

Ordinance No. 123632

Council Bill No. 117199

AN ORDINANCE relating to the City's traffic code; amending various sections and subsections in Title 11 of the Seattle Municipal Code to conform with changes in state law.

CF No. \_\_\_\_\_

Date Introduced:	<u>6.13.11</u>		
Date 1st Referred:		To: (committee) <u>Public Safety</u>	
Date Re - Referred:		To: (committee)	
Date Re - Referred:		To: (committee)	
Date of Final Passage:	<u>6/20/11</u>	Full Council Vote: <u>8-0</u>	
Date Presented to Mayor:	<u>6/21/11</u>	Date Approved: <u>6/21/11</u>	
Date Returned to City Clerk:	<u>6/21/11</u>	Date Published:	T.O. <input checked="" type="checkbox"/> F.T. <input type="checkbox"/>
Date Vetoed by Mayor:		Date Veto Published:	
Date Passed Over Veto:		Veto Sustained:	

# The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: \_\_\_\_\_

Councilmember

*TB*

## Committee Action:

6/15/11 MSP recommend CB 117199 3-0-0  
TB, SB, SC

6/20/11 Full Council PASSED 8-0 (excused: O'Brien)

This file is complete and ready for presentation to Full Council. Committee: \_\_\_\_\_  
(initial/date)

*Law Department*

Law Dept. Review      OMP Review      City Clerk Review      Electronic Copy Loaded      Indexed



ORDINANCE 123632

AN ORDINANCE relating to the City's traffic code; amending various sections and subsections in Title 11 of the Seattle Municipal Code to conform with changes in state law.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 11.14.710 of the Seattle Municipal Code 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 power wheelchairs or devices other than bicycles moved by human or animal power or used exclusively upon stationary rails or tracks. A bicycle shall not be considered a vehicle for purposes of Chapter 11.22 ((Section 11.22.025)). An electric personal assistive mobility device shall not be considered a vehicle for the purposes of Chapter 11.22 or Part 8 of this Title. A golf cart shall not be considered a vehicle except for purposes of Parts 5 and 7 of this Title. (RCW 46.04.670)

Section 2. Subsection B of Section 11.20.230 of the Seattle Municipal Code is amended as follows:

**11.20.230 Ignition interlock device authorized.**

\* \* \*

B. Subject to the exception and waiver provisions of Section 11.56.025 (L), the court shall order a person convicted under Subsection 11.56.020A or B to apply for an ignition interlock driver's license from the Washington Department of Licensing under RCW 46.20.385 and to have a functioning ignition interlock device installed on all motor vehicles operated by the person. The court shall order any person participating in a deferred prosecution program under RCW 10.55.020 for a violation of Section



11.56.020 to have a functioning ignition interlock device installed on all motor vehicles operated by the person. (RCW 46.20.720)

Section 3. Subsection A of Section 11.20.340 of the Seattle Municipal Code is amended as follows:

**11.20.340 Financial responsibility required.**

A. No person may operate a motor vehicle subject to registration under Chapter 46.16A ((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 46.29.090, is self-insured as provided in RCW 46.29.630, is covered by a certificate of deposit in conformance with RCW 46.29.550, or is covered by a liability bond of at least the amounts provided in RCW 46.29.090. 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 46.30.030.

\* \* \*

Section 4. Section 11.22.020 of the Seattle Municipal Code is amended as follows:

**11.22.020 Registration certificate.**

No person shall operate or have in his possession a vehicle without carrying thereon a valid certificate of license registration and a maximum gross weight license if required for the class of vehicle as provided in RCW Chapter 46.16A ((46.16)). (RCW 46.16A.180 ((46.16.260)))

Section 5. Section 11.22.070 of the Seattle Municipal Code is amended as follows:

**11.22.070 Licenses and plates required -- Penalties --Exceptions.**

A. It is unlawful for a person to operate any vehicle over and along a street or alley without first obtaining and having in full force and effect a current and proper vehicle license and displaying vehicle license number plates as provided by RCW Chapter 46.16A ((46.16)). Failure to make initial



1 registration before operation on a street or alley is a traffic infraction, and any person committing this  
2 infraction must pay a fine of Five Hundred Twenty-Nine dollars (\$529), subject to applicable  
3 assessments, no part of which may be suspended or deferred plus any delinquent taxes and fees, which  
4 must be deposited according to RCW 46.16A.030. This fine is in addition to any delinquent taxes and  
5 fees. Failure to renew an expired registration before operation on a street or alley is a traffic infraction.

