

ORDINANCE No. 120481

COUNCIL BILL No. 113757

The City of

AN ORDINANCE relating to motor vehicles, amending Sections 11.20.230, 11.31.120, 11.56.020, 11.56.320, 11.56.350, 11.57.280, 25.08.430 and 25.08.450 and adding a section to Chapter 11.20 of the Seattle Municipal Code.

Honorable President:

Your Committee on \_\_\_\_\_

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

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

Introduced: JUL 16 2001	By: COMPTON
Referred: JUL 16 2001	To: Public Safety & Technology Committee
Referred:	To:
Referred:	To:
Reported: 8-20-01	Second Reading:
Third Reading: 8-20-01	Signed: 8-20-01
Presented to Mayor: 8-21-01	Approved: 8/29/01
Returned to City Clerk: 8/30/01	Published: full 9 pp
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

8-20-01 Passed

(Excuse)

Law Department

# The City of Seattle--Legislative Department

REPORT OF COMMITTEE

COMPTON

Date Reported  
and Adopted

*[Handwritten signatures]*

President:

Committee on \_\_\_\_\_

was referred the within Council Bill No. \_\_\_\_\_

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

*Compton aye*

*Nicastro aye*

*8-01 Passed 8-0*

*(Excused: Stembrock)*

*(E) Review  
Proposed  
Full Task Load*

*Department*

Committee Chair

*[Handwritten mark]*

ORDINANCE 120481

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2  
3 AN ORDINANCE relating to motor vehicles, amending Sections 11.20.230, 11.31.120, 11.56.020,  
4 11.56.320, 11.56.350, 11.57.280, 25.08.430 and 25.08.450 and adding a section to Chapter 11.20  
of the Seattle Municipal Code.

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

6 **Section 1.** Chapter 11.20 of the Seattle Municipal Code (Ordinance 108200) is amended to add  
7 the following section:

8 **11.20.060 Intermediate license restrictions.**

9 A. For the first six (6) months after the issuance of an intermediate license under RCW  
10 46.20.075 or until the holder reaches eighteen (18) years of age, whichever occurs first, the holder of an  
11 intermediate license may not operate a motor vehicle that is carrying any passengers under twenty (20)  
12 years of age who are not members of the holder's immediate family.

13 B. For the remaining period of the intermediate license, the holder of an intermediate license  
14 may not operate a motor vehicle that is carrying more than three (3) passengers under twenty (20) years  
15 of age who are not members of the holder's immediate family.

16 C. The holder of an intermediate license may not operate a motor vehicle between the hours of  
17 1:00 am and 5:00 am except when accompanied by a parent, guardian or a licensed driver who is at least  
18 twenty-five (25) years of age.

19 D. The holder of an intermediate license may drive at any hour without restrictions on the  
20 number of passengers in the vehicle if:

- 21  
22 1. necessary for agricultural purposes, or  
23  
24



2. for the twelve (12) month period after the issuance of the intermediate license, the holder has not been involved in a motor vehicle accident and has not been convicted or found to have committed a traffic offense described in RCW Chapter 46.61 or violated this section.

E. "Holder's immediate family" means the spouse, child, stepchild, grandchild, parent, stepparent, grandparent, brother, half brother, sister, and half sister of the holder or the holder's spouse and the spouse of any such person.

**Section 2.** Subsection B of Section 11.20.230 of the Seattle Municipal Code (Ordinance 119189 § 4) is amended as follows:

**11.20.230 Ignition interlock or other biological or technical device required.**

\* \* \*

B. If a person is convicted of a violation of Section 11.56.020 A or B, the court shall order that after a period of suspension, revocation, or denial of driving privileges, the person may drive only a motor vehicle equipped with a functioning ignition interlock or other biological or technical device.

This requirement may not be suspended.

\* \* \*

**Section 3.** Subsection A of Section 11.31.120 of the Seattle Municipal Code (Ordinance 108200 § 2 (11.31.120), as last amended by Ordinance 110013 § 1) is amended as follows:

**11.31.120 Monetary penalties.**

A. A person found to have committed a traffic infraction shall be assessed a monetary penalty. No penalty may exceed Two Hundred Fifty Dollars (\$250) for each offense unless a higher penalty is specifically provided for in this title or by statute.

\* \* \*



**Section 4.** Subsection N6 of Section 11.56.020 of the Seattle Municipal Code (Ordinance

1 108200 § 2 (11.56.020), as last amended by Ordinance 119189 § 6) is amended as follows:

2 **11.56.020 Persons under the influence of intoxicating liquor or any drug -- Chemical**  
3 **analysis -- Tests, evidence and penalties.**

