SEATTLE CITY COUNCIL

Legislative Summary

CB 118577

Record No.: CB 118577 **Type:** Ordinance (Ord) 124950 **Status:** Passed

Version: 1 **In Control:** City Clerk

File Created: 10/13/2015

Final Action: 12/17/2015

Title: AN ORDINANCE relating to the City's traffic code; amending Sections 11.14.055, 11.14.184, 11.23.380, 11.23.400, 11.31.020, 11.34.020, 11.56.020, 11.56.025, 11.56.320, 11.56.350, 11.56.355, 11.57.310, 11.72.065, and 11.84.380 of the Seattle Municipal Code, adding Section 11.58.435 to the Seattle Municipal Code, and repealing Section 11.14.185 of the Seattle Municipal Code to conform the Seattle Municipal Code with changes in state law and make technical corrections.

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: Harrell

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments:

Drafter: Emilia.Sanchez@seattle.gov

Filing Requirements/Dept Action:

History of Legislative File **Legal Notice Published:** ☐ Yes ☐ No

Ver-sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Clerk	10/20/2015	sent for review	Council President's Office			
	Action Text: The Council Bill (CB) was sent for review. to the Council President's Office						
	Notes:						
1	Council President's Office	10/21/2015	sent for review	Public Safety, Civil Rights, and Technology Committee			
	Action Text: The Council Bill (CB) was sent for review. to the Public Safety, Civil Rights, and Technology Committee						
	Notes:						

1	Full Council	11/23/2015	referred	Public Safety, Civil Rights, and Technology Committee	

Action Text: The Council Bill (CB) was referred. to the Public Safety, Civil Rights, and Technology Committee
Notes:

1	Public Safety, Civil Rights, and Technology Committee	12/02/2015	pass		Pass

Action Text: The Committee recommends that Full Council pass the Council Bill (CB).
In Favor: 2 Member Bagshaw, Chair Harrell
Opposed: 0

1	Full Council	12/07/2015	passed		Pass

Action Text: The Council Bill (CB) was passed by the following vote and the President signed the Bill:
Notes:
In Favor: 7 Council President Burgess, Councilmember Bagshaw, Councilmember Godden, Councilmember González , Councilmember Harrell, Councilmember Licata, Councilmember Rasmussen
Opposed: 0

1	City Clerk	12/11/2015	submitted for Mayor's signature	Mayor	

Action Text: The Council Bill (CB) was submitted for Mayor's signature. to the Mayor
Notes:

1	Mayor	12/17/2015	Signed		

Action Text: The Council Bill (CB) was Signed.
Notes:

1	Mayor	12/17/2015	returned	City Clerk	

Action Text: The Council Bill (CB) was returned. to the City Clerk
Notes:

1	City Clerk	12/17/2015	attested by City Clerk		

Action Text: The Ordinance (Ord) was attested by City Clerk.
Notes:

Richard Greene
LAW 2015 Traffic ORD
D2a

CITY OF SEATTLE

ORDINANCE 124950

COUNCIL BILL 118577

AN ORDINANCE relating to the City's traffic code; amending Sections 11.14.055, 11.14.184, 11.23.380, 11.23.400, 11.31.020, 11.34.020, 11.56.020, 11.56.025, 11.56.320, 11.56.350, 11.56.355, 11.57.310, 11.72.065, and 11.84.380 of the Seattle Municipal Code, adding Section 11.58.435 to the Seattle Municipal Code, and repealing Section 11.14.185 of the Seattle Municipal Code to conform the Seattle Municipal Code with changes in state law and make technical corrections.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 11.14.055 of the Seattle Municipal Code, enacted by Ordinance 108200, is amended as follows:

11.14.055 Bicycle and Electric-assisted bicycle ((.))

A. "Bicycle" means every device propelled solely by human power upon which a person or persons may ride, having ((~~with~~)) two tandem (((~~2 or more~~))) wheels either ((,)) of which is ((~~not more than one (1) wheel shall be less than sixteen (~~))16((~~)~~)) inches or more in diameter, or three wheels, any one of which is more than 20 inches in diameter ((~~having a steering device and saddle or seat or seats, and propelled solely by human power~~)).

B. "Electric-assisted bicycle" means a bicycle with two or three wheels, a saddle, fully operative pedals for human propulsion, and an electric motor. The electric-assisted bicycle's electric motor must have a power output of no more than 1000 watts, be incapable of propelling the device at a speed of more than 20 miles per hour on level ground, and be incapable of further increasing the speed of the device when human power alone is used to propel the device beyond 20 miles per hour.

