respond to the notice of traffic infraction as provided in subsection (2) of this section; or

(b) Fails to appear at a hearing requested pursuant to subsections (3) or (4); the court shall enter an appropriate order assessing the monetary penalty prescribed for the traffic

infraction and any other penalty authorized by this chapter and shall notify the Department of Licensing in accordance with RCW 46.20.270, of the failure to respond to the notice of infraction or to appear at a requested hearing. (RCW 46.63.020)

(Ord. 109476 § 1(part), 1980: Ord. 108200 § 2(11.31.050), 1979.)

**11.31.060 Hearing—Contesting determination that infraction committed—Appeal.**

(1) A hearing held for the purpose of contesting the determination that an infraction has been committed shall be without a jury.

(2) The court may consider the notice of traffic infraction and any other written report made under oath submitted by the officer who issued the notice or whose written statement was the basis for the issuance of the notice in lieu of the officer's personal appearance at the hearing. The person named in the notice may subpoena witnesses, including the officer, and has the right to present evidence and examine witnesses present in court.

(3) The burden of proof is upon the city to establish the commission of the infraction by a preponderance of the evidence.

(4) After consideration of the evidence and argument, the court shall determine whether the infraction was committed. Where it has not been established that the infraction was committed, an order dismissing the notice shall be entered in the court's records. Where it has been established that the infraction was committed an appropriate order shall be entered in the court's records. A record of the court's determination and order shall be furnished to the Department of Licensing in accordance with RCW 46.20.270 as now or hereafter amended.

(5) An appeal from the court's determination or order shall be to the superior court. The decision of the superior court is subject only to discretionary review pursuant to Rule 2.3 of the Rules of Appellate Procedure. (RCW 46.63.090)

(Ord. 109476 § 1(part), 1980: Ord. 108200 § 2(11.31.060), 1979.)

**11.31.070 Hearings—Explanation of mitigating circumstances.**

(1) A hearing held for the purpose of allowing a person to explain mitigating circumstances

surrounding the commission of an infraction shall be an informal proceeding. The person may not subpoena witnesses. The determination that an infraction has been committed may not be contested at a hearing held for the purpose of explaining mitigating circumstances.

(2) After the court has heard the explanation of the circumstances surrounding the commission of the infraction an appropriate order shall be entered in the court's records. A record of the court's determination and order shall be furnished to the Department of Licensing in accordance with RCW 46.20.270 as now or hereafter amended.

(3) There may be no appeal from the court's determination or order. (RCW 46.63.100)

(Ord. 109476 § 1(part), 1980: Ord. 108200 § 2(11.31.070), 1979.)

**11.31.080 Owner responsible for stopping, standing or parking violation.**

(1) In any traffic infraction case involving a violation of this title relating to the stopping, standing or parking of a vehicle, proof that the particular vehicle described in the notice of traffic infraction was stopping, standing or parking in violation of any such provision of this title together with proof of registered ownership of the vehicle at the time of the violation, shall constitute in evidence a prima facie presumption that the registered owner of the vehicle was the person who parked or placed the vehicle at the point where, and for the time during which, the violation occurred.

(2) The foregoing stated presumption shall apply only when the procedure prescribed in Section 11.31.030 has been followed. (RCW 46.63)

(Ord. 109476 § 2(part), 1980: Ord. 108200 § 2(11.31.080), 1979.)

**11.31.090 Failure to respond—Written and signed promise.**

No person shall violate his written and signed promise to respond to a notice of traffic infraction or to appear at a requested hearing, as provided in this title, regardless of the disposition of the notice of infraction. (RCW 46.64.020)

(Ord. 109476 § 1(part), 1980: Ord. 108200 § 2(11.31.090), 1979.)

**11.31.100 Failure to respond—Parked, stopped or standing notice.**

No person shall fail to respond to a notice of traffic infraction issued pursuant to Section 11.31.030 or fail to appear at a requested hearing, as provided in this title, regardless of the disposition of the notice of infraction. (RCW 46.64.020)  
(Ord. 109476 § 2(part), 1980: Ord. 108200 § 2(11.31.100), 1979.)

**11.31.110 Charging violations of speed regulations.**

In every notice of traffic infraction for violation of any speed regulation in this title the notice of infraction shall specify the approximate speed at which the person named in the notice of infraction is alleged to have driven, and the maximum speed applicable at the location at which the person was issued a notice of infraction for violation of a speed regulation. (RCW 46.61.475)  
(Ord. 109476 § 2(part), 1980: Ord. 108200 § 2(11.31.110), 1979.)

**11.31.120 Monetary penalties.**

(1) A person found to have committed a traffic infraction shall be assessed a monetary penalty. No penalty may exceed Two Hundred Fifty Dollars (\$250.00) for each offense unless a higher penalty is specifically provided for in this title.

