



## Legislation Details (With Text)

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<b>Type:</b>	Ordinance (Ord)	<b>Status:</b>	Passed	<b>In control:</b>	City Clerk
<b>On agenda:</b>	12/13/2021				
<b>Final Action:</b>	12/20/2021	<b>Ord. No.</b>	Ord 126517		
<b>Title:</b>	AN ORDINANCE relating to the City's traffic code; conforming the Seattle Municipal Code with changes in state law; amending Sections 11.14.055, 11.20.040, 11.20.230, 11.30.040, 11.31.120, 11.34.020, 11.40.240, 11.44.020, 11.44.040, 11.50.320, 11.50.340, 11.53.100, 11.53.120, 11.53.140, 11.53.200, 11.53.205, 11.55.010, 11.55.080, 11.56.025, 11.56.050, 11.56.120, 11.56.350, 11.56.355, 11.58.005, 11.58.195, 11.58.230, 11.70.060, 11.82.520, and 11.84.440 of the Seattle Municipal Code; and adding new Sections 11.14.097, 11.14.712, and 11.70.070 to the Seattle Municipal Code.				
<b>Sponsors:</b>	No Sponsor Required				
<b>Indexes:</b>					
<b>Attachments:</b>	1. Summary and Fiscal Note, 2. Signed Ordinance 126517, 3. Affidavit of Publication				

Date	Ver.	Action By	Action	Result
12/20/2021	1	City Clerk	attested by City Clerk	
12/20/2021	1	Mayor	returned	
12/20/2021	1	Mayor	returned unsigned	
12/17/2021	1	City Clerk	submitted for Mayor's signature	
12/13/2021	1	City Council	passed	Pass
12/6/2021	1	City Council	referred	
12/3/2021	1	Council President's Office	sent for review	
12/3/2021	1	City Clerk	sent for review	

## CITY OF SEATTLE

## ORDINANCE \_\_\_\_\_

## COUNCIL BILL \_\_\_\_\_

AN ORDINANCE relating to the City's traffic code; conforming the Seattle Municipal Code with changes in state law; amending Sections 11.14.055, 11.20.040, 11.20.230, 11.30.040, 11.31.120, 11.34.020, 11.40.240, 11.44.020, 11.44.040, 11.50.320, 11.50.340, 11.53.100, 11.53.120, 11.53.140, 11.53.200, 11.53.205, 11.55.010, 11.55.080, 11.56.025, 11.56.050, 11.56.120, 11.56.350, 11.56.355, 11.58.005, 11.58.195, 11.58.230, 11.70.060, 11.82.520, and 11.84.440 of the Seattle Municipal Code; and adding new Sections 11.14.097, 11.14.712, and 11.70.070 to the Seattle Municipal Code.

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

Section 1. Section 11.14.055 of the Seattle Municipal Code, last amended by Ordinance 125944, is

amended as follows:

#### **11.14.055 Bicycle and electric-assisted bicycle**

A. “Bicycle” means every device propelled solely by human power, or an electric-assisted bicycle, upon which a person or persons may ride, having two tandem wheels either of which is 16 inches or more in diameter, or three wheels, any one of which is ~~((more than))~~ 20 inches or more in diameter.

\* \* \*

Section 2. A new Section 11.14.097 is added to the Seattle Municipal Code as follows:

#### **11.14.097 Circular intersection**

“Circular intersection” means an intersection characterized by a circulatory roadway, generally circular in design, located in the center of the intersection. A circular intersection encompasses the area bounded by the outermost curb line or, if there is no curb, the edge of the pavement, and includes crosswalks on any entering or exiting roadway. “Circular intersection” includes roundabouts, rotaries, and traffic circles.

