

29-11-1

ORDINANCE No. 115757

COUNCIL BILL No. 108680

AN ORDINANCE relating to the Traffic Code, amending Sections 11.34.020, 11.56.120, 11.56.320, 11.56.360, and 11.58.005 and repealing Section 11.56.55 of the Seattle Municipal Code.

# The City of Seattle--Legislative Department

## REPORT OF COMMITTEE

Honorable President:

Your Committee on PS&E 8/13/91

to which was referred the within Council Bill No. 108680 report that we have considered the same and respectfully recommend that the

2-0 Do Pass  
Full Council Vote 8-0

Committee Chair

COMPTROLLER FILE No. \_\_\_\_\_

Introduced: AUG 12 1991	By: <b>NOLAND</b>
Referred: AUG 12 1991	To: <u>Public Safety and Environment</u>
Referred:	To:
Referred:	To:
Reported: AUG 19 1991	Second Reading: AUG 19 1991
Third Reading: AUG 19 1991	Signed: AUG 19 1991
Presented to Mayor:	Approved: AUG 23 1991
Returned to City Clerk: AUG 26 1991	Published:
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

ORDINANCE 115757

1 AN ORDINANCE relating to the Traffic Code, amending  
Sections 11.34.020, 11.56.120, 11.56.320, 11.56.360, and  
11.58.005 and repealing Section 11.56.365 of the Seattle  
Municipal Code.

2 BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

3 Section 1. Section 11.34.020 of the Seattle Municipal Code  
4 is amended as follows:

5 **11.34.020 Penalties for criminal offenses.**

6 A. Any person convicted of any of the following offenses  
7 may be punished by a fine in any sum not to exceed Five Thousand  
8 Dollars (\$5,000.00) or by imprisonment for a term not to exceed  
one (1) year, or by both such fine and imprisonment:

9 1. Section 11.56.340. Vehicles carrying explosives,  
10 flammable liquids and poison gas, liquefied petroleum gas (LPG)  
11 and cryogenics must stop at all railroad grade crossings;

12 2. Section 11.56.120, Reckless driving;

13 3. Section 11.56.320(B), Driving while license is  
14 suspended or revoked in the first degree;

15 4. Section 11.56.320(C), Driving while license is  
16 suspended or revoked in the second degree;

17 5. Section 11.56.340, Operation of motor vehicle  
18 prohibited while license is suspended or revoked;

19 ((2)) 6. Section 11.56.420, Hit and run (attended);

20 7. Section 11.56.445, Hit and run (by an unattended  
21 vehicle);

22 ((3)) 8. Section 11.56.450, Hit and run (pedestrian or  
23 person on a device propelled by human power);

24 ((4)) 9. Section 11.60.690, Transportation of liquefied  
25 petroleum gas;

26 ((5)) 10. Section 11.62.020, Flammable liquids, combustible  
27 liquids and hazardous chemicals;

28 ((6)) 11. Section 11.62.040, Explosives;

((7)) 12. Section 11.80.140(B), Certain vehicles to carry  
flares or other warning devices (subsection B only);

((8)) 13. Section 11.80.160(E), Display of warning devices

when vehicle disabled (subsection E only);

((9)) 14. Section 11.84.380, Fire extinguishers;

1 ((10)) 15. Section 11.86.080, Flammable or combustible  
labeling;

2 ((11)) 16. Section 11.86.100, Explosive cargo labeling;

3 ((12)) 17. Section 11.34.040, with respect to aiding and  
4 abetting the foregoing criminal offenses.

