

ORDINANCE No. 111861

COUNCIL BILL No. 104453

AN ORDINANCE relating to the Traffic Code, repealing Sections 11.52.180, 11.56.180, 11.56.200, 11.56.220, 11.56.240, 11.56.260, 11.56.280 and 11.56.300, adding new Sections 11.56 thereto defining offenses relating to hit and run vehicle accidents, adding a new Section 11.56 thereto relating to vehicle accidents with pedestrians and vehicles propelled by human power, and amending Chapter 11.58 by adding a new Section 11.58.195 thereto requiring the use of child passenger restraint devices; and defining offenses and prescribing penalties.

Department

The City of S

Honorable President:

Your Committee on

to which was referred the within Council report that we have considered the same

DO PAS

COMPTROLLER FILE No. _____

Signed

Introduced: <i>AUG 6 1984</i>	By: <i>City Attorney</i>
Referred: <i>AUG 6 1984</i>	To: <i>Trans</i>
Referred: <i>Aug. 13, 1984</i>	To: <i>Pub. Safety</i>
Referred:	To:
Reported: <i>AUG 20 1984</i>	Second Reading: <i>AUG 20 1984</i>
Third Reading: <i>AUG 20 1984</i>	Signed: <i>AUG 20 1984</i>
Presented to Mayor: <i>AUG 21 1984</i>	Approved: <i>AUG 30 1984</i>
Returned to City Clerk: <i>AUG 30 1984</i>	Published:
Vetoed by Mayor:	Veto Published: <i>OK</i>
Passed over Veto:	Veto Sustained:

REC'D ONE AUG 22 1984

The City of Seattle--Legislative Department

REPORT OF COMMITTEE

Date Reported
and Adopted

President:

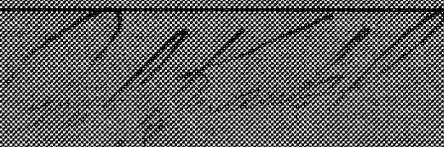
Committee on

PUBLIC SAFETY

has referred the within Council Bill No. 104453

we have considered the same and respectfully recommend that the same:

DO PASS AS AMENDED



Committee Chair

MFS:hh
8/14/84
ii-ord4.

ORDINANCE 111861

AN ORDINANCE relating to the Traffic Code, repealing Sections 11.52.180, 11.56.180, 11.56.200, 11.56.220, 11.56.240, 11.56.260, 11.56.280 and 11.56.300, adding new Sections 11.56 thereto defining offenses relating to hit and run vehicle accidents, adding a new Section 11.56 thereto relating to vehicle accidents with pedestrians and vehicles propelled by human power, and amending Chapter 11.58 by adding a new Section 11.58.195 thereto requiring the use of child passenger restraint devices; and defining offenses and prescribing penalties.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 11.52.180 of the Seattle Municipal Code (Section 2 of Ordinance 108200) is hereby repealed.

Section 2. Section 11.56.180 of the Seattle Municipal Code (Section 15 of Ordinance 110967) is hereby repealed.

Section 3. Section 11.56.200 of the Seattle Municipal Code (Section 16 of Ordinance 110967) is hereby repealed.

Section 4. Section 11.56.220 of the Seattle Municipal Code (Section 17 of Ordinance 110967) is hereby repealed.

Section 5. Section 11.56.240 of the Seattle Municipal Code (Section 18 of Ordinance 110967) is hereby repealed.

Section 6. Section 11.56.260 of the Seattle Municipal Code (Section 19 of Ordinance 110967) is hereby repealed.

Section 7. Section 11.56.280 of the Seattle Municipal Code (Section 20 of Ordinance 110967) is hereby repealed.

Section 8. Section 11.56.300 of the Seattle Municipal Code (Section 21 of Ordinance 110967) is hereby repealed.

1 Section 9. Chapter 11.56 of the Seattle Municipal Code is
2 amended by adding thereto a new Section 11.56.410, as
3 follows:

4 11.56.410 Hit and Run - Definitions

5 1. "Accident" means a collision between two or more
6 vehicles, or between a vehicle and property, or between a
7 vehicle and a person. "Accident" also means the operation of
8 a vehicle in such a manner as to cause the driver of another
9 vehicle, or a pedestrian, or a person on a device propelled by
10 human power to take evasive action which results in damage to
11 property or injury to a person.

12 2. "Device propelled by human power" includes but is not
13 limited to, a bicycle, tricycle, wagon, and any other similar
14 device.

