

ORDINANCE 990  
CITY OF LACEY

AN ORDINANCE OF THE CITY OF LACEY, WASHINGTON, ADOPTING THE MOST RECENTLY REVISED VERSION OF THE "WASHINGTON MODEL TRAFFIC ORDINANCE" INCLUDING LAWS PASSED DURING THE 1994 LEGISLATIVE SESSION WHICH RELATE THERETO, REVISING THE PROVISIONS OF THE CITY'S TRAFFIC CODE RELATING TO DRIVING MOTOR VEHICLES OR BEING IN PHYSICAL CONTROL OF MOTOR VEHICLES WITHIN THE CITY WHILE AFFECTED BY ALCOHOL OR DRUGS, REPEALING SECTIONS 10.04.010, 10.04.012, 10.04.014, 10.04.016 AND 10.04.030 OF THE LACEY MUNICIPAL CODE, ADDING NEW SECTIONS TO CHAPTER 10.04 OF SAID CODE AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the state Legislature has provided that RCW Chapter 46.90, which formerly constituted the Washington Model Traffic Ordinance and which is currently adopted by the city of Lacey, will expire on July 1, 1994; and

WHEREAS, pursuant to Legislative Directive, the Washington Model Traffic Ordinance has now been readopted as Chapter 308-330 of the Washington Administrative Code, effective July 1, 1994; and

WHEREAS, the Legislature has mandated new penalties for offenses of driving while under the influence of intoxicating liquor or drug or of being in actual physical control of a motor vehicle while under the influence of intoxicating liquor or drug and each city must provide for penalties which are consistent with those set by the state Legislature;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, AS FOLLOWS:

Section 1. Sections 10.04.010, 10.04.012, 10.04.014, 10.04.016 and 10.04.030 are hereby repealed.

Section 2. There is hereby added to the Lacey Municipal Code a new section, 10.04.010 to read as follows:

**10.04.010 Washington Model Traffic Ordinance and Additional Statutes Adopted.** Chapter 308-330 of the Washington Administrative Code, except Sections 308-330-500 through 308-330-565 of Said Code and any portion of Said Code which adopts by reference RCW 46.61.502, 46.61.504, 46.61.506 and 46.61.520, which chapter is known as the "Washington Model Traffic Ordinance" is hereby adopted. Sections 1, 10, 11, 12, 13, 21, 22 and 23 of Chapter 275, Laws of 1994 and all of Chapters 139, 141, and 100, Laws of 1994 are also hereby adopted by reference and all provisions adopted by this section together with the balance of this Chapter shall constitute the traffic code of the City of Lacey. It is the intent of the council in adopting said statutes and laws by reference that the addition of or the renumbering of sections by the Legislature or the renumbering of sections or the addition of statutes by those adopting the Washington Administrative Code shall be deemed to amend this Chapter of the Lacey Municipal Code and that it shall not be necessary for the Council to take any action with respect to such addition, amendment, repeal or renumbering.

Section 3. There is hereby added to the Lacey Municipal Code a new section, 10.04.011 to read as follows:

**10.04.011 Driving While Under the Influence of Intoxicating Liquor or Drug.**

A. A person is guilty of driving while under the influence of

intoxicating liquor or any drug if the person drives a vehicle within the city:

1. And the person has, within two hours after driving, an alcohol concentration of 0.08 or higher as shown by analysis of the person's breath or blood made under LMC 10.04.013;
  2. While the person is under the influence of or affected by intoxicating liquor or any drug; or
  3. While the person is under the combined influence of or affected by intoxicating liquor and any drug.
- B. The fact that a person charged with a violation of this section is or has been entitled to use a drug under the laws of this state shall not constitute a defense against a charge of violating this section.
- C. It is an affirmative defense to a violation of subsection A.1. of this section which the defendant must prove by a preponderance of the evidence that the defendant consumed a sufficient quantity of alcohol after the time of driving and before the administration of analysis of the person's breath or blood to cause the defendant's alcohol concentration to be 0.08 or more within two hours after driving. The court shall not admit evidence of this defense unless the defendant notifies the prosecution prior to the omnibus or pretrial hearing in the case of the defendant's intent to assert the affirmative defense.
- D. Analyses of blood or breath samples obtained more than two hours after the alleged driving may be used as evidence that within two hours of the alleged driving, a person had an alcohol concentration of 0.08 or more in violation of subsection A. 1. of this section, and in any case in which the analysis shows an alcohol concentration above 0.00 may be used as evidence that a person was under the influence of or affected by intoxicating liquor or any drug in violation of subsection A. 2. or 3. of this section.
- E. A violation of this section is a gross misdemeanor.

Section 4. There is hereby added to the Lacey Municipal Code a new section, 10.04.012 to read as follows:

**10.04.012 Actual Physical Control of Motor Vehicle While Under Influence of Intoxicating Liquor or Drug.**

- A. A person is guilty of being in actual physical control of a

motor vehicle while under the influence of intoxicating liquor or any drug if the person has actual physical control of a vehicle within the city:

1. And the person has, within two hours after being in actual physical control of the vehicle, an alcohol concentration of 0.08 or higher as shown by analysis of the person's breath or blood made under 10.04.013; or
  2. While the person is under the influence of or affected by intoxicating liquor or any drug; or
  3. While the person is under the combined influence of or affected by intoxicating liquor and any drug.
- B. The fact that a person charged with a violation of this section is or has been entitled to use a drug under the laws of this state does not constitute a defense against any charge of violating this section. No person may be convicted under this section if, prior to being pursued by a law enforcement officer, the person has moved the vehicle safely off the roadway.
- C. It is an affirmative defense to a violation of subsection A.1. of this section which the defendant must prove by preponderance of the evidence that the defendant consumed a sufficient quantity of alcohol after the time of 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 concentration to be 0.08 or more within two hours after being in such control. The court shall not admit evidence of this defense unless the defendant notifies the prosecution prior to the omnibus or pretrial hearing in the case of the defendant's intent to assert the affirmative defense.
- D. Analyses of blood or breath samples obtained more than two hours after the alleged being in actual physical control of a vehicle may be used as evidence that within two hours of the alleged being in such control, a person had an alcohol concentration of 0.08 or more in violation of subsection A. 1. of this section, and in any case in which the analysis shows an alcohol concentration above 0.00 may be used as evidence that a person was under the influence of or affected by intoxicating liquor or any drug in violation of subsection A. 2. or 3. of this section.
- E. A violation of this section is a gross misdemeanor.

Section 5. There is hereby added to the Lacey Municipal Code a new section, 10.04.013 to read as follows:

**10.04.013            Persons Under Influence of Intoxicating Liquor or  
Drug - Evidence - Tests.**

- A. Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person while driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or any drug, if the person's alcohol concentration is less than 0.08, it is evidence that may be considered with other competent evidence in determining whether the person was under the influence of intoxicating liquor or any drug.
- b. The breath analysis shall be based upon grams of alcohol per two hundred ten liters of breath. The foregoing provisions of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether the person was under the influence of intoxicating liquor or any drug.
- C. Analysis of the person's blood or breath to be considered valid under the provisions of this section or LMC Sections 10.04.011 or 10.04.012 shall have been performed according to methods approved by the state toxicologist for this purpose. Pursuant to state law, the state toxicologist is directed to approve satisfactory techniques or methods, to supervise the examination of individuals to ascertain their qualifications and competence to conduct such analyses, and to issue permits which shall be subject to termination or revocation at the discretion of the state toxicologist.
- D. When a blood test is administered under the provisions of RCW 46.20.308, the withdrawal of blood for the purpose of determining its alcoholic content may be performed only by a physician, a registered nurse, or a qualified technician. This limitation shall not apply to the taking of breath specimens.
- E. The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person of his or her own choosing administer one or more tests in addition to any administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test or tests taken at the direction of a law enforcement officer.
- F. Upon the request of the person who shall submit to a test or tests at the request of a law enforcement officer, full information concerning the test or tests shall be made available to him or her or his or her attorney.

Section 6. There is hereby added to the Lacey Municipal Code a new section 10.04.014, to read as follows:

**10.04.014 Penalty When License is Not in Probationary, Suspended or Revoked Status.**

A. A person whose driver's license is not in a probationary, suspended, or revoked status, and who has not been convicted of a violation of LMC Sections 10.04.011 or 10.04.012 or any other criminal prohibition against Driving While Under the Influence or Being in Actual Physical Control of a Motor Vehicle While Under the Influence that was committed within five years before the commission of the current violation, and who violates LMC 10.04.011A.1. or 10.04.012A.1. because of an alcohol concentration of at least 0.08 but less than 0.15, or a person who violates LMC 10.04.011A.2. or A.3., or 10.04.012A.2. or A.3. and for any reason other than the person's refusal to take a test offered pursuant to RCW 46.20.308 the person's alcohol concentration is not proved, is guilty of a gross misdemeanor and shall be punished as follows:

1. By imprisonment for not less than one day nor more than one year. Twenty-four consecutive hours of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and
2. By a fine of not less than three hundred fifty dollars nor more than five thousand dollars. Three hundred fifty dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and
3. By suspension of the offender's license or permit to drive, or suspension of any nonresident privilege to drive, for a period of ninety days. All or part of the ninety-day period of suspension may be suspended upon a plea agreement executed by the defendant and the prosecutor, pursuant to Chapter 275, Laws 1994, Section 4. Pursuant to state law, the court shall notify the department of licensing of the conviction and of any period of suspension and shall notify the department of the person's completion of any period of suspension. Upon receiving notification of the conviction, or if applicable, upon receiving notification of the completion

of any period of suspension, the department shall issue the offender a probationary license in accordance with chapter 275, Laws of 1994, Section 8.