6 B. The licensing of a vehicle in another state by a resident of this state, as defined in RCW  
7 46.16A.140 ((46.16.028)), thereby evading the payment of any tax or license fee imposed in connection  
8 with registration, is a gross misdemeanor punishable, in lieu of the fine in subsection A of this section,  
9 as follows:

10 1. For a first offense, up to three hundred sixty-four (364) days ((one (1) year))  
11 imprisonment and a fine of Five Hundred Twenty-Nine dollars (\$529) plus any applicable assessments,  
12 plus a fine of One Thousand dollars (\$1000) plus any delinquent taxes and fees, no part of any of which  
13 may be suspended or deferred and which must be deposited according to RCW 46.16A.030;

14 2. For a second or subsequent offense, up to three hundred sixty-four (364) days ((one  
15 (1) year)) imprisonment and a fine of Five Hundred Twenty-Nine dollars (\$529) plus any applicable  
16 assessments plus a fine of Five Thousand dollars (\$5000) plus any delinquent taxes and fees, no part of  
17 any of which may be suspended or deferred and which must be deposited according to RCW  
18 46.16A.030.

19 C. This section shall not apply to vehicles exempt from registration under RCW 46.16A.080.  
20 (RCW 46.16A.030) ((RCW 46.16.010. (RCW 46.16.010)))

21 Section 6. Section 11.22.080 of the Seattle Municipal Code is amended as follows:

22 **11.22.080 Vehicle license plates displayed.**  
23  
24



No person shall operate any vehicle on any street or alley unless a valid ~~((without first having displayed current and proper vehicle))~~ license plate or plates are attached thereon as required by ~~((provided in))~~ RCW 46.16A.200 ~~((Chapter 46.16))~~. The vehicle license plates shall be attached conspicuously at the front and rear of each vehicle for which the same are issued but ~~((and in such manner that they can be plainly seen and read at all times; however,))~~ if only one (1) license plate is legally issued for any vehicle such plate shall be conspicuously attached to the rear of such vehicle. Each vehicle license plate shall be placed or hung in a horizontal position at a distance of not more than four (4) feet from the ground and shall be kept clean so as to be plainly seen and read at all times; this requirement shall not apply in cases where the Washington state patrol has granted permission to deviate therefrom, as provided in RCW 46.16A.200 ~~((46.16.240))~~. (RCW 46.16A.200 ~~((46.16.240))~~)

Section 7. Section 11.22.090 of the Seattle Municipal Code is amended as follows:

**11.22.090 Vehicle trip permits -- Restrictions and requirements -- Penalty.**

A. Each trip permit issued under RCW 46.16A.320 ~~((46.16.160))~~ shall authorize the operation of a single vehicle at the maximum legal weight limit for such vehicle for a period of three (3) consecutive days commencing with the day of first use. No more than three (3) such permits may be used for any one (1) vehicle in any period of thirty (30) consecutive days, except that in the case of a recreational vehicle as defined in RCW 43.22.335, no more than two (2) trip permits may be used for any one (1) vehicle in a one-year period. Every trip permit shall identify, as the Washington Department of Licensing may require, the vehicle for which it is issued, ~~((and))~~ shall be completed in its entirety and signed by the operator before operation of the vehicle on a street or alley and shall not be altered or corrected. Alteration or correction ~~((Correction))~~ of data on the permit such as dates, license number, or vehicle identification number invalidates the permit. The trip permit shall be displayed on the vehicle to which it is issued as prescribed by the Washington Department of Licensing.



B. A violation of or a failure to comply with any provision of this section is a gross  
1 misdemeanor. (RCW 46.16A.320 (~~46.16.160~~))

2 Section 8. Subsections B and C of Section 11.23.400 of the Seattle Municipal Code are amended  
3 as follows:

4 **11.23.400 Disabled parking -- Enforcement.**

5 \* \* \*

6 B. Except as provided by subsection A of this section, it is a traffic infraction, with a monetary  
7 penalty of Two Hundred Fifty Dollars (\$250), for any person willfully to obtain a disabled parking  
8 placard, license plate, license tab or photo identification card in a manner other than that established by  
9 RCW Chapter 46.19 (~~46.16.381~~).