4 \* \* \*

5 6. Unless the judge finds the person to be indigent, the mandatory minimum fine shall not be  
6 suspended or deferred. Neither the mandatory minimum jail sentence nor the mandatory minimum  
7 period of electronic home monitoring shall be suspended or deferred unless the judge finds that the  
8 imposition of this sentence will pose a substantial risk to the defendant's physical or mental well-being.  
9 The court-ordered restriction under Section 11.20.230 may not be suspended. Whenever the mandatory  
10 minimum sentence is suspended or deferred, the judge must state, in writing, the reason for granting the  
11 suspension or deferral and the facts upon which the suspension or deferral is based. Whenever the court  
12 sentences an offender to a period of electronic home monitoring, the court may also require the  
13 offender's home electronic monitoring device to include an alcohol detection breathalyzer and may  
14 restrict the amount of alcohol the offender may consume during the period of electronic home  
15 monitoring. The cost of electronic home monitoring shall be paid for by the offender and determined by  
16 the City. In exercising its discretion in setting penalties within the limits allowed by this subsection, the  
17 court shall particularly consider whether the person's driving at the time of the offense was responsible  
18 for injury or damage to another or another's property, whether the person's license, permit or privilege to  
19 drive was suspended, revoked, denied or in probationary status at the time of the offense, whether the  
20 person was in compliance with Section 11.20.340 at the time of the offense and whether the person was  
21 driving or in actual physical control of a vehicle with one (1) or more passengers at the time of the  
22 offense.  
23 offense.

24 \* \* \*



**Section 5.** Subsection P of Section 11.56.020 of the Seattle Municipal Code (Ordinance 108200

§2 (11.56.020) as last amended by Ordinance 119189 § 6) is amended as follows:

**11.56.020 Persons under the influence of intoxicating liquor or any drug -- Chemical analysis -- Tests, evidence and penalties.**

\* \* \*

P. Refusal Admissible. The refusal of a person to submit to a test of the alcohol or drug concentration in ((alcoholic content of)) the person's blood or breath under Section 11.56.020 D is admissible into evidence at a subsequent criminal trial.

\* \* \*

**Section 6.** Subsections C and D of Section 11.56.320 of the Seattle Municipal Code (Ordinance 108200 § 2 (11.56.320), as last amended by Ordinance 116872 § 5) is further amended as follows:

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

\* \* \*

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 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. 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 Washington Department of Licensing from a court or diversion unit as provided by RCW 46.20.265, relating to a minor who has committed, or who has entered a diversion



agreement concerning an offense relating to alcohol, legend drugs, controlled substances, or imitation  
1 controlled substances;

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

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

4 6. A conviction relating to duty in case of injury to or death of a person or damage to an attended  
5 vehicle;

6 7. A conviction relating to attempting to elude pursuing police vehicles;

7 8. A conviction relating to reckless driving;

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

9 10. A conviction relating to vehicular homicide;

10 11. A conviction relating to vehicular assault;

11 12. A conviction relating to reckless endangerment of roadway workers;

12 13. A conviction relating to racing of vehicles on highways;

13 14. ~~((13-))~~ A conviction relating to leaving children in an unattended vehicle with motor  
14 running;

15 15. A conviction relating to theft of motor vehicle fuel;

16 16. ~~((14-))~~ A conviction relating to attempting, aiding, abetting, coercing, and committing  
17 crimes; or

18 17. ~~((15-))~~ An administrative action taken by the Washington Department of Licensing under  
19 Chapter 46.20 RCW.

20 D. A person who violates this section when his or her driver's license or driving privilege is, at  
21 the time of the violation, suspended or revoked solely because (1) the person must furnish proof of  
22 satisfactory progress in a required alcoholism or drug treatment program, (2) the person must furnish  
23  
24



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, (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, (5) the person has been suspended or revoked by reason of one (1) or more of the items listed in subsection C of this section, but was eligible to reinstate his or her driver's license or driving privilege at the time of the violation, ~~((6))~~ (6) the person has failed to respond to a notice of traffic infraction, failed to appear at a requested hearing, violated a written promise to appear in court or has failed to comply with the terms of a notice of traffic infraction or citation, as provided in RCW 46.20.289 ~~((Washington Laws of 1993, Chapter 504))~~, Section 1, (7) the person has received traffic citations or notices of traffic infraction that have resulted in a suspension under RCW 46.20.267 relating to intermediate drivers' licenses, or any combination of (1) through (7) ~~((6))~~, is guilty of driving while license suspended or revoked in the third degree, a misdemeanor.

**Section 7.** Section 11.56.350 of the Seattle Municipal Code (Ordinance 119189 § 7) is amended as follows:

**11.56.350 Operation of motor vehicle without required ignition interlock or other biological or technical device.**

No person whose driving record ~~((driver's license))~~ includes a notation, pursuant to RCW 46.20.740, that the person may operate only a motor vehicle equipped with an ignition interlock or other biological or technical device shall operate a motor vehicle that is not so equipped. Violation of this section is a misdemeanor. (RCW 46.20.740)



**Section 8.** Section 11.57.280 of the Seattle Municipal Code (Ordinance 108200 § 2 (11.57.280))

is amended as follows:

**11.57.280 Exhaust system.**

No person shall modify the exhaust system of a motorcycle in a manner which will amplify or increase the noise emitted by the engine ((exhaust system)) of such vehicle above that emitted by the muffler ((exhaust system)) originally installed on the vehicle, and it shall be unlawful for any person to operate a motorcycle not equipped as required by Sections 11.84.060 and 11.84.080 or which has been amplified as prohibited by this section so that the vehicle's exhaust noise exceeds ninety-five (95) decibels as measured by the Society of Automotive Engineers (SAE) test procedure J1169 (May, 1998).  
(RCW 46.37.390(3))