5 B. Any person convicted of any of the following offenses  
6 may be punished by a fine in any sum not to exceed One Thousand  
7 Dollars (\$1,000.00) or by imprisonment for a term not to exceed  
8 ninety (90) days, or by both such fine and imprisonment:

9 1. Section 11.20.010, Driver's license required-  
Exception;

10 2. Section 11.20.100, Display of nonvalid driver's  
11 license;

12 3. Section 11.20.120, Loaning driver's license;

13 4. Section 11.20.140, Displaying the driver's license of  
14 another;

15 5. Section 11.20.160, Unlawful use of driver's license;

16 6. Section 11.20.350(c), Providing false evidence of  
financial responsibility;

17 7. Section 11.31.090, Failure to respond-- Written and  
18 signed promise;

19 8. Section ((11-31-110)) 11.31.100, Failure to respond--  
20 Parked, stopped or standing notice;

21 9. Section 11.32.100, Failure to appear;

22 ((10. Section 11.56.120, Reckless driving+))

23 10. Section 11.56.320(B), Driving while license is  
suspended or revoked in the third degree;

24 11. Section 11.56.430, Hit and run (unattended vehicle,--  
25 Duty in case of accident with unattended vehicle;

26 12. Section 11.56.440, Hit and run (property damage)--  
27 Duty in case of accident with property;

28 13. Section 11.58.190, Leaving minor children in  
unattended vehicle;

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14. Section 11.59.010, Obedience to peace officers, flaggers, and firefighters;

15. Section 11.59.040, Refusal to give information to or to cooperate with officer;

16. Section 11.59.060, Refusal to stop;

17. Section 11.59.080, Examination of equipment;

18. Section 11.59.090, Duty to obey peace officer--  
Traffic infraction.

19. Section 11.34.040, Aiding and abetting with respect to the criminal offenses in this subsection.

Section 2. Section 11.56.120 of the Seattle Municipal Code is amended as follows:

**11.56.120 Reckless driving.**

A. 1. Any person who drives any vehicle in the City in willful or wanton disregard for the safety of persons or property is guilty of reckless driving.

2. 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 willfully compare ~~((The wilful comparisen))~~ or contest ~~((ef))~~ relative speeds by operation of one (1) or more motor vehicles is guilty of ~~((shall be prima facie evidence of the operation of a motor vehicle in a))~~ reckless driving, whether or not such speed is in excess of the maximum speed prescribed by law ~~((manner by the operator thereof))~~; 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 reckless driving ~~((racing))~~.

~~((B. Any person convicted of a violation of this provision may be punished by a fine in any sum not to exceed One Thousand Dollars (\$1,000.00), or by imprisonment in the City jail for not more than ninety (90) days, or by both such fine and imprisonment. (RCW 46.61.500(1)))~~

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Section 3. Section 11.56.320 of the Seattle Municipal Code is amended as follows:

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

1       (~~No person shall operate a motor vehicle on any street or~~  
2 ~~alley or way open to the public at a time when that person is in~~  
3 ~~a suspended or revoked status or when his or her privilege to do~~  
4 ~~so is suspended or revoked or when his or her policy of~~  
5 ~~insurance or bond required under RCW Chapter 46.20 shall have~~  
6 ~~been canceled or terminated.~~)

7       A. It is unlawful for any person to drive a motor vehicle  
8 within the City while that person is in a suspended or revoked  
9 status or when his or her privilege to drive is suspended or  
10 revoked in this or any other state.

11       B. A person found to be an habitual offender under  
12 chapter 46.65 RCW, who violates this section while an order of  
13 revocation issued under chapter 46.65 RCW prohibiting such  
14 operation is in effect, is guilty of driving while license  
15 suspended or revoked in the first degree, a gross misdemeanor.  
16 Upon the first such conviction, the person shall be punished by  
17 imprisonment for not less than ten (10) days. Upon the second  
18 conviction, the person shall be punished by imprisonment for not  
19 less than ninety (90) days. Upon the third or subsequent  
20 conviction, the person shall be punished by imprisonment for not  
21 less than one (1) year. If the person is also convicted of the  
22 offense defined in Section 11.56.020(A) or Section 11.56.020(B),  
23 when both convictions arise from the same event, the minimum  
24 sentence of confinement shall be not less than ninety (90) days.  
25 The minimum sentence of confinement required shall not be  
26 suspended or deferred.

