

ORDINANCE No. 120885

COUNCIL BILL No. 114236

AN ORDINANCE relating to motor vehicles, amending Sections 11.14.710, 11.20.200, Subsection B of Section 11.34.020, 11.54.150, Subsection B of Section 11.56.410, 11.56.420, Subsection B of Section 11.56.450, 11.58.195, 11.58.198 and Subsection C of Section 11.80.080 and repealing Sections 11.31.090, 11.31.100, 11.32.100 and 11.32.140 of the Seattle Municipal Code.

COMPTROLLER FILE No. _____

Introduced: JUL - 8 2002	By: COMPTON
Referred:	To: Police, Fire, Courts & Technology Committee
Referred: JUL - 8 2002	To:
Referred:	To:
Reported: 8-12-02	Second Reading:
Third Reading: 8-12-02	Signed: 8-12-02
Presented to Mayor: 8-13-02	Approved: 8/19/02
Returned to City Clerk: 8/20/02	Published: full 9pg.
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

The City of Seattle--Legislative Department

REPORT OF COMMITTEE

Honorable President:

Your Committee on _____

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

Compton aye
McIver aye
Draygo aye

8-12-02 Passed 8-0

(Excused: Compton)

Law Department

Committee Chair

me

Jim A...

The City of Seattle--Legislative Department

REPORT OF COMMITTEE

Date Reported
and Adopted

Honorable President:

Your Committee on _____

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

Compton aye

McIver aye

Dreyer aye

8-12-02 Passed 8-0

(Excused: Compton)

Law Department

Committee Chair

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Curtis [initials]*

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ORDINANCE 120885

1
2 AN ORDINANCE relating to motor vehicles, amending Sections 11.14.710, 11.20.200, Subsection B of
3 Section 11.34.020, 11.54.150, Subsection B of Section 11.56.410, 11.56.420 Subsection B of
4 Section 11.56.450, 11.58.195, 11.58.198 and Subsection C of Section 11.80.080 and repealing
Sections 11.31.090, 11.31.100, 11.32.100 and 11.32.140 of the Seattle Municipal Code.

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

6 **Section 1.** Section 11.14.710 of the Seattle Municipal Code (Ordinance 108200 § 2(11.14.980))
7 is amended as follows:

8 **11.14.710 Vehicle.**

9 "Vehicle" means every device capable of being moved upon a street or alley and in, upon, or by
10 which any person or property is or may be transported or drawn upon a street or alley, including
11 bicycles. The term does not include ((excepting)) devices other than bicycles moved ((exclusively)) by
12 human or animal power or used exclusively upon stationary rails or tracks. A bicycle shall not be
13 considered a vehicle for purposes of Section 11.22.025. (RCW 46.04.670)

14 **Section 2.** Section 11.20.200 of the Seattle Municipal Code (Ordinance 108200 § 2(11.20.200))
15 is amended as follows:

16 **11.20.200 Unlawful to allow unauthorized person to drive.**

17 It is unlawful for any person in whose name a vehicle is registered knowingly to permit another
18 person to drive the vehicle when the other person is not authorized to do so under the laws of the State of
19 Washington. (RCW 46.16.011) ((No person shall authorize or knowingly permit a motor vehicle owned
20 by him or under his control to be unlawfully driven upon any street, alley, or way open to the public.
21 (RCW 46.20.344)))

22 **Section 3.** Subsection B of Section 11.34.020 of the Seattle Municipal Code (Ordinance 108200
23 § 2(11.34.020), as last amended by Ordinance 119189 §5) is further amended as follows:
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Clerk