Section 3. A new Section 11.14.712 is added to the Seattle Municipal Code as follows:

#### **11.14.712 Vulnerable user of a public way**

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

Section 4. Section 11.20.040 of the Seattle Municipal Code, last amended by Ordinance 123190, is amended as follows:

#### **11.20.040 Special endorsement for motorcycle operator's license-Moped exception((-))**

No person shall drive either a two-wheeled or three-wheeled motorcycle or a motor-driven cycle unless such person has a valid driver’s license specially endorsed by the Director of the Washington State Department of Licensing to enable the holder to drive such vehicles ~~((provided, that))~~ . A person who violates this Section

11.20.040 commits a traffic infraction and is subject to the base penalty under Section 11.31.120 and an additional monetary penalty of \$250, which shall be collected by the clerk of the court and transmitted to the state for deposit in the motorcycle safety education account under RCW 46.68.065. However, a person holding a valid driver's license may operate a motorcycle as defined under ((Section)) subsection 11.14.340.B without a motorcycle endorsement and any person ((sixteen-))16((+)) years of age or older, holding a valid driver's license of any class issued by the state of the person's residence, may operate a moped without taking any special examination for the operation of a moped. ((RCW 46.20.500))

Section 5. Section 11.20.230 of the Seattle Municipal Code, last amended by Ordinance 123632, is amended as follows:

**11.20.230 Ignition interlock device authorized((-))**

A. The court may order that ~~((after a period of suspension, revocation, or denial of driving privileges, and for up to as long as the court has jurisdiction,))~~ any person convicted of any offense involving the use, consumption, or possession of alcohol while operating a motor vehicle may drive only a motor vehicle equipped with a functioning ignition interlock device. The court shall establish a specific ~~((calibration setting))~~ alcohol set point at which the interlock will prevent the vehicle from being started and the period of time for which interlock use will be required.

B. Subject to the exception and waiver provisions of ~~((Section))~~ subsection 11.56.025.((f))L((+)), the court shall order a person convicted under ~~((Subsection))~~ subsection 11.56.020.A or 11.56.020.B to apply for an ignition interlock driver's license from the Washington Department of Licensing under RCW 46.20.385 and to have a functioning ignition interlock device installed on all motor vehicles operated by the person. The court shall order any person participating in a deferred prosecution program under RCW ~~((40.55.020))~~ 10.05.020 for a violation of Section 11.56.020, or for a violation of subsection 11.58.005.A.1 where the person would be required under subsection 11.58.005.A.4 to install an ignition interlock device on all vehicles operated by the person in the event of a conviction, or for a violation of Section 11.56.120 where the person would be required

under subsection 11.56.120.D to install an ignition interlock device on all vehicles operated by the person in the event of a conviction to have a functioning ignition interlock device installed on all motor vehicles operated by the person. (~~((RCW 46.20.720)))~~

Section 6. Section 11.30.040 of the Seattle Municipal Code, last amended by Ordinance 125944, is amended as follows:

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

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

1. When the vehicle is impeding or is likely to impede the normal flow of vehicular or pedestrian traffic.
2. When the vehicle is illegally occupying a truck, commercial load zone, restricted parking zone, bus, loading, hooded-meter, taxi, street construction or maintenance, or other similar zone where, by order of the Director of Transportation or Chiefs of Police or Fire or their designees, parking is limited to designated classes of vehicles or is prohibited during certain hours, on designated days or at all times, if the zone has been established with signage for at least 24 hours giving notice that a vehicle will be removed if illegally parked in the zone and where such vehicle is interfering with the proper and intended use of such zones.
3. When a vehicle without a special license plate, card, or decal indicating that the vehicle is being used to transport a disabled person as defined under chapter 46.16A RCW, as now or hereafter amended, is parked in a stall or space clearly and conspicuously marked as provided in subsection 11.72.065.A, as now or hereafter amended, whether the space is provided on private property without charge or on public property.
4. When the vehicle poses an immediate danger to the public safety.
5. When a police officer has probable cause to believe that the vehicle is stolen.
6. When a police officer has probable cause to believe that the vehicle constitutes evidence of a

crime or contains evidence of a crime, if impoundment is reasonably necessary in such instance to obtain or preserve such evidence.

7. When a vehicle is parked in a public right-of-way or on other publicly owned or controlled property and there are four or more parking infractions issued against the vehicle for each of which a person has failed to respond, failed to appear at a requested hearing, or failed to pay a parking infraction for at least 45 days from the date of the filing of the notice of infraction.