10 C. The unauthorized use of a disabled parking placard, license plate, license tab or photo  
11 identification card issued (~~by the Washington State Department of Licensing~~) under RCW Chapter  
12 46.19 (~~46.16.381~~) is a parking infraction with a monetary penalty of Two Hundred Fifty Dollars  
13 (\$250). In addition to any penalty or fine imposed under this subsection, Two Hundred Dollars (\$200)  
14 shall be assessed, which assessment shall be allocated as provided by RCW 46.19.050 (~~46.16.381~~).  
15 Any reduction in any penalty or fine and assessment imposed under this subsection shall be applied  
16 proportionally between the penalty or fine and the assessment.  
17

18 \* \* \*

19 Section 9. Subsection A of Section 11.30.040 of the Seattle Municipal Code is amended as  
20 follows:

21 **11.30.040 When a vehicle may be impounded without prior notice.**

22 A. A vehicle may be impounded with or without citation and without giving prior notice to its  
23 owner as required in Section 11.30.060 hereof only under the following circumstances:  
24



\* \* \*

1 12. When the vehicle is impounded pursuant to Washington Laws of 2011, chapter 167,  
2 section 3.

\* \* \*

4 Section 10. Section 11.31.010 of the Seattle Municipal Code is amended as follows:

5 **11.31.010 Violations as traffic infractions.**

6 Except as otherwise provided in ((~~Section 12A.06.010,~~)) Section 11.34.020 or elsewhere in this  
7 title, failure to perform any act required or the performance of any act prohibited by this title is  
8 designated as a traffic infraction and may not be classified as a criminal offense.

9 Section 11. Subsection A of Section 11.34.020 of the Seattle Municipal Code is amended as  
10 follows:

11 **11.34.020 Penalties for criminal offenses.**

12 A. Any person convicted of any of the following offenses may be punished by a fine in any sum  
13 not to exceed Five Thousand Dollars (\$5,000) or by imprisonment for a term not to exceed three  
14 hundred sixty-four (364) days ((~~one (1) year~~)), or by both such fine and imprisonment:

15 \* \* \*

16 Section 12. Subsections A, B, C, I, J and K of Section 11.56.025 of the Seattle Municipal Code  
17 are amended as follows:

18 **11.56.025 Penalty for persons under the influence of intoxicating liquor or any drug.**

19 A. 1. A person who is convicted of a violation of Subsection 11.56.020 A or B who has no prior  
20 offense within seven (7) years and whose alcohol concentration was less than 0.15, or for any reason  
21 other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result  
22 indicating the person's alcohol concentration, shall be punished by imprisonment for not less than  
23  
24



twenty-four (24) consecutive hours nor more than three hundred sixty-four (364) days (~~one (1) year~~)

and by a fine of not less than Three Hundred Fifty Dollars (\$350) and not more than Five Thousand Dollars (\$5,000). In lieu of the mandatory minimum term of imprisonment required under this subsection, the court may order not less than fifteen (15) days of electronic home monitoring.

2. A person who is convicted of a violation of Subsection 11.56.020 A or B who has no prior offense within seven (7) years and whose alcohol concentration was 0.15 or more, or who refused to take a test offered pursuant to RCW 46.20.308, shall be punished by imprisonment for not less than two (2) consecutive days nor more than three hundred sixty-four (364) days (~~one (1) year~~) and a fine of not less than Five Hundred Dollars (\$500) nor more than Five Thousand Dollars (\$5,000). In lieu of the mandatory minimum term of imprisonment required under this subsection, the court may order not less than thirty (30) days of electronic home monitoring.

B. 1. A person who is convicted of a violation of Subsection 11.56.020 A or B who has one (1) prior offense within seven (7) years and whose alcohol concentration was less than 0.15, or for any reason other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration, shall be punished by imprisonment for not less than thirty (30) consecutive days nor more than three hundred sixty-four (364) days (~~one (1) year~~), sixty (60) days of electronic home monitoring, and a fine of not less than Five Hundred Dollars (\$500) nor more than Five Thousand Dollars (\$5,000).

2. A person who is convicted of a violation of Subsection 11.56.020 A or B who has one (1) prior offense within seven (7) years and whose alcohol concentration was 0.15 or more, or who refused to take a test offered pursuant to RCW 46.20.308, shall be punished by imprisonment for not less than forty-five (45) consecutive days nor more than three hundred sixty-four (364) days (~~one (1) year~~),





ninety (90) days of electronic home monitoring, and a fine of not less than Seven Hundred Fifty Dollars (\$750) nor more than Five Thousand Dollars (\$5,000).