- B. A person whose driver's license is not in a probationary, suspended, or revoked status, and who has not been convicted of a violation of LMC 10.04.011 or 10.04.012 or any other criminal prohibition against Driving While Under the Influence or Being in Actual Physical Control of a Motor Vehicle While Under the influence that was committed within five years before the commission of the current violation, and who either:
1. Violates LMC Sections 10.04.011A.1. or 10.04.012A.1. because of an alcohol concentration of 0.15 or more; or
  2. Violates LMC Sections 10.04.011A.2. or A.3. and, because of the person's refusal to take a test offered pursuant to RCW 46.20.308, there is no test result indicating the person's alcohol concentration, is guilty of a gross misdemeanor and shall be punished as follows:
    - a. By imprisonment for not less than two days nor more than one year. Forty-eight consecutive hours of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offenders' physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and
    - b. By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and
    - c. By suspension by the department of licensing of the offender's license or permit to drive, or suspension of any nonresident privilege to drive, for a period of one hundred twenty days. The court shall notify the department of the conviction, and upon receiving notification of the conviction the department is directed by state law to suspend the offender's license and to issue the offender a probationary license in accordance with Chapter 275, Laws of 1994, Section 8.

- C. In exercising its discretion in setting penalties within the limits allowed by this section, the court shall particularly consider whether the person's driving at the time of the offense was responsible for injury or damage to another or another's property.
- D. Upon conviction under this section, the offender's driver's license is deemed to be in a probationary status for five years from the date of the issuance of a probationary license under Chapter 275, Laws of 1994, Section 8. Being on probationary status does not authorize a person to drive during any period of license suspension imposed as a penalty for the infraction.
- E. An offender punishable under this section is subject to the alcohol assessment and treatment provisions of this Chapter.
- F. 1. In addition to any nonsuspendable and nondeferrable jail sentence required by this section, whenever the court imposes less than one year in jail, the court shall also suspend but shall not defer a period of confinement for a period not exceeding two years. The court shall impose conditions of probation that include:
- a. Not driving a motor vehicle within this state without a valid license to drive and proof of financial responsibility for the future;
  - b. Not driving a motor vehicle within this state while having an alcohol concentration of 0.08 or more within two hours after driving; and
  - c. Not refusing to submit to a test of his or her breath or blood to determine alcohol concentration upon request of a law enforcement officer who has reasonable grounds to believe the person was driving or was in actually physical control of a motor vehicle within this state while under the influence of intoxicating liquor.

The court may impose conditions of probation that include non-repetition, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate. The sentence may be imposed in whole or in part upon violation of a condition of probation during the suspension period.

2. For each violation of mandatory conditions of probation under 1.a. and b. or 1.a. and c. of this subsection, the court shall order the convicted person to be confined for thirty days, which shall not be suspended or deferred.



3. For each incident involving a violation of a mandatory condition of probation imposed under this subsection, the license, permit, or privilege to drive of the person shall be suspended by the court for thirty days or, if such license, permit, or privilege to drive already is suspended, revoked, or denied at the time the finding of probation violation is made, the suspension, revocation, or denial then in effect shall be extended by thirty days. The court shall notify the department of licensing of any suspension, revocation, or denial or any extension of a suspension, revocation, or denial imposed under this subsection.

Section 7. There is hereby added to the Lacey Municipal Code a new section, 10.04.015 to read as follows:

**10.04.015 Penalties While License is in Probationary Status.**

- A. A person whose driver's license is in a probationary status and who violates Lacey Municipal Code Sections 10.04.011 A.1. or 10.04.012A.1. because of an alcohol concentration of at least 0.08 but less than 0.15 is guilty of a gross misdemeanor and shall be punished as follows:
  1. By imprisonment for not less than seven days nor more than one year. Seven consecutive days of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would pose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and
  2. By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and
  3. By suspension of the offender's license or permit to drive, or suspension of any nonresident privilege to drive, for a period of one year. The court shall notify the Department of Licensing of the conviction, and upon receiving notification the department is directed by state law to suspend the offender's license and to issue the offender a probationary license in accordance with Chapter 275, Laws of 1994, Section 8.
- B. A person whose driver's license is in a probationary status and who either:

1. Violates LMC Sections 10.04.011A.1. or 10.04.012A.1. because of an alcohol concentration of 0.15 or more; or
  2. Violates LMC Sections 10.04.011A.2 or A.3. or 10.04.012A.2. or A.3. and, because of the person's refusal to take a test offered pursuant to RCW 46.20.308, there is no test result indicating the person's alcohol concentration, is guilty of a gross misdemeanor and shall be punished as follows:
    - a. By imprisonment for not less than ten days nor more than one year. Ten consecutive days of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would pose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and
    - b. By a fine of not less than seven hundred fifty dollars nor more than five thousand dollars. Seven hundred fifty dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and
    - c. By revocation of the offender's license or permit to drive or of any nonresident privilege to drive, for a period of four hundred fifty days. The court shall notify the department of the conviction, and upon receiving notification of the conviction the department shall revoke the offender's license, and upon determining that the offender is otherwise qualified in accordance with RCW 46.20.311, the department shall issue the offender a probationary license in accordance with Section 8 of Chapter 275, Laws of 1994.
- C. In exercising its discretion in setting penalties within the limits allowed by this section, the court shall particularly consider whether the person's driving at the time of the offense was responsible for injury or damage to another or another's property.
- D. An offender punishable under this section is subject to the alcohol assessment and treatment provisions of this chapter. An offender punishable under subsection A. or B. of this section is subject to the vehicle seizure and forfeiture provisions of RCW 46.61.511. No offender punishable under

this section is eligible for an occupational license under RCW 46.20.391.

- E. 1. In addition to any nonsuspendable and nondeferrable jail sentence required by this section, whenever the court imposes less than one year in jail, the court shall also suspend but shall not defer a period of confinement for a period not exceeding two years. The court shall impose conditions of probation that include:
- a. Not driving a motor vehicle within this state without a valid license to drive and proof of financial responsibility for the future;
  - b. Not driving a motor vehicle within this state while having an alcohol concentration of 0.08 or more within two hours after driving; and
  - c. Not refusing to submit to a test of his or her breath or blood to determine alcohol concentration upon request of a law enforcement officer who has reasonable grounds to believe the person was driving or was in actual physical control of the motor vehicle within this state while under the influence of intoxicating liquor.

The court may impose conditions of probation that include non-repetition, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate. The sentence may be imposed in whole or in part upon violation of a condition of probation during the suspension period.

- 2. For each violation of mandatory conditions of probation under 1.a. and b. or 1. a. and c. of this subsection, the court shall order the convicted person to be confined for thirty days, which shall not be suspended or deferred.
- 3. For each incident involving a violation of a mandatory condition of probation imposed under this subsection, the license, permit, or privilege to drive already is suspended, revoked, or denied at the time the finding of probation violation is made, the suspension, revocation, or denial then in effect shall be extended by thirty days. The court shall notify the department of any suspension, revocation, or denial or any extension of a suspension, revocation, or denial imposed under this subsection.

Section 8. There is hereby added to the Lacey Municipal Code a new section 10.04.016 to read as follows:

**10.04.016            Penalty for Second Offense or While License  
Suspended.**

- A. A person who violates LMC Sections 10.04.011 or 10.04.012 and who either has a driver's license in a suspended or revoked status or who has been convicted under LMC Section 10.04.015 or any other criminal prohibition against Driving While Under the Influence of or Being in Actual Physical Control of a Motor Vehicle While Under the influence of an offense that was committed within five years before the commission of the current violation, is guilty of a gross misdemeanor and shall be punished as follows:
1. By imprisonment for not less than ninety days nor more than one year. Ninety consecutive days of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would pose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and
  2. By a fine of not less than seven hundred fifty dollars nor more than five thousand dollars. Seven hundred fifty dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and
  3. By revocation by the department of licensing of the offender's license or permit to drive or of a non-resident privilege to drive, for a period of two years. The court shall notify the department of the conviction, and upon receiving notification of the conviction the department is directed by state law to revoke the offender's license. Following the revocation and upon determining that the offender is otherwise qualified in accordance with RCW 46.20.311, the department shall issue the offender a probationary license in accordance with Chapter 275, Laws of 1994, Section 8.
- B. In exercising its discretion in setting penalties within the limits allowed by this section, the court shall particularly consider whether the person's driving at the time of the offense was responsible for injury or damage to another or another's property.
- C. An offender punishable under this section is subject to the alcohol assessment and treatment provisions of this chapter. An offender punishable under this section is subject to the vehicle seizure and forfeiture provisions of RCW 46.61.511.

No offender punishable under this section is eligible for an occupational license under RCW 46.20.391.

- D. 1. In addition to any nonsuspendable and nondeferrable jail sentence required by this section, whenever the court imposes less than one year in jail, the court shall also suspend but shall not defer a period of confinement for a period not exceeding two years. The court shall impose conditions of probation that include:
- a. Not driving a motor vehicle within this state without a valid license to drive and proof of financial responsibility for the future;
  - b. Not driving a motor vehicle within this state while having an alcohol concentration of 0.08 or more within two hours after driving; and
  - c. Not refusing to submit to a test of his or her breath or blood to determine alcohol concentration upon request of a law enforcement officer who has reasonable grounds 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.

The court may impose conditions of probation that include non-repetition, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate. The sentence may be imposed in whole or in part upon violation of a condition of probation during the suspension period.

- 2. For each violation of mandatory conditions of probation under 1.a. and b. or 1.a. and c. of this subsection, the court shall order the convicted person to be confined for thirty days, which shall not be suspended or deferred.
- 3. For each incident involving a violation of a mandatory condition of probation imposed under this subsection, the license, permit, or privilege to drive of the person shall be suspended by the court for thirty days or, if such license, permit, or privilege to drive already is suspended, revoked, or denied at the time the finding of probation violation is made, the suspension, revocation, or denial then in effect shall be extended by thirty days. The court shall notify the department of licensing of any suspension, revocation, or denial imposed under this subsection.