27       C. A person who violates this section while an order of  
28 suspension or revocation prohibiting such operation is in effect  
and while the person is not eligible to reinstato his or her  
driver's license or driving privilege, other than for a  
suspension for the reasons described in subsection D of this  
section, is guilty of driving while license suspended or revoked

in the second degree, a gross misdemeanor. This subsection applies when a person's driver's license or driving privilege has been suspended or revoked by reason of:

1       (1) A conviction of a felony in the commission of which a  
2 motor vehicle was used;

3       (2) A previous conviction under this section;

4       (3) A notice received by the department from a court or  
5 diversion unit as provided by RCW 46.20.265, relating to a minor  
6 who has committed, or who has entered a diversion unit  
7 concerning an offense relating to alcohol, legend drugs,  
8 controlled substances, or imitation controlled substances;

9       (4) A conviction relating to the violation of restrictions  
10 of an occupational driver's license;

11       (5) A conviction relating to the operation of a motor  
12 vehicle with a suspended or revoked license;

13       (6) A conviction relating to duty in case of injury to or  
14 death of a person or damage to an attended vehicle;

15       (7) A conviction relating to attempting to elude pursuing  
16 police vehicles;

17       (8) A conviction relating to reckless driving;

18       (9) A conviction relating to a person under the influence  
19 of intoxicating liquor or drugs;

20       (10) A conviction relating to vehicular homicide;

21       (11) A conviction relating to vehicular assault;

22       (12) A conviction relating to racing of vehicles on  
23 highways;

24       (13) A conviction relating to leaving children in an  
25 unattended vehicle with motor running;

26       (14) A conviction relating to attempting, aiding, abetting,  
27 coercing, and committing crimes; or

28       (15) An administrative action taken by the department under  
chapter 46.20 RCW.

D. A person who violates this section when his or her  
driver's license or driving privilege is, at the time of the  
violation, suspended or revoked solely because (1) the person

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1 must furnish proof of satisfactory progress in a required  
2 alcoholism or drug treatment program, (2) the person must  
3 furnish proof of financial responsibility for the future as  
4 provided by chapter 46.29 RCW, (3) the person has failed to  
5 comply with the provisions of chapter 46.29 RCW relating to  
6 uninsured accidents, or (4) the person has committed an offense  
7 in another state that, if committed in this state, would not be  
8 grounds for the suspension or revocation of the person's  
9 driver's license, or any combination of (1) through (4), is  
10 guilty of driving while license suspended or revoked in the  
11 third degree, a misdemeanor.

12 Section 4. Section 11.56.360 of the Seattle Municipal Code  
13 is amended as follows:

14 **11.56.360 Driving with a suspended vehicle registration.**

15 **A.** No person shall operate a motor vehicle on any street,  
16 alley or way open to the public while the vehicle registration  
17 is suspended as provided in RCW Title 46.

18 **B.** Any person convicted of a violation of subsection A  
19 shall be punished by imprisonment for not less than two (2) days  
20 nor more than five (5) days, or a fine of not less than One  
21 Hundred Dollars (\$100.00) nor more than Five Hundred Dollars  
22 (\$500.00), or by both such imprisonment and fine.

23 Section 5. Section 11.56.365 of the Seattle Municipal Code  
24 is repealed.

25 Section 6. Section 11.58.005 of the Seattle Municipal  
26 Code is amended as follows:

27 **11.58.005 Operating motor vehicle in a negligent manner--**  
28 **Penalty.**

A. 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

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1 operation of a vehicle upon the streets, alleys or ways open to  
2 the public of this City in such a manner as to endanger or be  
3 likely to endanger any person or property: provided, that any  
4 person operating a motor vehicle on private property with the  
5 consent of the owner in a manner consistent with owner's consent  
6 shall not be guilty of negligent driving.