C. 1. A person who is convicted of a violation of Subsection 11.56.020 A or B who has two (2) or more prior offenses within seven (7) years and whose alcohol concentration was less than 0.15, or for any reason other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration, shall be punished by imprisonment for not less than ninety (90) consecutive days nor more than three hundred sixty-four (364) days (~~one (1) year~~), one hundred twenty (120) days of electronic home monitoring, and a fine of not less than One Thousand Dollars (\$1,000) nor more than Five Thousand Dollars (\$5,000).

2. A person who is convicted of a violation of Subsection 11.56.020 A or B who has two (2) or more prior offenses within seven (7) years and whose alcohol concentration was 0.15 or more, or who refused to take a test offered pursuant to RCW 46.20.308, shall be punished by imprisonment for not less than one hundred twenty (120) consecutive days nor more than three hundred sixty-four (364) days (~~one (1) year~~), one hundred fifty (150) days of electronic home monitoring, and a fine of not less than One Thousand Five Hundred Dollars (\$1,500) nor more than Five Thousand Dollars (\$5,000).

\* \* \*

I. In addition to any nonsuspendable and nondeferrable jail sentence required by this subsection, whenever the court imposes less than three hundred sixty-four (364) days (~~one (1) year~~) in jail, the court shall also suspend but shall not defer a period of confinement for a period not exceeding five (5) years. The court shall impose conditions of probation that include: (1) not driving a motor vehicle within this state without a valid license to drive and proof of financial responsibility for the future; (2) not driving a motor vehicle within this state while having an alcohol concentration of 0.08 or more within two (2) hours after driving; and (3) not refusing to submit to a test of his or her breath or blood to



determine alcohol concentration upon request of a law enforcement officer who has probable cause to believe the person was driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor. For each violation of mandatory conditions of probation (1), (2), or (3) of this subsection, the court shall order the convicted person to be confined for thirty (30) days, which shall not be suspended or deferred. For each incident involving a violation of a mandatory condition of probation imposed under this subsection, the court shall suspend the person's license, permit or privilege to drive for thirty (30) days or, if the person's license, permit or privilege to drive already is suspended, revoked or denied at the time the finding of probation violation is made, then the suspension, revocation or denial then in effect shall be extended by thirty (30) days. The court shall notify the Washington State Department of Licensing of a person's violation of any mandatory condition of probation imposed under this subsection and the suspension of or extension of the suspension, revocation or denial of a person's license, permit or privilege to drive. The court may impose conditions of probation that include nonrepetition, installation of an ignition interlock device on the probationer's motor vehicle, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate, including attendance at an educational program, such as a victim impact panel meeting the minimum standards established under Washington Laws of 2011, chapter 293, section 15, focusing on the emotional, physical and financial suffering of victims who were injured by persons convicted of driving while under the influence of intoxicants. The sentence may be imposed in whole or in part upon violation of a condition of probation during the suspension period.

J. In addition to the penalties set forth in this section, a fee of Two Hundred Dollars (\$200.00) ~~((One Hundred Twenty-five Dollars (\$125)))~~ shall be assessed to a person who is either convicted, sentenced to a lesser charge or given a deferred prosecution as a result of an arrest for violating Subsection 11.56.020 A or B, RCW 46.61.520 or RCW 46.61.522. Upon a verified petition by the



person assessed the fee, the court may suspend payment of all or part of the fee if it finds that the person does not have the ability to pay. The fee shall be collected by the clerk of the court and distributed according to RCW 46.61.5054.

K. A court may waive the electronic home monitoring requirements of this section when (1) the offender does not have a dwelling, telephone service, or any other necessity to operate an electronic home monitoring system; (2) the offender does not reside in the State of Washington; or (3) the court determines that there is reason to believe that the offender would violate the conditions of the electronic home monitoring penalty. Whenever the mandatory minimum term of electronic home monitoring is waived, the court shall state in writing the reason for granting the waiver and the facts upon which the waiver is based, and shall impose an alternative sentence with similar punitive consequences. The alternative sentence may include, but is not limited to, additional jail time, work crew, or work camp. Whenever the combination of jail time and electronic home monitoring or alternative sentence would exceed three hundred sixty-four (364) (~~sixty-five (365)~~) days, the offender shall serve the jail portion of the sentence first, and the electronic home monitoring or alternative portion of the sentence shall be reduced so that the combination does not exceed three hundred sixty-four (364) (~~sixty-five (365)~~) days.