11.34.020 Penalties for 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 -- Penalty, unless the person cited for the violation provided the citing officer with an expired driver's license or other valid identifying documentation under RCW 46.20.035 at the time of the stop and was not in violation of Section 11.56.320 or Section 11.56.340, in which case the violation is an infraction;
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 11.20.200, Unlawful to allow unauthorized person to drive;
- ~~7. Section 11.20.350 C, Providing false evidence of financial responsibility;~~
- ~~8. ((7-)) Section 11.22.025, Transfer of ownership;~~
- ~~9. ((8-)) Section 11.22.070 A, Licenses and plates required -- Penalties -- Exceptions;~~
- ~~((9- Section 11.21.090, Failure to respond -- Written and signed promise;~~
- ~~10. Section 11.31.100, Failure to respond -- Parked, stopped or standing notice;~~
- ~~11. Section 11.32.100, Failure to appear;))~~
- ~~10. ((12-)) Section 11.40.430, Prohibited entry to no admittance area;~~
- ~~11. ((13-)) Section 11.56.320 D, Driving while license is suspended or revoked in the~~
third degree;

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12. ~~((14-))~~ Section 11.56.350, Operation of a motor vehicle without required ignition
interlock or other biological or technical device;

13. ~~((15-))~~ Section 11.56.430, Hit and run (unattended vehicle) -- Duty in case of
accident with unattended vehicle;

14. ~~((16-))~~ Section 11.56.440, Hit and run (property damage) -- Duty in case of accident
with property;

15. ~~((17-))~~ Section 11.58.005 A, Negligent driving in the first degree;

16. ~~((18-))~~ Section 11.58.190, Leaving minor children in unattended vehicle;

17. ~~((19-))~~ Section 11.59.010, Obedience to peace officers, flaggers, and firefighters;

18. ~~((20-))~~ Section 11.59.040, Refusal to give information to or to cooperate with officer;

19. ~~((21-))~~ Section 11.59.060, Refusal to stop;

20. ~~((22-))~~ Section 11.59.080, Examination of equipment;

21. ~~((23-))~~ Section 11.59.090, Duty to obey peace officer -- Traffic infraction;

22. ~~((24-))~~ Section 11.34.040, Aiding and abetting with respect to the criminal offenses
in this subsection.

Section 4. Section 11.54.150 of the Seattle Municipal Code (Ordinance 108200 § 2(11.54.150),
as last amended by Ordinance 109476 § 3(part)) is further amended as follows:

11.54.150 Limited access facilities – Penalties.

Any person convicted of a violation of ~~((who violates))~~ any of the provisions of Sections
11.54.020 through 11.54.140 of this subtitle shall be punished by a fine ~~((upon a finding there of be
assessed a penalty))~~ of not less than Five Dollars (\$5.00) nor more than One Hundred Dollars (\$100.00),
or by imprisonment for not less than five (5) days nor more than ninety (90) days, or by both such fine
and imprisonment. (RCW 47.52.120)

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Section 5. Subsection B of Section 11.56.410 of the Seattle Municipal Code (Ordinance 111861

§ 9) is amended as follows:

11.56.410 Hit and Run – Definitions.

* * *

B. "Device propelled by human power" includes but is not limited to a scooter, skateboard, ((a bicycle,)) tricycle, wagon, and any other similar device.

Section 6. Section 11.56.420 of the Seattle Municipal Code (Ordinance 111861 § 10) is amended 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:

A. Move the vehicle as soon as possible off the roadway or freeway main lanes, shoulders, medians, and adjacent areas to a location on an exit ramp shoulder, the frontage road, the nearest suitable cross street, or other suitable location ~~((Immediately stop such vehicle at the scene of the collision, or as close thereto as possible, and forthwith return to))~~ and remain at the suitable location ~~((scene of such accident))~~ until he or she has done the following; and

B. Give his or her name, address, insurance company, insurance policy number, and vehicle license number, and exhibit his or her vehicle operator's license ((§)) to the operator or any occupant of the other vehicle; and

* * *

Section 7. Subsection B of Section 11.56.450 of the Seattle Municipal Code (Ordinance 111861

§ 13) is amended as follows:

11.56.450 Hit and run (pedestrian or person on a device propelled by human power) –
Duty in case of accident with pedestrian or device propelled by human power
(~~bicyclist~~)).