(2) There shall be a penalty of Twenty-five Dollars (\$25.00) for failure to respond to a notice of traffic infraction, to appear at a requested hearing or to pay a monetary penalty imposed pursuant to this chapter. (RCW 46.63.110)  
(Ord. 109476 § 1(part), 1980: Ord. 108200 § 2(11.31.120), 1979.)

**11.31.130 Order of court—Civil in nature.**

An order entered after the receipt of a response which does not contest the determination, or after it has been established at a hearing that the infraction was committed, or after a hearing for the purpose of explaining mitigating circumstances is civil in nature. (RCW 46.63.120)  
(Ord. 109476 § 1(part), 1980: Ord. 108200 § 2(11.31.130), 1979.)

**Chapter 11.32****CITATIONS****Sections:**

- 11.32.020 Service of citation.
- 11.32.060 Parking citations.
- 11.32.120 Failure to answer.
- 11.32.140 Warrant issued for failure to appear.
- 11.32.180 Excessive speed citation.
- 11.32.200 Registered owner responsible for illegal parking and violations other than moving.

**11.32.020 Service of citation.**

Whenever any person is charged with any violation of this subtitle other than a traffic infraction the officer may serve upon him a complaint and citation. Such complaint and citation shall be handled and disposed of as set forth in RCW 46.64.010 and also shall conform with the requirements and be in the form prescribed in RCW 46.64.015. The person, in order to secure release, and when permitted by the officer, must give his written promise to appear as required by the citation by signing in the appropriate place the written complaint and citation. If the person fails or refuses to sign such written promise, he may be taken into custody of the officer and so remain or be placed in confinement. (RCW 46.64.010, 46.64.015)  
(Ord. 109476 § 3(part), 1980: Ord. 108200 § 2(11.32.020), 1979.)

**11.32.060 Parking citations.**

This section amended and renumbered to Section 11.31.030 by Ordinance 109476.

**11.32.120 Failure to answer.**

This section amended and renumbered to Section 11.31.100 by Ordinance 109476.

**11.32.140 Warrant issued for failure to appear.**

Any person who fails to appear or fails to answer as required in Section 11.32.020 or who violates Sections 11.31.090 or 11.31.100 shall have a complaint filed against him by the Municipal Court of Seattle. The court shall also secure and issue a warrant for his arrest. (Ord. 109476 § 3(part), 1980: Ord. 108200 § 2(11.32.140), 1979.)

**11.32.180 Excessive speed citation.**

This section amended and renumbered to Section 11.31.110 by Ordinance 109476.

**11.32.200 Registered owner responsible for illegal parking and violations other than moving.**

This section amended and renumbered to Section 11.31.080 by Ordinance 109476.

**Chapter 11.34****PENALTIES****Sections:****11.34.020 Penalties for criminal offenses.****11.34.020 Penalties for criminal offenses.**

Offenses described in Section 11.31.010 as being other than traffic infractions shall be classified and punishable as criminal offenses.

Unless specifically provided otherwise in this subtitle, every person convicted of a criminal offense shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00) or by imprisonment in the city jail for a term not to exceed six months, or by both such fine and imprisonment.

(Ord. 109476 § 3(part), 1980: Ord. 108200 § 2(11.34.020), 1979.)

**Part 4****PEDESTRIAN AND BICYCLE RULES****Chapter 11.40****PEDESTRIAN RULES****Sections:****11.40.140 Prohibited crossing upon arterial streets.****11.40.140 Prohibited crossing upon arterial streets.**

No pedestrian shall cross an arterial street other than in a crosswalk, except upon the following portions of streets within the Pike Place Market Historical District:

(1) Pike Street, Pine Street, Stewart Street and Virginia Street, west of First Avenue;

(2) Pike Place between Pike Street and Virginia Street.

(Ord. 108809 § 1, 1980: Ord. 108200 § 2(11.40.140), 1979.)

**Part 5****DRIVING RULES****Chapter 11.54****LIMITED ACCESS FACILITIES****Sections:****11.54.150 Limited access facilities—Penalties.****11.54.150 Limited access facilities—Penalties.**

Any person who violates any of the provisions of Sections 11.54.020 through 11.54.140 of this subtitle shall upon a finding thereof be assessed a penalty of not less than Five Dollars (\$5.00) nor more than One Hundred Dollars (\$100.00).

(Ord. 109476 § 3(part), 1980: Ord. 108200 § 2(11.54.150), 1979.)

**Chapter 11.55****STARTING, STOPPING AND TURNING****Sections:****11.55.100 Obedience to no-turn signs.****11.55.320 Certain vehicles must stop at all railroad grade crossings.****11.55.340 Vehicles carrying explosives, flammable liquids, poison gas, Liquefied Petroleum Gas (LPG) and cryogenics must stop at all railroad grade crossings.****11.55.100 Obedience to no-turn signs.**

Whenever authorized signs are erected indicating that no right or left or U turn is permitted, no person shall disobey the directions of any such signs; provided, that at those intersections where there are authorized signs exempting Metro Transit vehicles from the directions of a No-left-turn sign, the operators of taxicabs shall also be exempt from the directions of such sign; except that the above proviso shall not apply to the intersection of Northeast 45th Street and University Way.