\* \* \*

Section 13. Subsection L of Section 11.56.025 of the Seattle Municipal Code is amended as follows:

**11.56.025 Penalty for persons under the influence of intoxicating liquor or any drug.**

\* \* \*

L. The court shall require any person convicted of an alcohol-related violation of Subsection 11.56.020A or B to apply for an ignition interlock driver's license from the Washington Department of Licensing and to have a functioning ignition interlock device installed on all motor vehicles operated by

the person. The installation of an ignition interlock device is not necessary on vehicles owned, leased or rented by a person's employer and on those vehicles whose care and/or maintenance is the temporary responsibility of the employer and driven at the direction of a person's employer as a requirement of employment during working hours. An ignition interlock device imposed under this section shall be calibrated to prevent a motor vehicle from being started when the breath sample provided has an alcohol concentration of 0.025 or more. The court may waive the requirement that a person apply for an ignition interlock driver's license if the court makes a specific finding in writing that the person lives out-of-state and the devices are not reasonably available in the person's local area, that the person does not operate a vehicle, or that the person is not eligible to receive an ignition interlock driver's license under RCW 46.20.385 because the person is not a resident of Washington, is a habitual traffic offender, has already applied for or is already in possession of an ignition interlock driver's license, has never had a driver's license, has been certified under RCW Chapter 74.20A as noncompliant with a child support order or is subject to any other condition or circumstance that makes the person ineligible to obtain an ignition interlock driver's license. If a court finds that a person is not eligible to receive an ignition interlock driver's license under this section, the court is not required to make any further subsequent inquiry or determination as to the person's eligibility. If the court orders that a person refrain from consuming any alcohol and requires the person to apply for an ignition interlock driver's license and the person states that he or she does not operate a motor vehicle or the person is ineligible to obtain an ignition interlock driver's license, the court shall order the person to submit to alcohol monitoring through an alcohol detection breathalyzer device, transdermal sensor device, or other technology designed to detect alcohol in a person's system. Alcohol monitoring ordered under this subsection must be for the period of the mandatory license suspension or revocation. The person shall pay for the cost of the monitoring. The period of time for which ignition interlock use or alcohol monitoring is required will be as follows: (i)

For a person who has not previously been restricted under this subsection, a period of one (1) year; (ii)

For a person who has previously been restricted under subsection L(i), a period of five (5) years; (iii)

For a person who has previously been restricted under subsection L(ii), a period of ten (10) years.

Section 14. Section 11.58.005 of the Seattle Municipal Code is amended as follows:

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

\* \* \*

C. 1. A person commits negligent driving in the second degree with a vulnerable user victim if, under circumstances not constituting negligent driving in the first degree, he or she operates a vehicle, as defined in Section 11.14.710, in a manner that is both negligent and endangers or is likely to endanger any person or property, and he or she proximately causes the death, great bodily harm, or substantial bodily harm of a vulnerable user of a public way.

2. Negligent driving in the second degree with a vulnerable user victim is a traffic infraction and is subject to the penalties provided by Washington Laws of 2011, chapter 372, section 1.

D. For the purposes of this section:

\* \* \*

5. "Great bodily harm" and "substantial bodily harm" have the same meaning as provided in RCW 9A.04.110.

6. "Vulnerable user of a public way" means a pedestrian, a person riding an animal or a person operating any of the following on a public way: a farm tractor or implement of husbandry, without an enclosed shell, a bicycle, an electric-assisted bicycle, an electric personal assistive mobility device, a moped, a motor-driven cycle, a motorized foot scooter or a motorcycle.







Section 16. Subsections B, C and G of Section 11.72.065 of the Seattle Municipal Code are amended as follows:

**11.72.065 Disabled parking, Invalid Placard --Violation.**

\* \* \*

B. Any vehicle displaying a valid disabled parking placard that is being used to transport a person who meets the criteria for special parking privileges under RCW 46.19.010 ((46.16)) shall be allowed to park free of charge for a maximum of a four hour time period where designated in parking areas (including areas with parking payment devices) which are otherwise restricted as to the length of time parking is permitted. Areas with four-hour time limits shall be appropriately signed and/or marked. Any vehicle displaying a valid disabled license plate or valid disabled parking year tab shall be allowed to be parked free of charge for unlimited periods of time in parking areas (including areas with parking payment devices) which are otherwise restricted as to the length of time parking is permitted. This section does not apply to those zones or areas in which the stopping, parking, or standing of all vehicles is prohibited or which are reserved for special types of vehicles.