Section 9. There is hereby added to the Lacey Municipal

Code a new section 10.04.017 to read as follows:

**10.04.017            Assessment Fee.**

- A.    1.    In addition to penalties set forth in this act, a one hundred twenty-five dollar fee shall be assessed to a person who is either convicted, sentenced to a lesser charge, or given deferred prosecution, as a result of an arrest for violation LMC 10.04.011 or 10.04.012. This fee is for the purpose of funding the Washington state toxicology laboratory and the Washington state patrol breath test program.
2.    Upon a verified petition by the person assessed the fee, the court may suspend payment of all or part of the fee if it finds that the person does not have the ability to pay.
3.    When a minor has been adjudicated a juvenile offender for an offense which, if committed by an adult, would constitute a violation of LMC 10.04.011 or 10.04.012, the court shall assess the one hundred twenty-five dollar fee under 1. of this subsection. Upon a verified petition by a minor assessed the fee, the court may suspend payment of all or part of the fee if it finds that the minor does not have the ability to pay the fee.
- B.    The fee assessed under subsection A. of this section shall be collected by the clerk of the court and distributed as follows:
1.    Forty percent shall be subject to distribution under RCW 3.46.120, 3.50.100, 35.20.220, 3.62.020, 3.62.040, or 10.82.070.
2.    If the case involves a blood test by the state toxicology laboratory, the remainder of the fee shall be forward to the state treasurer for deposit in the death investigations account to be used solely for funding the state toxicology laboratory blood testing program.
3.    Otherwise, the remainder of the fee shall be forwarded to the state treasurer for deposit in the state patrol highway account to be used solely for funding the Washington State Patrol breath test program.

Section 10.        There is hereby added to the Lacey Municipal

Code Section 10.04.018 to read as follows:

**10.04.018            Alcohol Assessment and Treatment.**

- A. A person subject to alcohol assessment and treatment under this chapter shall be required by the court to complete a course in an alcohol information school approved by the Washington State Department of Social and Health Services or to complete more intensive treatment in a program approved by the Washington State Department of Social and Health Services, as determined by the court. The court shall notify the Washington State Department of Licensing whenever it orders a person to complete a course of treatment program under this chapter.
- B. A diagnostic evaluation and treatment recommendation shall be prepared under the direction of the court by an alcoholism agency approved by the Washington State Department of Social and Health Services or a qualified probation department approved by the Washington State Department of Social and Health Services. A copy of the report shall be forwarded to the Washington State Department of Licensing. Based on the diagnostic evaluation, the court shall determine whether the person shall be required to complete a course in an alcohol information school approved by the Washington State Department of Social and Health Services or more intensive treatment in a program approved by the Washington State Department of Social and Health Services.
- C. Pursuant to state law, standards for approval for alcohol treatment programs shall be prescribed by the Washington State Department of Social and Health Services. The Washington State Department of Social and Health Services shall periodical review the costs of alcohol information schools and treatment programs.
- D. Any agency that provides treatment ordered under this chapter or under Chapter 275, Laws of 1994, Sections 4, 5 or 6, shall immediately report to the appropriate probation department where applicable, otherwise to the court, and the Washington State Department of Licensing any noncompliance by a person with the conditions of his or her ordered treatment. The court shall notify the Washington State Department of Licensing and the Washington State Department of Social and Health Services of any failure by an agency to so report noncompliance. Pursuant to state law, any agency with knowledge of noncompliance that fails to so report shall be fined two hundred fifty dollars by the Washington State Department of Social and Health Services. Upon three such failures by an agency within one year, the Washington State Department of Social and Health Services shall revoke the agency's approval under this section.
- E. The Washington State Department of Licensing and the Washington State Department of Social and Health Services may adopt such rules as are necessary to carry out this section.

Section 11. There is hereby added to the Lacey Municipal Code a new section 10.04.019 to read as follows:

**10.04.019 Severability.** The provisions of this chapter and the ordinance enacting said chapter are declared to separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this chapter or the ordinance enacting said chapter, or the invalidity of the application thereof to any person or circumstance shall not effect the validity of the remainder of this chapter or the ordinance enacting said chapter or the validity of its application to other persons or circumstances. Specifically, without limiting the severability of other portions of this chapter and the ordinance enacting it, the following provisions shall apply:

- A. In the event that a court should declare void any provision of this chapter upon the basis that said provision calls for an alcohol concentration of 0.08 rather than 0.10, then an alcohol concentration of 0.10 rather than 0.08 shall be in full force and effect as though "0.10" appeared everywhere "0.08" appears in this chapter and prosecutions shall be made and shall continue thereunder as if the alcohol concentration was 0.10, and
- B. In the event that a court should declare void the second sentence of LMC 10.04.014A.3. then said provision shall be deemed severed and not effective, and the remainder of this chapter, including the remainder of LMC 10.04.011A.3. shall continue in full force and effect as if said second sentence had never been enacted and the court shall in no case under LMC 10.04.014A.3. suspend any part of any period of suspension of a person's license, permit or privilege to drive.

Section 12. This ordinance shall not effect any pending or existing litigation or charges made pursuant to any ordinance existing prior to its repeal by passage of this ordinance



nor shall the passage of this ordinance operate as an abatement or bar to any action or proceeding pending under or by virtue of such existing ordinances.

Section 13. This ordinance shall be effective at 12:01 a.m. on July 1, 1994.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, this 23rd day of June, 1994.

CITY COUNCIL

By Jon W. Helverson  
Mayor

Attest:

Approved as to form:

Charlotta M. Taylor  
City Clerk

[Signature]  
City Attorney

Published: June 28, 1994  
Friday  
Wednesday

ORDINANCE 990

SEE LOOSE DOCUMENTATION RELATING TO ORDINANCE 990 IN BACK OF BOOK

**Chapter 308-330 WAC  
WASHINGTON MODEL TRAFFIC ORDINANCE**

**NEW SECTION**

**WAC 308-330-005 Purpose of this chapter.** The purpose of this chapter is to encourage highway safety and uniform traffic laws by authorizing the department of licensing to adopt a comprehensive compilation of sound, uniform traffic laws to serve as a guide which local authorities may adopt by reference or any part thereof, including all future amendments or additions thereto. Any local authority which adopts this chapter by reference may at any time exclude any section or sections from this chapter which it does not desire to include in its local traffic ordinance. This chapter is not intended to deny any local authority its legislative power, but rather to enhance safe and efficient movement of traffic throughout the state by having current, uniform traffic laws available.

**NEW SECTION**

**WAC 308-330-010 Amendments to this chapter automatically included.** The addition of any new section to, or amendment or repeal of any section in, this chapter shall be deemed to amend any city, town, or county ordinance which has adopted by reference to this chapter or any part thereof, and it shall not be necessary for the legislative authority of any city, town, or county to take any action with respect to such addition, amendment, or repeal notwithstanding the provisions of RCW 35.21.180, 35A.12.140, 35A.13.180, and 36.32.120(7).

**NEW SECTION**

**WAC 308-330-030 Uniformity in application.** The provisions of this chapter relating to the operation of vehicles shall be applicable and uniform upon all persons operating vehicles upon the public highways of this state, except as otherwise specifically provided.

NEW SECTION

WAC 308-330-100 Chapter 46.04 RCW (Definitions) adopted by reference. All sections of chapter 46.04 RCW as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full.

NEW SECTION

WAC 308-330-109 Bus. "Bus" means every motor vehicle designed for carrying more than ten passengers and used for transportation of persons, and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

NEW SECTION

WAC 308-330-112 Bus stop. "Bus stop" means a fixed portion of the highway parallel and adjacent to the curb to be reserved exclusively for buses for layover in operating schedules or while waiting for, loading, or unloading passengers: *Provided*, That such bus provides regularly scheduled service within the jurisdiction of the local authority.

NEW SECTION

WAC 308-330-115 City. "City" means every incorporated city and town.

NEW SECTION

WAC 308-330-118 Demolish. "Demolish" means to destroy completely by use of a hydraulic baler and shears, or a shredder.

NEW SECTION

WAC 308-330-121 Department. "Department" means the department of licensing unless otherwise specified in this chapter.

NEW SECTION

WAC 308-330-123 Director. "Director" means the director of licensing unless the director of a different department of government is specified.

NEW SECTION

WAC 308-330-127 Holidays. "Holidays" include the first day of January, commonly called New Year's Day; the third Monday in January, commonly called Martin Luther King Jr. day; the third Monday of February, being celebrated as the anniversary of the birth of George Washington; the thirtieth day of May, commonly known as Memorial Day; the fourth day of July, being the anniversary of the Declaration of Independence; the first Monday in September, to be known as Labor Day; the fourth Thursday in November, to be known as Thanksgiving Day; the twenty-fifth day of December, commonly called Christmas Day; and any other day specified by ordinance by the local authority to be a holiday. Whenever any holiday falls upon a Sunday, the following Monday shall be a holiday.

NEW SECTION

WAC 308-330-133 Loading zone. "Loading zone" means a space reserved for the exclusive use of vehicles during the loading or unloading of property or passengers.

NEW SECTION

WAC 308-330-136 Official time standard. "Official time standard" means, whenever certain hours are named, standard time or daylight saving time as may be in current use within the jurisdiction of the local authority.

NEW SECTION

WAC 308-330-139 Ordinance. "Ordinance" means a city or town ordinance or a county ordinance or resolution.

NEW SECTION

WAC 308-330-142 Parking meter. "Parking meter" means any mechanical device or meter placed or erected adjacent to a parking meter space, for the purpose of regulating or controlling the period of time of occupancy of such parking meter space by any vehicle. Each parking meter installed shall indicate by proper legend the legal parking time and when operated shall at all times indicate the balance of legal parking time, and at the expiration of such period shall indicate illegal or overtime parking. Each meter shall bear a legend indicating the days and hours when the requirement to deposit coins therein shall apply, the value of the coins to be deposited, and the limited period of time for which parking is lawfully permitted in the parking meter space in which such meter is located.

NEW SECTION

WAC 308-330-145 Parking meter space. "Parking meter space" means any space within a parking meter zone, adjacent to a parking meter and which is duly designated for the parking of a single vehicle by appropriate markings on the pavement and/or the curb.