Section 2. Section 11.14.184 of the Seattle Municipal Code, enacted by Ordinance 121518, is renumbered 11.14.186 and further amended to read as follows:

((~~11.14.184~~)) 11.14.186 EPAMD (Electric personal assistive mobility device) ((.))

"EPAMD" means:

A. an electric personal assistive mobility device, which is a self-balancing device with two wheels not in tandem, designed to transport only one person by an electric propulsion system with an average power of ((~~seven hundred fifty~~)) 750 watts (((~~one~~)) 1 horsepower) having a maximum speed on a paved level surface, when powered solely by such a propulsion system while ridden by an operator weighing one hundred seventy pounds, of less than ((~~twenty~~)) 20 miles per hour; or

B. a self-balancing device with one wheel designed to transport only one person by an electric propulsion system with an average power of 2000 watts (2 2/3 horsepower) having a maximum speed on a paved level surface, when powered solely by such a propulsion system, of less than 20 miles per hour. (((~~Statutory reference RCW 46.04.1695.~~)))

Section 3. Section 11.23.380 of the Seattle Municipal Code, last amended by Ordinance 121678, is amended as follows:

11.23.380 Disabled person's parking privilege ((~~.~~))

A. A person who has obtained a ((~~with a current and valid identification card and disabled~~)) parking placard or special license plate under RCW 46.19.010 and RCW 46.19.030 ((~~from the Washington State Department of Licensing under RCW 46.16.381~~)) shall be allowed to park a vehicle displaying the placard or plate that is being used to transport the holder of such special parking privileges ((~~such person~~)) free of charge for a maximum of a four-hour time period in parking areas, including those with a parking payment device, that 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.

B. ((~~A person with a current and valid identification card and disabled parking license plate or disabled parking year tab from the Washington State Department of Licensing under RCW 46.16.381 shall be allowed to park the vehicle displaying the license plate or year tab that is being used to transport~~

~~the person free of charge for unlimited periods of time in parking areas, including those with parking payment devices, that are otherwise restricted as to the length of time parking is permitted.~~

~~C. This section~~)) Subsection 11.23.380.A shall have no application 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. ((~~Such person shall not be permitted the foregoing privilege unless he or she obtains and displays a placard, disabled parking year tab, or license plate issued pursuant to RCW 46.16.381. (RCW 46.16.381)~~)))

Section 4. Section 11.23.400 of the Seattle Municipal Code, as last amended by Ordinance 123632, is amended as follows:

11.23.400 Disabled parking - Enforcement ((~~.~~))

A. Knowingly providing false information in conjunction with an application for ((~~a disabled parking permit~~)) special parking privileges for persons with disabilities is a gross misdemeanor. For purposes of this subsection 11.23.400.A, "knowingly" has the same meaning as in Section 12A.04.030.B.

B. Except as provided by subsection 11.23.400.A ((~~of this section~~)), it is a ((~~traffic infraction, with a monetary penalty of Two Hundred Fifty Dollars ($250),~~)) misdemeanor for any person willfully to obtain a ((~~disabled parking placard,~~)) special license plate, ((~~license~~)) placard, special year tab, or ((~~photo~~)) identification card in a manner other than that established by chapter 46.19 RCW ((~~Chapter 46.19~~)).

C. It is a misdemeanor for any person to sell a placard, special license plate, special year tab, or identification card issued under chapter 46.19 RCW.

D. The unauthorized use of a ((~~disabled~~)) parking placard, special license plate, special year ((~~license~~)) tab, or ((~~photo~~)) identification card issued under chapter 46.19 RCW ((~~Chapter 46.19~~)) is a

parking infraction with a monetary penalty of ((~~Two Hundred Fifty Dollars ()~~)$250((~~()~~))). In addition to any penalty or fine imposed under this subsection 11.23.400.D, ((~~Two Hundred Dollars ()~~)$200((~~()~~))) shall be assessed, which assessment shall be allocated as provided by RCW 46.19.050. For the purpose of this subsection 11.23.400.D, "unauthorized use" includes (1) any use of a parking placard, special license plate, special year tab, or identification card that is expired, inactivated, faked, forged, or counterfeited, (2) any use of a parking placard, special license plate, special year tab, or identification card of another holder if the initial holder is no longer eligible to use or receive it, and (3) any use of a parking placard, special license plate, special year tab, or identification card of another holder even if permitted to do so by the holder. Any reduction in any penalty ((~~or fine~~)) and assessment imposed under this subsection 11.23.400.D shall be applied proportionally between the penalty ((~~or fine~~)) and the assessment.