(Ord. 108887 § 1, 1980: Ord. 108200 § 2(11.55.100), 1979.)

**11.55.320 Certain vehicles must stop at all railroad grade crossings.**

(1) The driver of any motor vehicle carrying passengers for hire, other than a passenger car, or of any school bus or private carrier bus carrying any school child or other passenger, before crossing at grade any track or tracks of a railroad, shall stop such vehicle within fifty feet but not less than fifteen feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train, and for signals indicating the approach of a train, except as hereinafter provided, and shall not proceed until he can do so safely. After stopping as required in this section and upon proceeding when it is safe to do so, the driver of any such vehicle shall proceed across the tracks only in a gear such that there will be no necessity for changing gears while traversing such crossing and the driver shall not shift gears while crossing the track or tracks.

(2) This section shall not apply at:

(a) Any railroad grade crossing at which traffic is controlled by a peace officer or a duly authorized flagger;

(b) Any railroad grade crossing at which traffic is regulated by a traffic-control signal;

(c) Any railroad grade crossing protected by crossing gates or an alternatively flashing light signal intended to give warning of the approach of a railroad train;

(d) Any railroad grade crossing at which an official traffic-control device gives notice that the stopping requirement imposed by this section does not apply. (RCW 46.61.340) (Ord. 109476 § 3(part), 1980; Ord. 108200 § 2(11.55.320), 1979.)

**11.55.340 Vehicles carrying explosives, flammable liquids, poison gas, Liquefied Petroleum Gas (LPG) and cryogenics must stop at all railroad grade crossings.**

(1) The driver of any motor vehicle carrying explosives, flammable liquids, poison gas, Liquefied Petroleum Gas (LPG) or cyrogenics, as a cargo or part of a cargo, before crossing at grade any track or tracks of a railroad, shall stop such vehicle within fifty feet but not less than fifteen feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train, and for signals

indicating the approach of a train, except as hereinafter provided, and shall not proceed until he can do so safely. After stopping as required in this section and upon proceeding when it is safe to do so, the driver of any such vehicle shall proceed across the tracks only in a gear such that there will be no necessity for changing gears while traversing such crossing and the driver shall not shift gears while crossing the track or tracks.

(2) This section shall not apply at:

(a) Any railroad grade crossing at which traffic is controlled by a peace officer or a duly authorized flagger;

(b) Any railroad grade crossing at which traffic is regulated by a traff-control signal;

(c) Any railroad grade crossing protected by crossing gates or an alternatively flashing light signal intended to give warning of the approach of a railroad train;

(d) Any railroad grade crossing at which an official traffic-control device gives notice that the stopping requirement imposed by this section does not apply. (RCW 46.61.340) (Ord. 109476 § 4(part), 1980; Ord. 108200 § 2(11.55.340), 1979.)

**Chapter 11.56****SERIOUS TRAFFIC OFFENSES****Sections:**

**11.56.020 Persons under influence of intoxicating liquor or any drug, chemical analysis—Tests, evidence and penalties.**

**11.56.130 Racing of vehicles prohibited.**

**11.56.320 Driving while license is suspended or revoked.**

**11.56.020 Persons under influence of intoxicating liquor or any drug, chemical analysis—Tests, evidence and penalties.**

(1) A person is guilty of driving while under the influence of intoxicating liquor or any drug if he drives a vehicle within the city while:

(a) He has 0.10 percent or more by weight of alcohol in his blood as shown by chemical analysis of his breath, blood, or other bodily substance made under the provisions of this section; or

(b) He is under the influence of or affected by intoxicating liquor or any drug; or

(c) He is under the combined influence of or affected by intoxicating liquor and any drug.

The fact that any person charged with a violation of this subsection is or has been entitled to use such drug under the laws of this state shall not constitute a defense against any charge of violating this subsection.

(2) A person is guilty of being in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug if he has actual physical control of a vehicle within the city while:

(a) He has a 0.10 percent or more by weight of alcohol in his blood as shown by chemical analysis of his breath, blood, or other bodily substance made under the provisions of this section; or

(b) He is under the influence of or affected by intoxicating liquor or any drug; or

(c) He is under the combined influence of or affected by intoxicating liquor and any drug.

The fact that any person charged with a violation of this subsection is or has been entitled to use such drug under the laws of this state shall not constitute a defense against any charge of violating this subsection. No person may be convicted under this subsection if, prior to being pursued by a law enforcement officer, he has moved the vehicle safely off the roadway.

