

Ordinance No. 123420

Council Bill No. 116932

AN ORDINANCE relating to the City's traffic code; amending, adding and repealing various sections and subsections in Title 11 of the Seattle Municipal Code to conform with changes in state law and to clarify the area where large trucks may park overnight.

CF No. _____

Date Introduced:		
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The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: _____

TB

Councilmember

Committee Action:

MSP 9/13/10 Recommended approval 2-0-0
TB, SB

10.4.10 Passed 9-0

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

Law Department

Law Dept. Review

OMP Review

City Clerk Review

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Indexed

ORDINANCE 123420

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3 AN ORDINANCE relating to the City's traffic code; amending, adding and repealing various sections
4 and subsections in Title 11 of the Seattle Municipal Code to conform with changes in state law
and to clarify the area where large trucks may park overnight.

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

6 Section 1. Effective January 1, 2011, a new section is added to Seattle Municipal Code Chapter
7 11.14 as follows:

8 **11.14.184 Emergency zone.**

9 "Emergency zone" means the adjacent lanes of the roadway two hundred feet (200') before and
10 after a stationary authorized emergency vehicle that is making use of audible and/or visual signals
11 meeting the requirements of Section 11.82.520, a tow truck that is making use of visual red lights
12 meeting the requirements of Section 11.82.530, other vehicles providing roadside assistance that are
13 making use of warning lights with three hundred sixty degree (360 degrees) visibility, or a police
14 vehicle properly and lawfully displaying a flashing, blinking, or alternating emergency light or lights.
15 (RCW 46.61.212)

16
17 Section 2. Section 11.14.257 of the Seattle Municipal Code is amended as follows:

18 **11.14.257 Ignition interlock device.**

19 "Ignition interlock device" means breath alcohol analyzing ignition equipment or other biological
20 or technical device certified in conformance with Laws of 2010, chapter 268, section 2 and rules
21 adopted by the Washington State Patrol and designed to prevent a motor vehicle from being operated by
22 a person who has consumed an alcoholic beverage. (RCW 46.04.215)

23 Section 3. Section 11.20.060 of the Seattle Municipal Code is amended as follows:

24 **11.20.060 Intermediate license restrictions.**



* * *

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

4 2. The holder of an intermediate license may not operate a moving motor vehicle while using a
5 wireless communications device unless the holder is using the device to report illegal activity, summon
6 medical or other emergency help, or prevent injury to a person or property.

7 * * *

8
9 F. Except for a violation of subsection C2 of this section, enforcement of this section by law
10 enforcement officers may be accomplished only as a secondary action when a driver of a motor vehicle
11 has been detained for a suspected violation of RCW Title 46, this title or some other offense. (RCW
12 46.20.075)

13 Section 4. Effective January 1, 2011, subsection B of Section 11.20.230 of the Seattle Municipal
14 Code is amended as follows:

15 **11.20.230 Ignition interlock device authorized.**

16 * * *

17 B. Subject to the exception and waiver provisions of Section 11.56.025(L), the court shall order a
18 person convicted under Subsection 11.56.020A or B (~~or participating in a deferred prosecution program~~
19 ~~under RCW 10.05.020 for an alcohol-related violation of Subsection 11.56.020A or B)) to apply for an
20 ignition interlock driver's license from the Washington Department of Licensing under RCW 46.20.385
21 (~~Laws of 2008, chapter 282, section 9~~) and to have a functioning ignition interlock device installed on
22 all motor vehicles operated by the person. (RCW 46.20.720)~~

23
24 Section 5. Section 11.22.070 of the Seattle Municipal Code is amended as follows:



Licenses and plates required -- Penalties -- Exceptions.

1 A. It is unlawful for a person to operate any vehicle over and along a street or alley without first
2 obtaining and having in full force and effect a current and proper vehicle license and displaying vehicle
3 license number plates (~~therefor~~) as provided by RCW Chapter 46.16. Failure to make initial
4 registration before operation on a street or alley is a traffic infraction, and any person committing this
5 infraction must pay a fine of Five Hundred Twenty-Nine dollars (\$529), subject to applicable
6 assessments (~~misdemeanor, and any person convicted thereof shall be punished by a fine of no less than~~
7 ~~Three Hundred Thirty Dollars (\$330))), no part of which may be suspended or deferred plus any~~
8 delinquent taxes and fees. Failure to renew an expired registration before operation on a street or alley is
9 a traffic infraction.
10

11 B. The licensing of a vehicle in another state by a resident of this state, as defined in RCW
12 46.16.028, thereby evading the payment of any tax or license fee imposed in connection with
13 registration, is a gross misdemeanor punishable, in lieu of the fine in subsection A of this section, as
14 follows:

15 1. For a first offense, up to one (1) year imprisonment and a fine of Five Hundred
16 Twenty-Nine dollars (\$529) plus any applicable assessments, plus a fine of One Thousand dollars
17 (\$1000) plus any delinquent taxes and fees (~~equal to twice the amount of delinquent taxes and~~
18 ~~fees)), no part of any of which may be suspended or deferred;~~

19 2. For a second or subsequent offense, up to one (1) year imprisonment and a fine of Five
20 Hundred Twenty-Nine dollars (\$529) plus any applicable assessments plus a fine of Five
21 Thousand dollars (\$5000) plus any delinquent taxes and fees (~~equal to four (4) times the amount~~
22 ~~of delinquent taxes and fees)), no part of any of which may be suspended or deferred.~~

23 C. This section shall not apply to vehicles exempt from RCW 46.16.010. (RCW 46.16.010)
24

Section 6. Subsection C of Section 11.23.400 of the Seattle Municipal Code is amended as follows:

11.23.400 Disabled parking -- Enforcement.

* * *

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

* * *

Section 7. Section 11.31.115 of the Seattle Municipal Code is amended as follows:

11.31.115 Monetary penalty doubled for certain traffic infractions.

A person found to have committed a traffic infraction relating to right of way, speed restrictions, overtaking and passing or regard for pedestrians in a school or playground crosswalk zone under Sections ~~((Section))~~ 11.40.040, 11.44.120, 11.52.100, 11.53.400, 11.58.230 or 11.58.310, speed restrictions in ~~((or))~~ a roadway construction zone under Section 11.52.110 or overtaking and passing a school bus under Section 11.53.440 A shall be assessed a monetary penalty equal to twice the penalty assessed under Section 11.31.120. This penalty may not be waived, reduced or suspended. (RCW 46.61.235(5); RCW 46.61.245(2); RCW 46.61.261(2); RCW 46.61.440(3) ((RCW 46.61.440(2))); RCW 46.61.527(3); RCW 46.61.370(6))



1 Section 8. Effective January 1, 2011, Section 11.31.115 of the Seattle Municipal Code is
2 amended as follows:

3 **11.31.115 Monetary penalty doubled for certain traffic infractions.**

4 A person found to have committed a traffic infraction relating to right of way, speed restrictions,
5 overtaking and passing or regard for pedestrians in a school or playground crosswalk zone under
6 Sections 11.40.040, 11.44.120, 11.52.100, 11.53.400, 11.58.230 or 11.58.310, speed restrictions in a
7 roadway construction zone under Section 11.52.110 or an emergency zone under Section 11.58.272 or
8 overtaking and passing a school bus under Section 11.53.440 A shall be assessed a monetary penalty
9 equal to twice the penalty assessed under Section 11.31.120. This penalty may not be waived, reduced
10 or suspended. (RCW 46.61.212(3); RCW 46.61.235(5); RCW 46.61.245(2); RCW 46.61.261(2); RCW
11 46.61.440(3); RCW 46.61.527(3); RCW 46.61.370(6))