15 Section 10. Section 11.56 of the Seattle Municipal Code
16 is amended by adding thereto a new Section 11.56.420, as
17 follows:

18 11.56.420 Hit and Run (Attended) - Duty in Case
19 Of Accident With Occupied Vehicle

20 The operator of any vehicle involved in an accident
21 resulting in damage to a vehicle which is operated or occupied
22 by any person shall do the following:

23 1. Immediately stop such vehicle at the scene of the
24 collision, or as close thereto as possible, and forthwith
25 return to and remain at the scene of such accident until he or
26 she has done the following; and

27 2. Given his or her name, address and vehicle license
28 number, and exhibit his or her vehicle operator's license, to
the operator or any occupant of the other vehicle; and

1
2 3. Render to any person involved in such accident
3 reasonable assistance including the carrying or the making of
4 arrangements for the carrying of such person to a physician or
5 hospital for medical treatment if it is apparent that such
6 treatment may be necessary or if such carrying is requested by
7 the person involved in the accident or on his or her behalf.
8 Under no circumstances shall the rendering of assistance or
9 other compliance with the provisions of this section be evi-
10 dence of the liability of any operator for such accident.

11 Section 11. Section 11.56 of the Seattle Municipal Code
12 is amended by adding thereto a new Section 11.56.430, as
13 follows:

14 11.56.430 Hit and Run (Unattended Vehicle) - Duty in
15 Case of Accident with Unattended Vehicle

16 The operator of any vehicle involved in an accident
17 resulting in damage to another vehicle which is unattended
18 shall do the following:

19 1. Immediately stop such vehicle at the scene of the
20 accident, or as close thereto as possible; and

21 2. Then and there:

22 (a) locate and notify the operator or owner of such
23 vehicle of the name and address of the operator and of the
24 owner of the vehicle striking the unattended vehicle; or

25 (b) leave in a conspicuous place in the vehicle
26 struck a written notice, giving the name and address of the
27 operator and of the owner of the vehicle striking such other
28 vehicle.

Section 12. Section 11.56 of the Seattle Municipal Code
is amended by adding thereto a new Section 11.56.440, as
follows:

1 11.56.440 Hit and Run (Property Damage) -
2 Duty in Case of Accident With Property

3 The operator of any vehicle involved in an accident
4 resulting in damage to property other than a vehicle shall do
5 the following:

6 1. Immediately stop such vehicle at the scene of the
7 collision, or as close thereto as possible; and

8 2. Then and there:

9 (a) locate and notify the owner or person in charge
10 of such property of the name and address of the operator and
11 of the owner of the vehicle striking the property; or

12 (b) leave in a conspicuous place upon the property
13 struck a written notice, giving the name and address of the
14 operator and of the owner of the vehicle so striking the
15 property.

16 Section 13. Section 11.56 of the Seattle Municipal Code
17 is amended by adding thereto a new Section 11.56.450, as
18 follows:

19 11.56.450 Hit and Run (Pedestrian or Person on a Device
20 Propelled By Human Power) - Duty in Case of
21 Accident with Pedestrian or Bicyclist

22 The operator of any vehicle involved in an accident with a
23 pedestrian, or with a device propelled by human power operated
24 by any person, or on which a person is seated, shall do the
25 following:

26 1. Immediately stop such vehicle at the scene of such
27 accident, or as close thereto as possible, and forthwith
28 return to and remain at the scene of such accident until he
29 has done the following;

30 2. Give his name, address and vehicle license number,
31 and exhibit his operator's license to the pedestrian or person

1 operating the device propelled by human power, or, if they are
2 unconscious or incompetent, to another person whom he or she
3 reasonably believes is acting on their behalf; and

4 3. Render to any person involved in such accident
5 reasonable assistance including the carrying or the making of
6 arrangements for the carrying of such person to a physician or
7 hospital for medical treatment if it is apparent that such
8 treatment is necessary or if such carrying is requested by the
9 person involved in the accident or on his or her behalf.

10 Under no circumstances shall the rendering of assistance or
11 other compliance with the provisions of this section be evi-
12 dence of the liability of any operator for such accident.

13 Section 14. Section 11.56 of the Seattle Municipal Code
14 is amended by adding thereto a new Section 11.56.460, as
15 follows:

16 11.56.460 Hit and Run - Duty When Specified Persons
17 Are Not in Condition to Receive Information

18 In the event that none of the persons specified in
19 Sections 11.56.420, 11.56.430, 11.56.440, and 11.56.450 are in
20 condition to receive the information to which they otherwise
21 would be entitled, and no peace officer is present, the person
22 with a duty to provide such information, after fulfilling all
23 other requirements of the applicable provisions of this code,
24 shall forthwith report such accident to the nearest office of
25 a duly authorized police authority and submit thereto the
26 information specified in the applicable ordinance.