NEW SECTION

WAC 308-330-148 Parking meter zone. "Parking meter zone" means any highway or part thereof or any off-street parking lot on which parking meters are installed and in operation.

NEW SECTION

WAC 308-330-151 Passenger loading zone. "Passenger loading zone" means a place reserved for the exclusive use of vehicles while receiving or discharging passengers.

NEW SECTION

WAC 308-330-154 Planting strip. "Planting strip" means that portion of a highway lying between the constructed curb, or edge of the roadway, and the property line exclusive of the sidewalk area.

NEW SECTION

**WAC 308-330-157 Police or police officer.** "Police or police officer" includes the police officers of a city, a town, marshal, or the sheriff and his/her deputies of a county whichever is applicable, but when the term sheriff is used in this chapter, it shall only mean the sheriff.

NEW SECTION

**WAC 308-330-160 Police chief or chief of police.** "Police chief or chief of police" includes the police chief or chief police officer of a city, a town marshal, or the sheriff of a county, whichever is applicable, but when the term sheriff is used in this chapter, it shall only mean the sheriff.

NEW SECTION

**WAC 308-330-163 Police department.** "Police department" includes the police department of a city or town or the sheriff's office of a county whichever is applicable, but when the term sheriff is used in this chapter, it shall only mean the sheriff.

NEW SECTION

**WAC 308-330-169 School bus zone.** "School bus zone" means a designated portion of the highway along the curb reserved for loading and unloading school buses during designated hours.

NEW SECTION

**WAC 308-330-172 Service parking.** "Service parking" means the use of a parking meter space while rendering service in cleaning, painting, adjusting, or making minor repairs or replacements in or to buildings or building equipment or to public utilities.

NEW SECTION

**WAC 308-330-175 Street.** "Street" means a "city street."

NEW SECTION

**WAC 308-330-178 Taxicab.** "Taxicab" means a motor vehicle for hire used for the transportation of persons for compensation, and not operated exclusively over a fixed route or between fixed termini.

NEW SECTION

**WAC 308-330-181 Taxicab stand.** "Taxicab stand" means a fixed portion of a highway set aside for taxicabs to stand or wait for passengers.

NEW SECTION

**WAC 308-330-184 Tow truck operator.** "Tow truck operator" means a person, firm, partnership, association, or corporation which, in its course of business, provides towing services for vehicles and automobile hulks.

NEW SECTION

**WAC 308-330-187 Traffic division.** "Traffic division" means the traffic division of the police department of the local authority, or in the event a traffic division is not established, then said term whenever used in this chapter shall be deemed to refer to the police department of the local authority.

NEW SECTION

**WAC 308-330-190 U-turn.** "U-turn" means turning a vehicle so as to proceed in the opposite direction on the same roadway.

NEW SECTION

**WAC 308-330-195 RCW sections adopted—Livestock.** The following sections of the Revised Code of Washington (RCW) pertaining to livestock on highway right-of-way as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 16.24.065, and 16.24.070.

NEW SECTION

**WAC 308-330-197 RCW sections adopted—Off road and nonhighway vehicles.** The following sections of the Revised Code of Washington (RCW) pertaining to off road and nonhighway vehicles as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.09.020, 46.09.120, 46.09.130, 46.09.140, and 46.09.180.

NEW SECTION

**WAC 308-330-200 RCW sections adopted—Snowmobiles.** The following sections of the Revised Code of Washington (RCW) pertaining to snowmobiles as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.10.010, 46.10.090, 46.10.100, 46.10.110, 46.10.120, 46.10.130, 46.10.140, and 46.10.190.

NEW SECTION

**WAC 308-330-205 Public employees to obey traffic regulations.** The provisions of this chapter shall apply to the drivers of all vehicles owned or operated by the United States, the state, or any county, city, town, district, or any other political subdivision of the state, subject to such specific exceptions as are set forth in this chapter.

NEW SECTION

**WAC 308-330-210 Police administration.** There is established in the police department of the local authority a traffic division to be under the control of a police officer appointed by, and directly responsible to, the chief of police.

PERMANENT

NEW SECTION

**WAC 308-330-215 Duty of traffic division.** It shall be the duty of the traffic division with such aid as may be rendered by other members of the police department to enforce the traffic regulations of the local authority, to make arrests for traffic violations, to investigate accidents and to cooperate with the traffic engineer and other officers of the local authority in the administration of the traffic laws and in developing ways and means to improve traffic conditions, and to carry out those duties specially imposed upon the said division by this chapter and the traffic ordinances of the local authority.

NEW SECTION

**WAC 308-330-220 Authority of police and fire department officials.** (1) Officers of the police department or such officers as are assigned by the chief of police are authorized to direct all traffic by voice, hand, or signal in conformance with law: *Provided*, That in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require notwithstanding the provisions of law.

(2) Officers of the fire department, when at the scene of a fire, may direct or assist the police in directing traffic thereat or in the immediate vicinity.

NEW SECTION

**WAC 308-330-225 Records of traffic violations.** (1) The police department or the traffic division thereof shall keep a record of all violations of the traffic ordinances of the local authority or of the state motor vehicle laws of which any person has been charged, with the exception of illegal parking or standing violations, together with a record of the final disposition of all such alleged offenses. Such records shall be so maintained as to show all types of violations and the total of each. Such records shall accumulate during at least a five-year period, and from that time on the records shall be maintained complete for at least the most recent five-year period.

(2) All forms for records of violations and notices of violations shall be serially numbered. For each month and year a written record of all such forms shall be kept.

(3) Records and reports concerning a person shall be available upon request only to that particular person requesting such record or report concerning himself, or the legal guardian thereof, the parent of a minor, or any authorized representative of such interested party, or the attorney or insurer thereof.

NEW SECTION

**WAC 308-330-230 Traffic division to investigate accidents.** It shall be the duty of the traffic division, assisted by other members of the police department, to investigate traffic accidents, to arrest, and to assist in the prosecution of those persons charged with violations of law causing or contributing to such accidents.

NEW SECTION

**WAC 308-330-235 Traffic accident studies.** Whenever the accidents at any particular location become numerous, the traffic division shall cooperate with the traffic engineer in conducting studies of such accidents and in determining remedial measures.

NEW SECTION

**WAC 308-330-240 Traffic accident reports.** The traffic division shall maintain a suitable system of filing traffic accident reports. Accident reports or cards referring to them shall be filed alphabetically by location. Such reports shall be available for the use and the information of the traffic engineer.

NEW SECTION

**WAC 308-330-245 Traffic division to submit annual traffic safety report.** The traffic division shall annually prepare a traffic report which shall be filed with the appointing authority of the local authority. Such report shall contain information on traffic matters in the local authority as follows:

(1) The number of traffic accidents, the number of persons killed, the number of persons injured, and other pertinent traffic accident data;

(2) The number of traffic accidents investigated and other pertinent data on the safety activities of the police;

(3) The plans and recommendations of the division for future traffic safety activities.

NEW SECTION

**WAC 308-330-250 Police department to administer bicycle licenses.** The police department or some other office or department designated by the local authority shall administer the bicycle license regulations required by this chapter.

NEW SECTION

**WAC 308-330-255 Police department to regulate parking meters.** The police department shall be responsible for the regulation, control, operation, and use of parking meters installed in all parking meter zones.

NEW SECTION

**WAC 308-330-260 Traffic engineer.** (1) The office of traffic engineer is established: *Provided*, That if there is no traffic engineer, then the engineer of the local authority shall serve as traffic engineer in addition to his/her other functions, and shall exercise the powers and duties with respect to traffic as provided in this chapter: *Provided further*, That if there is no engineer in the local authority, then the appointing authority shall designate a person to exercise such powers and duties.

(2) It shall be the general duty of the traffic engineer to determine the installation and maintenance of traffic control devices, to conduct engineering analysis of traffic accidents and to devise remedial measures, to conduct engineering investigations of traffic conditions, to plan the operation of traffic on the highways of the local authority, to cooperate

with other officials in the development of ways and means to improve traffic conditions, and to carry out the additional powers and duties imposed by any ordinances of the local authority.

#### NEW SECTION

**WAC 308-330-265 Traffic engineer—Authority.** The traffic engineer is authorized:

(1) To place and maintain official traffic control devices when and as required under the traffic ordinances or resolutions of the local authority to make effective the provisions of said ordinances or resolutions, and may place and maintain such additional official traffic control devices as he/she may deem necessary to regulate, warn, or guide traffic under the traffic ordinances or resolutions of the local authority;

(2) To place and maintain official traffic control devices as he/she may deem necessary to regulate, warn, or guide traffic for construction, detours, emergencies, and special conditions;

(3) To designate and maintain, by appropriate devices, marks, or lines upon the surface of the roadway, crosswalks at intersections where in his/her opinion there is particular danger to pedestrians crossing the roadway, and in such other places as he/she may deem necessary;

(4) To establish safety zones of such kind and character and at such places as he/she may deem necessary for the protection of pedestrians;

(5) To mark traffic lanes upon the roadway of any highway where a regular alignment of traffic is necessary;

(6) To regulate the timing of traffic signals so as to permit the movement of traffic in an orderly and safe manner;

(7) To place official traffic control devices within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections, in accordance with the provisions of this chapter, and such course to be traveled as so indicated may conform to or be other than as prescribed by law;

(8) To determine those intersections at which drivers of vehicles shall not make a right, left, or U-turn, and shall place proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs or they may be removed when such turns are permitted;

(9) To erect and maintain stop signs, yield signs, or other official traffic control devices to designate arterial highways or to designate intersection or other roadway junctions at which vehicular traffic on one or more of the roadways shall yield or stop and yield before entering the intersection or junction, except as provided in RCW 46.61.195;

(10) To issue special permits to authorize the backing of a vehicle to the curb for the purpose of loading or unloading property subject to the terms and conditions of such permit. Such permits may be issued either to the owner or lessee of real property alongside the curb or to the owner of the vehicle and shall grant to such person the privilege as therein stated and authorized by this section;