12 Section 9. Subsection B of section 11.34.020 of the Seattle Municipal Code is amended as
13 follows:

14 **11.34.020 Penalties for criminal offenses.**

15 * * *

16 B. Any person convicted of any of the following offenses may be punished by a fine in any sum
17 not to exceed One Thousand Dollars (\$1,000) or by imprisonment for a term not to exceed ninety (90)
18 days, or by both such fine and imprisonment:

19 1. Section 11.20.010, Driver's license required -- Exception -- Penalty, unless the person cited
20 for the violation provided the citing officer with an expired driver's license or other valid identifying
21 documentation under RCW 46.20.035 at the time of the stop and was not in violation of Section
22 11.56.320 or Section 11.56.340, in which case the violation is an infraction;

23 2. Section 11.20.100, Display of nonvalid driver's license;
24

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. Section 11.22.025, Transfer of ownership;

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

~~10.))~~ Section 11.40.430, Prohibited entry to no admittance area;

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

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

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

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

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

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

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

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

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

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

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

21. ~~((22.))~~ Section 11.74.160 C, Failure to secure load in the second degree;

22. ~~((23.))~~ Section 11.84.370 C, Possessing signal preemption device except as authorized;

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

Section 10. Effective January 1, 2011, Section 11.34.020 of the Seattle Municipal Code is amended as follows:

11.34.020 Penalties for criminal offenses.

A. Any person convicted of any of the following offenses may be punished by a fine in any sum not to exceed Five Thousand Dollars (\$5,000) or by imprisonment for a term not to exceed one (1) year, or by both such fine and imprisonment:

1. Section 11.22.070 B, Licenses and plates required -- Penalties -- Exceptions;
2. Section 11.22.090, Vehicle trip permits -- Restrictions and requirements -- Penalty;
3. Section 11.23.400, Disabled parking -- Enforcement;
4. Section 11.30.340, Vehicle immobilization prohibited;
5. Section 11.55.340, Vehicles carrying explosives, flammable liquids, poison gas, liquefied petroleum gas (LPG) and cryogenics must stop at all railroad grade crossings;
6. Section 11.56.120, Reckless driving;
7. Section 11.56.130, Reckless endangerment of roadway workers;
8. Section 11.56.140, Reckless endangerment of emergency zone workers;
9. Section 11.56.320 B, Driving while license is suspended or revoked in the first degree;
9. Section 11.56.320 C, Driving while license is suspended or revoked in the second degree;
10. Section 11.56.330 Violation of an occupational, temporary restricted or ignition interlock driver's license;

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

3 12. ~~((11.))~~ Section 11.56.420, Hit and run (attended);

4 13. ~~((12.))~~ Section 11.56.350, Operation of a motor vehicle without required ignition interlock or
5 other biological or technical device;

6 14. Section 11.56.355, Tampering with or assisting another in circumventing an ignition
7 interlock device;

8 15. ~~((13.))~~ Section 11.56.445, Hit and run (by unattended vehicle);

9 16. ~~((14.))~~ Section 11.56.450, Hit and run (pedestrian or person on a device propelled by human
10 power);

11 17. ~~((15.))~~ Section 11.60.690, Transportation of liquified petroleum gas;

12 18. ~~((16.))~~ Section 11.62.020, Flammable liquids, combustible liquids and hazardous chemicals;

13 19. ~~((17.))~~ Section 11.62.040, Explosives;

14 20. ~~((18.))~~ Section 11.74.160 B, Failure to secure load in the first degree;

15 21. ~~((19.))~~ Section 11.80.140 B, Certain vehicles to carry flares or other warning devices
16 (subsection B only);

17 22. ~~((20.))~~ Section 11.80.160 E, Display of warning devices when vehicle disabled (subsection E
18 only);

19 23. ~~((21.))~~ Section 11.84.370 D, Using, selling or purchasing a signal preemption device except
20 as authorized;

21 24. ~~((22.))~~ Section 11.84.380, Fire extinguishers;

22 25. ~~((23.))~~ Section 11.86.080, Flammable or combustible labeling;

23 26. ~~((24.))~~ Section 11.86.100, Explosive cargo labeling;



27. ~~((25.))~~ Section 11.34.040, with respect to aiding and abetting the foregoing criminal offenses.

1 B. Any person convicted of any of the following offenses may be punished by a fine in any sum
2 not to exceed One Thousand Dollars (\$1,000) or by imprisonment for a term not to exceed ninety (90)
3 days, or by both such fine and imprisonment:

4 1. Section 11.20.010, Driver's license required -- Exception -- Penalty, unless the person cited
5 for the violation provided the citing officer with an expired driver's license or other valid identifying
6 documentation under RCW 46.20.035 at the time of the stop and was not in violation of Section
7 11.56.320 or Section 11.56.340, in which case the violation is an infraction;

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

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

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

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

12 6. Section 11.20.200, Unlawful to allow unauthorized person to drive;

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

14 8. Section 11.22.025, Transfer of ownership;

15 9. Section 11.40.430, Prohibited entry to no admittance area;

16 10. Section 11.56.320 D, Driving while license is suspended or revoked in the third degree;

17 11. ~~((Section 11.56.350, Operation of a motor vehicle without required ignition interlock or other
18 biological or technical device;~~

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

21 12. ~~((13.))~~ Section 11.56.440, Hit and run (property damage) -- Duty in case of accident with
22 property;

13. ~~((14.))~~ Section 11.58.005 A, Negligent driving in the first degree;
14. ~~((15.))~~ Section 11.58.190, Leaving minor children in unattended vehicle;
15. ~~((16.))~~ Section 11.59.010, Obedience to peace officers, flaggers, and firefighters;
16. ~~((17.))~~ Section 11.59.040, Refusal to give information to or cooperate with officer;
17. ~~((18.))~~ Section 11.59.060, Refusal to stop;
18. ~~((19.))~~ Section 11.59.080, Examination of equipment;
19. ~~((20.))~~ Section 11.59.090, Duty to obey peace officer -- Traffic infraction;
20. ~~((21.))~~ Section 11.74.160 C, Failure to secure load in the second degree;
21. ~~((22.))~~ Section 11.84.370 C, Possessing signal preemption device except as authorized;
22. ~~((23.))~~ Section 11.34.040, Aiding and abetting with respect to the criminal offenses in this subsection.

Section 11. Section 11.40.180 of the Seattle Municipal Code is amended as follows:

11.40.180 Standard of care for drivers of motor vehicles -- Blind pedestrians carrying white cane or using guide dog.

The driver of a vehicle approaching a totally or partially blind pedestrian who is carrying a cane predominantly white in color (with or without a red tip), a totally or partially blind or hearing impaired pedestrian ~~((or))~~ using a guide dog, a person with physical disabilities using a service animal or a person with a disability using a wheelchair or power wheelchair as defined in RCW 46.04.415 shall take all necessary precautions to avoid injury to such pedestrian or wheelchair user. No driver of any vehicle shall drive into or upon any crosswalk while there is on such crosswalk any pedestrian or wheelchair user who is crossing or attempting to cross the roadway and using ~~((who is indicating his/her intention to cross or of continuing on by carrying, holding up, or waving))~~ a white cane, ~~((or by))~~ using a guide dog or service animal or using a wheelchair or power wheelchair as defined in RCW 46.04.415. The failure

of any such pedestrian or wheelchair user so to signal shall not deprive him/her of the right-of-way
1 accorded him/her by other laws. (RCW 70.84.040)