27 Section 15. Chapter 11.56, Miscellaneous Driving Rules,
28 of the Seattle Municipal Code (Section 2 of Ordinance 108200),
is amended by adding thereto a new section, as follows:

(To be used for all Ordinances except Emergency.)

Section 1.7... This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 20th day of August, 1984, and signed by me in open session in authentication of its passage this 20th day of August, 1984.

[Signature]
President of the City Council.

Approved by me this 30th day of August, 1984.

[Signature]
Mayor.

Filed by me this 30th day of August, 1984.

Attest: *[Signature]*
City Comptroller and City Clerk.

(SEAL)

Published By *[Signature]*
Deputy Clerk.

ORDINANCE

AN ORDINANCE relating to the Traffic Code, repealing Sections 11.52.180, 11.56.180, 11.56.200, 11.56.220, 11.56.240, 11.56.260, 11.56.280 and 11.56.300, adding new Sections 11.56 thereto defining offenses relating to hit and run vehicle accidents, adding a new Section 11.56 thereto relating to vehicle accidents with pedestrians and vehicles propelled by human power, and amending Chapter 11.58 by adding a new Section 11.58.195 thereto requiring the use of child passenger restraint devices; and defining offenses and prescribing penalties.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 11.52.180 of the Seattle Municipal Code (Section 2 of Ordinance 108200) is hereby repealed.

Section 2. Section 11.56.180 of the Seattle Municipal Code (Section 15 of Ordinance 110967) is hereby repealed.

Section 3. Section 11.56.200 of the Seattle Municipal Code (Section 16 of Ordinance 110967) is hereby repealed.

Section 4. Section 11.56.220 of the Seattle Municipal Code (Section 17 of Ordinance 110967) is hereby repealed.

Section 5. Section 11.56.240 of the Seattle Municipal Code (Section 18 of Ordinance 110967) is hereby repealed.

Section 6. Section 11.56.260 of the Seattle Municipal Code (Section 19 of Ordinance 110967) is hereby repealed.

Section 7. Section 11.56.280 of the Seattle Municipal Code (Section 20 of Ordinance 110967) is hereby repealed.

Section 8. Section 11.56.300 of the Seattle Municipal Code (Section 21 of Ordinance 110967) is hereby repealed.

1 Section 9. Chapter 11.56 of the Seattle Municipal Code is
2 amended by adding thereto a new Section 11.56.310, as
3 follows:

4 11.56.310 Hit and Run - Definitions

5 1. "Accident" means a collision between two or more
6 vehicles, or between a vehicle and property, or between a
7 vehicle and a person. "Accident" also means the operation of
8 a vehicle in such a manner as to cause the driver of another
9 vehicle, or a pedestrian, or a person on a device propelled by
10 human power to take evasive action which results in damage to
11 property or injury to a person.

12 2. "Device propelled by human power" includes but is not
13 limited to, a bicycle, tricycle, wagon, and any other similar
14 device.

15 Section 10. Section 11.56 of the Seattle Municipal Code
16 is amended by adding thereto a new Section 11.56.320, as
17 follows:

18 11.56.320 Hit and Run (Attended) - Duty in Case
19 Of Accident With Occupied Vehicle

20 The operator of any vehicle involved in an accident
21 resulting in damage to a vehicle which is operated or occupied
22 by any person shall do the following:

23 1. Immediately stop such vehicle at the scene of the
24 collision, or as close thereto as possible, and forthwith
25 return to and remain at the scene of such accident until he or
26 she has done the following; and

27 2. Given his or her name, address and vehicle license
28 number, and exhibit his or her vehicle operator's license, to
the operator or any occupant of the other vehicle; and

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3. Render to any person involved in such accident reasonable assistance including the carrying or the making of arrangements for the carrying of such person to a physician or hospital for medical treatment if it is apparent that such treatment may be necessary or if such carrying is requested by the person involved in the accident or on his or her behalf. Under no circumstances shall the rendering of assistance or other compliance with the provisions of this section be evidence of the liability of any operator for such accident.