((~~D.~~)) E. The court may not suspend more than ((~~one-half 1/2~~)) half of any fine imposed under subsection 11.23.400.D ((~~B or C of this section~~)). For a second or subsequent violation of ((~~subsection B or C of~~)) this ((~~section~~)) Section 11.23.400, in addition to a monetary penalty, a violator must complete a minimum of ((~~forty ()~~)40((~~()~~))) hours of either community service for a nonprofit organization that serves the disabled community or persons having disabling diseases or any other community service that may sensitize the violator to the needs and obstacles faced by persons who have disabilities.

((~~E.~~)) F. Any peace officer or parking enforcement officer ((~~finding any unauthorized use of such placard or license plate shall issue and affix a notice indicating the unauthorized uses thereof in the form and in the manner required by Section 11.31.030~~)) investigating the possibility of a violation of this Section 11.23.400 may request a person to show the person's identification card or special parking placard and, if such request is refused, may issue a notice of infraction for violation of this Section 11.23.400.

G. If a person is found to have violated the special parking privileges provided in this Section 11.23.400, and unless an appeal of that finding is pending, the court may order that the person surrender a placard, special license plate, special year tab, or identification card issued under chapter 46.19 RCW.

Section 5. Subsection 11.31.020.A of the Seattle Municipal Code, which section was last amended by Ordinance 123946, is amended as follows:

11.31.020 Notice of traffic infraction – Issuance.

A. A peace officer has the authority to issue a notice of traffic infraction:

1. when the infraction is committed in the officer's presence;

2. if an officer investigating at the scene of a motor vehicle accident has reasonable cause to believe that the driver of a motor vehicle involved in the accident has committed a traffic infraction; or

3. when a violation of ((~~SMC~~)) Section 11.50.140, ((~~SMC~~)) 11.50.150, ((~~SMC~~)) 11.52.040, or ((~~SMC~~)) 11.52.100 is detected through the use of an automated traffic safety camera as authorized pursuant to RCW 46.63.170 and Section ((~~11.50.560~~)) 11.50.570.

* * *

Section 6. Subsection 11.34.020.B of the Seattle Municipal Code, which section was last amended by Ordinance 124686, 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 $1,000 or by imprisonment for a term not to exceed 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. Subsection 11.20.350.C, Providing false evidence of financial responsibility;

8. Section 11.22.025, Transfer of ownership;

9. Subsection 11.23.400.B, Unlawfully obtaining placard or special license plate;

10. Subsection 11.23.400.C, Unlawful sale of placard or special license plate;

11. Section 11.32.160, Cancellation of citation;

((~~10.~~)) 12. Section 11.40.180, Standard of care for drivers of motor vehicles – blind pedestrians carrying white cane or using guide dog;

((~~11.~~)) 13. Section 11.40.430, Prohibited entry to no admittance area;

((~~12.~~)) 14. Subsection 11.56.320.D, Driving while license is suspended or revoked in the third degree;

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

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

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

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

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

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

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

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

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

((~~22.~~)) 24. Section 11.66.240, Obstructing or delaying train;

((~~23.~~)) 25. Subsection 11.74.160.C, Failure to secure load in the second degree;

((~~24.~~)) 26. Subsection 11.84.370.C, Possessing signal preemption device except as authorized;

((~~25.~~)) 27. Section 11.34.040, Aiding and abetting with respect to the criminal offenses in this subsection 11.34.020.B.

Section 7. Subsections 11.56.020.C and 11.56.020.D of the Seattle Municipal Code, which section was last amended by Ordinance 124302, are amended as follows:

11.56.020 Persons under the influence of intoxicating liquor, marijuana, or any other drug.

* * *

C. Minor Driving Or Being In Actual Physical Control Of A Motor Vehicle After Consuming Alcohol.

1. Notwithstanding any other provision of this ((~~title~~)) Title 11, a person is guilty of minor driving or being in actual physical control of a motor vehicle after consuming alcohol or marijuana if the person:

a. Operates or is in actual physical control of a motor vehicle in the City;

b. Is under the age of ((~~twenty-one (~~))21((~~)~~)); and

c. Has, within two (((~~2~~))) hours after operating or being in actual physical control of the motor vehicle, either an alcohol concentration of at least 0.02 but less than 0.08, as shown by an analysis of the person's breath or blood made under RCW 46.61.506; or a THC concentration above 0.00 but less than the concentration specified in subsection 11.56.020.A.((~~1~~))1.b ((~~of this section~~)), as shown by analysis of the person's blood made under RCW 46.61.506.