2 Section 12. Section 11.55.320 of the Seattle Municipal Code is amended as follows:

3 **11.55.320 Certain vehicles must stop at all railroad grade crossings.**

4 A. ~~((The driver of any motor vehicle carrying passengers for hire, other than a passenger car, or
5 of any school bus or private carrier bus carrying any school child or other passenger, before crossing at
6 grade any track or tracks of a railroad, shall stop such vehicle within fifty (50) feet but not less than
7 fifteen (15) feet from the nearest rail of such railroad and while so stopped shall listen and look in both
8 directions along such track for any approaching train, and for signals indicating the approach of a train,
9 except as hereinafter provided, and shall not proceed until he can do so safely. After stopping as required
10 in this section and upon proceeding when it is safe to do so, the driver of any such vehicle shall proceed
11 across the tracks only in a gear such that there will be no necessity for changing gears while traversing
12 such crossing and the driver shall not shift gears while crossing the track or tracks.~~

14 B. This section shall not apply at:

- 15 1. ~~Any railroad grade crossing at which traffic is controlled by a peace officer or a duly
16 authorized flagger;~~
17 2. ~~Any railroad grade crossing at which traffic is regulated by a traffic control signal;~~
18 3. ~~Any railroad grade crossing protected by crossing gates or an alternatively flashing light signal
19 intended to give warning of the approach of a railroad train;~~
20 4. ~~Any railroad grade crossing at which an official traffic control device gives notice that the
21 stopping requirement imposed by this section does not apply. (RCW 46.61.340))~~
22
23
24

1 The driver of any of the following vehicles must stop before the stop line, if present, and
2 otherwise within fifty feet but not less than fifteen feet from the nearest rail at a railroad grade crossing
3 unless exempt under subsection C of this section:

- 4 1. A school bus or private carrier bus carrying any school child or other passenger;
- 5 2. A commercial motor vehicle transporting passengers;
- 6 3. A cargo tank, whether loaded or empty, used for transporting any hazardous material
7 as defined in the hazardous materials regulations of the United States department of
8 transportation in 49 C.F.R. Parts 107 through 180 as it existed on the effective date of this
9 section, or such subsequent date as may be provided by the Washington State Patrol by rule,
10 consistent with the purposes of this section. For the purposes of this section, a cargo tank is any
11 commercial motor vehicle designed to transport any liquid or gaseous materials within a tank that
12 is either permanently or temporarily attached to the vehicle or the chassis;
- 13 4. A cargo tank, whether loaded or empty, transporting a commodity under exemption in
14 accordance with United States department of transportation in 49 C.F.R. Part 107, Subpart B as it
15 existed on the effective date of this section, or such subsequent date as may be provided by the
16 state patrol by rule, consistent with the purposes of this section;
- 17 5. A cargo tank transporting a commodity that at the time of loading has a temperature
18 above its flashpoint as determined by the United States department of transportation in 49 C.F.R.
19 Sec. 173.120 as it existed on the effective date of this section, or such subsequent date as may be
20 provided by the state patrol by rule, consistent with the purposes of this section; or
- 21 6. A commercial motor vehicle that is required to be marked or placarded with any one
22 of the following classifications by the United States department of transportation in 49 C.F.R.
23



1 Part 172 as it existed on the effective date of this section, or such subsequent date as may be
2 provided by the state patrol by rule, consistent with the purposes of this section:

3 a. Division 1.1, Division 1.2, Division 1.3, or Division 1.4;

4 b. Division 2.1, Division 2.2, Division 2.2 oxygen, Division 2.3 poison gas, or
5 Division 2.3 chlorine;

6 c. Division 4.1 or Division 4.3;

7 d. Division 5.1 or Division 5.2;

8 e. Division 6.1 poison;

9 f. Class 3 combustible liquid or Class 3 flammable;

10 g. Class 7;

11 h. Class 8.

12 While stopped, the driver must listen and look in both directions along the track for any
13 approaching train and for signals indicating the approach of a train. The driver may not proceed until he
14 or she can do so safely.

15 B. After stopping at a railroad grade crossing and upon proceeding when it is safe to do so, the
16 driver must cross only in a gear that permits the vehicle to traverse the crossing without changing gears.

17 The driver may not shift gears while crossing the track or tracks.

18 C. This section does not apply at any railroad grade crossing where:

19 1. Traffic is controlled by a police officer or flagger.

20 2. A functioning traffic control signal is transmitting a green light.

21 3. The tracks are used exclusively for a streetcar or industrial switching purposes.

22 4. The utilities and transportation commission has approved the installation of an

23 “exempt” sign in accordance with the procedures and standards under RCW 81.53.060.
24

5. The crossing is abandoned and is marked with a sign indicating it is out-of-service.

6. The Washington State Patrol has, by rule, identified a crossing where stopping is not required.

7. The Washington State Superintendent of Public Instruction has, by rule, identified a circumstance under which a school bus or private carrier bus carrying any school child or other passenger is not required to stop.

D. For the purpose of this section, "commercial motor vehicle" means: Any vehicle with a manufacturer's seating capacity for eight or more passengers, including the driver, that transports passengers for hire; any private carrier bus; any vehicle used to transport property that has a gross vehicle weight rating, gross combination weight rating, gross vehicle weight, or gross combination weight of 4,536 kg (10,001 pounds) or more; and any vehicle used in the transportation of hazardous materials as defined in RCW 46.25.010. (RCW 46.61.350)

Section 13. Effective January 1, 2011, 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 (~~under Laws of 2008, chapter 282, section 9~~) 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 (~~obtain~~) an ignition interlock driver's license (~~and operate only vehicles equipped with a functioning ignition interlock device~~) 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 (~~Laws of 2008, chapter 282, section 9~~). 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 (~~When the requirement that a person obtain~~) 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 (~~and operate only vehicles equipped with a functioning ignition interlock device is waived by the court~~), 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. 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
1 subsection L(ii), a period of ten (10) years.

2 Section 14. Effective January 1, 2011, a new section is added to Seattle Municipal Code Chapter
3 11.56 as follows:

4 **11.56.140 Reckless endangerment of emergency zone workers.**

5 A. A person is guilty of reckless endangerment of emergency zone workers if he or she drives a
6 vehicle in an emergency zone in such a manner as to endanger or be likely to endanger any emergency
7 zone worker or property.

8 B. Reckless endangerment of emergency zone workers is a gross misdemeanor. (RCW
9 46.61.212(4))

10 Section 15. Effective January 1, 2011, Subsection C of Section 11.56.320 of the Seattle
11 Municipal Code is amended as follows:

12 **11.56.320 Driving while license is suspended or revoked.**

13 * * *

14 C. A person who violates this section while an order of suspension or revocation prohibiting
15 such operation is in effect and while the person is not eligible to reinstate his or her driver's license or
16 driving privilege, other than for a suspension for the reasons described in subsection D of this section, is
17 guilty of driving while license suspended or revoked in the second degree, a gross misdemeanor. For the
18 purposes of this subsection, a person is not considered to be eligible to reinstate his or her driver's
19 license or driving privilege if the person is eligible to obtain an ignition interlock driver's license but did
20 not obtain such a license. This subsection applies when a person's driver's license or driving privilege
21 has been suspended or revoked by reason of:
22

23 1. A conviction of a felony in the commission of which a motor vehicle was used;
24

2. A previous conviction under this section;

1 3. A notice received by the Washington Department of Licensing from a court or diversion unit
2 as provided by RCW 46.20.265, relating to a minor who has committed, or who has entered a diversion
3 agreement concerning an offense relating to alcohol, legend drugs, controlled substances, or imitation
4 controlled substances;