(3) Any person who operates a motor vehicle within the city shall be deemed to have given consent, subject to the provisions of this section, to a chemical test or tests of his breath or blood for the purpose of determining the alcoholic content of his blood if arrested for any offense where, at the time of the arrest, the arresting officer has reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor. The test or tests shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving or in actual physical control of a motor vehicle within the city while under the influence of intoxicating liquor. Such officer shall inform the person of his right to refuse the test, and of his right to have additional tests administered by any qualified person of his choosing as provided elsewhere in this section. The officer

shall warn the driver that his privilege to drive will be revoked or denied if he refuses to submit to the test. Unless the person to be tested is unconscious, the chemical test administered shall be of his breath only; provided, that if an individual is under arrest for the crime of negligent homicide by motor vehicle as provided in RCW 46.61.520, or if an individual is under arrest for the crime of driving while under the influence of intoxicating liquor or drugs as provided in this section, which arrest results from an accident in which another person has been injured and there is a reasonable likelihood that such other person may die as a result of injuries sustained in the accident, a breath or blood test may be administered without the consent of the individual so arrested. In such circumstances, the provisions of subsections (4) and (5) of this section shall not apply.

(4) Any person who is dead, unconscious, or who is otherwise in a condition rendering him incapable of refusal, shall be deemed not to have withdrawn the consent provided by subsection (3) of this section and the test or tests may be administered, subject to the provisions hereof.

(5) If, following his arrest, the person arrested refuses upon the request of a law enforcement officer to submit to a chemical test of his breath, after being informed that his refusal will result in the revocation or denial of his privilege to drive, no test shall be given. The law enforcement officer shall forward to the Department of Licensing a sworn report that he had reasonable grounds to believe that the arrested person had been driving or was in actual physical control of a motor vehicle within the city under the influence of intoxicating liquor and that the person had refused to submit to the test upon the request of the law enforcement officer after being informed that such refusal would result in the revocation or denial of his privilege to drive.

(6) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person while driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or any drug, if the amount of alcohol in the person's blood at the time alleged as shown by chemical analysis of his blood, breath or other bodily substance is less than 0.10 percent by weight of alcohol in the person's blood, it is evidence that may be considered with other competent

evidence in determining whether the person was under the influence of intoxicating liquor or any drug. Percent by weight of alcohol in the blood shall be based upon milligrams of alcohol per one hundred cubic centimeters of blood. The foregoing provisions of this subsection shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether the person was under the influence of intoxicating liquor or any drug.

(7) Chemical analysis of the person's blood or breath to be considered valid under the provisions of this section shall have been performed according to methods approved by the state toxicologist and by an individual possessing a valid permit issued by the state toxicologist for this purpose.

(8) When a blood test is administered in accordance with this section, the withdrawal of blood for the purpose of determining its alcoholic content may be performed only by a physician, a registered nurse, or a qualified technician. This limitation shall not apply to the taking of breath specimens.

(9) The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person of his own choosing administer a chemical test or tests in addition to any administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test or tests taken at the direction of a law enforcement officer.

(10) Upon the request of the person who shall submit to a chemical test or tests at the request of a law enforcement officer, full information concerning the test or tests shall be made available to him or his attorney.

(11) Penalty. Every person who is convicted of a violation of the provisions of this section shall be punished by imprisonment for not less than one day nor more than six months and by a fine of not more than Five Hundred Dollars (\$500.00). The person shall, in addition, be required to complete a course at an alcohol information school approved by the department of social and health services. One day of the jail sentence shall not be suspended or deferred unless the judge finds that the imposition of the jail sentence will pose a risk to the defendant's physical or mental well-being. Whenever the mandatory jail sentence is suspended or deferred, the judge must state, in

writing, the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based.

Upon a second or subsequent conviction for a violation of the provisions of this section within a five-year period, a person shall be punished by imprisonment for not less than seven days nor more than six months and by a fine of not more than Five Hundred Dollars (\$500.00). The jail sentence shall not be suspended or deferred unless the judge finds that the imposition of the jail sentence will pose a risk to the defendant's physical or mental well-being. Whenever the mandatory jail sentence is suspended or deferred, the judge must state, in writing, the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. If such person at the time of a second or subsequent conviction is without a license or permit because of a previous suspension or revocation, the minimum mandatory sentence shall be ninety days in jail and a Two-Hundred-Dollar (\$200.00) fine. The penalty so imposed shall not be suspended or deferred.

In addition to any nonsuspendable and non-deferrable jail sentence required by the preceding paragraph relating to a second or subsequent conviction, the court shall sentence a person to a term of imprisonment not exceeding one hundred eighty days and shall suspend but shall not defer the sentence for a period not exceeding one year. The suspension of the sentence may be conditioned upon nonrepetition, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate. The sentence may be imposed in whole or in part upon violation of a condition of suspension during the suspension period.

(Ord. 109475 § 1(part), 1980: Ord. 108200 § 2(11.56.020), 1979.)