2. It is an affirmative defense to a violation of this subsection 11.56.020.C, which the defendant must prove by a preponderance of the evidence, that the defendant consumed a sufficient quantity of alcohol or marijuana after the time of driving or being in actual physical control of the vehicle and before the administration of an analysis of the person's breath or blood to cause the defendant's alcohol or THC concentration to be in violation of subsection 11.56.020.C.1 ((~~of this section~~)) within two (((~~2~~))) hours after driving or being in actual physical control of the vehicle. The court shall not admit evidence of this defense unless the defendant notifies the prosecution prior to the earlier of (a) seven (((~~7~~))) days prior to trial; or (b) the omnibus or pretrial hearing in the case of the defendant's intent to assert the affirmative defense.

3. No person may be convicted under this subsection 11.56.020.C for being in physical control of a motor vehicle if, prior to being pursued by a law enforcement officer, the person has moved the vehicle safely off the roadway.

4. Analysis of blood or breath samples obtained more than two (((~~2~~))) hours after the alleged driving or being in actual physical control of the vehicle may be used as evidence that within two (((~~2~~))) hours after the alleged driving or being in actual physical control of the vehicle a person had an alcohol or THC concentration in violation of this subsection 11.56.020.C.

((~~4.~~)) 5. Minor driving or being in actual physical control of a motor vehicle after consuming alcohol is a misdemeanor.

D. Mandatory Appearance After Charging and Conditions of Release.

1. A defendant who is charged with a violation of this ((~~section~~)) Section 11.56.020 shall be required to appear in person before a judicial officer within one (((~~1~~))) judicial day after the arrest if the defendant is served with a citation or complaint at the time of the arrest. The Municipal Court may by local court rule waive the requirement for an appearance within one (((~~1~~))) judicial day if it provides for the appearance at the earliest practicable day following arrest and establishes the method for identifying that day in the rule.

2. A defendant who is charged with a violation of this ((~~section~~)) 11.56.020 and who is not served with a citation or complaint at the time of the incident shall appear in court for arraignment in person as soon as practicable, but in no event later than ((~~fourteen (~~))14((~~)~~))) days after the next day on which court is in session following the issuance of the citation or the filing of the complaint or information.

3. At the time of an appearance required by this subsection 11.56.020.D, the court shall determine the necessity of imposing conditions of pretrial release according to the procedures established by court rule for a preliminary appearance or an arraignment. If electronic monitoring or alcohol abstinence monitoring is ordered, the court shall specify who shall provide the monitoring services, and the terms under which the monitoring shall be performed. Upon conviction, the court may require as a condition of the sentence that the defendant reimburse the providing agency for the costs of the electronic monitoring or abstinence monitoring.

4. Appearances required by this subsection 11.56.020.D are mandatory and may not be waived.

5. Failure of the court to comply with the requirements of this subsection 11.56.020.D shall not be grounds for dismissal of any charge under this ((~~section~~)) Section 11.56.020 nor the establishment of a constructive date of arraignment for purposes of Criminal Rule for Courts of Limited Jurisdiction 3.3.

6.

a. When any person charged with ((~~or arrested for~~)) a violation of subsection 11.56.020.A or 11.56.020.B ((~~of this section~~)), in which the person has a prior offense as defined in RCW 46.61.5055 and the current offense involves alcohol, is released from custody at ((~~before~~)) arraignment or trial on bail or personal recognizance, the Municipal Court shall require, as a condition of release, that the person comply with one of the following four requirements:

(i) have a functioning ignition interlock device installed on all motor vehicles operated by the person, with proof of installation filed with the court by the person or the certified interlock provider within five (((~~5~~))) business days of the date of release from custody or as soon thereafter as determined by the court based on availability within the jurisdiction; or

(ii) comply with 24/7 sobriety program monitoring, as defined in ((~~Laws of 2013, 2nd Sp. Sess., chapter 35, section 26; or both.~~)) RCW 36.28A.330;

(iii) have an ignition interlock device on all motor vehicles operated by the person pursuant to subsection 11.56.020.D.6.a.(i) and submit to either 24/7 sobriety program monitoring pursuant to subsection 11.56.020.D.6.a.(ii), if available, or alcohol monitoring, at the expense of the person, as provided in subsection 11.56.025.L ; or

(iv) have an ignition interlock device on all motor vehicles operated by the person and agree not to operate any motor vehicle without an ignition interlock device as required by the court. Under this subsection 11.56.020.D.6.1.a.(iv), the person must file a sworn statement with the

court upon release at arraignment that states the person will not operate any motor vehicle without an ignition interlock device while the ignition interlock restriction is imposed by the court. Such person must also submit to either 24/7 sobriety program monitoring pursuant to subsection 11.56.020.D.6.a.(ii), if available, or alcohol monitoring, at the expense of the person, as provided in subsection 11.56.025.L.

b. The court shall immediately notify the Washington Department of Licensing when an ignition interlock restriction is imposed as a condition of release pursuant to subsection 11.56.020.D.6.a or where a person is charged with, or convicted of, a violation of subsection 11.56.020.A or 11.56.020.B and the offense involves alcohol.