(11) To erect signs indicating no parking upon both sides of a highway when the width of the improved roadway does not exceed twenty feet, or upon one side of a highway as indicated by such signs when the width of the improved roadway is between twenty and twenty-eight feet;

(12) To determine when standing or parking may be permitted upon the left-hand side of any roadway when the highway includes two or more separate roadways and traffic is restricted to one direction upon any such roadway and to erect signs giving notice thereof;

(13) To determine and designate by proper signs places not exceeding one hundred feet in length in which the stopping, standing, or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic;

(14) To determine the location of loading zones, passenger loading zones, and tow-away zones and shall place and maintain appropriate signs or curb markings supplemented with the appropriate words stenciled on the curb indicating the same and stating the hours during which the provisions of this chapter are applicable;

(15) To establish bus stops, bus stands, taxicab stands, and stands for other for hire vehicles on such highways in such places and in such number as he/she shall determine to be of the greatest benefit and convenience to the public, and every such bus stop, bus stand, taxicab stand, or other stand shall be designated by appropriate signs or by curb markings supplemented with the appropriate words stenciled on the curb;

(16) To erect and maintain official traffic control devices on any highway or part thereof to impose gross weight limits on the basis of an engineering and traffic investigation;

(17) To erect and maintain official traffic control devices on any highway or part thereof to prohibit the operation of trucks exceeding ten thousand pounds gross weight on the basis of an engineering and traffic investigation: *Provided*, That such devices shall not prohibit necessary local operation on such highways for the purpose of making a pickup or delivery;

(18) To erect and maintain official traffic control devices on any highway or part thereof to impose vehicle size restrictions on the basis of an engineering and traffic investigation;

(19) To determine and designate those heavily traveled highways upon which shall be prohibited any class or kind of traffic which is found to be incompatible with the normal and safe movement of traffic on the basis of an engineering and traffic investigation and shall erect appropriate official traffic control devices giving notice thereof;

(20) To install parking meters in the established parking meter zones upon the curb adjacent to each designated parking space;

(21) To designate the parking space adjacent to each parking meter for which such meter is to be used by appropriate markings upon the curb and/or the pavement of the highway;

(22) To post appropriate signs making it unlawful for pedestrians to cross highways in certain crosswalks when such crossing would endanger either pedestrian or vehicular traffic using the highway;

(23) To test new or proposed traffic control devices under actual conditions of traffic.

#### NEW SECTION

**WAC 308-330-270 Local authority—Authority.** After an engineering and traffic investigation by the traffic engineer, the local authority may by resolution:

- (1) Decrease maximum speed limits pursuant to RCW 46.61.415;
- (2) Increase maximum speed limits pursuant to RCW 46.61.415;
- (3) Determine and declare the maximum speed limits on arterial highways pursuant to RCW 46.61.415;
- (4) Determine and declare upon what highways angle parking shall be permitted pursuant to RCW 46.61.575(3);
- (5) Prohibit, regulate, or limit, stopping, standing, or parking of vehicles on any highway at all times or during such times as shall be indicated by official traffic control devices;
- (6) Determine and declare parking meter zones upon those highways or parts thereof where the installation of parking meters will be necessary to regulate parking;
- (7) Close any highway or part thereof temporarily to any or all traffic;
- (8) Determine and declare one-way highways pursuant to RCW 46.61.135;
- (9) Determine and declare arterial highways pursuant to RCW 46.61.195 and 46.61.435.

#### NEW SECTION

**WAC 308-330-275 Traffic safety commission—Powers and duties.** (1) There is established a traffic safety commission to serve without compensation, consisting of the traffic engineer, the chief of police, or, in his/her discretion as his/her representative, the chief of the traffic division or other cognizant member of the police department, one representative each from the engineer's office and the attorney's office, and such number of other officers of the local authority and representatives of unofficial bodies as may be determined and appointed by the appointing authority of the local authority. The chair of the commission shall be appointed by such appointing authority and may be removed by such authority.

(2) It shall be the duty of the traffic safety commission, and to this end it shall have authority within the limits of the funds at its disposal, to coordinate traffic activities, to supervise the preparation and publication of traffic reports, to receive complaints having to do with traffic matters, and to recommend to the legislative body of the local authority and to the traffic engineer, the chief of the traffic division, and other officials, ways and means for improving traffic conditions and the administration and enforcement of traffic regulations.

#### NEW SECTION

**WAC 308-330-300 RCW sections adopted—Certificates of ownership and registrations.** The following sections of the Revised Code of Washington (RCW) pertaining to vehicle certificates of ownership and registrations as now or hereafter amended are hereby adopted by reference

as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.12.070, 46.12.080, 46.12.101, 46.12.102, 46.12.260, 46.12.300, 46.12.310, 46.12.320, 46.12.330, 46.12.340, 46.12.350, and 46.12.380.

#### NEW SECTION

**WAC 308-330-305 RCW sections adopted—Vehicle licenses.** The following sections of the Revised Code of Washington (RCW) pertaining to vehicle licenses as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.16.010, 46.16.011, 46.16.022, 46.16.023, 46.16.025, 46.16.028, 46.16.030, 46.16.048, 46.16.088, 46.16.135, 46.16.140, 46.16.145, 46.16.170, 46.16.180, 46.16.240, 46.16.260, 46.16.290, 46.16.316, 46.16.381, 46.16.390, 46.16.500, 46.16.505, 46.16.595, and 46.16.710.

#### NEW SECTION

**WAC 308-330-307 RCW sections adopted—Driver licenses identicards.** The following sections of the Revised Code of Washington (RCW) pertaining to driver licenses identification cards as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.20.021, 46.20.022, 46.20.025, 46.20.027, 46.20.031, 46.20.041, 46.20.045, 46.20.190, 46.20.220, 46.20.308, 46.20.336, 46.20.338, 46.20.342, 46.20.343, 46.20.344, 46.20.391, 46.20.394, 46.20.410, 46.20.420, 46.20.430, 46.20.435, 46.20.500, 46.20.510, 46.20.550, and 46.20.750.

#### NEW SECTION

**WAC 308-330-309 RCW sections adopted—Uniform Commercial Driver's License Act.** The following sections of the Revised Code of Washington (RCW) pertaining to the Uniform Commercial Driver's License Act as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.25.010, 46.25.020, 46.25.030, 46.25.040, 46.25.050, 46.25.110, 46.25.120, and 46.25.170.

#### NEW SECTION

**WAC 308-330-310 RCW sections adopted—Financial responsibility.** The following section of the Revised Code of Washington (RCW) pertaining to financial responsibility as now or hereafter amended is hereby adopted by reference as a part of this chapter in all respects as though such section were set forth herein in full: RCW 46.29.605.

#### NEW SECTION

**WAC 308-330-312 RCW sections adopted—Mandatory liability insurance.** The following sections of the Revised Code of Washington (RCW) pertaining to mandatory liability insurance as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as through such sections were set forth herein in



full: RCW 46.30.010, 46.30.020, 46.30.030, and 46.30.040.

#### NEW SECTION

**WAC 308-330-314 RCW sections adopted—Vehicle inspection.** The following sections of the Revised Code of Washington (RCW) pertaining to vehicle inspection as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.32.060 and 46.32.070.

#### NEW SECTION

**WAC 308-330-316 RCW sections adopted—Vehicle lighting and other equipment.** The following sections of the Revised Code of Washington (RCW) pertaining to vehicle lighting and other equipment as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.37.010, 46.37.020, 46.37.030, 46.37.040, 46.37.050, 46.37.060, 46.37.070, 46.37.080, 46.37.090, 46.37.100, 46.37.110, 46.37.120, 46.37.130, 46.37.140, 46.37.150, 46.37.160, 46.37.170, 46.37.180, 46.37.184, 46.37.185, 46.37.186, 46.37.187, 46.37.188, 46.37.190, 46.37.193, 46.37.196, 46.37.200, 46.37.210, 46.37.215, 46.37.220, 46.37.230, 46.37.240, 46.37.260, 46.37.270, 46.37.280, 46.37.290, 46.37.300, 46.37.310, 46.37.340, 46.37.351, 46.37.360, 46.37.365, 46.37.369, 46.37.375, 46.37.380, 46.37.390, 46.37.400, 46.37.410, 46.37.420, 46.37.423, 46.37.424, 46.37.425, 46.37.430, 46.37.435, 46.37.440, 46.37.450, 46.37.460, 46.37.465, 46.37.467, 46.37.470, 46.37.480, 46.37.490, 46.37.500, 46.37.510, 46.37.513, 46.37.517, 46.37.520, 46.37.522, 46.37.523, 46.37.524, 46.37.525, 46.37.527, 46.37.528, 46.37.529, 46.37.530, 46.37.535, 46.37.537, 46.37.539, 46.37.540, 46.37.550, 46.37.560, 46.37.570, 46.37.590, 46.37.600, 46.37.610, and 46.37.620.

#### NEW SECTION

**WAC 308-330-320 RCW sections adopted—Size, weight, load.** The following sections of the Revised Code of Washington (RCW) pertaining to vehicle size, weight, and load as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.44.010, 46.44.015, 46.44.020, 46.44.030, 46.44.034, 46.44.036, 46.44.037, 46.44.041, 46.44.042, 46.44.047, 46.44.050, 46.44.060, 46.44.070, 46.44.090, 46.44.091, 46.44.092, 46.44.093, 46.44.095, 46.44.096, 46.44.105, 46.44.120, 46.44.130, 46.44.140, 46.44.170, 46.44.173, 46.44.175, and 46.44.180.

#### NEW SECTION

**WAC 308-330-322 RCW sections adopted—Transportation of hazardous materials.** The following section of the Revised Code of Washington (RCW) pertaining to transportation of hazardous materials as now or hereafter amended is hereby adopted by reference as a part of this chapter in all respects as though such section were set forth herein in full: RCW 46.48.170.