7 B. The offense of operating a vehicle in a negligent  
8 manner shall be considered to be a lesser offense than, but  
9 included in, the offense of ~~((operating a vehicle in a))~~  
10 reckless ~~((manner))~~ driving, and any person charged with  
11 ~~((operating a vehicle in a))~~ reckless ~~((manner))~~ driving may be  
12 convicted of the lesser offense of operating a vehicle in a  
13 negligent manner.

14 C. Any person convicted of a violation of subsection A  
15 ~~((violating the provisions of this section))~~ shall be punished  
16 by a fine not to exceed Two Hundred Fifty Dollars (\$250.00)  
17 ~~((Five Hundred Dollars (\$500.00)))~~, and may not be punished by  
18 imprisonment. (RCW 46.61.525)

19 Section 7. The provisions of this ordinance are  
20 declared to be separate and severable. The invalidity of any  
21 clause, sentence, paragraph, subdivision, section or portion of  
22 this ordinance, or the invalidity of the application thereof to  
23 any person or circumstance shall not affect the validity of the  
24 remainder of this ordinance, or the validity of its application  
25 to other persons or circumstances.

26 Section 8. Time is of the essence in this matter  
27 because no criminal penalties are imposed for driving while  
28 license suspended or revoked, operation of a motor vehicle while  
license is suspended or revoked, driving with a suspended  
vehicle registration and hit and run by an unattended vehicle.  
The preservation of public peace and safety requires immediate  
establishment of criminal penalties for these offenses and  
clarification that these offenses are gross misdemeanors, as

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they are under state law. Further, the state statute dividing driving while license suspended or revoked into three offenses becomes effective July 28, 1991. The preservation of public peace and safety requires immediate similar division of this offense under the Seattle Municipal Code. Therefore, an emergency is hereby declared to exist by reason of the facts above stated and this ordinance shall become effective immediately upon passage by three-fourths (3/4) of the members of the City Council and approval or signing by the Mayor or passage over his veto, as provided by the Charter of the City.

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Passed by the City Council the 17th day of August, 1971,  
and signed by me in open session in authentication of its passage this 17th day of  
August, 1971. [Signature]  
President FR. T. [Signature] of the City Council.  
Approved by me this 23rd day of August, 1971.  
[Signature] Mayor.  
Filed by me this 26th day of August, 1971.

Norman Brooks  
Attest: Norman Brooks  
City Comptroller and City Clerk.

By Margaret Carter  
Deputy Clerk.

(SEAL)

Published.....

PUBLISH  DO NOT PUBLISH  
CITY ATTORNEY \_\_\_\_\_

**SEATTLE CITY ATTORNEY  
MARK H. SIDRAN**

CRIMINAL DIVISION  
710 SECOND AVENUE, SUITE 1414  
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(206) 684-7757 FAX: (206) 684-4648

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UTILITIES DIVISION  
1015 THIRD AVENUE, SUITE 902  
SEATTLE, WASHINGTON 98104  
(206) 684-3361

August 2, 1991

Honorable Jane Noland  
Seattle City Council  
Municipal Building 11th Floor  
Seattle, Washington 98104

Dear Councilmember Noland,

Enclosed is a revision of the proposed Driving While License Suspended (DWLS) and traffic penalties ordinance we discussed last Friday. Pursuant to our discussion, we have revised the proposed ordinance to maintain criminal sanctions for vehicles which carry a dangerous cargo and fail to (1) stop at railroad crossings; or (2) carry a fire extinguisher; or (3) be labeled. SMC 11.55.340; 11.84.380; 11.86.080; 11.86.100. The revision also provides a criminal penalty for such vehicles which fail to carry flares or display warning devices when disabled. SMC 11.80.140(B); 11.80.160(E). Although we had discussed reinserting criminal penalties for only the first three offenses mentioned above, I would propose the same for all of them inasmuch as a later ordinance will be needed to revise these provisions anyway. All of these offenses can be reviewed at that time.