C. It is a parking infraction, with a monetary penalty of Two Hundred Fifty Dollars (\$250) for any person to stop, stand or park a vehicle in a parking space or stall for a physically disabled person, whether the stall is indicated as required by subsection A of this section, by pavement markings or a sign indicating that the stall is reserved for disabled parking, for any purpose or length of time unless such vehicle displays a special placard or license plate issued under RCW Chapter 46.19 ((indicating that the vehicle is being used to transport a disabled person as defined under Chapter 46.16 RCW)). In addition to any penalty or fine imposed under this subsection, Two Hundred Dollars (\$200) shall be assessed. If a person is charged with a violation, the person shall not be determined to have committed an infraction if



the person produces in court or before the court appearance the special license plate or placard required under this section.

\* \* \*

G. The assessment imposed under subsections C and D of this section shall be allocated as provided by RCW 46.19.050 ~~((46.16.384))~~. Any reduction in any penalty or fine and assessment imposed under subsections C and D of this section shall be applied proportionally between the penalty or fine and the assessment.

Section 17. Section 11.72.145 of the Seattle Municipal Code is amended as follows:

**11.72.145 Expired or improper license plates.**

No person shall stop, stand or park any vehicle on any street or alley, or in any garage, parking area or other property operated by the City unless a valid ~~((, without first having displayed current and proper vehicle))~~ license plate or plates are attached and displayed thereon as required by ~~((provided in))~~ RCW 46.16A.200 and Section 11.22.080 ~~((Chapter 46.16))~~. ~~((The vehicle license plates shall be attached conspicuously at the front and rear of each vehicle for which the same are issued and in such manner that they can be plainly seen and read at all times: Provided, that if only one (1) license plate is legally issued for any vehicle such plate shall be conspicuously attached to the rear of such vehicle. Each vehicle license plate shall be placed or hung in a horizontal position at a distance of not less than one foot (1') nor more than four feet (4') from the ground and shall be kept clean so as to be plainly seen and read at all times: Provided, however, that this requirement shall not apply in cases where the State Commission on Equipment has granted permission to deviate therefrom, as provided in RCW 46.16.240.))~~



Section 18. Subsection A of Section 11.84.440 of the Seattle Municipal Code is amended as follows:

**11.84.440 Television viewers -- Earphones.**

A. No person shall drive any motor vehicle equipped with any television viewer, screen or other means of visually receiving a television broadcast when the moving images are (~~which is located in the motor vehicle at any point forward of the back of the driver's seat, or which is~~) visible to the driver while operating the motor vehicle on a public road, except for live video of the motor vehicle backing up. This subsection does not apply to law enforcement vehicles communicating with mobile computer networks.

\* \* \*

Section 19. Section 11.22.030, Section 11.22.100, Section 11.22.140 and Section 11.22.240 of the Seattle Municipal Code are each repealed.


Section 20. Sections 2 and 13 shall take effect and be in force on September 1, 2011. Sections 14 and 15 shall take effect and be in force on July 1, 2012. The remainder of this ordinance shall take effect and be in force on July 22, 2011.



Passed by the City Council the 20<sup>th</sup> day of June, 2011, and signed by

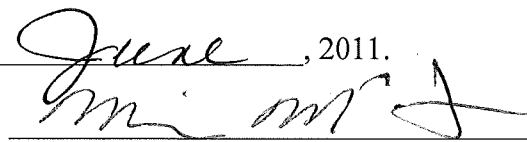
me in open session in authentication of its passage this

20<sup>th</sup> day of June, 2011.



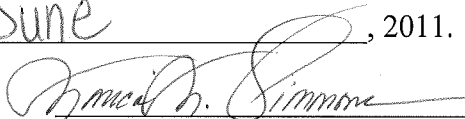
President \_\_\_\_\_ of the City Council

Approved by me this 21<sup>st</sup> day of June, 2011.



Michael McGinn, Mayor

Filed by me this 21<sup>st</sup> day of June, 2011.