Section 11. Section 11.56 of the Seattle Municipal Code is amended by adding thereto a new Section 11.56.330, as follows:

11.56.330 Hit and Run (Unattended Vehicle) - Duty in Case of Accident with Unattended Vehicle

The operator of any vehicle involved in an accident resulting in damage to another vehicle which is unattended shall do the following:

1. Immediately stop such vehicle at the scene of the accident, or as close thereto as possible; and

2. Then and there:

(a) locate and notify the operator or owner of such vehicle of the name and address of the operator and of the owner of the vehicle striking the unattended vehicle; or

(b) leave in a conspicuous place in the vehicle struck a written notice, giving the name and address of the operator and of the owner of the vehicle striking such other vehicle.

Section 12. Section 11.56 of the Seattle Municipal Code is amended by adding thereto a new Section 11.56.340, as follows:

1 operating the device propelled by human power, or, if they are
2 unconscious or incompetent, to another person whom he or she
3 reasonably believes is acting on their behalf; and

4 3. Render to any person involved in such accident
5 reasonable assistance including the carrying or the making of
6 arrangements for the carrying of such person to a physician or
7 hospital for medical treatment if it is apparent that such
8 treatment is necessary or if such carrying is requested by the
9 person involved in the accident or on his or her behalf.

10 Under no circumstances shall the rendering of assistance or
11 other compliance with the provisions of this section be evi-
12 dence of the liability of any operator for such accident.

13 Section 14. Section 11.56 of the Seattle Municipal Code
14 is amended by adding thereto a new Section 11.56.360, as
15 follows:

16 11.56.360 Hit and Run - Duty When Specified Persons
17 Are Not in Condition to Receive Information

18 In the event that none of the persons specified in
19 Sections 11.56.320, 11.56.330, 11.56.340, and 11.56.350 are in
20 condition to receive the information to which they otherwise
21 would be entitled, and no peace officer is present, the person
22 with a duty to provide such information, after fulfilling all
23 other requirements of the applicable provisions of this code,
24 shall forthwith report such accident to the nearest office of
25 a duly authorized police authority and submit thereto the
26 information specified in the applicable ordinance.

27 Section 15. Chapter 11.56, Miscellaneous Driving Rules,
28 of the Seattle Municipal Code (Section 2 of Ordinance 108200),
is amended by adding thereto a new section, as follows:

1 11.58.195 Child Passenger Restraint Required

2 A. The parent or legal guardian of any child less than
3 five years old operating his or her own motor vehicle
4 registered under RCW Chapter 46.16 upon any street, alley, or
5 way open to the public in the City, in which the child is a
6 passenger, shall:

7 1. provide for each such child passenger a separate
8 child passenger restraint device or for each such child, age
9 one through four years, a properly adjusted and fastened,
10 seat belt approved by the appropriate agency of the United
11 States Government; and

12 2. properly secure each such child in a manner
13 approved by the State Commission of Equipment.

14 B. A person who receives a notice of traffic infraction
15 for violating subsection (A) of this section shall be subject
16 to a penalty assessment of not less than thirty dollars if the
17 person fails to present proof of acquisition of an approved
18 child passenger restraint system to a judge or magistrate at a
19 hearing on the infraction.

20 C. Failure to comply with the requirements of this
21 section shall not constitute negligence by a parent or legal
22 guardian; nor shall failure to use a child restraint system be
23 admissible as evidence of negligence in any civil action.

24 Section 16. The provisions of this ordinance are declared
25 to be separate and severable. The invalidity of any clause,
26 sentence, paragraph, subdivision, section or portion of this
27 ordinance, or the invalidity of the application thereof to any
28 person or circumstance shall not affect the validity of its
application to other person or circumstances.

(To be used for all Ordinances except Emergency.)

Section 1.7. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 20th day of August, 1984, and signed by me in open session in authentication of its passage this 20th day of August, 1984.

Jim Star
President of the City Council.

Approved by me this 30th day of August, 1984.

Arthur Payne
Mayor.

Filed by me this 30th day of August, 1984.

Attest: *Grim Hill*
City Comptroller and City Clerk.

(SEAL)

Published _____ By *Earl Dill* Deputy Clerk.

Affidavit of Publication

STATE OF WASHINGTON KING COUNTY—SS.

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

Ordinance No. 111861

.....
was published on September 5, 1984
.....

J. Summers
.....

Subscribed and sworn to before me on

September 5, 1984

Richard C. Jones
.....

Notary Public for the State of Washington,
residing in Seattle.