If this revision is not satisfactory or if you have questions, please contact me at your earliest convenience. I will be at the Public Safety Committee meeting on August 13th to explain the proposed ordinance and answer any questions. Thank you very much for your assistance in this manner.

Very truly yours,



Ted Inkley  
Seattle Law Department  
Criminal Division Director

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**TIME AND DATE STAMP**

**SPONSORSHIP**

THE ATTACHED DOCUMENT IS SPONSORED FOR FILING WITH THE CITY COUNCIL BY THE MEMBER(S) OF THE CITY COUNCIL WHOSE SIGNATURE(S) ARE SHOWN BELOW:

\_\_\_\_\_  
*Jane M. Bland*  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**FOR CITY COUNCIL PRESIDENT USE ONLY**

COMMITTEE(S) REFERRED TO: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
**PRESIDENT'S SIGNATURE**

C. S. 20.28

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City of Seattle  
ORDINANCE 115757

AN ORDINANCE relating to the Traffic Code, amending Sections 11.34.020, 11.56.120, 11.56.320, 11.56.360, and 11.58.005 and repealing Section 11.56.365 of the Seattle Municipal Code.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 11.34.020 of the Seattle Municipal Code is amended as follows:

**11.34.020 Penalties for criminal offenses.**

A. Any person convicted of any of the following offenses may be punished by a fine in any sum not to exceed Five Thousand Dollars (\$5,000.00) or by imprisonment for a term not to exceed one (1) year, or by both such fine and imprisonment:

1. 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;

2. Section 11.56.120, Reckless driving;

3. Section 11.56.320(P), Driving while license is suspended or revoked in the first degree;

4. Section 11.56.320(C), Driving while license is suspended or revoked in the second degree;

5. Section 11.56.340, Operation of motor vehicle prohibited while license is suspended or revoked;

(2) 6. Section 11.56.430, Hit and run (attended);

7. Section 11.56.445, Hit and run (by an unattended vehicle);

(3) 8. Section 11.56.450, Hit and run (pedestrian or person on a device propelled by human power);

(4) 9. Section 11.60.690, Transportation of liquefied petroleum gas;

(5) 10. Section 11.62.020, Flammable liquids, combustible liquids and hazardous chemicals;

(6) 11. Section 11.62.040, Explosives;

(7) 12. Section 11.60.140(B), Certain vehicles to carry flares or other warning devices (subsection B only);

(8) 13. Section 11.80.160(E), Display of warning devices when vehicle disabled (subsection E only);

(9) 14. Section 11.84.380, Fire extinguishers;

(10) 15. Section 11.86.080, Flammable or combustible labeling;

(11) 16. Section 11.86.100, Explosive cargo labeling;

(12) 17. Section 11.34.040, With respect to aiding and abetting the foregoing criminal offenses.

B. Any person convicted of any of the following offenses may be punished by a fine in any sum not to exceed One Thousand Dollars (\$1,000.00) or by imprisonment for a term not to exceed ninety (90) days, or by both such fine and imprisonment:

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 11.20.350(c), Providing false evidence of financial responsibility;

7. Section 11.31.090, Failure to respond-- Written and signed promise;

8. Section ((11.31.100)) 11.31.100, Failure to respond-- Parked, stopped or standing notice;

9. Section 11.32.100, Failure to appear;

((10--Section 11.56.320, Reckless driving));

10. Section 11.56.320(B), Driving while license is suspended or revoked in the third degree;

11. Section 11.56.430, Hit and run (unattended vehicle)-- Duty in case of accident with unattended vehicle;

12. Section 11.56.440, Hit and run (property damage)-- Duty in case of accident with property;

13. Section 11.58.390, Leaving minor children in unattended vehicle;

14. Section 11.58.10, Obedience to peace officers, flaggers, and firefighters;

15. Section 11.59.040, Refusal to give information to or to cooperate with officer;

16. Section 11.59.060, Refusal to stop;

17. Section 11.59.080, Examination of equipment;

18. Section 11.58.050, Duty to obey peace officer-- Traffic infraction.

19. Section 11.34.040, Aiding and abetting with respect to the criminal offenses in this subsection.

Section 2. Section 11.56.120 of the Seattle Municipal Code is amended as follows:

**11.56.120 Reckless driving.**

A. 1. Any person who drives any vehicle in the City in willful or wanton disregard for the safety of persons or property is guilty of reckless driving.

2. 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 willfully compare ((The willful comparison)) or contest ((of)) relative speeds by operation of one (1) or more motor vehicles is guilty of ((shall be prima facie evidence of the operation of a motor vehicle in a)) reckless driving, whether or not such speed is in excess of the maximum speed prescribed by law ((manner by the operator thereof)); 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 reckless driving ((racing)).

((B--Any person convicted of a violation of this provision may be punished by a fine in any sum not to exceed One Thousand Dollars (\$1,000.00), or by imprisonment in the City jail for not more than ninety (90) days, or by both such fine and imprisonment--(RCW 46.61.500(1))

Section 3. Section 11.56.320 of the Seattle Municipal Code is amended as follows:

**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 that person is in suspended or revoked status or when his or her privilege to do so is suspended or revoked or when his or her policy of insurance or bond required under RCW Chapter 46.20 shall have been canceled or terminated.))

A. It is unlawful for any person to drive a motor vehicle within the City while that person is in a suspended or revoked status or when his or her privilege to drive is suspended or revoked in this or any other statute.

B. A person found to be an habitual offender under chapter 46.65 RCW, who violates this section while an order of revocation issued under chapter 46.65 RCW prohibiting such operation is in effect, is guilty of driving while license suspended or revoked in the first degree, a gross misdemeanor. Upon the first such conviction, the person shall be punished by imprisonment for not less than ten (10) days. Upon the second conviction, the person shall be punished by imprisonment for not less than ninety (90) days. Upon the third or subsequent conviction, the person shall be punished by imprisonment for not less than one (1) year. If the person is also convicted of the offense defined in Section 11.56.020(A) or Section 11.56.020(B), when both convictions arise from the same event, the minimum sentence of confinement shall be not less than ninety (90) days. The minimum sentence of confinement required shall not be suspended or deferred.

C. A person who violates this section while an order of suspension or revocation prohibiting such operation is in effect and while the person is not eligible to reinstate his or her driver's license or driving privilege, other than for a suspension for the reasons described in subsection B of this section, is guilty of driving while license suspended or revoked in the second degree, a gross misdemeanor. This subsection applies when a person's driver's license or driving privilege

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has been suspended or revoked by reason of:  
(1) A conviction of a felony in the commission of which a motor vehicle was used;

(2) A previous conviction under this section;  
(3) A notice received by the department from a court or division unit as provided by RCW 46.29.265, relating to a minor who has committed, or who has entered a diversion unit concerning an offense relating to alcohol, legend drugs, controlled substances, or imitation controlled substances;

(4) A conviction relating to the violation of restrictions of an occupational driver's license;

(5) A conviction relating to the operation of a motor vehicle with a suspended or revoked license;

(6) A conviction relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(7) A conviction relating to attempting to elude pursuing police vehicles;

(8) A conviction relating to reckless driving;

(9) A conviction relating to a person under the influence of intoxicating liquor or drugs;

(10) A conviction relating to vehicular homicide;

(11) A conviction relating to vehicular assault;

(12) A conviction relating to racing of vehicles on highways;

(13) A conviction relating to leaving children in an unattended vehicle with motor running;

(14) A conviction relating to attempting, aiding, abetting, coercing, and committing crimes;

(15) An administrative action taken by the department under chapter 46.29 RCW.

