

26 11/4/91

ORDINANCE No.

115895

Law Department

COUNCIL BILL No.

108827

The City of

AN ORDINANCE amending Seattle Municipal Code Sections 11.20.340 and 11.20.350 to conform to 1991 statutory changes for showing proof of financial responsibility to operate a motor vehicle to a law enforcement officer; authorizing a fee to cover court administrative costs; and adding new sections 11.20.345 and 11.20.347 therefor.

Honorable President:

Your Committee on

Public Safety

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

COMPTROLLER FILE No.

Introduced: SEP 20 1991	By: SIBONGA
Referred: SEP 20 1991	To: Budget
Referred: 10-14-91	To: Public Safety & Environ
Referred:	To:
Reported: OCT 21 1991	Second Reading: OCT 21 1991
Third Reading: OCT 21 1991	Signed: OCT 21 1991
Presented to Mayor: OCT 22 1991	Approved: OCT 22 1991
Returned to City Clerk: OCT 22 1991	Published:
Voted by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

referred to Public

VOTE

Full Council vote

OK

Department

The City of Seattle--Legislative Department

Date Reported
and Adopted

REPORT OF COMMITTEE

President:

Committee on

Public Safety & ENV. Committee 10/18/91

was referred the within Council Bill No.

105927

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

be referred to Public Safety

VOTE 1-0 PASS

all Council vote 7-0

[Signature]

Committee Chair

ORDINANCE 115895

1
2 AN ORDINANCE amending Seattle Municipal Code Sections 11.20.340
3 and 11.20.350 to conform to 1991 statutory changes for
4 showing proof of financial responsibility to operate a
5 motor vehicle to a law enforcement officer; authorizing a
6 fee to cover court administrative costs; and adding new
7 sections 11.20.345 and 11.20.347 therefor.

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

9 Section 1. Seattle Municipal Code Section 11.20.340
10 (Ordinance 115040, Section 1) is amended as follows:

11 **11.20.340 Financial responsibility required.**

12 A. No person may operate a motor vehicle subject to
13 registration under Chapter 46.16. RCW in this City unless the
14 person is insured under a motor vehicle liability policy with
15 liability limits of at least the amounts provided in RCW
16 56.29.090, is self-insured as provided in RCW 46.20.630, is
17 covered by a certificate of deposit in conformance with RCW
18 56.29.550, or is covered by a liability bond of at least the
19 amounts provided in RCW 56.20.090. Written proof of financial
20 responsibility for motor vehicle operation must be provided on
21 the request of a law enforcement officer in the format specified
22 under RCW 56.30.030.

23 B. A person who drives a motor vehicle that is required
24 to be registered in another state that requires drivers and
25 owners of vehicles in that state to maintain insurance or
26 financial responsibility shall, when requested by a law
27 enforcement officer, provide evidence of financial
28 responsibility or insurance as is required by the laws of the
state in which the vehicle is registered.

C. When asked to do so by a law enforcement officer,
failure to display an insurance identification card as specified
under RCW 56.30.030 creates a presumption that the person does
not have motor vehicle insurance.

1 D. Failure to provide proof of motor vehicle insurance
2 is a traffic infraction and is subject to penalties as set by
3 the supreme court under RCW 56.63.110 or community service.
4 (RCW 46.30.020(1))

5 ~~((B---A violation of this section constitutes a traffic~~
6 ~~infraction punishable by a fine of Two Hundred Fifty Dollars~~
7 ~~(\$250.00) unless a court determines that in the interest of~~
8 ~~justice the fine should be reduced.---In lieu of the fine, a~~
9 ~~court may permit the defendant to perform community service~~
10 ~~designated by the court.))~~

11 Section 2. Subsection C of Seattle Municipal Code Section
12 11.20.340 (Ordinance 115040, Section 1C is renumbered as Section
13 11.20.345 and amended as follows:

14 11.20.345 Post Citation Proof of Financial Responsibility

15 ~~((e-))~~ If a person cited for a violation of ~~((this))~~
16 ~~((s))~~ Section 11.20.340 appears in person before the court and
17 provides written evidence that at the time the person was cited,
18 he or she was in compliance with ~~((this-section))~~ the financial
19 responsibility requirements of Section 11.20.340, the citation
20 shall be dismissed. In lieu of personal appearance, a person
21 cited for a violation of ~~((this--section))~~ the financial
22 responsibility requirements of Section 11.20.340 may, before the
23 date scheduled for the person's appearance before the court,
24 submit by mail to the court written evidence that at the time
25 the person was cited, he or she was in compliance with ~~((this~~
26 ~~section))~~ the financial responsibility requirements of Section
27 11.20.340, in which case the citation shall be dismissed without
28 cost, except that the court may assess court administrative
costs of Twenty-five Dollars (\$25.00) at the time of dismissal.
(RCW 46.50.020(2))