#### NEW SECTION

**WAC 308-330-325 RCW sections adopted—Accidents, reports.** The following sections of the Revised Code of Washington (RCW) pertaining to accidents and accident reports as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.52.010, 46.52.020, 46.52.030, 46.52.040, 46.52.070, 46.52.080, 46.52.088, 46.52.090, and 46.52.100.

#### NEW SECTION

**WAC 308-330-327 RCW sections adopted—Hulk haulers and scrap processors.** The following sections of the Revised Code of Washington (RCW) pertaining to hulk haulers and scrap processors as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.79.010 and 46.79.120.

#### NEW SECTION

**WAC 308-330-329 RCW sections adopted—Rental car businesses.** The following section of the Revised Code of Washington (RCW) pertaining to rental car businesses as now or hereafter amended is hereby adopted by reference as a part of this chapter in all respects as though such section were set forth herein in full: RCW 46.87.023.

#### NEW SECTION

**WAC 308-330-330 RCW sections adopted—Motor vehicle wreckers.** The following section of the Revised Code of Washington (RCW) pertaining to motor vehicle wreckers as now or hereafter amended is hereby adopted by reference as a part of this chapter in all respects as though such section were set forth herein in full: RCW 46.80.010.

#### NEW SECTION

**WAC 308-330-360 Owner of record presumed liable for costs when vehicle abandoned—Exception.** (1) The abandonment of any vehicle or automobile hulk shall constitute a prima facie presumption that the last owner of record is responsible for such abandonment and thus liable for any costs incurred in removing, storing, and disposing of any abandoned vehicle.

(2) A registered owner transferring a vehicle shall be relieved from personal liability under this section if within five days of the transfer he/she transmits to the department a seller's report of sale on a form prescribed by the director.

#### NEW SECTION

**WAC 308-330-365 Contract with registered disposer to dispose of vehicles and hulks—Compliance required.** (1) The local authority may contract with any tow truck operator who is engaged in removing and storing of vehicles and who is registered as a registered disposer by the department for the purpose of disposing of certain automobile hulks, abandoned junk motor vehicles, and abandoned vehicles.

(2) Any registered disposer under contract to the local authority for the removing and storing of vehicles or hulks shall comply with the administrative regulations relative to the handling and disposing of vehicles or hulks as may be promulgated by the local authority or the director.

#### NEW SECTION

**WAC 308-330-370 Stolen and abandoned vehicles—Reports of—Recovery, report required, penalty—Disposition.** It shall be the duty of the chief of police to report immediately to the chief of the Washington state patrol all motor vehicles reported to them as stolen or recovered, upon forms to be provided by the chief of the Washington state patrol.

In the event that any motor vehicle reported as stolen has been recovered, failure of the person so reporting the same as stolen to report the recovery thereof to the chief of police to whom such motor vehicle was reported as stolen is a traffic infraction.

It shall be the duty of the chief of police to report to the chief of the Washington state patrol all vehicles or automobile hulks found abandoned on a highway or at any other place and the same shall, at the direction of a law enforcement officer, be placed in the custody of a registered disposer.

#### NEW SECTION

**WAC 308-330-375 Disposition of abandoned junk motor vehicles.** (1) Notwithstanding any other provision of law, the chief of police on his/her own volition, or upon request from a private person having the right to possession of property upon which an abandoned junk motor vehicle has been left, shall inspect and may authorize the disposal of an abandoned junk motor vehicle. The chief of police shall record the make of such vehicle, the serial number if available, and shall also detail the damaged or missing equipment to substantiate a fair market value as scrap only. He/she shall prepare in duplicate for each such abandoned junk motor vehicle as an authorization to dispose on a form provided by the director. He/she shall issue the original copy of such authorization to dispose to any licensed hulk hauler, motor vehicle wrecker, or scrap processor for the purpose of acquiring an abandoned junk motor vehicle: *Provided*, That such acquisition is for the purpose of ultimate transfer to and demolition by a licensed scrap processor.

(2) Any moneys arising from the disposal of abandoned junk motor vehicles shall be deposited in the county general fund.

#### NEW SECTION

**WAC 308-330-400 Provisions of chapter refer to vehicles upon highway—Exception.** The provisions of this chapter relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways except:

(1) Where a different place is specifically referred to in a given section;

(2) The provisions of RCW 46.52.010, 46.52.020, 46.52.030, 46.52.070, 46.52.080, 46.52.090, and 46.61.500

through 46.61.515 shall apply upon highways and elsewhere throughout the jurisdiction of the local authority.

#### NEW SECTION

**WAC 308-330-403 Required obedience to traffic ordinance.** It is unlawful for any person to do any act forbidden or fail to perform any act required by this chapter.

#### NEW SECTION

**WAC 308-330-406 RCW sections adopted—Abandoned, unauthorized, and junk vehicle tow truck operators.** The following sections of the Revised Code of Washington (RCW) pertaining to abandoned, unauthorized, and junk vehicle tow truck operators as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.55.010, 46.55.020, 46.55.030, 46.55.035, 46.55.037, 46.55.040, 46.55.050, 46.55.060, 46.55.063, 46.55.070, 46.55.080, 46.55.085, 46.55.090, 46.55.100, 46.55.105, 46.55.110, 46.55.113, 46.55.120, 46.55.130, 46.55.140, 46.55.150, 46.55.160, 46.55.170, 46.55.230, 46.55.240, and 46.55.910.

#### NEW SECTION

**WAC 308-330-408 RCW sections adopted—Traffic laws, signs, signals, markings.** The following sections of the Revised Code of Washington (RCW) pertaining to obedience to and effect of traffic laws, traffic signs, signals and markings as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.61.005, 46.61.015, 46.61.020, 46.61.021, 46.61.022, 46.61.024, 46.61.025, 46.61.030, 46.61.035, 46.61.050, 46.61.055, 46.61.060, 46.61.065, 46.61.070, 46.61.072, 46.61.075, 46.61.080, 46.61.085, and 46.61.220.

#### NEW SECTION

**WAC 308-330-409 Traffic control devices required—Stopping, standing, and parking.** No prohibition, regulation, or limitation relating to stopping, standing, or parking imposed under this chapter or any ordinance of the local authority for which traffic control devices are required shall be effective unless official traffic control devices are erected and in place at the time of any alleged offense.

#### NEW SECTION

**WAC 308-330-412 Crossing new pavement and markings.** No person shall ride or drive any animal, bicycle, or vehicle, across any newly made pavement or freshly applied markings on any highway when a sign, cone marker, or other warning device is in place warning persons not to drive across such pavement or marking.

#### NEW SECTION

**WAC 308-330-415 RCW sections adopted—Right of way.** The following sections of the Revised Code of Washington (RCW) pertaining to vehicles and pedestrians use of roadways, right of way, rights and duties as now or

hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.61.100, 46.61.105, 46.61.110, 46.61.115, 46.61.120, 46.61.125, 46.61.130, 46.61.135, 46.61.140, 46.61.145, 46.61.150, 46.61.155, 46.61.160, 46.61.180, 46.61.185, 46.61.190, 46.61.195, 46.61.200, 46.61.202, 46.61.205, 46.61.210, 46.61.215, 46.61.230, 46.61.235, 46.61.240, 46.61.245, 46.61.250, 46.61.255, 46.61.260, 46.61.261, 46.61.264, 46.61.266, and 46.61.269.

#### NEW SECTION

**WAC 308-330-421 RCW sections adopted—Starting and stopping.** The following sections of the Revised Code of Washington (RCW) pertaining to turning, starting, signals on stopping and turning, and special stops as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.61.290, 46.61.295, 46.61.300, 46.61.305, 46.61.310, 46.61.315, 46.61.340, 46.61.345, 46.61.350, 46.61.355, 46.61.365, 46.61.370, 46.61.371, 46.61.372, 46.61.375, and 46.61.385.

#### NEW SECTION

**WAC 308-330-423 RCW sections adopted—Speed restrictions.** The following sections of the Revised Code of Washington (RCW) pertaining to speed restrictions as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.61.400, 46.61.415, 46.61.425, 46.61.427, 46.61.428, 46.61.435, 46.61.440, 46.61.445, 46.61.450, 46.61.455, 46.61.460, 46.61.465, 46.61.470, and 46.61.475.

#### NEW SECTION

**WAC 308-330-425 RCW sections adopted—Reckless driving, vehicular homicide and assault.** The following sections of the Revised Code of Washington (RCW) pertaining to reckless driving, driving while under the influence of intoxicating liquor or any drug, vehicular homicide and assault as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.61.500, 46.61.502, 46.61.504, 46.61.506, 46.61.515, 46.61.517, 46.61.519, 46.61.5191, 46.61.5195, 46.61.525, 46.61.530, 46.61.535, and 46.61.540.

#### NEW SECTION

**WAC 308-330-430 Obedience to angle-parking signs or markings.** Upon those highways which have been signed or marked for angle-parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings.

#### NEW SECTION

**WAC 308-330-433 Parking not to obstruct traffic.** (1) No person shall park a vehicle upon a highway in such a manner or under such conditions as to leave available less

than ten feet of the width of the roadway for free movement of vehicular traffic.

(2) No person shall stop, stand, or park a vehicle within an alley in such position as to block the driveway entrance to any abutting property.

#### NEW SECTION

**WAC 308-330-436 Parking for certain purposes unlawful.** (1) No person shall park any vehicle upon any highway for the principle of:

- (a) Displaying advertising;
- (b) Displaying such vehicle for sale;
- (c) Selling merchandise from such vehicle, except when authorized.

(2) No person shall park any vehicle upon any roadway for the principle purpose of washing, greasing, or repairing such vehicle except repairs necessitated by an emergency.

#### NEW SECTION

**WAC 308-330-439 Standing in passenger loading zone.** No person shall stop, stand, or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger loading zone during hours when the regulations applicable to the loading zone are effective, and then only for a period not to exceed three minutes.

