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SENATE BILL 5838

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State of Washington                      61st Legislature                      2009 Regular Session

By Senators McDermott, Jacobsen, Murray, Kohl-Welles, and Fairley

Read first time 02/04/09. Referred to Committee on Judiciary.

1            AN ACT Relating to traffic infractions where the conduct is a  
2 proximate cause of death, great bodily harm, or substantial bodily harm  
3 to another; and amending RCW 46.63.020.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5            **Sec. 1.** RCW 46.63.020 and 2008 c 282 s 11 are each amended to read  
6 as follows:

7            Failure to perform any act required or the performance of any act  
8 prohibited by this title or an equivalent administrative regulation or  
9 local law, ordinance, regulation, or resolution relating to traffic  
10 including parking, standing, stopping, and pedestrian offenses, is  
11 designated as a traffic infraction and may not be classified as a  
12 criminal offense, except for an offense contained in the following  
13 provisions of this title ~~((or))~~, a violation of an equivalent  
14 administrative regulation or local law, ordinance, regulation, or  
15 resolution, or a local law, ordinance, regulation, or resolution as  
16 described in this section:

17            (1) RCW 46.09.120(2) relating to the operation of a nonhighway  
18 vehicle while under the influence of intoxicating liquor or a  
19 controlled substance;

- 1 (2) RCW 46.09.130 relating to operation of nonhighway vehicles;
- 2 (3) RCW 46.10.090(2) relating to the operation of a snowmobile  
3 while under the influence of intoxicating liquor or narcotics or habit-  
4 forming drugs or in a manner endangering the person of another;
- 5 (4) RCW 46.10.130 relating to the operation of snowmobiles;
- 6 (5) Chapter 46.12 RCW relating to certificates of ownership and  
7 registration and markings indicating that a vehicle has been destroyed  
8 or declared a total loss;
- 9 (6) RCW 46.16.010 relating to the nonpayment of taxes and fees by  
10 failure to register a vehicle and falsifying residency when registering  
11 a motor vehicle;
- 12 (7) RCW 46.16.011 relating to permitting unauthorized persons to  
13 drive;
- 14 (8) RCW 46.16.160 relating to vehicle trip permits;
- 15 (9) RCW 46.16.381(2) relating to knowingly providing false  
16 information in conjunction with an application for a special placard or  
17 license plate for disabled persons' parking;
- 18 (10) RCW 46.20.005 relating to driving without a valid driver's  
19 license;
- 20 (11) RCW 46.20.091 relating to false statements regarding a  
21 driver's license or instruction permit;
- 22 (12) RCW 46.20.0921 relating to the unlawful possession and use of  
23 a driver's license;
- 24 (13) RCW 46.20.342 relating to driving with a suspended or revoked  
25 license or status;
- 26 (14) RCW 46.20.345 relating to the operation of a motor vehicle  
27 with a suspended or revoked license;
- 28 (15) RCW 46.20.410 relating to the violation of restrictions of an  
29 occupational driver's license, temporary restricted driver's license,  
30 or ignition interlock driver's license;
- 31 (16) RCW 46.20.740 relating to operation of a motor vehicle without  
32 an ignition interlock device in violation of a license notation that  
33 the device is required;
- 34 (17) RCW 46.20.750 relating to circumventing an ignition interlock  
35 device;
- 36 (18) RCW 46.25.170 relating to commercial driver's licenses;
- 37 (19) Chapter 46.29 RCW relating to financial responsibility;

1 (20) RCW 46.30.040 relating to providing false evidence of  
2 financial responsibility;

3 (21) RCW 46.37.435 relating to wrongful installation of  
4 sunscreening material;

5 (22) RCW 46.37.650 relating to the sale, resale, distribution, or  
6 installation of a previously deployed air bag;

7 (23) RCW 46.37.671 through 46.37.675 relating to signal preemption  
8 devices;

9 (24) RCW 46.44.180 relating to operation of mobile home pilot  
10 vehicles;

11 (25) RCW 46.48.175 relating to the transportation of dangerous  
12 articles;

13 (26) RCW 46.52.010 relating to duty on striking an unattended car  
14 or other property;