#### 11.56.130 Racing of vehicles prohibited.

No person or persons may race any motor vehicle or motor vehicles upon any street, alley or way open to the public of the city. Any person or persons who wilfully compare or contest relative speed by operations of one or more vehicles shall be guilty of racing, which shall constitute reckless driving under Section 11.56.120, whether or not such speed is in excess of the maximum speed prescribed by law; provided however, that any comparison or contest of the accuracy with which motor

vehicles may be operated in terms of relative speeds not in excess of the posted maximum speed does not constitute racing. (RCW 46.61.530)  
(Ord. 109475 § 1(part), 1980: Ord. 108200 § 2(11.56.130), 1979.)

#### 11.56.320 Driving while license is suspended or revoked.

No person shall operate a motor vehicle on any street or alley or way open to the public at a time when his privilege so to do is suspended or revoked or when his policy of insurance or bond required under RCW Chapter 46.20 shall or has been cancelled or terminated; provided, that the offenses described in Sections 11.20.010 and 11.20.020 are lesser included offenses within the offense described in this section.

(Ord. 109475 § 1(part), 1980: Ord. 108200 § 2(11.56.320), 1979.)

### Chapter 11.58

#### MISCELLANEOUS DRIVING RULES

##### Sections:

11.58.005 Operating motor vehicle in a negligent manner—Penalty.

11.58.008 Inattention.

11.58.005 Operating motor vehicle in a negligent manner—Penalty.

No person shall operate a motor vehicle in a negligent manner over and along the streets, alleys or ways open to the public of the city. For the purpose of this section to "operate in a negligent manner" shall be construed to mean the operation of a vehicle upon the streets, alleys or ways open to the public of this city in such a manner as to endanger or be likely to endanger any person or property.

The offense of operating a vehicle in a negligent manner shall be considered to be a lesser offense than, but included in, the offense of operating a vehicle in a reckless manner, and any person charged with operating a vehicle in a reckless manner may be convicted of the lesser offense of operating a vehicle in a negligent manner.

Any person violating the provisions of this section shall be punished by a fine not to

exceed Five Hundred Dollars (\$500.00), and may not be punished by imprisonment.  
(Ord. 109476 § 3(part), 1980: Ord. 109475 § 1(part), 1980: Ord. 108200 § 2(11.58.005), 1979.)

#### 11.58.008 Inattention.

(1) No person shall operate a vehicle in an inattentive manner over and along the streets, alleys or ways open to the public of this city. For the purpose of this section, "inattentive manner" means such a manner so as to fail to maintain a careful lookout for persons or property in the direction of travel.

(Ord. 109476 § 3(part), 1980: Ord. 108200 § 2(11.58.008), 1979.)

### Chapter 11.59

#### OBEDIENCE TO PEACE OFFICER AND AUTHORIZED PERSONNEL

##### Sections:

11.59.090 Duty to obey peace officer—Traffic infraction.

11.59.090 Duty to obey peace officer—Traffic infraction.

(1) Any person requested or signaled to stop by a peace officer for a traffic infraction has a duty to stop.

(2) Whenever any person is stopped for a traffic infraction, the officer may detain that person for a reasonable period of time necessary to identify the person, check the status of the person's license and the vehicle's registration, and complete and issue a notice of traffic infraction.

(3) Any person requested to identify himself to a peace officer pursuant to an investigation of a traffic infraction has a duty to identify himself, give his current address, and sign an acknowledgement of receipt of the notice of infraction. (RCW 46.61.021)

(Ord. 109476 § 4(part), 1980: Ord. 108200 § 2(11.59.090), 1979.)

## Part 6

SPECIAL DRIVING AND OPERATING  
REGULATIONS

## Chapter 11.60

## SIZE, WEIGHT AND LOAD REGULATIONS

## Sections:

11.60.583 Maximum gross weight—Penalties for violations.

11.60.586 Maximum gross weight—Additional penalties for violation.

11.60.589 Street gross weight limitation—Penalty.

11.60.592 Maximum gross weight—Penalty period.

11.60.665 Overloading licensed capacity—Penalties.

11.60.670 Special permits—Misrepresentation penalty.

11.60.675 Special permit—Violation of terms penalty.

11.60.680 Overweight permit—Penalty.

11.60.685 Oversize permit—Penalty.

11.60.583 Maximum gross weight—Penalties for violations.

Any person violating any of the provisions of Sections 11.60.260 through 11.60.440 shall upon the first finding thereof be assessed a penalty of not less than Twenty-five dollars (\$25.00) nor more than Fifty Dollars (\$50.00); upon second finding thereof shall be assessed a penalty of not less than Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00); and upon a third or subsequent finding shall be assessed a penalty of not less than One Hundred Dollars (\$100.00).

(Ord. 109476 § 3(part), 1980: Ord. 108200 § 2(11.60.583), 1979.)