**Section 9.** Section 25.08.430 of the Seattle Municipal Code (Ordinance 106360 § 401) is

amended as follows:

**25.08.430 Sounds created by operation of motor vehicles.**

It is unlawful for any person to operate upon any public highway any motor vehicle or any combination of motor vehicles under any conditions of grade, load, acceleration or deceleration in such manner so that the motor vehicle's exhaust noise exceeds ninety-five (95) decibels as measured by the Society of Automotive Engineers (SAE) test procedure J1169 (May, 1998) ~~((as to exceed the following maximum permissible sound levels for the category of vehicle, as measured at a distance of fifty feet (50') from the center of the lane of travel within the speed limits specified, by measurement procedures established by the State Commission on Equipment.~~

Vehicle Category	35 mph or Less	Over 35 mph
	(dB(A))	(db(A))

~~Motor vehicles over~~



10,000 pounds

GVWR (or GCWR) 86 90

Motorcycles 80 84

All other motor vehicles 76 80))

**Section 10.** Section 25.08.450 of the Seattle Municipal Code (Ordinance 106360 § 403) is amended as follows:

**25.08.450 Modification to motor vehicles.**

No person shall modify the exhaust system of a motor vehicle in a manner which will amplify or increase the noise emitted by the engine of such vehicle above that emitted by the muffler originally installed on the vehicle, and it shall be unlawful for any person to operate a motor vehicle not equipped as required by Sections 11.84.060 and 11.84.080 or which has been amplified as prohibited by this section so that the vehicle's exhaust noise exceeds ninety-five (95) decibels as measured by the Society of Automotive Engineers (SAE) test procedure J1169 (May, 1998). (RCW 46.37.390(3))

~~((It is unlawful for any person to modify or change any part of a motor vehicle or install any device thereon in any manner that permits sound to be emitted by the motor vehicle in excess of the limits prescribed by this subchapter. It is unlawful for any person to remove or render inoperative, or cause to be removed or rendered inoperative, other than for purposes of maintenance, repair, or replacement, any muffler or sound dissipative device on a motor vehicle.))~~

**Section 11.** This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.



Passed by the City Council the 20<sup>th</sup> day of August, 2001, and signed by me in open session in authentication of its passage this 20<sup>th</sup> day of August, 2001.

Margaret C. Rogers  
President \_\_\_\_\_ of the City Council

Approved by me this 29<sup>th</sup> day of AUGUST, 2001.

Paul Schaefer  
Mayor

Filed by me this 30<sup>th</sup> day of August, 2001.

Justin E. Papp  
City Clerk

(Seal)



**SEATTLE CITY ATTORNEY**

MARK H. SIDRAN

July 5, 2001

Honorable Margaret Pageler  
President, Seattle City Council  
1106 Municipal Building  
Seattle, Washington 98104

Dear Councilmember Pageler:

Enclosed for the City Council's consideration is an ordinance making several changes to Seattle's traffic ordinances to reflect changes made in corresponding state statutes by recent sessions of the Legislature. Most of these changes are necessary because our traffic ordinances must be uniform with state law.

Section 1 creates a traffic infraction for violating the conditions of an intermediate driver's license, which is issued to a person until he or she is 18 years old. Section 6 provides for criminal liability if a person continues to drive after being suspended by the Department of Licensing for violating these conditions. As these offenses are in the state traffic code, the primary effect of adopting a parallel City ordinance is to provide that fines assessed for these offenses accrue to the City rather than entirely to the State.

Section 2 and 4 prohibit suspending the requirement that a person convicted of a DUI not operate a motor vehicle unless it is equipped with an ignition interlock. Section 7 provides that violation of this requirement is a crime. Section 5 provides that refusal of a person arrested for DUI to submit to an alcohol or drug test is admissible at a subsequent criminal trial.

The Legislature occasionally adds a special assessment to traffic fines to fund activities such as emergency medical services. This session added a \$10 assessment for the public safety and education account. Rather than change our ordinances every time the Legislature takes such action, Section 3 authorizes Seattle Municipal Court to impose these assessments if authorized by state law.

CIVIL DIVISION

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July 5, 2001  
Page 2

Sections 7 through 10 conform various ordinances concerning vehicle exhaust noise to the state standard. Again, because our ordinances must be uniform with state law, these changes are required.

We would be happy to provide any further information to the Public Safety Committee and the Council upon request.

Sincerely,



Mark H. Sidran  
Seattle City Attorney

cc: Councilmembers



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**STATE OF WASHINGTON – KING COUNTY**

--SS.

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135828  
City of Seattle, Clerk's Office

No. ORDINANCE IN FULL

**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 12<sup>th</sup> 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

CT:120481 ORD.IN FULL

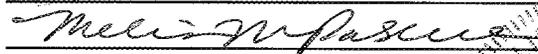
was published on

09/10/01



Subscribed and sworn to before me on

09/10/01



Notary public for the State of Washington  
residing in Seattle

Affidavit of Publication