* * *

B. Give his or her name, address, insurance company, insurance policy number, and vehicle
license number, and exhibit his or her vehicle operator's license to the pedestrian or person operating the
device propelled by human power, or, if they are unconscious or incompetent, to another person whom
he or she reasonably believes is acting on their behalf; and

* * *

Section 8. Section 11.58.195 of the Seattle Municipal Code (Ordinance 111861 § 15, as last
amended by Ordinance 119011 § 18) is further amended as follows:

11.58.195 Child passenger restraint required.

A. Whenever a child who is less than sixteen (16) (~~ten (10)~~) years of age is being transported
in a motor vehicle that is in operation and that is required by RCW 46.37.510 to be equipped with a
safety belt system in a passenger seating position, the driver of the vehicle shall keep the child properly
restrained as follows:

1. If the child is less than six (6) years old and/or sixty (60) pounds and the passenger
seating position equipped with a safety belt system allows sufficient space for installation (~~three (3)~~
~~years of age~~), then the child will (~~shall~~) be (~~properly~~) restrained in a child restraint system that
complies with standards of the United States Department of Transportation and that is secured in the
vehicle in accordance with instructions of the manufacturer of the child restraint system;

2. If the child is less than one (1) year of age or weighs less than twenty (20) pounds, the
child shall be properly restrained in a rear-facing infant seat;

1 3. If the child is more than one (1) but less than four (4) years of age or weighs at least
2 twenty (20) pounds but less than forty (40) pounds, the child shall be properly restrained in a forward
3 facing child safety seat restraint system;

4 4. If the child is at least four (4) but less than six (6) years of age or weighs at least forty
5 (40) pounds but less than sixty (60) pounds, the child shall be properly restrained in a child booster seat;

6 5. If the child is six (6) years of age or older or weighs more than sixty (60) pounds, the
7 child shall be properly restrained with the motor vehicle's safety belt properly adjusted and fastened
8 around the child's body or an appropriately fitting booster seat; and

9 6. Enforcement of 1 through 5 of this subsection is subject to a visual inspection by law
10 enforcement to determine if the child restraint system in use is appropriate for the child's individual
11 height, weight, and age. The visual inspection for usage of a forward facing child safety seat must
12 ensure that the seat in use is equipped with a four-point shoulder harness system. The visual inspection
13 for usage of a booster seat must ensure that the seat belt properly fits across the child's lap and the
14 shoulder strap crosses the center of the child's chest. The visual inspection for the usage of a seat belt by
15 a child must ensure that the lap belt properly fits across the child's lap and the shoulder strap crosses the
16 center of the child's chest. In determining violations, consideration to the above criteria must be given
17 in conjunction with the provisions of 1 through 5 of this subsection. The driver of a vehicle transporting
18 a child who is under the age of six (6) years old or weighs less than sixty (60) pounds, when the vehicle
19 is equipped with a passenger side air bag supplemental restraint system, and the air bag system is
20 activated, shall transport the child in the back seat positions in the vehicle where it is practical to do so.
21 ((ten (10) but at least three (3) years of age, the child shall be restrained either as specified in subsection
22 A1 or with a safety belt properly adjusted and fastened around the child's body.))

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B. A person violating this section may be issued a notice of traffic infraction under Chapter

11.31. If the person to whom the notice was issued presents proof of acquisition of an approved child passenger restraint system or a child booster seat, as appropriate, within seven (7) days to the court and the person has not previously had a violation of this section or RCW 46.61.687 dismissed, the notice of traffic infraction shall be dismissed.

C. This section does not apply to for hire vehicles, vehicles designed to transport sixteen (16) or fewer passengers, including the driver, operated by auto transportation companies as defined in RCW 81.68.010, ((or)) vehicles providing consumer shuttle service between parking, convention, and hotel facilities, and airport terminals, or school buses.

D. As used in this section "child booster seat" means a child passenger restraint system that meets the Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. 571.213 that is designed to elevate a child to properly sit in a federally approved lap/shoulder belt system.