 Section 3. Subsection D of Seattle Municipal Code Section
11.20.340 (Ordinance 115040, Section 1D) is renumbered as

1 Section 11.20.347 and amended as follows:

2 11.20.347 Scope of Financial Responsibility Sections

3 ((B-)) The provisions of ((this--chapter)) Sections
4 11.20.345 and 11.20.347 shall not govern:

5 1. The operation of a motor vehicle registered under
6 RCW 46.16.310 or 46.16.315, governed by RCW 46.16.020, or
7 registered with the Washington Utilities and Transportation
8 Commission as common or contract carriers or

9 2. The operation of a motorcycle as defined in RCW
10 46.04.330, a motor-driven cycle as defined in RCW 46.04.332, or
11 a moped as defined in RCW 46.04.304. (RCW 46.30.020(3))

12 Section 4. Seattle Municipal Code Section 11.20.350
(Ordinance 115040, Section 1) is amended as follows:

13 11.20.350 Proof of financial responsibility -- Penalty for
14 falsification.

15 ~~((A--Whenever a person operates a motor vehicle subject to~~
16 ~~registration under Chapter 46.16.RCW, the person shall have in~~
17 ~~his or her possession an identification card of the type~~
18 ~~specified by the Department of Licensing under RCW 46.30.030 and~~
19 ~~shall display the card upon demand to a law enforcement officer.~~

20 ~~B---Every person who drives a motor vehicle required to~~
21 ~~be registered in another state that requires drivers and owners~~
22 ~~of vehicles in that state to maintain insurance or financial~~
23 ~~responsibility shall, when requested by a law enforcement~~
24 ~~officer, provide evidence of financial responsibility or~~
25 ~~insurance as is required by the laws of the state in which the~~
26 ~~vehicle is registered.~~

27 E-)) Any person who knowingly provides false evidence of
28 financial responsibility to a law enforcement officer or to a
court, including an expired or canceled insurance policy, bond,
or certificate of deposit is guilty of a criminal offense
subject to punishment under subsection B of Section 11.34.020.

(To be used for all Ordinances except Emergency.)

(RCW 46.30.040)

Section.....5. 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 21st day of October, 19 91,
and signed by me in open session in authentication of its passage this 21st day of
October, 19 91.

President..... of the City Council.

Approved by me this 28th day of October, 19 91.

Filed by me this 28th day of October, 19 91.
Norman J. Brooks Mayor.

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

(SEAL)

Published.....

By Margaret Carter
Deputy Clerk.

The Municipal Court of Seattle

Barbara A. Madsen
Judge



Public Safety Building, Room 1100
Seattle, WA 98104-1852
206-684-8709

October 17, 1991

To: Jane Noland, Chairperson
Public Safety Committee
Seattle City Council
MS 01-11-01

From: Barbara A. Madsen, *BAM* Presiding Judge
Seattle Municipal Court

Re: Title 46, \$25.00 charge

The Court is proposing the attached legislation to bring the Seattle Municipal Code into conformity with State law. The State Legislature revised Title 46 to authorize courts to charge a \$25.00 court cost in circumstances where a motorist can establish insurance coverage at the time of a citation for an insurance violation. Both City and State law had previously required dismissal of such citations upon presentation of proof of insurance, but did not allow the Courts to recoup their administrative costs.

The State law authorizing costs became effective September 29, 1991. The Seattle Municipal Court stands ready to assess costs in these cases if the City Council passes the attached legislation.

City of Seattle

Executive Department-Office of Management and Budget

Andrew J. Lofton, Director
Norman B. Rice, Mayor



September 19, 1991

#34

The Honorable Mark Sidran
City Attorney
City of Seattle

Ally
thg

Dear Mr. Sidran:

The Mayor is proposing to the City Council that the enclosed legislation be adopted.

REQUESTING DEPARTMENT Management and Budget

SUBJECT: AN ORDINANCE amending Seattle Municipal Code Sections 11.20.340 and 11.20.350 to conform to 1991 statutory changes for showing proof of financial responsibility to operate a motor vehicle to a law enforcement officer; authorizing a fee to cover court administrative costs; and adding new sections 11.20.345 and 11.20.347 therefor.

Pursuant to the City Council's S.O.P. 100-014, the Executive Department is forwarding this request for legislation to your office for review and drafting.

After reviewing this request and any necessary redrafting of the enclosed legislation, return the legislation to OMB. Any specific questions regarding the legislation can be directed to André Burrell at 4-8068.