((~~(b)~~)) c. Upon acquittal or dismissal of all pending or current charges relating to a violation of subsection 11.56.020.A or 11.56.020.B ((~~of this section~~)), the court shall authorize removal of the ignition interlock device and lift any requirement to comply with electronic alcohol/drug monitoring imposed under this subsection 11.56.020.D. Nothing in this ((~~section~~)) Section 11.56.020 limits the authority of the court under Section 11.20.230.

d. If the court authorizes removal of an ignition interlock device imposed under subsection 11.56.020.D.6.a the court shall immediately notify the Washington Department of Licensing regarding the lifting of the ignition interlock restriction. When an ignition interlock restriction imposed as a condition of release is canceled, the court shall provide a defendant with a written order confirming release of the restriction. The written order shall serve as proof of release of the restriction until the Washington Department of Licensing updates the driving record.

Section 8. Subsection 11.56.025.I of the Seattle Municipal Code, which section was last amended by Ordinance 124302, is amended as follows:

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

* * *

I. In addition to any nonsuspendable and nondeferrable jail sentence required by this subsection 11.56.025.I, whenever the court imposes less than ((~~three hundred sixty-four (~~))364((~~)~~)) days 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; (2) not driving a motor vehicle within this state without ((~~and~~)) proof of liability insurance or other financial responsibility for the future pursuant to Section 11.20.340; (((~~2~~))) (3) not driving or being in physical control of a motor vehicle within this state while having an alcohol concentration of 0.08 or more or a THC concentration of 5.00 nanograms per milliliter of whole blood or higher within two (((~~2~~))) hours after driving or being in physical control; (((~~and 3~~))) (4) not refusing to submit to a breath or blood test ((~~of his or her breath or blood~~)) to determine alcohol or drug 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 or drug; and (5) not driving a motor vehicle in this state without a functioning ignition interlock device as required by the Washington Department of Licensing. For each violation of mandatory conditions of probation (1), (2), ((~~or~~)) (3), (4), or (5) of this subsection 11.56.025.I, 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 11.56.025.I, 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 11.56.025.I 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 RCW 10.01.230, 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.

* * *

Section 9. Subsections 11.56.320.C and 11.56.320.D of the Seattle Municipal Code, which section was last amended by Ordinance 123632, are amended as follows:

11.56.320 Driving while license is suspended or revoked.

* * *

C. A person who violates this ((~~section~~)) Section 11.56.320 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~~)) the person's driver's license or driving privilege, other than for a suspension for the reasons described in subsection 11.56.320.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 11.56.320.C, a person is not considered to be eligible to reinstate ((~~his or her~~)) the person's 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 11.56.320.C 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~~)) Section 11.56.320;

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 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. A conviction relating to leaving children in an unattended vehicle with motor running;

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

17. A conviction relating to attempting, aiding, abetting, coercing, and committing crimes;

18. An administrative action taken by the Washington Department of Licensing under ((~~Chapter~~)) chapter 46.20 RCW; or

19. A finding that a person has committed a traffic infraction under RCW 46.61.526 and suspension of driving privileges pursuant to ((~~Washington Laws of 2011, chapter 372, section 1~~)) RCW 46.61.526(4)(b) or (7)(a)(ii).

D. A person who violates this ((~~section~~)) Section 11.56.320 when ((~~his or her~~)) that person's 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~~)) chapter 46.29 RCW, (3) the person has failed to comply with the provisions of ((~~Chapter~~)) 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 11.56.320.C ((~~of this section~~)), but was eligible to reinstate ((~~his or her~~)) the person's 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 (8) the person has been certified by the Washington Department of Social and Health Services as a person who is not in compliance with a child support order as provided

in RCW 74.20A.320, or any combination of (1) through (((~~7~~))) (8) of this subsection 11.56.320.D, is guilty of driving while license suspended or revoked in the third degree, a misdemeanor. For the purposes of this subsection 11.56.320.D, a person is not considered to be eligible to reinstate ((~~his or her~~)) the person's 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 10. Subsection 11.56.350.A of the Seattle Municipal Code, which section was last amended by Ordinance 124686, is amended as follows:

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

A. 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, unless the notation resulted from a restriction imposed as a condition of release and the restriction has been released by the court prior to driving. Violation of this ((~~section~~)) Section 11.56.350 is a gross misdemeanor. (((~~RCW 46.20.740~~)))

* * *

Section 11. Subsections 11.56.355.A and 11.56.355.B of the Seattle Municipal Code, which section was last amended by Ordinance 124686, are amended as follows:

11.56.355 Tampering with or assisting another in circumventing an ignition interlock device

A. No person who is restricted to the use of a vehicle equipped with an ignition interlock device shall:

1. tamper with ((~~or direct, authorize, or request another to tamper with~~)) the device ((~~in order to circumvent it~~)) by modifying, detaching, disconnecting or otherwise disabling it to allow the restricted driver to operate the vehicle;

2. use or request another person to use a filter or other device to circumvent the ignition interlock or to start or operate the vehicle to allow the restricted driver to operate the vehicle;

3. have, direct, authorize, or request another person to tamper with the device by modifying, detaching, disconnecting, or otherwise disabling it to allow the restricted driver to operate the vehicle; or

4. have, allow, direct, authorize, or request another person to blow or otherwise exhale into the device in order to circumvent the device to allow the restricted driver to operate the vehicle.

B. No person shall knowingly assist another person who is restricted to the use of a vehicle equipped with an ignition interlock device to circumvent the device or to start and operate such a vehicle ((~~in violation of a court order~~)) regarding such device.

* * *

Section 12. Section 11.57.310 of the Seattle Municipal Code, enacted by Ordinance 124686, is amended as follows:

11.57.310 Traffic control signal failing to activate

Notwithstanding any provision of law to the contrary, the operator of a bicycle, electric-assisted bicycle, moped, or street legal motorcycle approaching an intersection, including a left turn intersection, that is controlled by a triggered traffic control signal using a vehicle detection device that is inoperative due to the size or composition of the bicycle, electric-assisted bicycle, moped, or street legal motorcycle shall come to a full and complete stop at the intersection. If the traffic control signal, including the left turn signal, as appropriate, fails to operate after one cycle of the traffic signal, the operator may, after exercising due care, proceed directly through the intersection or proceed to turn left, as appropriate. It is not a defense to a violation of Section 11.50.380 that the operator ((~~driver~~)) of a bicycle, electric-assisted bicycle, moped, or motorcycle proceeded under the belief that a traffic control signal used a vehicle

detection device or was inoperative due to the size or composition of the bicycle, electric-assisted bicycle, moped, or motorcycle when the signal did not use a vehicle detection device or that any such device was not in fact inoperative due to the size or composition of the bicycle, electric-assisted bicycle, moped, or motorcycle.

Section 13. A new Section 11.58.435 is added to the Seattle Municipal Code as follows:

11.58.435 Marijuana in a vehicle

A. It is a traffic infraction:

1. For the registered owner of a motor vehicle, or the driver if the registered owner is not then present, or passengers in the vehicle, to keep marijuana in a motor vehicle when the vehicle is upon a highway, unless it is (a) in the trunk of the vehicle, (b) in some other area of the vehicle not normally occupied or directly accessible by the driver or passengers if the vehicle does not have a trunk, or (c) in a package, container, or receptacle that has not been opened or the seal broken or contents partially removed. A utility compartment or glove compartment is deemed to be within the area occupied by the driver and passengers;

2. To consume marijuana in any manner including, but not limited to, smoking or ingesting in a motor vehicle when the vehicle is upon the public highway; or

3. To place marijuana in a container specifically labeled by the manufacturer of the container as containing a nonmarijuana substance and to then violate subsection 11.58.435.A.1.

B. There is a rebuttable presumption that it is a traffic infraction if the original container of marijuana is incorrectly labeled and there is a subsequent violation of subsection 11.58.435.A.1.

C. As used in this Section 11.58.435, "marijuana" means all parts of the plant *Cannabis*, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. The term does not

include the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil, or cake, or the sterilized seed of the plant that is incapable of germination.

Section 14. Section 11.72.065 of the Seattle Municipal Code, last amended by Ordinance 123632, is amended as follows:

11.72.065 Disabled parking, ((~~Invalid Placard - Violation.~~)) invalid placard - Violation

A. A parking space or stall for a person with a disability shall be indicated by a vertical sign with the international symbol of access, whose colors are white on a blue background, described under RCW 70.92.120, and a warning that other vehicles without permits will be impounded.