City of Seattle

ORDINANCE 111861

AN ORDINANCE relating to the Traffic Code, repealing Sections 11.52.180, 11.56.180, 11.56.200, 11.56.220, 11.56.240, 11.56.260, 11.56.280 and 11.56.300, adding new Sections 11.56 thereto defining offenses relating to hit and run vehicle accidents, adding a new Section 11.56 thereto relating to vehicle accidents with pedestrians and vehicles propelled by human power, and amending Chapter 11.58 by adding a new Section 11.58.195 thereto requiring the use of child passenger restraint devices, and defining offenses and prescribing penalties.

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Section 4. Section 11.56.220 of the Seattle Municipal Code (Section 17 of Ordinance 110967) is hereby repealed.

Section 5. Section 11.56.240 of the Seattle Municipal Code (Section 18 of Ordinance 110967) is hereby repealed.

Section 6. Section 11.56.260 of the Seattle Municipal Code (Section 19 of Ordinance 110967) is hereby repealed.

Section 7. Section 11.56.280 of the Seattle Municipal Code (Section 20 of Ordinance 110967) is hereby repealed.

Section 8. Section 11.56.300 of the Seattle Municipal Code (Section 21 of Ordinance 110967) is hereby repealed.

Section 9. Chapter 11.58 of the Seattle Municipal Code is amended by adding thereto a new Section 11.58.410, as follows:

11.58.410 Hit and Run - Definitions

1. "Accident" means a collision between two or more vehicles, or between a vehicle and property, or between a vehicle and a person. "Accident" also means the operation of a vehicle in such a manner as to cause the driver of another vehicle, or a pedestrian, or a person on a device propelled by human power to take evasive action which results in damage to property or injury to a person.

2. "Device propelled by human power" includes but is not limited to, a bicycle, tricycle, wagon, and any other similar device.

Section 10. Section 11.56 of the Seattle Municipal Code is amended by adding thereto a new Section 11.56.420, as follows:

11.56.420 Hit and Run (Attended) - Duty in Case of Accident With Occupied Vehicle

The operator of any vehicle involved in an accident resulting in damage to a vehicle which is operated or occupied by any person shall do the following:

1. Immediately stop such vehicle at the scene of the collision, or as close thereto as possible, and forthwith return to and remain at the scene of such accident until he or she has done the following; and

2. Given his or her name, address and vehicle license number, and exhibit his or her vehicle operator's license, to the operator or any occupant of the other vehicle; and

3. Render to any person involved in such accident reasonable assistance including the carrying or the making of arrangements for the carrying of such person to a physician or hospital for medical treatment if it is apparent that such treatment may be necessary or if such carrying is requested by

3. Render to any person involved in such accident reasonable assistance including the carrying or the making of arrangements for the carrying of such person to a physician or hospital for medical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the person involved in the accident or on his or her behalf. Under no circumstances shall the rendering of assistance or other compliance with the provisions of this section be evidence of the liability of any operator for such accident.

Section 14. Section 11.56 of the Seattle Municipal Code is amended by adding thereto a new Section 11.56.460, as follows:

11.56.460 Hit and Run - Duty When Specified Persons Are Not in Condition to Receive Information

In the event that none of the persons specified in Sections 11.56.420, 11.56.430, 11.56.440, and 11.56.450 are in condition to receive the information to which they otherwise would be entitled, and no peace officer is present, the person with a duty to provide such information, after fulfilling all other requirements of the applicable provisions of this code, shall forthwith report such accident to the nearest office of a duly authorized police authority and submit thereto the information specified in the applicable ordinance.

Section 15. Chapter 11.56, Miscellaneous Driving Rules, of the Seattle Municipal Code (Section 2 of Ordinance 108200), is amended by adding thereto a new section, as follows:

11.58.195 Child Passenger Restraint Required

A. The parent or legal guardian of any child less than five years old operating his or her own motor vehicle registered under RCW Chapter 46.16 upon any street, alley, or way open to the public in the City, in which the child is a passenger, shall:

1. provide for each such child passenger a separate child passenger restraint device or for each such child, age one through four years, a properly adjusted and fastened, seat belt approved by the appropriate agency of the United States Government; and

2. properly secure each such child in a manner approved by the State Commission of Equipment.

B. A person who receives a notice of traffic infraction for violating subsection (A) of this section shall be subject to a penalty assessment of not less than thirty dollars if the person fails to present proof of acquisition of an approved child passenger restraint system to a judge or magistrate at a hearing on the infraction.

C. Failure to comply with the requirements of this section shall not constitute negligence by a parent or legal guardian; nor shall failure to use a child restraint system be admissible as evidence of negligence in any civil action.

Section 16. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of its application to other person or circumstances.

Section 17. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 20th day of August, 1984