Monica Martinez Simmons, City Clerk

(Seal)





**FISCAL NOTE FOR NON-CAPITAL PROJECTS**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>CBO Analyst/Phone:</b>
Law –Criminal Division	Richard Greene	

**Legislation Title:** AN ORDINANCE relating to the City's traffic code; amending various sections and subsections in Title 11 of the Seattle Municipal Code to conform with changes in state law.

**Summary of the Legislation:** Amends the City's traffic code to conform with changes in the corresponding state traffic statutes made by the 2011 Legislature, specifically clarifying the definition of "vehicle," reiterating that a defendant charged with Driving Under the Influence (DUI) or Physical Control who enters into in a deferred prosecution program may not operate a motor vehicle without an ignition interlock device, reducing the maximum jail sentence for a defendant convicted of a gross misdemeanor from 365 days to 364 days, authorizing impoundment of a vehicle driven by a person arrested for DUI or Physical Control, authorizing Municipal Court to order a defendant convicted of DUI or Physical control to attend a DUI victim's panel, increasing the BAC fee assessed against a defendant convicted of or entering into a deferred prosecution program for DUI or Physical Control from \$125 to \$200, providing for the duration of alcohol monitoring for a defendant convicted of DUI or Physical Control who does not apply for an ignition interlock driver's license, creates the infraction of Negligent Driving 2<sup>nd</sup> degree involving a vulnerable user victim, clarifying references to the Revised Code of Washington and prohibiting driving while watching television.

**Background:** Many provisions of Seattle's traffic code must be and are identical to provisions of the state traffic statutes. When the Legislature amends those statutes, our traffic code likewise must be amended to ensure uniformity. This ordinance changes provisions of our traffic code to conform with changes made to the corresponding state traffic statutes by the 2011 Legislature.

Please check one of the following:

  X   This legislation does not have any financial implications.





# Seattle City Attorney

Peter S. Holmes

May 31, 2011

Honorable Richard Conlin  
President  
Seattle City Council  
City Hall, 2<sup>nd</sup> Floor

Dear Council President Conlin:

Enclosed for the City Council's consideration is an ordinance making several changes to Seattle's traffic ordinances to reflect changes made to the corresponding state statutes by the 2011 Legislature. These changes are necessary because our traffic ordinances must be uniform with state law.

Section 1 clarifies the definition of "vehicle" with respect to Segways and golf carts. Section 2 provides that a defendant charged with Driving Under the Influence (DUI) or Physical Control and who enters into a deferred prosecution program may not drive a motor vehicle unless it is equipped with an ignition interlock device. Sections 3 through 8, 15 and 16 change the cross-references to state statutes concerning vehicle licensing to reflect the recodification of those statutes. Section 9 authorizes the impoundment of a car driven by a person arrested for DUI or Physical Control. Sections 5, 10 and 11 reduce the maximum jail sentence for a defendant convicted of a gross misdemeanor from 365 days to 364 days. Section 11 also authorizes Municipal Court to order a defendant convicted of DUI or Physical Control to attend a DUI victim's panel. Section 11 also increases, from \$125 to \$200, a fee imposed on a defendant convicted of DUI or Physical Control that is dedicated to efforts by the state toxicology lab and the state patrol to decrease incidents of drunk driving. Section 12 provides that when a defendant convicted of DUI or Physical Control does not obtain an ignition interlock driver's license, Municipal Court must impose alcohol monitoring for as long as the defendant does not have a valid driver's license. Section 13 creates the infraction of negligent driving that causes the death of or serious injury to a vulnerable user of the roads, including pedestrians, bicyclists and moped and motorcycle drivers. Section 14 provides that a person who drives a motor vehicle after his or her driver's license is suspended because of commission of the infraction created by Section 13 is guilty of Driving While License Suspended 2<sup>nd</sup> degree, a gross misdemeanor. Section 17 prohibits driving while watching television. Section 18 repeals provisions concerning tonnage license fees, license plates on campers, improper license plates and license plates used by motor vehicle dealers, the corresponding state statutes for which also have been repealed.



May 31, 2011  
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The ordinance includes different effective dates to reflect the different effective date for the changes made to the state statutes. Again, because our ordinances must be uniform with state law, these changes are required.

Thank you for your consideration of this legislation. Should you have questions, please contact Richard Greene at 684-8538.

Sincerely,

A handwritten signature in cursive script, appearing to read "Peter S. Holmes".

Peter S. Holmes  
Seattle City Attorney



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STATE OF WASHINGTON – KING COUNTY

--SS.