E. The requirements of subsection A1 through 5 of this section do not apply in any seating position where there is only a lap belt available and the child weighs more than forty (40) pounds. (RCW 46.61.687)

Section 9. Section 11.58.198 of the Seattle Municipal Code (Ordinance 113266 § 1) is amended as follows:

11.58.198 Safety belts required.

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1 F. ~~((Enforcement of this section by law enforcement officers may be accomplished only as a~~
2 ~~secondary action when a driver of a motor vehicle has been detained for a suspected violation of title 46~~
3 ~~RCW or an equivalent local ordinance or some other offense.~~

4 G.) This section does not apply to an operator or passenger who possesses written verification
5 from a licensed physician that the operator or passenger is unable to wear a safety belt for physical or
6 medical reasons. (RCW 46.61.688)

7 Section 10. Subsection C of Section 11.80.080 of the Seattle Municipal Code (Ordinance
8 108200 § 2(11.80.080)) is amended as follows:

9 11.80.080 Color of clearance lamps, side marker lamps, back-up lamps and reflectors.

11 C. All lighting devices and reflectors mounted on the rear of any vehicle shall display or reflect
12 a red color, except the stop lamp or other signal device, which may be red, amber or yellow, and except
13 on any vehicle forty (40) or more years old, or on any motorcycle regardless of age, the taillight may
14 also contain a blue or purple insert not more than one (1) inch in diameter, and except that the light
15 illuminating the license plate shall be white and the light emitted by a back-up lamp shall be white or
16 amber. (RCW 46.37.100)

17 Section 11. Sections 11.31.090, 11.31.100, 11.32.100 and 11.32.140 of the Seattle Municipal
18 Code are each repealed.

19 Section 12. This ordinance shall take effect and be in force thirty (30) days from and after its
20 approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after
21 presentation, it shall take effect as provided by Municipal Code Section 1.04.020.
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CLERK

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CITY
CLERK

Passed by the City Council the 12th day of August, 2002, and signed by me in open
1 session in authentication of its passage this 12th day of August, 2002.

2 Pety Steinbock
3 President _____ of the City Council

4 Approved by me this 19 day of August, 2002.

5 [Signature]
6 Mayor

7
8 Filed by me this 20th day of August, 2002.

9 [Signature]
10 City Clerk

11 (Seal)

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Seattle City Attorney

Thomas A. Carr

June 25, 2002

Honorable Peter Steinbrueck
President, Seattle City Council
1106 Municipal Building
Seattle, Washington 98104

Re: 2002 Traffic Ordinance

Dear Council President Steinbrueck:

I am enclosing for the City Council's consideration an ordinance amending the traffic section of Seattle's Municipal Code to reflect changes made to the corresponding state statutes by the State Legislature. These changes are necessary because our traffic ordinances must be uniform with state law.

Section 1 provides that bicycles are generally treated like vehicles. The State legislature mandated that Bicyclists be subject to the same duties and responsibilities as vehicle drivers. Section 2 clarifies the prohibition on allowing an unauthorized person to drive a car. Sections 3 and 10 repeal provisions regarding failing to appear or respond to traffic citations and infractions. Section 4 includes a jail sentence as part of the penalty for violation of limited access provisions. Sections 5 and 6 change the duty of a person involved in a traffic accident from stopping at the scene to moving the vehicle off the roadway. Section 7 specifies how children must be secured by seatbelts. Section 8 allows a police officer to stop a vehicle for a seatbelt violation. Section 9 allows older cars and motorcycles to have taillights with a blue insert.

I would be happy to provide any further information that the Council or the appropriate committee might require.

Sincerely,

Thomas A. Carr
Seattle City Attorney

600 FOURTH AVENUE, 10TH FLOOR, SEATTLE, WASHINGTON 98104-1877
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STATE OF WASHINGTON - KING COUNTY

--SS.