8. When the vehicle is a "junk motor vehicle" as defined in Section 11.14.268, and is parked on a street, alley, or way open to the public, or on municipal or other public property.

9. When the vehicle is impounded pursuant to subsection 11.30.105.A, but if the vehicle is a commercial vehicle and the driver is not the registered owner of the vehicle, then the police officer shall attempt in a reasonable and timely manner to contact the registered owner before impounding the vehicle and may release the vehicle to the registered owner if the registered owner is reasonably available, was not in the vehicle at the time it was stopped and the driver arrested, and has not received a prior release under this subsection 11.30.040.A.9 or subsection 11.30.120.C.2.

10. When a vehicle with an expired registration of more than 45 days is parked on a public street.

11. When the vehicle is impounded pursuant to Section 12A.10.115 or RCW 9A.88.140.

12. When the vehicle is impounded pursuant to RCW 46.55.360.

13. When the vehicle is impounded pursuant to subsection 18.12.235.B.

14. Upon determining that a person restricted to use of only a motor vehicle equipped with a functioning ignition interlock device is operating a motor vehicle that is not equipped with such a device in violation of subsection 11.56.350.A.

\* \* \*

Section 7. Section 11.31.120 of the Seattle Municipal Code, last amended by Ordinance 123946, is

amended as follows:

**11.31.120 Monetary penalties((=))**

\* \* \*

D. In addition to any other penalties imposed under this Section 11.31.120 and not subject to the limitation of subsection 11.31.120.A, a person found to have committed a traffic infraction shall be assessed:

1. A fee of \$5 per infraction. Under no circumstances shall this fee be reduced or waived. Revenue from this fee shall be forwarded to the state treasurer for deposit in the emergency medical services and trauma care system trust account under RCW 70.168.040;

2. A fee of \$10 per infraction. Under no circumstances shall this fee be reduced or waived. Revenue from this fee shall be forwarded to the state treasurer for deposit in the Washington auto theft prevention authority account; and

3. A fee of \$5 per infraction. Under no circumstances shall this fee be reduced or waived. Revenue from this fee shall be forwarded to the state treasurer for deposit in the traumatic brain injury account established in RCW 74.31.060.

4. An additional penalty of \$20 per infraction, except this additional penalty shall not be assessed for a violation of Section 11.52.110 or 11.58.272. The court may not reduce, waive, or suspend the additional penalty unless the court finds the offender to be indigent. If a court authorized community restitution program for offenders is available, the court shall allow offenders to offset all or a part of the penalty due under this subsection 11.31.120.D.4 by participation in the court authorized community restitution program. Revenue from this additional penalty shall be remitted and distributed according to RCW 46.63.110(8).

Section 8. Section 11.34.020 of the Seattle Municipal Code, last amended by Ordinance 124950, is amended as follows:

**11.34.020 Penalties for criminal offenses**

\* \* \*

C. In addition to any other penalties imposed for conviction of a violation of this Title 11 that is a crime, the court shall impose an additional penalty of \$50. The court may not reduce, waive, or suspend the additional penalty unless the court finds the offender to be indigent. If a community restitution program for offenders is available, the court shall allow offenders to offset all or a part of the penalty due under this Section 11.34.020 by participation in the community restitution program. Revenue from this additional penalty shall be remitted and distributed according to RCW 46.64.055.

Section 9. Section 11.40.240 of the Seattle Municipal Code, last amended by Ordinance 115323, is amended as follows:

**11.40.240 Walking in roadway**

Where sidewalks are not provided ~~((any))~~ or are inaccessible, a pedestrian walking or otherwise moving along and upon a street shall ~~((, when practicable, move only))~~:

A. When shoulders are provided and are accessible, walk on the ~~((left side of the roadway or its))~~ shoulder ~~((facing traffic which may approach from the opposite direction and))~~ of the roadway as far as is practicable from the edge of the roadway, facing traffic when a shoulder is available in this direction; or

B. When shoulders are not provided or are inaccessible, walk as near as is practicable to the outside edge of the roadway facing traffic, and when practicable, move clear of the roadway upon meeting an oncoming vehicle ~~((shall move clear of the roadway))~~.