15 (27) RCW 46.52.020 relating to duty in case of injury to or death  
16 of a person or damage to an attended vehicle;

17 (28) RCW 46.52.090 relating to reports by repairmen, storagemen,  
18 and appraisers;

19 (29) RCW 46.52.130 relating to confidentiality of the driving  
20 record to be furnished to an insurance company, an employer, and an  
21 alcohol/drug assessment or treatment agency;

22 (30) RCW 46.55.020 relating to engaging in the activities of a  
23 registered tow truck operator without a registration certificate;

24 (31) RCW 46.55.035 relating to prohibited practices by tow truck  
25 operators;

26 (32) RCW 46.55.300 relating to vehicle immobilization;

27 (33) RCW 46.61.015 relating to obedience to police officers,  
28 flaggers, or firefighters;

29 (34) RCW 46.61.020 relating to refusal to give information to or  
30 cooperate with an officer;

31 (35) RCW 46.61.022 relating to failure to stop and give  
32 identification to an officer;

33 (36) RCW 46.61.024 relating to attempting to elude pursuing police  
34 vehicles;

35 (37) RCW 46.61.500 relating to reckless driving;

36 (38) RCW 46.61.502 and 46.61.504 relating to persons under the  
37 influence of intoxicating liquor or drugs;

1 (39) RCW 46.61.503 relating to a person under age twenty-one  
2 driving a motor vehicle after consuming alcohol;  
3 (40) RCW 46.61.520 relating to vehicular homicide by motor vehicle;  
4 (41) RCW 46.61.522 relating to vehicular assault;  
5 (42) A local law, ordinance, regulation, or resolution relating to  
6 knowingly operating or physically controlling a motor vehicle, and  
7 while doing so, committing any infraction where the conduct is a  
8 proximate cause of death, great bodily harm, or substantial bodily harm  
9 to another;  
10 (43) RCW 46.61.5249 relating to first degree negligent driving;  
11 ((+43+)) (44) RCW 46.61.527(4) relating to reckless endangerment of  
12 roadway workers;  
13 ((+44+)) (45) RCW 46.61.530 relating to racing of vehicles on  
14 highways;  
15 ((+45+)) (46) RCW 46.61.655(7) (a) and (b) relating to failure to  
16 secure a load;  
17 ((+46+)) (47) RCW 46.61.685 relating to leaving children in an  
18 unattended vehicle with the motor running;  
19 ((+47+)) (48) RCW 46.61.740 relating to theft of motor vehicle  
20 fuel;  
21 ((+48+)) (49) RCW 46.64.010 relating to unlawful cancellation of or  
22 attempt to cancel a traffic citation;  
23 ((+49+)) (50) RCW 46.64.048 relating to attempting, aiding,  
24 abetting, coercing, and committing crimes;  
25 ((+50+)) (51) Chapter 46.65 RCW relating to habitual traffic  
26 offenders;  
27 ((+51+)) (52) RCW 46.68.010 relating to false statements made to  
28 obtain a refund;  
29 ((+52+)) (53) Chapter 46.70 RCW relating to unfair motor vehicle  
30 business practices, except where that chapter provides for the  
31 assessment of monetary penalties of a civil nature;  
32 ((+53+)) (54) Chapter 46.72 RCW relating to the transportation of  
33 passengers in for hire vehicles;  
34 ((+54+)) (55) RCW 46.72A.060 relating to limousine carrier  
35 insurance;  
36 ((+55+)) (56) RCW 46.72A.070 relating to operation of a limousine  
37 without a vehicle certificate;

1        (~~(+56+)~~) (57) RCW 46.72A.080 relating to false advertising by a  
2        limousine carrier;  
3        (~~(+57+)~~) (58) Chapter 46.80 RCW relating to motor vehicle wreckers;  
4        (~~(+58+)~~) (59) Chapter 46.82 RCW relating to driver's training  
5        schools;  
6        (~~(+59+)~~) (60) RCW 46.87.260 relating to alteration or forgery of a  
7        cab card, letter of authority, or other temporary authority issued  
8        under chapter 46.87 RCW;  
9        (~~(+60+)~~) (61) RCW 46.87.290 relating to operation of an  
10        unregistered or unlicensed vehicle under chapter 46.87 RCW.

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