149045
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 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

CT:ORDINANCE 120885

was published on

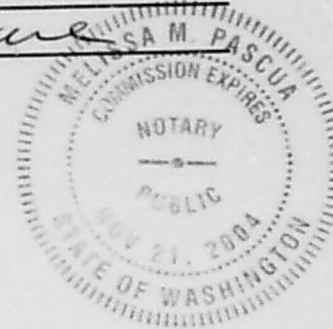
9/6/2002

J. Sedman
Subscribed and sworn to before me on

9/6/2002

Melissa M. Pasqua
Notary public for the State of Washington,
residing in Seattle

Affidavit of Publication



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State of Washington, King County

City of Seattle

ORDINANCE 126366

AN ORDINANCE relating to motor vehicles, amending Sections 11.14.710, 11.20.200, Subsection B of Section 11.34.020, 11.54.150, Subsection B of Section 11.56.410, 11.56.420, Subsection B of Section 11.56.450, 11.58.195, 11.58.198 and Subsection C of Section 11.20.080 and repealing Sections 11.31.090, 11.31.100, 11.32.100 and 11.32.140 of the Seattle Municipal Code.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 11.14.710 of the Seattle Municipal Code (Ordinance 108200 § 2(11.14.980)) is amended as follows:

11.14.710 Vehicle.

"Vehicle means every device capable of being moved upon a street or alley and in, upon or by which any person or property is or may be transported or drawn upon a street or alley, including bicycles. The term does not include (a) devices other than bicycles moved (a) manually by human or animal power or used exclusively upon stationary rails or tracks. A bicycle shall not be considered a vehicle for purposes of Section 11.22.025, (RCW 45.04.670).

Section 2. Section 11.20.200 of the Seattle Municipal Code (Ordinance 108200 § 2(11.20.200)) is amended as follows:

11.20.200 Unlawful to allow unauthorized person to drive.

It is unlawful for any person in whose name a vehicle is registered knowingly to permit another person to drive the vehicle when

the other person is not authorized to do so under the laws of the State of Washington. RCW 46.16.011. (No person shall knowingly permit a motor vehicle owned by him or under his control to be unlawfully driven upon any street, alley, or way open to the public. (RCW 46.16.044))

Section 3. Subsection B of Section 11.34.020 of the Seattle Municipal Code (Ordinance 108200 § 2(11.34.020)), as last amended by Ordinance 119189 § 5) is further amended as follows:

11.34.020 Penalties for 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 — Penalty, unless the person cited for the violation provided the citing officer with an expired driver's license or other valid identifying documentation under RCW 46.20.035 at the time of the stop and was not in violation of Section 11.56.320 or Section 11.56.340, in which case the violation is an infraction;

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

3. Section 11.20.120, Lending 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 11.20.200, Unlawful to allow unauthorized person to drive;

7. Section 11.20.350 C, Providing false evidence of financial responsibility;

8. ((9)) Section 11.22.025, Transfer of ownership;

9. ((10)) Section 11.22.070 A, Licenses and plates required — Penalties — Exceptions;

10. Section 11.22.090, Failure to respond to written and signed premises;

11. Section 11.22.100, Failure to respond to verbal stop or standing motion;

12. Section 11.22.100, Failure to appear;

13. ((14)) Section 11.40.430, Prohibited entry to no admittance area;

14. ((15)) Section 11.56.320 D, Driving while license is suspended or revoked in the third degree;

15. ((16)) Section 11.56.350, Operation of a motor vehicle without required ignition in clock or other biological or technical device;

16. ((17)) Section 11.56.430, Hit and run (unattended vehicle) — Duty in case of accident with unattended vehicle;

17. ((18)) Section 11.56.440, Hit and run (property damage) — Duty in case of accident with property;

18. ((19)) Section 11.58.005 A, Negligent driving in the first degree;

19. ((20)) Section 11.58.190, Leaving minor children in unattended vehicle;

20. ((21)) Section 11.59.010, Obedience to peace officers, flaggers, and firefighters;

21. ((22)) Section 11.59.040, Refusal to give information to or to cooperate with officer;

22. ((23)) Section 11.59.060, Refusal to stop;

23. ((24)) Section 11.59.080, Examination of equipment;

24. ((25)) Section 11.59.090, Duty to obey peace officer — Traffic infraction;

25. ((26)) Section 11.34.040, Aiding and abetting with respect to the criminal offense in this subsection.