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273351  
CITY OF SEATTLE, CLERKS OFFICE

No. TITLE ONLY

**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.

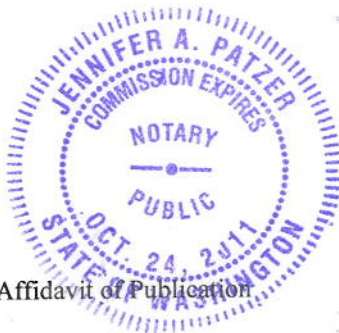
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:123632,33,35-123641

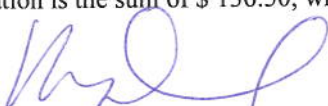

was published on

07/05/11

The amount of the fee charged for the foregoing publication is the sum of \$ 136.50, which amount has been paid in full.



Affidavit of Publication

  
Subscribed and sworn to before me on  
07/05/11  
  
Notary public for the State of Washington,  
residing in Seattle

# State of Washington, King County

## City of Seattle

The full text of the following legislation, passed by the City Council on June 20, 2011, and published below by title only, will be mailed upon request, or can be accessed at <http://clerk.seattle.gov>. For information on upcoming meetings of the Seattle City Council, please visit <http://www.seattle.gov/council/calendar>. Contact: Office of the City Clerk at (206) 684-8344.

### ORDINANCE NO. 123632

AN ORDINANCE relating to the City's traffic code; amending various sections and subsections in Title 11 of the Seattle Municipal Code to conform with changes in state law.

### ORDINANCE NO. 123633

AN ORDINANCE relating to the City's criminal code; amending and adding various sections and subsections in Chapter 3.33, Chapter 9.25, Title 12A, Chapter 21.36, Chapter 25.08, and Chapter 25.11 of the Seattle Municipal Code to conform with changes in state law.

### ORDINANCE NO. 123635

AN ORDINANCE amending the 2011 Adopted Budget, including the 2011-2016 Capital Improvement Program (CIP); changing appropriations to various budget control levels in the 2011 Adopted Budget for the Seattle Department of Transportation and revising project allocations for certain projects in the 2011-2016 Capital Improvement Program.

### ORDINANCE NO. 123636

AN ORDINANCE relating to the Spokane Street Viaduct project; declaring certain real property rights surplus to utility needs; authorizing the transfer of jurisdiction of said real property rights located in Blocks 302 and 271, Seattle Tide Lands from the City Light Department, placing it under the jurisdiction of the Seattle Department of Transportation and designating the property for street purposes; authorizing the Director of the Department of Transportation and the Superintendent of the City Light Department to execute and record a Termination of Possession and Use Agreement; and ratifying and confirming certain prior acts.

### ORDINANCE NO. 123637

AN ORDINANCE authorizing the sale of City property, in Block 72 of D.T. Denny's Home Addition to the City of Seattle, to the Washington State Department of Transportation for transportation purposes and the temporary lease back of the site located at 401 Aurora Avenue North; authorizing the Director of Transportation to execute, deliver and administer the agreement, deed, lease and related documents; authorizing other actions related to the use and disposition of the property; and ratifying and confirming prior acts.

### ORDINANCE NO. 123638

AN ORDINANCE relating to the City Light Department, accepting various easements for overhead and underground electrical rights in King County, Washington, plac-

ing said easements under the jurisdiction of the City Light Department, and ratifying and confirming certain prior acts.

### ORDINANCE NO. 123639

AN ORDINANCE relating to the City Light Department, accepting various easements granted to the City in 2010 for overhead and underground electrical rights in King County, Washington; placing said easements under the jurisdiction of the City Light Department; and ratifying and confirming certain prior acts.

### ORDINANCE NO. 123640

AN ORDINANCE relating to cable television; designating Seattle Community College District VI as the Designated Access Manager for public access television; authorizing the Chief Technology Officer to enter into a contract with Seattle Community College District VI for the provision, management and operation of public access television services; authorizing the Chief Technology Officer to remove Seattle Community College District VI as Designated Access Manager and to terminate or amend the terms of the contract; increasing appropriations in connection thereto; authorizing the Chief Technology Officer to terminate the designation of Seattle Community Access Network as the Designated Access Manager; and ratifying and confirming certain prior acts; all by a three-fourths vote of the City Council.

### ORDINANCE NO. 123641

AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.

Publication ordered by the City Clerk

Date of publication in the Seattle Daily Journal of Commerce, July 5, 2011.

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