Sincerely,

Norman B. Rice
Mayor

by

Andrew J. Lofton
ANDREW J. LOFTON
Budget Director

AL/ab/rsr

Enclosure

91

STATE OF WASHINGTON - KING COUNTY

10656
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

ORD: 115895

was published on

11/04/91

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

11/04/91

James P. Nicholson

Notary Public for the State of Washington,
residing in Seattle

City of Seattle

ANCE 115885

AN ORDINANCE amending Seattle Municipal Code Sections 11.20.340 and 11.20.350 to conform to 1991 statutory changes for showing proof of financial responsibility to operate a motor vehicle to a law enforcement officer; authorizing a fee to cover court administrative costs; and adding new sections 11.20.345 and 11.20.347 thereto.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Seattle Municipal Code Section 11.20.340 (Ordinance 115040, Section 1) is amended as follows:

11.20.340 Financial responsibility required.

A. No person may operate a motor vehicle subject to registration under Chapter 46.16, RCW in this City unless the person is insured under a motor vehicle liability policy with liability limits of at least the amounts provided in RCW 56.29.090, is self-insured as provided in RCW 46.20.630, is covered by a certificate of deposit in conformance with RCW 56.29.550, or is covered by a liability bond of at least the amounts provided in RCW 56.20.090. Written proof of financial responsibility for motor vehicle operation must be provided on the request of a law enforcement officer in the format specified under RCW 56.30.030.

B. A person who drives a motor vehicle that is required to be registered in another state that requires drivers and owners of vehicles in that state to maintain insurance or financial responsibility shall, when requested by a law enforcement officer, provide evidence of financial responsibility or insurance as is required by the laws of the state in which the vehicle is registered.

C. When asked to do so by a law enforcement officer, failure to display an insurance identification card as specified under RCW 56.30.030 creates a presumption that the person does not have motor vehicle insurance.

D. Failure to provide proof of motor vehicle insurance is a traffic infraction and is subject to penalties as set by the supreme court under RCW 56.63.110 or community service. (RCW 46.30.020(1))

((B--A violation of this section constitutes a traffic infraction punishable by a fine of Two Hundred Fifty Dollars (\$250.00) unless a court determines that in the interest of justice the fine should be reduced--in lieu of the fine, a court may permit the defendant to perform community service designated by the court.))

Section 2. Subsection C of Seattle Municipal Code Section 11.20.340 (Ordinance 115040, Section 1C) is renumbered as Section 11.20.345 and amended as follows:

11.20.345 Post Citation Proof of Financial Responsibility

((C--)) If a person cited for a violation of ((this)) Section 11.20.340 appears in person before the court and provides written evidence that at the time the person was cited, he or she was in compliance with ((this-section)) the financial responsibility requirements of Section 11.20.340, the citation shall be dismissed. In lieu of personal appearance, a person cited for a violation of ((this-section)) the financial responsibility requirements of Section 11.20.340 may, before the date scheduled for the person's appearance before the court,

the person was cited, he or she was in compliance with ((this-section)) the financial responsibility requirements of Section 11.20.340, in which case the citation shall be dismissed without cost, except that the court may assess court administrative costs of Twenty-five Dollars (\$25.00) at the time of dismissal. (RCW 46.50.020(2))

Section 3. Subsection D of Seattle Municipal Code Section 11.20.340 (Ordinance 115040, Section 1D) is renumbered as Section 11.20.347 and amended as follows:

11.20.347 Scope of Financial Responsibility Section

((B--)) The provisions of ((this-chapter)) Sections 11.20.345 and 11.20.347 shall not govern:

1. The operation of a motor vehicle registered under RCW 46.16.310 or 46.16.315, governed by RCW 46.16.030, registered with the Washington Utilities and Transportation Commission as common or contract carriers or

2. The operation of a motorcycle as defined in RCW 46.04.330, a motor-driven cycle as defined in RCW 46.04.300, or a moped as defined in RCW 46.04.304. (RCW 46.30.020(1))

Section 4. Seattle Municipal Code Section 11.20.350 (Ordinance 115040, Section 1) is amended as follows:

11.20.350 Proof of financial responsibility -- Penalties for falsification.

((A--Whenever a person operates a motor vehicle subject to registration under Chapter 46.16, RCW, the person shall have in his or her possession an identification card of the type specified by the Department of Licensing under RCW 46.30.030 and shall display the card upon demand to a law enforcement officer.))

B--Every person who drives a motor vehicle required to be registered in another state that requires drivers and owners of vehicles in that state to maintain insurance or financial responsibility shall, when requested by a law enforcement officer, provide evidence of financial responsibility or insurance as is required by the laws of the state in which the vehicle is registered.

C--Any person who knowingly provides false evidence of financial responsibility to a law enforcement officer or a court, including an expired or canceled insurance policy, or certificate of deposit is guilty of a criminal offense and is subject to punishment under subsection B of Section 11.20.340. (RCW 46.30.040)

Section 5. This ordinance shall take effect and be in force thirty days 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 21st day of October, 1991, and signed by me in authentication of its passage this 21st day of October, 1991.

PAUL N. RAABER,

President of the City Council.

Approved by me this 28th day of October, 1991.

NORMAN H. BICE,

Mayor.

Filed by me this 28th day of October, 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.

Date of official publication in Daily Journal of Commerce, Seattle, November 1, 1991.