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 shall be allowed to park a vehicle being used to transport the holder of such special parking privileges free of charge for a maximum of a four hour time period where designated in parking areas (including areas with parking payment devices) ((~~which~~)) that 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~~)) subsection 11.72.065.B 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 provided on private property

without charge or on public property reserved for persons with physical disabilities without ((~~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 special license plate issued under chapter 46.19 RCW ((~~Chapter 46.19~~)). In addition to any penalty or fine imposed under this subsection 11.72.065.C, ((~~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~~)) establishes that the person operating the vehicle or being transported at the time of the infraction had a valid placard, special license plate or ((~~placard required under this section~~)) special year tab issued under chapter 46.19 RCW. Such person must sign a statement under penalty of perjury that the placard, special license plate, or special year tab produced prior to the court appearance was valid at the time of infraction and issued as required under chapter 46.19 RCW.

D. It is a parking infraction, with a monetary penalty of ((~~Two Hundred Fifty Dollars ()~~)$250((~~()~~)), for any person to stop, stand, park in, block, or otherwise make inaccessible the access aisle located next to a space reserved for ((~~physically disabled~~)) persons with physical disabilities. In addition to any penalty or fine imposed under this subsection 11.72.065.D, ((~~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).~~)) It is a parking infraction, with a monetary penalty of $250, to fail to fully display a placard or special license plate issued under chapter 46.19 RCW while parked on private property without charge, while parked on public property reserved for persons with physical

disabilities or while parking free of charge as allowed under subsection 11.72.065.B. In addition to any penalty or fine imposed under this subsection 11.72.065.D, $200 must be assessed, for a total of $450. For the purpose of this subsection 11.72.065.D, "fully display" means hanging or placing the placard or special license plate so that the full face of the placard or license plate is visible, including the serial number and expiration date of the placard or license plate. If a person is charged with a violation of this subsection 11.72.065.D, that person will not be determined to have committed an infraction if the person produces in court or before the court appearance a valid identification card issued to that person under RCW 46.19.010.

F. The court may not suspend more than ((~~one-half (½)~~)) half of any fine imposed under ((~~subsection C or D of~~)) this ((~~section~~)) Section 11.72.065. For a second or subsequent violation of ((~~subsection C or D of~~)) this ((~~section~~)) Section 11.72.065, in addition to a monetary penalty, a violator must complete a minimum of ((~~forty (~~))40((~~)~~)) hours of either community service for a nonprofit organization that serves the disabled community or persons having disabling diseases or any other community service that may sensitize the violator to the needs and obstacles faced by persons who have disabilities.

G. The assessment imposed under ((~~subsections C and D of~~)) this ((~~section~~)) Section 11.72.065 shall be allocated as provided by RCW 46.19.050. Any reduction in any penalty ((~~or fine~~)) and assessment imposed under ((~~subsections C and D of~~)) this ((~~section~~)) Section 11.72.065 shall be applied proportionally between the penalty ((~~or fine~~)) and the assessment.

Section 15. Section 11.84.380 of the Seattle Municipal Code, enacted by Ordinance 108200, is amended as follows:

11.84.380 Fire extinguishers ((~~.~~))

Any person operating any vehicle transporting any explosive or flammable cargo upon a street or alley shall at all times keep the vehicle equipped with at least one ((~~not less than two (2)~~)) fire extinguisher ((~~extinguishers~~)), filled and ready for immediate use, and placed at a convenient point on the vehicle so used. (((~~RCW 46.37.460(2)~~)))

Section 16. Section 11.14.185 of the Seattle Municipal Code, last amended by Ordinance 112092, is repealed:

((~~11.14.185 Excess weight.~~

~~"Excess weight" means, for the purpose of determining additional fines as provided by Section 11.34.080, the poundage in excess of the sum of maximum gross weight prescribed by Sections 11.60.370 and 11.60.420 plus the weights allowed in Sections 11.60.480, 11.60.520, and Section 11.23.290. (RCW 46.44.045(6))~~)))

Section 17. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the 7th day of December, 2015, and signed by me in open session in authentication of its passage this 7th day of December, 2015.

President _____ of the City Council

Approved by me this 17th day of December, 2015.

Edward B. Murray, Mayor

Filed by me this 17th day of December, 2015.

Monica Martinez Simmons, City Clerk

(Seal)

STATE OF WASHINGTON -- KING COUNTY

--ss.

331978 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:124944-955 TITLE ONLY

was published on

01/04/16

The amount of the fee charged for the foregoing publication is the sum of $207.35 which amount has been paid in full.