D. A person who violates this section when his or her driver's license or driving privileges is, at the time of the violation, suspended or revoked solely because (1) the person must furnish proof of satisfactory progress in a required alcoholism or drug treatment program, (2) the person must furnish proof of financial responsibility for the future as provided by chapter 46.29 RCW, (3) the person has failed to comply with the provisions of chapter 46.29 RCW relating to uninsured accidents, or (4) the person has committed an offense in another state that, if committed in this state, would not be grounds for the suspension or revocation of the person's driver's license, or any combination of (1) through (4), is guilty of driving while license suspended or revoked in the third degree, a misdemeanor.

Section 4. Section 11.56.360 of the Seattle Municipal Code is amended as follows:

11.56.360 Driving with a suspended vehicle registration.

A. No person shall operate a motor vehicle on any street, alley or way open to the public while the vehicle registration is suspended as provided in RCW Title 46.

B. Any person convicted of a violation of subsection A shall be punished by imprisonment for not less than two (2) days nor more than five (5) days, or a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), or by both such imprisonment and fine.

Section 5. Section 11.56.365 of the Seattle Municipal Code is repealed.

Section 6. Section 11.56.005 of the Seattle Municipal Code is amended as follows:

11.56.005 Operating motor vehicle in a negligent manner-- Penalty.

A. 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 a person or property; provided, that any person operating a motor vehicle on private property with the consent of the owner in a manner consistent with owner's consent

shall not be guilty of negligent driving.

B. 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~~) driving, and any person charged with (~~operating a vehicle in a~~) reckless (~~manner~~) driving may be convicted of the lesser offense of operating a vehicle in a negligent manner.

C. Any person convicted of a violation of subsection A (~~violating the provisions of this section~~) shall be punished by a fine not to exceed Two Hundred Fifty Dollars (\$250.00) (~~Five Hundred Dollars (\$500.00)~~), and may not be punished by imprisonment. (RCW 46.61.525)

Section 7. 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 the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 8. Time is of the essence in this matter because no criminal penalties are imposed for driving while license suspended or revoked, operation of a motor vehicle while license is suspended or revoked, driving with a suspended vehicle registration and hit and run by an unattended vehicle. The preservation of public peace and safety requires immediate establishment of criminal penalties for these offenses and clarification that these offenses are gross misdemeanors, as they are under state law. Further, the state statute dividing driving while license suspended or revoked into three offenses becomes effective July 28, 1991. The preservation of public peace and safety requires immediate similar division of this offense under the Seattle Municipal Code. Therefore, an emergency is hereby declared to exist by reason of the facts above stated and this ordinance shall become effective immediately upon passage by three-fourths (3/4) of the members of the City Council and approval or signing by the Mayor or passage over his veto, as provided by the Charter of the City.

Passed by the City Council the 19th day of August, 1991, and signed by me in open session in authentication of its passage this 19th day of August, 1991.  
JIM STREET,  
President Pro Tem of the City Council.  
Approved by me this 23rd day of August, 1991.  
NORMAN B. RICE,  
Mayor.  
Filed by me this 26th day of August, 1991.  
Attest: NORWARD J. BROOKS,  
City Comptroller and City Clerk.  
(Seal) By MARGARET CARTER,  
Deputy Clerk.  
Publication ordered by NORWARD J. BROOKS, Comptroller and City Clerk, 30  
Date of official publication in Daily Journal of Commerce, Seattle, August 8/30(8724)  
1991.

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

STATE OF WASHINGTON - KING COUNTY

8724  
City of Seattle

-ss.

No.

Affidavit of Publication

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

EMRGNCY ORD: 115757

was published on

08/30/91

The amount of the fee charged for the foregoing publication is the sum of \$ \_\_\_\_\_, which amount has been paid in full.

C. Trent

Subscribed and sworn to before me on

08/30/91

V. J. Beck

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

Affidavit of Publication

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.