5 4. A conviction relating to the violation of restrictions of an occupational driver's license, a
6 ~~((or))~~ temporary restricted driver's license or an ignition interlock driver's license;

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

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

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

11 8. A conviction relating to reckless driving;

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

13 10. A conviction relating to vehicular homicide;

14 11. A conviction relating to vehicular assault;

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

16 13. A conviction relating to reckless endangerment of emergency zone workers;

17 14. A conviction relating to racing of vehicles on highways;

18 15. ~~((14.))~~ A conviction relating to leaving children in an unattended vehicle with motor
19 running;

20 16. ~~((15.))~~ A conviction relating to theft of motor vehicle fuel;

21 17. ~~((16.))~~ A conviction relating to attempting, aiding, abetting, coercing, and committing
22 crimes; or
23
24

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

D. A person who violates this section when his or her driver's license or driving privilege is, at the time of the violation, suspended or revoked solely because (1) the person must furnish proof of satisfactory progress in a required alcoholism or drug treatment program, (2) the person must furnish proof of financial responsibility for the future as provided by Chapter 46.29 RCW, (3) the person has failed to comply with the provisions of Chapter 46.29 RCW relating to uninsured accidents, (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) 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, 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) of this subsection, is guilty of driving while license suspended or revoked in the third degree, a misdemeanor. For the purposes of this subsection, a person is not considered to be eligible to reinstate his or her driver's license or driving privilege if the person is eligible to obtain an ignition interlock driver's license but did not obtain such a license.

Section 16. Effective January 1, 2011, a new section is added to Seattle Municipal Code Chapter 11.56 as follows:



11.56.330 Violation of an occupational, temporary restricted or ignition interlock driver's license.

1
2 A. No person shall operate a motor vehicle on any street, alley or way open to the public in
3 violation of any restriction of an occupational driver's license or a temporary restricted driver's license.
4 Any person convicted of a violation of this subsection is guilty of a crime and shall be punished by
5 imprisonment for not more than six (6) months or a fine of not less than fifty dollars (\$50.00) nor more
6 than two hundred dollars (\$200.00) or both such fine and imprisonment.

7 B. No person shall operate a motor vehicle on any street, alley or way open to the public in
8 violation of any restriction of an ignition interlock driver's license. Any person convicted of a violation
9 of this subsection is guilty of a gross misdemeanor. (RCW 46.20.410)

10 Section 17. Effective January 1, 2011, Section 11.56.350 of the Seattle Municipal Code is
11 amended as follows:

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

12
13
14 No person whose driving record includes a notation, pursuant to RCW 46.20.740, that the person
15 may operate only a motor vehicle equipped with an ignition interlock device shall operate a motor
16 vehicle that is not so equipped. Violation of this section is a gross misdemeanor. (RCW 46.20.740)

17 Section 18. Effective January 1, 2011, Section 11.58.272 of the Seattle Municipal Code and the
18 title of that section are amended as follows:

11.58.272 Operation of vehicle approaching an emergency zone ((~~stationary authorized emergency vehicles~~)).

19
20
21
22 A. The driver of any motor vehicle, upon approaching an emergency zone ((~~a stationary~~
23 ~~authorized emergency vehicle that is making use of audible and/or visual signals meeting the~~
24 ~~requirements of Section 11.82.520, a tow truck that is making use of visual red lights meeting the~~

requirements of Section 11.82.530, other vehicles providing roadside assistance that are making use of warning lights with three hundred sixty degree (360 degrees) visibility, or a police vehicle properly and lawfully displaying a flashing, blinking, or alternating emergency light or lights,)) shall:

1. ~~((A-))~~ On a street having four (4) or more lanes, at least two (2) of which are intended for traffic proceeding in the same direction as the approaching vehicle, proceed with caution and, if reasonable, with due regard for safety and traffic conditions, yield the right-of-way by making a lane change or moving away from the lane or shoulder occupied by the stationary authorized emergency vehicle or police vehicle; or

2. ~~((B-))~~ On a street having fewer than four (4) lanes, proceed with caution, reduce the speed of the vehicle, and, if reasonable, with due regard for safety and traffic conditions, and under the rules of this chapter, yield the right-of-way by passing to the left at a safe distance and simultaneously yield the right-of-way to all vehicles traveling in the proper direction upon the street; or

3. ~~((C-))~~ If changing lanes or moving away would be unreasonable or unsafe, proceed with due caution and reduce the speed of the vehicle.

B. A person may not drive a vehicle in an emergency zone at a speed greater than the posted speed limit. (RCW 46.61.212)

Section 19. Section 11.72.065 of the Seattle Municipal Code is amended as follows:

11.72.065 Disabled parking, Invalid Placard -- Violation.

* * *

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

1 indicating that the stall is reserved for disabled parking, for any purpose or length of time unless such
2 vehicle displays a special placard or license plate indicating that the vehicle is being used to transport a
3 disabled person as defined under Chapter 46.16 RCW. In addition to any penalty or fine imposed under
4 this subsection, Two Hundred Dollars (\$200) shall be assessed. If a person is charged with a violation,
5 the person shall not be determined to have committed an infraction if the person produces in court or
6 before the court appearance the special license plate or placard required under this section.

7 D. It is a parking infraction, with a monetary penalty of Two Hundred Fifty Dollars (\$250), for
8 any person to park in, block or otherwise make inaccessible the access aisle located next to a space
9 reserved for physically disabled persons. In addition to any penalty or fine imposed under this
10 subsection, Two Hundred Dollars (\$200) shall be assessed.

11 E. The use or display of a disabled placard or license plate that is stolen, expired, issued to a
12 person who is now deceased, or is otherwise invalid in or upon a vehicle parked in a public right-of-way
13 or on other publicly owned or controlled property is a parking infraction with a monetary penalty of Two
14 Hundred Fifty Dollars (\$250).

15 * * *

16 G. The assessment imposed under subsections C and D of this section shall be allocated as
17 provided by RCW 46.16.381. Any reduction in any penalty or fine and assessment imposed under
18 subsections C and D of this section shall be applied proportionally between the penalty or fine and the
19 assessment.

20 Section 20. Section 11.72.070 of the Seattle Municipal Code is amended as follows:

21 **11.72.070 Commercial and large size vehicles.**

22 No person shall park a vehicle on any street or alley, except in an ~~((a-Manufacturing or))~~
23 Industrial Zone as defined in Title 23, ((the Zoning Code of Seattle (Ordinance 86300 as amended)))
24

1 between the hours of midnight and six (6) a.m. if the vehicle is a truck and/or trailer or other conveyance
2 which is over eighty (80) inches wide.

3 Section 21. Section 11.84.460 of the Seattle Municipal Code is amended as follows:

4 **11.84.460 Text message on wireless device.**

5 A. Except as provided in subsection B of this section, no person operating a moving motor
6 vehicle shall, by means of an electronic wireless communications device, (~~other than a voice-activated~~
7 ~~global positioning or navigation system that is permanently affixed to the vehicle,)) send, read, or write a
8 text message: Provided, however, that a person does not send, read, or write a text message when he or
9 she reads, selects, or enters a phone number or name in a wireless communications device for the
10 purpose of making a phone call.~~

11 B. Subsection A of this section does not apply to a person operating:

- 12 1. An authorized emergency vehicle; or
13 2. A voice-operated global positioning or navigation system that is affixed to the vehicle and that
14 allows the user to send or receive messages without diverting visual attention from the road or engaging
15 the use of either hand; or

16 3. A moving motor vehicle while using an electronic wireless communications device to:

- 17 a. Report illegal activity;
18 b. Summon medical or other emergency help;
19 c. Prevent injury to a person or property; or
20 d. Relay information that is time sensitive between a transit or for-hire operator and that
21 operator's dispatcher, in which the device is permanently affixed to the vehicle.
22
23
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1 ~~((C. 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 RCW~~
3 ~~Title 46, this title or some other offense.)) (RCW 46.61.668)~~

4 Section 22. Section 11.84.480 of the Seattle Municipal Code is amended as follows:

5 **11.84.480 Cell phones.**

6 A. Except as provided by subsection B and C of this section, no person shall operate a moving
7 motor vehicle while holding a wireless communications device to his or her ear.