11.60.586 Maximum gross weight—Additional penalties for violation.

In addition to, but not in lieu of, the basic penalties imposed in Section 11.60.583, such person shall be assessed Two Cents (\$.02) per pound for each pound of excess weight up to five thousand pounds; if such excess weight is five thousand pounds and not in excess of ten thousand pounds, the additional assess-

ment shall be Three Cents (\$.03) per pound for each pound of excess weight; and if the excess weight is ten thousand pounds or over, the additional assessment shall be Four Cents (\$.04) per pound for each pound of excess weight; provided, that upon a first finding, the court in its discretion may suspend the additional assessment for excess weight up to five thousand pounds and for excess weight over five thousand pounds may apply the schedule of additional assessments as if the excess weight over five thousand pounds were the only excess weight, but in no case shall the basic assessment be suspended. (RCW 46.44.045(2))

(Ord. 109476 § 3(part), 1980: Ord. 108200 § 2(11.60.586), 1979.)

11.60.589 Street gross weight limitation—Penalty.

Any person found to have violated any posted weight limitations of a street or alley shall be assessed a monetary penalty of not less than One Hundred Dollars (\$100.00) and the court shall in addition thereto suspend the driver's license for not less than thirty days in accordance with RCW 46.44.045(4). (RCW 46.44.045(4))

(Ord. 109476 § 3(part), 1980: Ord. 108200 § 2(11.60.589), 1979.)

11.60.592 Maximum gross weight—Penalty period.

For the purpose of computing the basic penalties and additional penalties to be imposed under the provisions of Sections 11.34.060 and 11.34.080 the findings shall be on the same vehicle or combination of vehicles within a twelve-month period under the same ownership. (RCW 46.44.045(7))

(Ord. 109476 § 3(part), 1980: Ord. 108200 § 2(11.60.592), 1979.)

11.60.665 Overloading licensed capacity—Penalties.

Any person violating any of the provisions of Sections 11.60.640 or 11.60.660 shall upon a first finding thereof, be assessed a penalty of not less than Ten Dollars (\$10.00) nor more than Twenty-five Dollars (\$25.00); upon a second finding thereof be assessed a penalty of not less than Twenty-five Dollars (\$25.00) nor more than Fifty Dollars (\$50.00), and upon a third and subsequent finding, be assessed

a penalty of not less than Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00). (RCW 46.16.145)  
(Ord. 109476 § 3(part), 1980: Ord. 108200 § 2(11.60.665), 1979.)

**11.60.670 Special permits—Misrepresentation penalty.**

Any person who misrepresents the size or weight of any load in obtaining a special permit shall upon a finding thereof, be assessed a penalty of not less than Fifty Dollars (\$50.00) or more than One Hundred Dollars (\$100.00). (RCW 46.44.097)  
(Ord. 109476 § 3(part), 1980: Ord. 108200 § 2(11.60.670), 1980.)

**11.60.675 Special permit—Violation of terms penalty.**

Any person who fails to follow the requirements and conditions of a special permit shall upon a finding thereof be assessed a penalty of not less than Fifty Dollars (\$50.00) or more than One Hundred Dollars (\$100.00). (RCW 46.44.097)  
(Ord. 109476 § 3(part), 1980: Ord. 108200 § 2(11.60.675), 1979.)

**11.60.680 Overweight permit—Penalty.**

Any person who operates any vehicle, the gross weight of which is in excess of the maximum for which sum vehicle may be eligible for license without first obtaining a special permit shall upon a finding thereof, be assessed a penalty of not less than One Hundred Dollars (\$100.00). (RCW 46.44.097)  
(Ord. 109476 § 3(part), 1980: Ord. 108200 § 2(11.60.680), 1979.)

**11.60.685 Oversize permit—Penalty.**

Any person who operates any vehicle in excess of legal size limitations without first obtaining a special permit shall, upon a finding thereof, be assessed a penalty of not less than One Hundred Dollars (\$100.00).  
(Ord. 109476 § 3(part), 1980: Ord. 108200 § 2(11.60.685), 1979.)

**Chapter 11.66**

**RAILROAD OPERATION**

**Sections:**

**11.66.200 Failure to erect or repair fences, gates and barriers—Forfeiture of right to use track—Work done by city—Penalty—Removal of barrier.**

**11.66.200 Failure to erect or repair fences, gates and barriers—Forfeiture of right to use track—Work done by city—Penalty—Removal of barrier.**

Any owner, agent, lessee or operator of any railroad, trestle or other property in the city, where the same is open or accessible to the public as a route of pedestrian or vehicle travel, either along or across the same, who shall fail to erect proper fences or barriers or other suitable means of protection along the edge of all trestles and at all other exposed or dangerous places within thirty days after notice from the Board of Public Works, or to thereafter maintain the same, or shall fail to provide the required lights and signals at the designated points within the time specified in the notice from the Board of Public Works, and to thereafter maintain the same, or to provide gates or barriers and flaggers at crossings designated by said Board, within the time specified by said Board in its notice, or to thereafter maintain the same, or who shall fail to repair or replace any of the things specified within ten days after notice from said Board so to do, shall forfeit the right to use such track, trestle or other property until protection to the public is afforded as set forth in this chapter, and the Board of Public Works shall forthwith proceed to erect such temporary barrier or other suitable means of protection as shall be necessary to prevent all access to any exposed or dangerous places, and to thoroughly protect any unlighted or unguarded crossing, and any person who shall remove, or attempt to remove, any such barricades shall upon a finding thereof be assessed a penalty not exceeding Three Hundred Dollars (\$300.00), and in all cases where such temporary barricades have been erected by the Board of Public Works, as provided in this section, the same shall not be removed until a permit shall be granted by said Board for the construction of the required