#### NEW SECTION

**WAC 308-330-442 Standing in loading zone.** (1) No person shall stop, stand, or park a vehicle for any purpose or period of time other than for the expeditious unloading and delivery or pickup and loading of property in any place marked as a loading zone during hours when the provisions applicable to such zone are in effect. In no case shall the stop for loading and unloading of property exceed thirty minutes.

(2) The driver of a vehicle may stop temporarily at a loading zone for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any vehicle which is waiting to enter or about to enter such zone to load or unload property.

#### NEW SECTION

**WAC 308-330-445 Standing in a tow-away zone.** No person shall stop, stand, or park a vehicle in a place marked as a tow-away zone during hours when the provisions applicable to such zone are in effect.

#### NEW SECTION

**WAC 308-330-448 Violating permits for loading or unloading at an angle to the curb.** It shall be unlawful for any permittee or other person to violate any of the special terms or conditions of any permit issued by the traffic engineer for the backing of a vehicle to the curb for the purpose of loading or unloading property.

NEW SECTION

**WAC 308-330-451 Standing or parking on one-way roadways.** In the event a highway includes two or more separate roadways, no person shall stand or park a vehicle upon the left-hand side of such one-way roadway unless signs are erected to permit such standing or parking.

NEW SECTION

**WAC 308-330-454 Stopping, standing, and parking of buses and taxicabs regulated.** (1) The operator of a bus shall not stand or park such vehicle upon any highway at any place other than a designated bus stop. This provision shall not prevent the operator of a bus from temporarily stopping in accordance with other stopping, standing, or parking regulations at any place for the purpose of and while actually engaged in the expeditious loading or unloading of passengers or their baggage.

(2) The operator of a bus shall enter a bus stop or passenger loading zone on a highway in such a manner that the bus when stopped to load or unload passengers or baggage shall be in a position with the right front wheel of such vehicle not farther than eighteen inches from the curb and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.

(3) The operator of a taxicab shall not stand or park such vehicle upon any highway at any place other than in a designated taxicab stand. This provision shall not prevent the operator of a taxicab from temporarily stopping in accordance with other stopping, standing, or parking regulations at any place for the purpose of and while actually engaged in the expeditious loading or unloading of passengers.

NEW SECTION

**WAC 308-330-457 Restricted use of bus stops and taxicab stands.** No person shall stop, stand, or park a vehicle other than a bus in a bus stop, or other than a taxicab in a taxicab stand when any such stop or stand has been officially designated and appropriately signed, except the driver of a passenger vehicle may temporarily stop there for the purpose of, or while actually engaged in, loading or unloading passengers when such stopping does not interfere with any bus, or taxicab waiting to enter or about to enter such stop or stand.

NEW SECTION

**WAC 308-330-460 Right of way for parking.** The driver of any vehicle who first begins driving or maneuvering his/her vehicle into a vacant parking space shall have a prior right of way to park in such place, and it shall be unlawful for another driver to attempt to deprive him/her thereof by blocking his/her access or otherwise. For the purpose of establishing right of way in this section it shall be considered proper to back into any but a front-in angle parking space.

NEW SECTION

**WAC 308-330-462 RCW sections adopted—Stopping, standing, and parking.** The following sections of the Revised Code of Washington (RCW) pertaining to vehicle stopping, standing, and parking as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.61.560, 46.61.570, 46.61.575, 46.61.581, 46.61.582, 46.61.583, and 46.61.590.

NEW SECTION

**WAC 308-330-464 RCW sections adopted—Operation and restrictions.** The following sections of the Revised Code of Washington (RCW) pertaining to the operation of vehicles and the restriction of certain acts and practices of vehicle operators and passengers as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.61.600, 46.61.605, 46.61.606, 46.61.608, 46.61.610, 46.61.611, 46.61.612, 46.61.614, 46.61.615, 46.61.620, 46.61.625, 46.61.630, 46.61.635, 46.61.640, 46.61.645, 46.61.655, 46.61.660, 46.61.665, 46.61.670, 46.61.675, 46.61.680, 46.61.685, 46.61.687, 46.61.688, 46.61.690, 46.61.700, 46.61.710, 46.61.720, and 46.61.730.

NEW SECTION

**WAC 308-330-466 Funeral processions.** (1) A funeral procession shall proceed to the place of interment by the most direct route which is both legal and practicable.

(2) A funeral procession shall be accompanied by adequate escort vehicles for traffic control purposes as determined by the chief of police.

(3) All motor vehicles in a funeral procession shall be identified by having their headlights turned on or by such other method as may be determined and designated by the chief of police.

(4) All motor vehicles in a funeral procession shall be operated as near to the right-hand edge of the roadway as is practicable and shall follow the vehicle ahead as close as is practicable and safe.

NEW SECTION

**WAC 308-330-469 When permits required for parades and processions.** With the exception of funeral processions and parades of the armed forces of the United States, the military forces of this state, and the forces of the police and fire departments, no processions or parades shall be conducted on the highways within the jurisdiction of the local authority except in accordance with a permit issued by the chief of police and such other regulations as are set forth in this chapter which may be applicable.

NEW SECTION

**WAC 308-330-472 Interfering with processions.** (1) No person shall unreasonably interfere with a procession.

(2) No person shall operate a vehicle that is not part of a procession between the vehicles of the procession. This provision shall not apply at intersections where traffic is

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controlled by traffic control devices unless a police officer is present at such intersections to direct traffic so as to preserve the continuity of the procession.

#### NEW SECTION

**WAC 308-330-475 Boarding or alighting from vehicles.** No person shall board or alight from any vehicle while such vehicle is in motion.

#### NEW SECTION

**WAC 308-330-478 Unlawful riding.** No person shall ride upon any portion of a vehicle not designed or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty, or to persons riding within truck bodies in space intended for merchandise.

#### NEW SECTION

**WAC 308-330-481 RCW sections adopted—Operation of nonmotorized vehicles.** The following sections of the Revised Code of Washington (RCW) pertaining to the operation of nonmotorized vehicles as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.61.750, 46.61.755, 46.61.758, 46.61.760, 46.61.765, 46.61.770, 46.61.775, and 46.61.780.

#### NEW SECTION

**WAC 308-330-500 Bicycle license required.** No person who resides within the jurisdiction of the local authority shall ride or propel a bicycle on any highway or upon any public path set aside for the exclusive use of bicycles unless such bicycle has been licensed and a license plate or decal is attached thereto as provided in WAC 308-330-500 through 308-330-540.

#### NEW SECTION

**WAC 308-330-505 Bicycle license application.** Application for a bicycle license and license plate or decal shall be made upon a form provided by and to the chief of police. An annual license fee as prescribed by the local authority shall be paid to the local authority before each license or renewal thereof is granted. Duplicate license plates or decals may be supplied for the same cost as the original plate or decal in the event of loss of the plate or decal.

#### NEW SECTION

**WAC 308-330-510 Issuance of bicycle license.** (1) The chief of police upon receiving proper application therefor is authorized to issue a bicycle license which shall be effective for one calendar year.

(2) The chief of police shall not issue a license for any bicycle when he/she knows or has reasonable grounds to believe that the applicant is not the owner of, or entitled to the possession of, such bicycle.

(3) The chief of police shall keep a record of the number of each license, the date issued, the name and

address of the person to whom issued, and a record of all bicycle license fees collected by him.

#### NEW SECTION

**WAC 308-330-515 Attachment of bicycle license plate or decal.** (1) The chief of police, upon issuing a bicycle license, shall also issue a license plate or decal bearing the license number assigned to the bicycle, and the name of the local authority.

(2) Such license plate or decal shall be firmly attached to the rear mudguard or frame of the bicycle for which issued in such position as to be plainly visible from the rear.

(3) No person shall remove a license plate or decal from a bicycle during the period for which issued except upon a transfer of ownership or in the event the bicycle is dismantled and no longer operated upon any highway within the jurisdiction of the local authority.

#### NEW SECTION

**WAC 308-330-520 Inspection of bicycles.** The chief of police, or an officer assigned such responsibility, may inspect each bicycle before licensing the same and may refuse a license for any bicycle which he/she determines is in unsafe mechanical condition.

#### NEW SECTION

**WAC 308-330-525 Renewal of bicycle license.** Upon the expiration of any bicycle license, the same may be renewed upon application and payment of the same fee as upon an original application.

#### NEW SECTION

**WAC 308-330-530 Bicycle transfer of ownership.** Upon the sale or other transfer of a licensed bicycle, the licensee shall remove the license plate or decal and shall either surrender the same to the chief of police or may upon proper application, but without payment of additional fee, have such plate or decal assigned to another bicycle owned by the applicant.

#### NEW SECTION

**WAC 308-330-535 Bicycle rental agencies.** A rental agency shall not rent or offer any bicycle for rent unless the bicycle is licensed and a license plate or decal is attached thereto as provided herein and such bicycle is equipped with the equipment required by RCW 46.61.780.

#### NEW SECTION

**WAC 308-330-540 Bicycle dealers.** Every person engaged in the business of buying or selling new or second-hand bicycles shall make a report to the chief of police of every bicycle purchased or sold by such dealer, giving the name and address of the person from whom purchased or to whom sold, a description of such bicycle by name or make, the frame number thereof, and number of license plate or decal, if any, found thereon.



NEW SECTION

**WAC 308-330-545 Bicycles—Obedience to traffic control devices.** (1) Any person operating a bicycle shall obey the instructions of official traffic control devices applicable to vehicles, unless otherwise directed by a police officer.

(2) Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, no person operating a bicycle shall disobey the directions of any such sign, except where such person dismounts from the bicycle at the right-hand curb or as close as is practicable to the right edge of the right-hand shoulder to make any such turn, in which event such person shall then obey the regulations applicable to pedestrians.

NEW SECTION

**WAC 308-330-550 Bicycles—Parking.** No person shall park a bicycle upon a highway other than:

- (1) Off the roadway except in designated areas;
- (2) Upon the sidewalk in a rack to support the bicycle;
- (3) Against a building; or
- (4) In such manner as to afford the least obstruction to pedestrian traffic.