8 B. Subsection A of this section does not apply to a person operating:

- 9 1. An authorized emergency vehicle, or a tow truck responding to a disabled vehicle;
- 10 2. A moving motor vehicle using a wireless communications device in hands-free mode;
- 11 3. A moving motor vehicle using a hand-held wireless communications device to:
- 12 a. Report illegal activity;
- 13 b. Summon medical or other emergency help;
- 14 c. Prevent injury to a person or property; or
- 15 d. Relay information that is time sensitive between a transit or for-hire operator
16 and that operator's dispatcher, in which the device is permanently affixed to the vehicle;
- 17 4. A moving motor vehicle while using a hearing aid.

18 * * *

19 ~~((E. Enforcement of this section by law enforcement officers may be accomplished only as a~~
20 ~~secondary action when a driver of a motor vehicle has been detained for a suspected violation of RCW~~
21 ~~Title 46, this title or some other offense.)) (RCW 46.61.667)~~

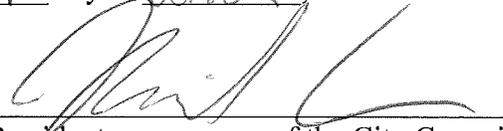
22 Section 23. Section 11.84.420 of the Seattle Municipal Code is repealed.

23

24

1 Section 24. This ordinance shall take effect and be in force thirty (30) days from and after its
2 approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after
3 presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

4 Passed by the City Council the 4th day of October, 2010, and signed by me in open
5 session in authentication of its passage this 4th day of October, 2010.

6 
7 President _____ of the City Council

8 Approved by me this 13th day of Oct, 2010.

9 
10 Mike McGinn, Mayor

11 Filed by me this 13th day of October, 2010.

12 
13 City Clerk

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FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Law – Public & Community Safety	Richard Greene 684-8538	

Legislation Title: AN ORDINANCE relating to the City's traffic code; amending, adding and repealing various sections and subsections in Title 11 of the Seattle Municipal Code to conform with changes in state law and to clarify the area where large trucks may park overnight.

- **Summary of the Legislation:** Amends the City's traffic code to conform with changes in the corresponding state traffic statutes made by recent sessions of the Legislature and to clarify the area where large trucks may park overnight.
- **Background:** *(Include brief description of the purpose and context of legislation and include record of previous legislation and funding history, if applicable):* 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 recent sessions of the Legislature. Some provisions of our traffic code, however, do not have a corresponding state traffic statute. This ordinance also clarifies the area where large trucks may park overnight by updating the zoning code category.
- *Please check one of the following:*

This legislation does not have any financial implications. *(Stop here and delete the remainder of this document prior to saving and printing.)*



STATE OF WASHINGTON – KING COUNTY

--SS.

261957

No.

CITY OF SEATTLE, CLERKS OFFICE

Affidavit of Publication

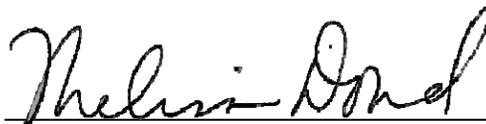
The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published 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:123420 ORDINANCE

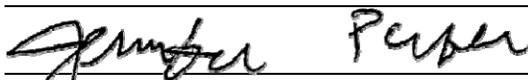
was published on

10/20/10



Subscribed and sworn to before me on

02/13/201



Notary public for the State of Washington,
residing in Seattle



State of Washington, King County

City of Seattle

ORDINANCE 123420

AN ORDINANCE relating to the City's traffic code; amending, adding and repealing various sections and subsections in Title 11 of the Seattle Municipal Code to conform with changes in state law and to clarify the area where large trucks may park overnight.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Effective January 1, 2011, a new section is added to Seattle Municipal Code Chapter 11.14 as follows:

11.14.184 Emergency zone.

"Emergency zone" means the adjacent lanes of the roadway two hundred feet (200') before and after a stationary authorized emergency vehicle that is making use of audible and/or visual signals meeting the requirements of Section 11.82.520, a tow truck that is making use of visual red lights meeting the requirements of Section 11.82.530, other vehicles providing roadside assistance that are making use of warning lights with three hundred sixty degree (360 degrees) visibility, or a police vehicle properly and lawfully displaying a flashing, blinking, or alternating emergency light or lights. (RCW 46.61.212)

Section 2. Section 11.14.257 of the Seattle Municipal Code is amended as follows:

11.14.257 Ignition interlock device.

"Ignition interlock device" means breath alcohol analyzing ignition equipment or other biological or technical device certified in conformance with Laws of 2010, chapter 268, section 2 and rules adopted by the Washington State Patrol and designed to prevent a motor vehicle from being operated by a person who has consumed an alcoholic beverage. (RCW 46.04.215)

Section 3. Section 11.20.060 of the Seattle Municipal Code is amended as follows:

11.20.060 Intermediate license restrictions.

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

2. The holder of an intermediate license may not operate a moving motor vehicle while using a wireless communications device unless the holder is using the device to report illegal activity, summon medical or other emergency help, or prevent injury to a person or property.

F. Except for a violation of subsection C2 of this section, enforcement of this section by law enforcement officers may be accomplished only as a secondary action when a driver of a motor vehicle has been detained for a suspected violation of RCW Title 46, this title or some other offense. (RCW 46.20.075)

Section 4. Effective January 1, 2011, 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 ((or participating in a deferred prosecution program under RCW 40.05.020 for 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 under RCW 46.20.385 ((Laws of 2008, chapter 282, section 9)) and to have a functioning ignition interlock device installed on all

motor vehicles operated by the person. (RCW 46.20.720)

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

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 (therefor) as provided by RCW Chapter 46.16. Failure to make initial registration before operation on a street or alley is a traffic infraction, and any person committing this infraction must pay a fine of Five Hundred Twenty-Nine dollars (\$529), subject to applicable assessments (misdemeanor, and any person convicted thereof shall be punished by a fine of no less than Three Hundred Thirty Dollars (\$330)), no part of which may be suspended or deferred plus any delinquent taxes and fees. Failure to renew an expired registration before operation on a street or alley is a traffic infraction.

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

1. For a first offense, up to one (1) year imprisonment and a fine of Five Hundred Twenty-Nine dollars (\$529) plus any applicable assessments, plus a fine of One Thousand dollars (\$1000) plus any delinquent taxes and fees (equal to twice the amount of delinquent taxes and fees), no part of any of which may be suspended or deferred;

2. For a second or subsequent offense, up to one (1) year imprisonment and a fine of Five Hundred Twenty-Nine dollars (\$529) plus any applicable assessments plus a fine of Five Thousand dollars (\$5000) plus any delinquent taxes and fees (equal to four (4) times the amount of delinquent taxes and fees), no part of any of which may be suspended or deferred.