permanent fences or barricades, nor until the required lights, signals, gates or flaggers are provided, nor until the said owner, agent, lessee or operator shall have paid to the City Treasurer the amount of all costs incurred by the city in the construction and maintenance of such temporary barricades, or other suitable means of protection as shall be necessary, a statement of such costs to be furnished by the Board of Public Works.  
(Ord. 109476 § 3(part), 1980: Ord. 108200 § 2(11.66.200), 1979.)

### Part 7

## STOPPING, STANDING, PARKING AND LOADING

### Chapter 11.72

## STOPPING, STANDING OR PARKING RESTRICTIONS

### Sections:

#### 11.72.320 Planting strip.

#### 11.72.320 Planting strip.

No person shall stop, stand or park a vehicle on a planting strip unless the vehicle bears a card or decal issued pursuant to RCW 46.16.380 and a street use permit which is issued pursuant to Section 15.07.010 authorizing such parking.  
(Ord. 109545 § 2, 1980: Ord. 108200 § 2(11.72.320), 1979.)

### Part 8

## EQUIPMENT REGULATIONS

### Chapter 11.80

## TRUCK, TRAILER AND STAGE EQUIPMENT REGULATIONS

### Sections:

#### 11.80.060 Additional equipment required on certain vehicles.

#### 11.80.060 Additional equipment required on certain vehicles.

In addition to other required equipment, the following vehicles shall be equipped as stated in this section:

(1) Buses, trucks, motor homes, and motor vehicles with mounted campers eighty inches or more in overall width:

(a) On the front, two clearance lamps, one at each side, and on vehicles manufactured or assembled after January 1, 1964, three identification lamps meeting the specifications of subsection (7) of this section;

(b) On the rear, two clearance lamps, one at each side, and after January 1, 1964, three identification lamps meeting the specifications of subsection (7) of this section;

(c) On each side, two side marker lamps, one at or near the front and one at or near the rear;

(d) On each side, two reflectors, one at or near the front and one at or near the rear.

(2) Trailers and semi-trailers eighty inches or more in overall width:

(a) On the front, two clearance lamps, one at each side;

(b) On the rear, two clearance lamps, one at each side, and after January 1, 1964, three identification lamps meeting the specifications of subsection (7) of this section;

(c) On each side, two side marker lamps, one at or near the front and one at or near the rear;

(d) On each side, two reflectors, one at or near the front and one at or near the rear: Provided, that a mobile home need not be equipped with two side marker lamps or two side reflectors while operated until the terms of a special permit authorized by RCW 46.44.090.

(3) Truck tractors:

On the front, two cab clearance lamps, one at each side, and on vehicles manufactured or assembled after January 1, 1964, three identification lamps meeting the specifications of subsection (7) of this section.

(4) Trailers, semi-trailers and pole trailers thirty feet or more in overall length:

On each side, one amber side marker lamp and one amber reflector, centrally located with respect to the length of the vehicle: Provided, that a mobile home need not be equipped with such side marker lamp or reflector while operated under the terms of a special permit

authorized by RCW 46.44.090.

(5) Pole trailers:

(a) On each side, one amber side marker lamp at or near the front of the load;

(b) One amber reflector at or near the front of the load;

(c) On the rearmost support for the load, one combination marker lamp showing amber to the front and red to the rear and side, mounted to indicate the maximum width of the pole trailer.

(6) Boat trailers eighty inches or more in overall width:

(a) One on each side, at or near the midpoint, one clearance lamp performing the function of both a front and rear clearance lamp;

(b) On the rear, after June 1, 1978, three identification lamps meeting the specifications of subsection (7) of this section;

(c) One on each side, two side marker lamps, one at or near the front and one at or near the rear;

(d) On each side, two reflectors, one at or near the front and one at or near the rear.

(7) Whenever required or permitted by this chapter, identification lamps shall be grouped in a horizontal row, with lamp centers spaced not less than six nor more than twelve inches apart, and mounted on the permanent structure of the vehicle as close as practicable to the vertical centerline: Provided, however, that where the cab of a vehicle is not more than forty-two inches wide at the front roof line, a single identification lamp at the center of the cab shall be deemed to comply with the requirements for front identification lamps. (RCW 46.37.090)

(Ord. 109475 § 1(part), 1980: Ord. 108200 § 2(11.80.060), 1979.)