NEW SECTION

**WAC 308-330-555 Bicycles—Riding on sidewalks.**

(1) No person shall ride a bicycle upon a sidewalk in a business district.

(2) A person may ride a bicycle on any other sidewalk or any roadway unless restricted or prohibited by traffic control devices.

(3) Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right of way to any pedestrian.

NEW SECTION

**WAC 308-330-560 Bicycles—Penalties.** Violation of any provision of WAC 308-330-500 through 308-330-540 is a traffic infraction.

NEW SECTION

**WAC 308-330-565 Unclaimed bicycles.** All unclaimed bicycles in the custody of the police department shall be disposed of as provided in chapter 63.32 RCW.

NEW SECTION

**WAC 308-330-600 Parking meter spaces.** No person shall park a vehicle in any designated parking meter space during the restricted or regulated time applicable to the parking meter zone in which such meter is located so that any part of such vehicle occupies more than one such space or protrudes beyond the markings designating such space, except that a vehicle which is of a size too large to be parked within a single designated parking meter space shall be permitted to occupy two adjoining parking meter spaces when coins shall have been deposited in the parking meter for each space so occupied as is required for the parking of other vehicles in such spaces.

NEW SECTION

**WAC 308-330-610 Parking meters—Deposit of coins and time limits.** (1) No person shall park a vehicle in any parking meter space alongside of and next to which a parking meter has been installed during the restricted and regulated time applicable to the parking meter zone in which such meter is located unless a United States coin or coins of the appropriate denomination as indicated on the parking meter shall have been deposited therein, or shall have been previously deposited therein for an unexpired interval of time, and said meter has been placed in operation.

(2) No person shall permit a vehicle within his/her control to be parked in any parking meter space during the restricted and regulated time applicable to the parking meter zone in which such meter is located while the parking meter for such space indicates by signal that the lawful parking time in such space has expired. This provision shall not apply to the act of parking or the necessary time which is required to deposit immediately thereafter a coin or coins in such meter.

(3) No person shall park a vehicle in any parking meter space for a consecutive period of time longer than that limited period of time for which parking is lawfully permitted in the parking meter zone in which such meter is located, irrespective of the number or amounts of the coins deposited in such meter.

(4) The provisions of this section shall not relieve any person from the duty to observe other and more restrictive provisions of this chapter prohibiting or limiting the stopping, standing, or parking of vehicles in specified places or at specified times.

NEW SECTION

**WAC 308-330-620 Parking meters—Use of slugs prohibited.** No person shall deposit or attempt to deposit in any parking meter any bent coin, slug, button, or any other device or substance as substitutes for United States coins.

NEW SECTION

**WAC 308-330-630 Tampering with parking meter.** No person shall deface, injure, tamper with, open, or wilfully break, destroy, or impair the usefulness of any parking meter.

NEW SECTION

**WAC 308-330-640 Parking meters—Rule of evidence.** The parking or standing of any motor vehicle in a parking space, at which space the parking meter displays the sign or signal indicating illegal parking, shall constitute a prima facie presumption that the vehicle has been parked or allowed to stand in such space for a period longer than permitted by this chapter.

NEW SECTION

**WAC 308-330-650 Parking meters—Application of proceeds.** (1) The coins required to be deposited in parking meters are levied and assessed as fees to cover the regulation and control of parking upon highways, the costs of parking meters, their installation, inspection, supervision, operation,

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repair, and maintenance, control and use of parking spaces, and regulating the parking of vehicles in parking meter zones; and the costs of acquiring, establishing, improving, maintaining, and operating public off-street parking facilities.

(2) The coins deposited in parking meters shall be collected by the duly authorized agents of the local authority and shall be deposited by them as directed by the local authority.

(3) The local authority shall pay from the moneys collected from parking meters the costs for any parking meters purchased and installed as provided herein, and expenses incurred for their installation, inspection, service, supervision, repair, and maintenance, for making collections from such parking meters, and for the enforcement of provisions herein applicable to parking meter zones. The net proceeds derived from the operation of parking meters after the payment of such costs and expenses, may be used for parking studies and for the acquisition, establishment, improvement, maintenance, and operation of public off-street parking facilities.

#### NEW SECTION

**WAC 308-330-660 Service parking.** The chief of police is authorized to issue a permit for service parking upon payment of the fee prescribed by the local authority and upon the following conditions:

(1) Application shall be made to the chief of police on such forms as the chief of police shall prescribe. The applicant shall set forth the applicant's business and the necessity for such permit. The chief of police shall investigate the facts as necessary.

(2) If it appears that a necessity exists, the chief of police may authorize the issuance of such permit under the conditions prescribed in this section.

(3) Upon issuance of the permit, the permittee shall be issued a hood to use in covering any parking meter. As many hoods may be issued upon payment of the prescribed fee as the chief of police deems necessary or convenient for the applicant. The hood shall be provided with a padlock, tow keys, and an identification card attached with a blank space thereon.

(4) Upon entering any parking meter space available, the permittee shall place the hood over the parking meter and lock the same and shall indicate in such blank space the exact place where the service work is being rendered.

(5) The permittee shall not place the hood over any meter when the space is occupied by another vehicle, and shall before vacating the space at the conclusion of the work remove the hood. The hood shall not be allowed to remain in place for over one hour when the space is not occupied by an authorized vehicle, nor shall it be allowed to remain in place after 6:00 p.m. on any weekday or on any Sunday or holiday. It shall not be used during hours when parking or stopping in the parking meter space is prohibited. No vehicle licensed as a passenger car shall be parked in the space covered by the hooded parking meter.

(6) The chief of police may revoke any permit if the service parking hood is used for any purpose other than that authorized in this section or for any violation of this chapter. Upon revocation, the hood shall immediately be returned to the police department and all fees paid shall be forfeited.

Police officers finding such hood in use shall investigate the use being made thereof, and if it is found in violation of this section shall report the facts to the chief of police.

(7) Any permit issued under this section shall, unless revoked, be valid for a period of one year.

(8) The permittee shall also pay a deposit in an amount prescribed by the local authority at the time of issuance of the hood, padlock, and keys, which shall remain the property of the local authority. In case a hood, a padlock, or key becomes lost or destroyed or so defaced that it is no longer usable, the permittee shall forfeit deposit.

#### NEW SECTION

**WAC 308-330-700 RCW sections adopted—Disposition of traffic infractions.** The following sections of the Revised Code of Washington (RCW) pertaining to the disposition of traffic infractions as now or hereafter amended are hereby adopted by such reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.63.010, 46.63.020, 46.63.030, 46.63.040, 46.63.060, 46.63.070, 46.63.080, 46.63.090, 46.63.100, 46.63.110, 46.63.120, 46.63.130, 46.63.140, and 46.63.151.

#### NEW SECTION

**WAC 308-330-705 RCW sections adopted—Enforcement.** The following sections of the Revised Code of Washington (RCW) pertaining to traffic enforcement agencies as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.64.010, 46.64.015, 46.64.025, 46.64.030, 46.64.035, 46.64.048, and 46.64.050.

#### NEW SECTION

**WAC 308-330-710 Penalties.** Unless another penalty is expressly provided by law, any person found to have committed an act designated a traffic infraction under the provisions of these rules shall be punished by a penalty of not more than two hundred fifty dollars.

#### NEW SECTION

**WAC 308-330-720 Citation on illegally parked vehicle.** Whenever any motor vehicle without driver is found parked, standing, or stopped in violation of this chapter, the officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a traffic citation.

#### NEW SECTION

**WAC 308-330-730 Failure to comply with traffic citation attached to parked vehicle.** If a violator of any provision of this chapter on stopping, standing, or parking does not appear in response to a traffic citation affixed to such motor vehicle within a period of five days, the clerk of the traffic court shall send to the owner of the motor vehicle to which the traffic citation was affixed a letter informing him/her of the violation and warning him/her that in the

event such letter is disregarded a period of five days, a warrant of arrest will be issued.

#### NEW SECTION

**WAC 308-330-740 Presumption in reference to illegal parking.** (1) In any prosecution charging a violation of any law or regulation governing the stopping, standing, or parking of a vehicle, proof that the particular vehicle described in the complaint was stopping, standing, or parking in violation of any such law or regulation, together with proof that the defendant named in the complaint was at the time of such violation, the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred.

(2) The foregoing stated presumption shall apply only when the procedure as prescribed in WAC 308-330-720 and 308-330-730 has been followed.

#### NEW SECTION

**WAC 308-330-800 RCW sections adopted—Traffic control devices.** The following sections of the Revised Code of Washington (RCW) pertaining to traffic control devices as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 47.36.060, 47.36.110, 47.36.180, 47.36.200, and 47.36.220.

#### NEW SECTION

**WAC 308-330-810 RCW sections adopted—Limited access facilities.** The following sections of the Revised Code of Washington (RCW) pertaining to limited access facilities as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 47.52.010, 47.52.011, 47.52.040, 47.52.110, and 47.52.120.

#### NEW SECTION

**WAC 308-330-815 RCW sections adopted—Alcoholic beverage control.** The following sections of the Revised Code of Washington (RCW) pertaining to drinking in public conveyance as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 66.44.240 and 66.44.250.

#### NEW SECTION

**WAC 308-330-820 RCW sections adopted—Guide and service dogs.** The following sections of the Revised Code of Washington (RCW) pertaining to guide and service dogs as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 70.84.020, 70.84.021, and 70.84.040.

#### NEW SECTION

**WAC 308-330-825 RCW sections adopted—Littering.** The following section of the Revised Code of Washington (RCW) pertaining to littering as now or hereafter amended is hereby adopted by reference as a part of this chapter in all respects as though such section were set forth herein in full: RCW 70.93.060.

#### NEW SECTION

**WAC 308-330-910 Uniformity of interpretation.** This chapter shall be so interpreted and construed as to effectuate its general purpose to make uniform the laws of those local authorities which enact it.

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