C. This section shall not apply to vehicles exempt from RCW 46.16.010. (RCW 46.16.010)

Section 6. Subsection C of Section 11.23.400 of the Seattle Municipal Code is amended as follows:

11.23.400 Disabled parking -- Enforcement.

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

Section 7. Section 11.31.115 of the Seattle Municipal Code is amended as follows:

11.31.115 Monetary penalty doubled for certain traffic infractions.

A person found to have committed a traffic infraction relating to right of way, speed restrictions, overtaking and passing or regard for pedestrians in a school or playground crosswalk zone under Sections ((Section)) 11.40.040, 11.44.120, 11.52.100, 11.53.400, 11.58.230 or 11.58.310, speed restrictions in ((or)) a roadway construction zone under Section 11.52.110 or overtaking and passing a school bus under Section 11.53.440 A shall be assessed a monetary penalty equal to twice the penalty assessed under Section 11.31.120. This penalty may not be waived, reduced or suspended. (RCW 46.61.235(5);

RCW 46.61.245(2); RCW 46.61.261(2); RCW 46.61.440(3) ((RCW 46.61.440(2))); RCW 46.61.527(3); RCW 46.61.370(6))

Section 8. Effective January 1, 2011, Section 11.31.115 of the Seattle Municipal Code is amended as follows:

11.31.115 Monetary penalty doubled for certain traffic infractions.

A person found to have committed a traffic infraction relating to right of way, speed restrictions, overtaking and passing or regard for pedestrians in a school or playground crosswalk zone under Sections 11.40.040, 11.44.120, 11.52.100, 11.53.400, 11.58.230 or 11.58.310, speed restrictions in a roadway construction zone under Section 11.52.110 or an emergency zone under Section 11.58.272 or overtaking and passing a school bus under Section 11.53.440 A shall be assessed a monetary penalty equal to twice the penalty assessed under Section 11.31.120. This penalty may not be waived, reduced or suspended. (RCW 46.61.212(3); RCW 46.61.235(5); RCW 46.61.245(2); RCW 46.61.261(2); RCW 46.61.440(3); RCW 46.61.527(3); RCW 46.61.370(6))

Section 9. Subsection B of section 11.34.020 of the Seattle Municipal Code is 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) 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. Section 11.22.025, Transfer of ownership;

9. ((Section 11.22.070 A, Licenses and plates required -- Penalties -- Exceptions;

40-)) Section 11.40.430, Prohibited entry to no admittance area;

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

11. ((H2-)) Section 11.56.350, Operation of a motor vehicle without required ignition interlock or other biological or technical device;

12. ((H3-)) Section 11.56.430, Hit and run (unattended vehicle) -- Duty in case of accident with unattended vehicle;

13. ((H4-)) Section 11.56.440, Hit and run (property damage) -- Duty in case of accident with property;

14. ((H5-)) Section 11.58.005 A, Negligent driving in the first degree;

15. ((H6-)) Section 11.58.190, Leaving minor children in unattended vehicle;

16. ((H7-)) Section 11.59.010, Obedience to peace officers, flaggers, and firefighters;

17. ((H8-)) Section 11.59.040, Refusal to give information to or cooperate with officer;

18. ((H9-)) Section 11.59.060, Refusal to stop;

19. ((H10-)) Section 11.59.080, Examination of equipment;

20. ((H11-)) Section 11.59.090, Duty to obey peace officer -- Traffic infraction;

21. ((H12-)) Section 11.74.160 C, Failure to secure load in the second degree;

22. ((H13-)) Section 11.84.370 C, Possessing signal preemption device except as authorized;

23. ((H14-)) Section 11.34.040, Aiding and abetting with respect to the criminal offenses in this subsection.

Section 10. Effective January 1, 2011, Section 11.34.020 of the Seattle Municipal Code is amended as follows:

11.34.020 Penalties for criminal offenses.

A. Any person convicted of any of the following offenses may be punished by a fine in any sum not to exceed Five Thousand Dollars (\$5,000) or by imprisonment for a term not to exceed one (1) year, or by both such fine and imprisonment:

1. Section 11.22.070 B, Licenses and plates required -- Penalties -- Exceptions;

2. Section 11.22.090, Vehicle trip permits -- Restrictions and requirements -- Penalty;

3. Section 11.23.400, Disabled parking -- Enforcement;

4. Section 11.30.340, Vehicle immobilization prohibited;

5. Section 11.55.340, Vehicles carrying explosives, flammable liquids, poison gas, liquefied petroleum gas (LPG) and cryogenics must stop at all railroad grade crossings;

6. Section 11.56.120, Reckless driving;

7. Section 11.56.130, Reckless endangerment of roadway workers;

8. Section 11.56.140, Reckless endangerment of emergency zone workers;

9. Section 11.56.320 B, Driving while license is suspended or revoked in the first degree;

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

10. Section 11.56.330 Violation of an occupational, temporary restricted or ignition interlock driver's license;

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

12. ((H1-)) Section 11.56.420, Hit and run (attended);

13. ((H2-)) Section 11.56.350, Operation of a motor vehicle without required ignition interlock or other biological or technical device;

14. Section 11.56.355, Tampering with or assisting another in circumventing an ignition interlock device;

15. ((H3-)) Section 11.56.445, Hit and run (by unattended vehicle);

16. ((H4-)) Section 11.56.450, Hit and run (pedestrian or person on a device propelled by human power);

17. ((H5-)) Section 11.60.690, Transportation of liquefied petroleum gas;

18. ((H6-)) Section 11.62.020, Flammable liquids, combustible liquids and hazardous chemicals;

19. ((H7-)) Section 11.62.040, Explosives;

20. ((H8-)) Section 11.74.160 B, Failure to secure load in the first degree;

21. ((49-)) Section 11.80.140 B, Certain vehicles to carry flares or other warning devices (subsection B only);

22. ((20-)) Section 11.80.160 E, Display of warning devices when vehicle disabled (subsection E only);

23. ((24-)) Section 11.84.370 D, Using, selling or purchasing a signal preemption device except as authorized;

24. ((22-)) Section 11.84.380, Fire extinguishers;

25. ((23-)) Section 11.86.080, Flammable or combustible labeling;

26. ((24-)) Section 11.86.100, Explosive cargo labeling;

27. ((25-)) Section 11.34.040, with respect to aiding and abetting the foregoing criminal offenses.

B. Any person convicted of any of the following offenses may be punished by a fine in any sum not to exceed One Thousand Dollars (\$1,000) 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. Section 11.22.025, Transfer of ownership;

9. Section 11.40.430, Prohibited entry to no admittance area;

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

11. ((Section 11.56.350, Operation of a motor vehicle without required ignition interlock or other biological or technical device;

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

13. ((49-)) Section 11.56.440, Hit and run (property damage) -- Duty in case of accident with property;

14. ((44-)) Section 11.58.005 A, Negligent driving in the first degree;

15. ((45-)) Section 11.58.190, Leaving minor children in unattended vehicle;

16. ((46-)) Section 11.59.010, Obedience to peace officers, flaggers, and firefighters;

17. ((47-)) Section 11.59.040, Refusal to give information to or cooperate with officer;

18. ((48-)) Section 11.59.060, Refusal to stop;

19. ((49-)) Section 11.59.080, Examination of equipment;

20. ((20-)) Section 11.59.090, Duty to obey peace officer -- Traffic infraction;

21. ((21-)) Section 11.74.160 C, Failure to secure load in the second degree;

22. ((22-)) Section 11.84.370 C, Possessing signal preemption device except as authorized;

23. ((23-)) Section 11.34.040, Aiding and abetting with respect to the criminal offenses in this subsection.