## Chapter 11.84

### BRAKES AND MISCELLANEOUS EQUIPMENT

#### Sections:

11.84.260 Tires—Safe operating condition.

11.84.300 Tire condition—Selling of vehicle.

#### 11.84.260 Tires—Safe operating condition.

No person shall drive or move or cause to be driven or moved upon a street or alley on tires which have contact with the driving surface of the road, any vehicle subject to registration in this state, unless such vehicle is equipped with tires in safe operating condition in accordance with requirements established by the State Commission on Equipment.

A tire shall be considered unsafe if it has:

(1) Any ply or cord exposed either to the naked eye or when cuts or abrasions on the tire are probed; or

(2) Any bump, bulge or knot, affecting the tire structure; or

(3) Any break repaired with a boot; or

(4) A tread depth of less than  $\frac{2}{32}$  of an inch measured in any two major tread grooves at three locations equally spaced around the circumference of the tire, or for those tires with tread wear indicators, a tire shall be considered unsafe if it is worn to the point that the tread wear indicators contact the road in any two major tread grooves at three locations equally spaced around the circumference of the tire; or

(5) A legend which indicates the tire is not intended for use on public highway such as, "not for highway use," or "for racing purposes only"; or

(6) Such conditions as may be reasonably demonstrated to render it unsafe; or

(7) If not matched in tire size designations, construction, and profile to the other tire and/or tires on the same axle.

The condition or defect must be such that it can be detected by a visual inspection of tires mounted on vehicles, including visual comparison with simple measuring gauges. (RCW 46.37.425)

(Ord. 109475 § 1(part), 1980: Ord. 108200 § 2(11.84.260), 1979.)

#### 11.84.300 Tire condition—Selling of vehicle.

No person, firm or corporation shall sell any vehicle for use on a street or alley unless the vehicle is equipped with tires that are in compliance with the provisions of Section 11.84.260. If the tires are found to be in violation of Section 11.84.260, the person, firm or corporation selling the vehicle shall cause such tires to be removed from the vehicle and shall equip the

vehicle with tires that are in compliance with the provisions of Section 11.84.260. (RCW 46.37.425)  
(Ord. 109475 § 1(part), 1980: Ord. 108200 § 2(11.84.300), 1979.)

## Title 12A

### CRIMINAL CODE

#### Subtitle I Criminal Code

#### Chapter 12A.04

#### CRIMINAL LIABILITY—DEFENSES

##### Sections:

- 12A.04.020 Minimum requirement of culpability.
- 12A.04.030 Kinds of culpability defined.
- 12A.04.040 Prescribed culpability requirement applies to all material elements.
- 12A.04.050 Substitutes for criminal negligence—Recklessness and knowledge.
- 12A.04.060 Culpability as determinant of grade of offense.

##### 12A.04.020 Minimum requirement of culpability.

A person is not guilty of an offense, other than an offense which involves absolute liability, unless with respect to each material element described by the section defining the offenses, he acts while having one of the mental states described in Section 12A.04.030.

(Ord. 109433 § 1(part), 1980: Ord. 102843 § 12A.02.030(1), 1973.)

##### 12A.04.030 Kinds of culpability defined.

A. Intent. A person intends or acts intentionally or with intent to accomplish a result or to engage in conduct described by the section defining the offense, when his conscious objective or purpose is to accomplish such a result or to engage in conduct of that nature.

B. Knowledge. A person knows or acts knowingly or with knowledge with respect to:

1. A result described by a section defining an offense, when he is aware that it is

substantially certain that his conduct will cause such result; or

2. Conduct described by a section defining an offense, when he is aware that his conduct is of that nature; or

3. A circumstance described by a section defining an offense, when he is aware that such circumstance exists; or

4. A particular fact, when he is aware that there is a high probability that such facts exist.

C. Recklessness. A person is reckless or acts recklessly when he knows of and consciously disregards a substantial and unjustifiable risk that:

1. The result described by a section defining an offense may occur; or

2. A circumstance described by a section defining an offense exists, and when the disregard of such risk constitutes a gross deviation from the standard of conduct that a reasonable person would exercise in the situation.

D. Criminal Negligence. A person is criminally negligent or acts with criminal negligence when he fails to be aware of a substantial and unjustifiable risk that:

1. The result described by a section defining an offense may occur; or

2. A circumstance described by a section defining an offense exists, and the failure to be aware of such risk constitutes a gross deviation from the standard of care that a reasonable person would exercise in that situation.

(Ord. 109433 § 1(part), 1980: Ord. 102843 § 12A.02.030(2), 1973.)

##### 12A.04.040 Prescribed culpability requirement applies to all material elements.

When the Seattle Municipal Code defining an offense prescribes as an element thereof a specified mental state, such mental state is deemed to apply to every material element of the offense unless an intent to limit its application clearly appears.

(Ord. 109433 § 1(part), 1980: Ord. 102843 § 12A.02.030(3), 1973.)

##### 12A.04.050 Substitutes for criminal negligence—Recklessness and knowledge.

When the Seattle Municipal Code provides that criminal negligence suffices to establish an element of an offense, such element also is established if a person acts intentionally, knowingly or recklessly. When recklessness