Section 4. Section 11.54.150 of the Seattle Municipal Code (Ordinance 108200 § 2(11.54.150)), as last amended by Ordinance 109476 § 3(part)) is further amended as follows:

11.54.150 Limited access facilities — Penalties.

Any person convicted of a violation of ((the provisions)) any of the provisions of Sections 11.54.020 through 11.54.140 of this subtitle shall be punished by a fine ((opening ending three or four hundred dollars)) of not less than Five Dollars (\$5.00) nor more than One Hundred Dollars (\$100.00), or by imprisonment for not less than five (5) days nor more than ninety (90) days, or by both such fine and imprisonment. (RCW 47.52.120)

Section 5. Subsection B of Section 11.56.410 of the Seattle Municipal Code (Ordinance 111861 § 9) is amended as follows:

11.56.410 Hit and Run — Definitions.

...

B. "Device propelled by human power" includes but is not limited to a scooter, skate board, ((a bicycle)) tricycle, wagon, and any other similar device.

Section 6. Section 11.56.420 of the Seattle Municipal Code (Ordinance 111861 § 10) is amended 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:

A. Move the vehicle as soon as possible off the roadway or freeway main lanes, shoulders, medians, and adjacent areas to a location on an exit ramp shoulder, the frontage road, the nearest suitable cross street, or other suitable location ((immediately stop such vehicle at the scene of the accident or remove it to a suitable location, and forthwith return it)) and remain at the suitable location ((scene of such accident)) until he or she has done the following: and

B. Give his or her name, address, insurance company, insurance policy number, and vehicle license number, and exhibit his or her vehicle operator's license to the operator or any occupant of the other vehicle; and

...

Section 7. Subsection B of Section 11.56.450 of the Seattle Municipal Code (Ordinance 111861 § 13) is amended as follows:

11.56.450 Hit and run (pedestrian or person on a device propelled by human power) — Duty in case of accident with pedestrian or device propelled by human power ((bicyclist)).

...

B. Give his or her name, address, insurance company, insurance policy number, and vehicle license number, and exhibit his or her vehicle operator's license to the pedestrian or person operating the device propelled by human power, or, if they are unconscious or incompetent, to another person whom he or she reasonably believes is acting on their behalf; and

...

Section 8. Section 11.58.195 of the Seattle Municipal Code (Ordinance 111861 § 15, as last amended by Ordinance 119011 § 18) is further amended as follows:

11.58.195 Child passenger restraint required.

A. Whenever a child who is less than six

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State of Washington, King County

City of Seattle

ORDINANCE 120885

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Section 8. Section 11.58.195 of the Seattle Municipal Code (Ordinance 111861 § 15, as last amended by Ordinance 119011 § 18) is further amended as follows:

11.58.195 Child passenger restraint required.

A. Whenever a child who is less than sixteen (16) years of age is being transported in a motor vehicle that is in operation and that is required by RCW 46.37.510 to be equipped with a safety belt system in a passenger seating position, the driver of the vehicle shall keep the child properly restrained as follows:

1. If the child is less than six (6) years old and/or sixty (60) pounds and the passenger seating position equipped with a safety belt system allows sufficient space for installation (three (3) inches of space), then the child will (be) (properly) restrained in a child restraint system that complies with standards of the United States Department of Transportation and that is secured in the vehicle in accordance with instructions of the manufacturer of the child restraint system;

2. If the child is less than one (1) year of age or weighs less than twenty (20) pounds, the child shall be properly restrained in a rear-facing infant seat;

3. If the child is more than one (1) but less than four (4) years of age or weighs at least twenty (20) pounds but less than forty (40) pounds, the child shall be properly restrained in a forward-facing child safety seat restraint system;

4. If the child is at least four (4) but less than six (6) years of age or weighs at least forty (40) pounds but less than sixty (60) pounds, the child shall be properly restrained in a child booster seat;

5. If the child is six (6) years of age or older or weighs more than sixty (60) pounds, the child shall be properly restrained with the motor vehicle's safety belt properly adjusted and fastened around the child's body or an appropriately fitting booster seat; and