Section 11. Section 11.40.180 of the Seattle Municipal Code is amended as follows:

11.40.180 Standard of care for drivers of motor vehicles -- Blind pedestrians carrying white cane or using guide dog.

The driver of a vehicle approaching a totally or partially blind pedestrian who is carrying a cane predominantly white in color (with or without a red tip), a totally or partially blind or hearing impaired pedestrian ((or)) using a guide dog, a person with physical disabilities using a service animal or a person with a disability using a wheelchair or power wheelchair as defined in RCW 46.04.415 shall take all necessary precautions to avoid injury to such pedestrian or wheelchair user. No driver of any vehicle shall drive into or upon any crosswalk while there is on such crosswalk any pedestrian or wheelchair user who is crossing or attempting to cross the roadway and using (who is indicating his/her intention to cross or of continuing on by carrying, holding up, or waving) a white cane, (or by) using a guide dog or service animal or using a wheelchair or power wheelchair as defined in RCW 46.04.415. The failure of any such pedestrian or wheelchair user so to signal shall not deprive him/her of the right-of-way accorded him/her by other laws. (RCW 70.84.040)

Section 12. Section 11.55.320 of the Seattle Municipal Code is amended as follows:

11.55.320 Certain vehicles must stop at all railroad grade crossings.

A. ((The driver of any motor vehicle carrying passengers for hire, other than a passenger car, or of any school bus or private carrier bus carrying any school child or other passenger, before crossing at grade any track or tracks of a railroad, shall stop such vehicle within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train, and for signals indicating the approach of a train, except as hereinafter provided, and shall not proceed until he can do so safely. After stopping as required in this section and upon proceeding when it is safe to do so, the driver of any such vehicle shall proceed across the tracks only in a gear such that there will be no necessity for changing gears while traversing such crossing and the driver shall not shift gears while crossing the track or tracks.

B. This section shall not apply at:

1. Any railroad grade crossing at which traffic is controlled by a peace officer or a duly authorized flagger;

2. Any railroad grade crossing at which traffic is regulated by a traffic control signal;

3. Any railroad grade crossing protected by crossing gates or an alternatively flashing light signal intended to give warning of the approach of a railroad train;

4. Any railroad grade crossing at which an official traffic control device gives notice that the stopping requirement imposed by this section does not apply. (RCW 46.61.340))

The driver of any of the following vehicles must stop before the stop line, if present, and otherwise within fifty feet but not less than fifteen feet from the nearest rail at a railroad grade crossing unless exempt under subsection C of this section:

1. A school bus or private carrier bus carrying any school child or other passenger;

2. A commercial motor vehicle transporting passengers;

3. A cargo tank, whether loaded or empty, used for transporting any hazardous material as defined in the hazardous materials regulations of the United States department of transportation in 49 C.F.R. Parts 107 through 180 as it existed on the effective date of this section, or such subsequent date as may be provided by the Washington State Patrol by rule, consistent with the purposes of this section. For the purposes of this section, a cargo tank is any commercial motor vehicle designed to transport any liquid or gaseous materials within a tank that is either permanently or temporarily attached to the vehicle or the chassis;

4. A cargo tank, whether loaded or empty, transporting a commodity under exemption in accordance with United States department of transportation in 49 C.F.R. Part 107, Subpart B as it existed on the effective date of this section, or such subsequent date as may be provided by the state patrol by rule, consistent with the purposes of this section;

5. A cargo tank transporting a commodity that at the time of loading has a temperature above its flashpoint as determined by the United States department of transportation in 49 C.F.R. Sec. 173.120 as it existed on

the effective date of this section, or such subsequent date as may be provided by the state patrol by rule, consistent with the purposes of this section; or

6. A commercial motor vehicle that is required to be marked or placarded with any one of the following classifications by the United States department of transportation in 49 C.F.R. Part 172 as it existed on the effective date of this section, or such subsequent date as may be provided by the state patrol by rule, consistent with the purposes of this section:

a. Division 1.1, Division 1.2, Division 1.3, or Division 1.4;

b. Division 2.1, Division 2.2, Division 2.2 oxygen, Division 2.3 poison gas, or Division 2.3 chlorine;

c. Division 4.1 or Division 4.3;

d. Division 5.1 or Division 5.2;

e. Division 6.1 poison;

f. Class 3 combustible liquid or Class 3 flammable;

g. Class 7;

h. Class 8.

While stopped, the driver must listen and look in both directions along the track for any approaching train and for signals indicating the approach of a train. The driver may not proceed until he or she can do so safely.

B. After stopping at a railroad grade crossing and upon proceeding when it is safe to do so, the driver must cross only in a gear that permits the vehicle to traverse the crossing without changing gears. The driver may not shift gears while crossing the track or tracks.

C. This section does not apply at any railroad grade crossing where:

1. Traffic is controlled by a police officer or flagger.

2. A functioning traffic control signal is transmitting a green light.

3. The tracks are used exclusively for a streetcar or industrial switching purposes.

4. The utilities and transportation commission has approved the installation of an "exempt" sign in accordance with the procedures and standards under RCW 81.53.060.

5. The crossing is abandoned and is marked with a sign indicating it is out-of-service.

6. The Washington State Patrol has, by rule, identified a crossing where stopping is not required.

7. The Washington State Superintendent of Public Instruction has, by rule, identified a circumstance under which a school bus or private carrier bus carrying any school child or other passenger is not required to stop.

D. For the purpose of this section, "commercial motor vehicle" means: any vehicle with a manufacturer's seating capacity for eight or more passengers, including the driver, that transports passengers for hire; any private carrier bus; any vehicle used to transport property that has a gross vehicle weight rating, gross combination weight rating, gross vehicle weight, or gross combination weight of 4,536 kg (10,001 pounds) or more; and any vehicle used in the transportation of hazardous materials as defined in RCW 46.25.010. (RCW 46.61.350)

Section 13. Effective January 1, 2011, 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 (under Laws of 2008, chapter 282, section 9)) 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 igni-

tion 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 (obtain) an ignition interlock driver's license (and operate only vehicles equipped with a functioning ignition interlock device) 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 ((Laws of 2008, chapter 282, section 9)). 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 ((When the requirement that a person obtain) 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 (and operate only vehicles equipped with a functioning ignition interlock device is waived by the court)), 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. 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. Effective January 1, 2011, a new section is added to Seattle Municipal Code Chapter 11.56 as follows:

11.56.140 Reckless endangerment of emergency zone workers.

A. A person is guilty of reckless endangerment of emergency zone workers if he or she drives a vehicle in an emergency zone in such a manner as to endanger or be likely to endanger any emergency zone worker or property.

B. Reckless endangerment of emergency zone workers is a gross misdemeanor. (RCW 46.61.212(4))

Section 15. Effective January 1, 2011, Subsection C of Section 11.56.320 of the Seattle Municipal Code is 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. For the purposes of this subsection, a person is not considered to be eligible to reinstate his or her driver's license or driving privilege if the person is eligible to obtain an ignition interlock driver's license but did not obtain such a license. 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 controlled substances;

4. A conviction relating to the violation of restrictions of an occupational driver's license, a ((or)) temporary restricted driver's license or an ignition interlock driver's license;

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

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

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

8. A conviction relating to reckless driving;

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

10. A conviction relating to vehicular homicide;

11. A conviction relating to vehicular assault;

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

13. A conviction relating to reckless endangerment of emergency zone workers;

14. A conviction relating to racing of vehicles on highways;

15. ((14-)) A conviction relating to leaving children in an unattended vehicle with motor running;

16. ((15-)) A conviction relating to theft of motor vehicle fuel;

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

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

D. A person who violates this section when his or her driver's license or driving privilege is, at the time of the violation, suspended or revoked solely because (1) the person must furnish proof of satisfactory progress in a required alcoholism or drug treatment program, (2) the person must furnish proof of financial responsibility for the future as provided by Chapter 46.29 RCW, (3) the person has failed to comply with the provisions of Chapter 46.29 RCW relating to uninsured accidents, (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) 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, 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) of this subsection, is guilty of driving while license suspended or revoked in the third degree, a misdemeanor. For the purposes of this subsection, a person is not considered to be eligible to reinstate his or her driver's license or driving privilege if the person is eligible to obtain an ignition interlock driver's license but did not obtain such a license.