JENNIFER A. BARNES
COMMISSION EXPIRES
6-24-19
STATE OF WASHINGTON

Subscribed and sworn to before me on

01/04/2016

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 December 7, 2015, 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 124955

AN ORDINANCE relating to Seattle Public Utilities; authorizing the Director of Seattle Public Utilities to enter into an Interlocal Agreement with Kitsap County to acquire Light Detection and Ranging data; and ratifying and confirming certain prior acts.

Ordinance 124954

AN ORDINANCE relating to Seattle Public Utilities; declaring certain real property rights relating to drainage and wastewater facility easements within the City of Seattle as being surplus to City utility needs; authorizing the Director of Seattle Public Utilities to relinquish such easement rights and accepting new easements for City-owned drainage and wastewater facilities; placing the real property rights and interests conveyed by the easements under the jurisdiction of Seattle Public Utilities; and ratifying and confirming certain prior acts.

Ordinance 124953

AN ORDINANCE relating to Seattle Public Utilities; accepting an easement situated adjacent to Seward Park granted to The City of Seattle for construction and abandoning in-place of horizontal construction tiebacks; placing the easement under the jurisdiction of Seattle Public Utilities; and ratifying and confirming certain prior acts.

Ordinance 124952

AN ORDINANCE relating to land use; amending Sections 22.170.190, 23.41.018, 23.43.008, 23.43.010, 23.43.012, 23.44.014, 23.44.022, 23.44.024, 23.44.034, 23.45.516, 23.45.518, 23.45.522, 23.45.536, 23.47A.009, 23.47A.014, 23.47A.016, 23.47A.024, 23.49.019, 23.49.036, 23.49.041, 23.50.034, 23.57.008, 23.75.140, 23.84A.014, and 23.84A.028 of the Seattle Municipal Code to integrate low impact development into land development codes, standards, and rules.

Ordinance 124951

AN ORDINANCE relating to street and sidewalk use; addressing low impact development requirements in the City of Seattle's Phase I Municipal Stormwater National Pollutant Discharge Elimination System general permit issued by the Washington State Department of Ecology; correcting typographical errors and section references, clarifying regulations, and making minor amendments; and amending Sections 15.02.042, 15.02.044, 15.02.046, 15.04.010, 15.04.035, 15.06.060, 15.20.070, 15.22.060, 15.22.080, 15.22.100, 15.22.110, 15.32.160, 15.36.010, 15.44.030, 15.46.020, 15.70.030, 15.72.010, and 15.91.016 of the Seattle Municipal Code.

Ordinance 124950

AN ORDINANCE relating to the City's traffic code; amending Sections 11.14.055, 11.14.184, 11.23.380, 11.23.400, 11.31.020, 11.34.020, 11.56.020, 11.56.025, 11.56.320, 11.56.350, 11.56.355, 11.57.310, 11.72.065, and 11.84.380 of the Seattle Municipal Code, adding Section 11.58.435 to the Seattle Municipal Code, and repealing Section 11.14.185 of the Seattle Municipal Code to conform the Seattle Municipal Code with changes in state law and make technical corrections.

Ordinance 124949

AN ORDINANCE relating to the City's criminal code; amending Sections 6.36.020, 12A.06.120, 12A.06.180, 12A.06.195, 12A.14.080, 12A.16.030, 12A.20.100, 12A.24.010, 12A.24.150, 18.12.255, and 18.12.257 of the Seattle Municipal Code and adding Sections 12A.10.160, 12A.10.220, and 12A.24.105 to the Seattle Municipal Code to conform the Seattle Municipal Code with changes in state law and make technical corrections.

Ordinance 124948

AN ORDINANCE relating to affordable housing; authorizing the Director of the Office of Housing to enter into and administer an Interlocal Cooperation Agreement with King County, Pierce County, Snohomish County, and the cities of Bellevue, Issaquah, Kenmore, Kirkland, Mercer Island, Redmond, and Woodinville to create and operate a Regional Equitable Development Initiative Fund (REDI Fund) for the Puget Sound Region; and providing that 2015 appropriations for the REDI Fund shall automatically carry forward into the 2016 fiscal year.

Ordinance 124947

AN ORDINANCE relating to land use and zoning, amending Section 23.47A.004 of the Seattle Municipal Code to allow for the expansion of up to 20,000 square feet of existing medical services uses in Neighborhood Commercial 1 zones.

Ordinance 124946

AN ORDINANCE relating to the Seattle Streetcar; amending Ordinance 122424 to revise reporting requirements of operating streetcar lines.

Ordinance 124945

AN ORDINANCE relating to the Construction and Land Use Fund; adding a new Section 22.202.070 to the Seattle Municipal Code.

Ordinance 124944

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

Date of publication in the Seattle Daily Journal of Commerce, January 4, 2016.

1/4(331978)