6. Enforcement of 1 through 5 of this subsection is subject to a visual inspection by law enforcement to determine if the child restraint system in use is appropriate for the child's individual height, weight, and age. The visual inspection for use of a forward-facing child safety seat must ensure that the seat in use is equipped with a four-point shoulder harness system. The visual inspection for use of a booster seat must ensure that the seat belt properly fits across the child's lap and the

shoulder strap crosses the center of the child's chest. The visual inspection for the use of a seat belt by a child must ensure that the lap belt properly fits across the child's lap and the shoulder strap crosses the center of the child's chest. In determining violations, consideration to the above criteria must be given in conjunction with the purposes of 1 through 5 of this subsection. The driver of a vehicle transporting a child who is under the age of six (6) years old or weighs less than sixty (60) pounds, when the vehicle is equipped with a passenger side air bag supplemental restraint system, and the air bag system is activated, shall transport the child in the back seat position in the vehicle where it is practical to do so. (See RCW 46.61.687 for provisions regarding child restraint seats.)

B. A person violating this section may be issued a notice of traffic infraction under Chapter 11.31. If the person to whom the notice was issued presents proof of acquisition of an approved child passenger restraint system or a child booster seat, as appropriate, within seven (7) days to the court and the person has not previously had a violation of this section or RCW 46.61.687 dismissed, the notice of traffic infraction shall be dismissed.

C. This section does not apply to for hire vehicles, vehicles designed to transport sixteen (16) or fewer passengers, including the driver, operated by auto transportation companies as defined in RCW 81.68.010, (see) vehicles providing consumer shuttle service between parking, convention, and hotel facilities, and airport terminals, or school buses.

D. As used in this section "child booster seat" means a child passenger restraint system that meets the Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. 571.213 that is designed to elevate a child to properly sit in a federally approved lap-shoulder belt system.

E. The requirements of subsection A1 through 5 of this section do not apply in any seating position where there is only a lap belt available and the child weighs more than forty (40) pounds. (RCW 46.61.687)

Section 9. Section 11.58.196 of the Seattle Municipal Code (Ordinance 113266 § 1) is amended as follows:

11.58.196 Safety belts required.

F. (Enforcement of this section by law enforcement officers may be accomplished only on motor vehicles which are equipped with a safety belt system. No citation for a violation of this section shall be issued for a violation of this section on a motor vehicle which is not equipped with a safety belt system.)

G. This section does not apply to an operator or passenger who possesses written verification from a licensed physician that the operator or passenger is unable to wear a safety belt for physical or medical reasons. (RCW 46.61.688)

Section 10. Subsection C of Section 11.80.080 of the Seattle Municipal Code (Ordinance 108200 § 2(11.80.080)) is amended as follows:

11.80.080 Color of clearance lamps, side marker lamps, back-up lamps and reflectors.

C. All lighting devices and reflectors mounted on the rear of any vehicle shall display or reflect a red color, except the stop lamp or other signal device, which may be red, amber or yellow, and except on any vehicle forty (40) or more years old, or on any motor vehicle regardless of age, the taillight may also contain a blue or purple insert not more than one (1) inch in diameter, and except that the light illuminating the license plate shall be white and the light emitted by a back-up lamp shall be white or amber. (RCW 46.37.100)

Section 11. Sections 1, 31.090, 11.31.100, 11.32.100 and 11.32.140 of the Seattle Municipal Code are each repealed.

Section 12. 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 12th day of August, 2002, and signed by me in open session in authentication of its passage this 12th day of August, 2002.

PETER STEINBRUECK,

President of the City Council.

Approved by me this 19th day of August, 2002.

GREGORY J. NICKELS,

Mayor.

Filed by me this 20th day of August, 2002.

(Seal) JUDITH E. PIPPIN,

City Clerk.

Publication ordered by JUDITH PIPPIN, City Clerk.

Date of publication in the Seattle Daily Journal of Commerce, September 6, 2002.

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