Section 16. Effective January 1, 2011, a new section is added to Seattle Municipal Code Chapter 11.56 as follows:

11.56.330 Violation of an occupational, temporary restricted or ignition interlock driver's license.

A. No person shall operate a motor vehicle on any street, alley or way open to the public in violation of any restriction of an occupational driver's license or a temporary restricted driver's license. Any person convicted of a violation of this subsection is guilty of a crime and shall be punished by imprisonment for not more than six (6) months or a fine of not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00) or both such fine and imprisonment.

B. No person shall operate a motor vehicle on any street, alley or way open to the public in violation of any restriction of an ignition

interlock driver's license. Any person convicted of a violation of this subsection is guilty of a gross misdemeanor. (RCW 46.20.410)

Section 17. Effective January 1, 2011, Section 11.56.350 of the Seattle Municipal Code 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 includes a notation, pursuant to RCW 46.20.740, that the person may operate only a motor vehicle equipped with an ignition interlock device shall operate a motor vehicle that is not so equipped. Violation of this section is a gross misdemeanor. (RCW 46.20.740)

Section 18. Effective January 1, 2011, Section 11.58.272 of the Seattle Municipal Code and the title of that section are amended as follows:

11.58.272 Operation of vehicle approaching an emergency zone ((stationary authorized emergency vehicles)).

A. The driver of any motor vehicle, upon approaching an emergency zone (a stationary authorized emergency vehicle that is making use of audible and/or visual signals meeting the requirements of Section 11.82.520, a tow truck that is making use of visual red lights meeting the requirements of Section 11.82.530, other vehicles providing roadside assistance that are making use of warning lights with three hundred sixty degree (360 degrees) visibility, or a police vehicle properly and lawfully displaying a flashing, blinking, or alternating emergency light or lights;) shall:

1. ((A-)) On a street having four (4) or more lanes, at least two (2) of which are intended for traffic proceeding in the same direction as the approaching vehicle, proceed with caution and, if reasonable, with due regard for safety and traffic conditions, yield the right-of-way by making a lane change or moving away from the lane or shoulder occupied by the stationary authorized emergency vehicle or police vehicle; or

2. ((B-)) On a street having fewer than four (4) lanes, proceed with caution, reduce the speed of the vehicle, and, if reasonable, with due regard for safety and traffic conditions, and under the rules of this chapter, yield the right-of-way by passing to the left at a safe distance and simultaneously yield the right-of-way to all vehicles traveling in the proper direction upon the street; or

3. ((C-)) If changing lanes or moving away would be unreasonable or unsafe, proceed with due caution and reduce the speed of the vehicle.

B. A person may not drive a vehicle in an emergency zone at a speed greater than the posted speed limit. (RCW 46.61.212)

Section 19. Section 11.72.065 of the Seattle Municipal Code is amended as follows:

11.72.065 Disabled parking, Invalid Placard -- Violation.

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 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.

D. It is a parking infraction, with a monetary penalty of Two Hundred Fifty Dollars (\$250), for any person to park in, block or otherwise make inaccessible the access aisle located next to a space reserved for physically disabled persons. In addition to any penalty or fine imposed under this subsection, Two Hundred Dollars (\$200) shall be assessed.

E. The use or display of a disabled placard or license plate that is stolen, expired, issued to a person who is now deceased, or is

otherwise invalid in or upon a vehicle parked in a public right-of-way or on other publicly owned or controlled property is a parking infraction with a monetary penalty of Two Hundred Fifty Dollars (\$250).

G. The assessment imposed under subsections C and D of this section shall be allocated as provided by RCW 46.16.381. 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 20. Section 11.72.070 of the Seattle Municipal Code is amended as follows:

11.72.070 Commercial and large size vehicles.

No person shall park a vehicle on any street or alley, except in an ((Manufacturing or)) Industrial Zone as defined in Title 23, ((the Zoning Code of Seattle (Ordinance 86300 as amended))) between the hours of midnight and six (6) a.m. if the vehicle is a truck and/or trailer or other conveyance which is over eighty (80) inches wide.

Section 21. Section 11.84.460 of the Seattle Municipal Code is amended as follows:

11.84.460 Text message on wireless device.

A. Except as provided in subsection B of this section, no person operating a moving motor vehicle shall, by means of an electronic wireless communications device, ((other than a voice-activated global positioning or navigation system that is permanently affixed to the vehicle)) send, read, or write a text message: Provided, however, that a person does not send, read, or write a text message when he or she reads, selects, or enters a phone number or name in a wireless communications device for the purpose of making a phone call.

B. Subsection A of this section does not apply to a person operating:

1. An authorized emergency vehicle; or

2. A voice-operated global positioning or navigation system that is affixed to the vehicle and that allows the user to send or receive messages without diverting visual attention from the road or engaging the use of either hand; or

3. A moving motor vehicle while using an electronic wireless communications device to:

a. Report illegal activity;

b. Summon medical or other emergency help;

c. Prevent injury to a person or property; or

d. Relay information that is time sensitive between a transit or for-hire operator and that operator's dispatcher, in which the device is permanently affixed to the vehicle.

((C. Enforcement of this section by law enforcement officers may be accomplished only as a secondary action when a driver of a motor vehicle has been detained for a suspected violation of RCW Title 46, this title or some other offense.)) (RCW 46.61.668)

Section 22. Section 11.84.480 of the Seattle Municipal Code is amended as follows:

11.84.480 Cell phones.

A. Except as provided by subsection B and C of this section, no person shall operate a moving motor vehicle while holding a wireless communications device to his or her ear.

B. Subsection A of this section does not apply to a person operating:

1. An authorized emergency vehicle, or a tow truck responding to a disabled vehicle;

2. A moving motor vehicle using a wireless communications device in hands-free mode;

3. A moving motor vehicle using a hand-held wireless communications device to:

a. Report illegal activity;

b. Summon medical or other emergency help;

c. Prevent injury to a person or property; or

d. Relay information that is time sensitive between a transit or for-hire operator and that operator's dispatcher, in which the device is permanently affixed to the vehicle;

4. A moving motor vehicle while using a hearing aid.

((E. Enforcement of this section by law enforcement officers may be accomplished only as a secondary action when a driver of a motor vehicle has been detained for a suspected violation of RCW Title 46, this title or some other offense.)) (RCW 46.61.667)

Section 23. Section 11.84.420 of the Seattle Municipal Code is repealed.

Section 24. 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 4th day of October, 2010, and signed by me in open session in authentication of its passage this 4th day of October, 2010.

Richard Conlin

President of the City Council

Approved by me this 13th day of October, 2010.

Mike McGinn, Mayor

Filed by me this 13th day of October, 2010.

Publication ordered by the City Clerk
Date of publication in the Seattle Daily Journal of Commerce, October 20, 2010.

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