Section 10. Section 11.44.020 of the Seattle Municipal Code, enacted by Ordinance 108200, is amended as follows:

**11.44.020 Rights and duties of rider~~((s))~~**

Every person operating a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to a driver of a vehicle except as to the special regulations of this ~~((chapter and except as to))~~ Chapter 11.44, those provisions of this ~~((subtitle which))~~ Subtitle I that by their nature can have no application, and as provided in Section 11.50.320. ~~((RCW 46.61.755))~~

Section 11. Section 11.44.040 of the Seattle Municipal Code, enacted by Ordinance 108200, is amended as follows:

**11.44.040 Riding on roadways((;))**

A. Every person operating a bicycle upon a roadway at a speed slower than the normal and reasonable flow of motor vehicle traffic thereon shall ride as near to the right side of the right through lane as is safe, except ~~((as may be appropriate while))~~:

1. While preparing to make or while making turning movements ~~((, or while))~~ at an intersection or into a private road or driveway;

2. When approaching an intersection where right turns are permitted and there is a dedicated right turn lane, in which case a person may operate a bicycle in this lane even if the operator does not intend to turn right;

3. While overtaking and passing another bicycle or vehicle proceeding in the same direction; and

4. When reasonably necessary to avoid unsafe conditions including, but not limited to, fixed or moving objects, parked or moving vehicles, bicyclists, pedestrians, animals, and surface hazards.

B. A person operating a bicycle upon a roadway that carries traffic in one ~~((1))~~ direction only and that has two ~~((2))~~ or more marked traffic lanes may ride as near to the left side of the left through lane as is safe.

C. A person operating a bicycle upon a roadway may utilize the shoulder of the roadway or any specially designated bicycle lane ~~((if such exists)). ~~((RCW 46.61.770(1)))~~~~

D. When the operator of a bicycle is using the travel lane of a roadway with only one lane for traffic moving in the direction of travel and it is wide enough for a bicyclist and a vehicle to travel safely side-by-side within it, the bicycle operator shall operate far enough to the right to facilitate the movement of an overtaking vehicle unless other conditions make it unsafe to do so or unless the bicyclist is preparing to make a turning movement or while making a turning movement.

Section 12. Section 11.50.320 of the Seattle Municipal Code, enacted by Ordinance 108200, is amended



as follows:

**11.50.320 Stop intersections((;))**

A. Every driver of a vehicle approaching a stop sign shall stop except as provided in subsection 11.50.320.C at a marked stop line, or if none, before entering a marked crosswalk on the near side of the intersection or((;)) if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway, unless directed to proceed by a person duly authorized to regulate traffic.

B. Before entering the intersection, and after having stopped, the driver shall yield the right-of-way to any vehicle which is in the intersection or which is approaching on another roadway so closely as to constitute an immediate hazard during the time when such driver is moving across or within the intersection or junction of roadways. (((RCW 46.61.190(2) and 46.61.360(2)) (RCW 47.36.110)))

C.

1. With the exception of subsection 11.50.320.C.2 and subsection 11.50.320.C.3, a person operating a bicycle approaching a stop sign shall follow the requirements for approaching either a stop sign as specified in subsection 11.50.320.A or a yield sign as specified in Section 11.50.340.

2. A person operating a bicycle approaching a stop sign located at a highway grade crossing of a railroad must follow the requirements of Section 11.50.260.

3. A person operating a bicycle approaching a "stop" signal in use by a school bus, as required under Section 11.82.520, must follow the requirements of Section 11.53.440.

D. When the right-of-way has not been yielded in accordance with this Section 11.50.320 to a vehicle that is a vulnerable user of a public way, a driver of a motor vehicle found to be in violation of Section 11.50.320 must be assessed an additional fine equal to the base penalty assessed under Section 11.31.120. This fine may not be waived, reduced, or suspended, unless the court finds the offender to be indigent, and shall be collected by the clerk of the court and transmitted to the state for deposit into the vulnerable roadway user

education account created in RCW 46.61.145.

Section 13. Section 11.50.340 of the Seattle Municipal Code, enacted by Ordinance 108200, is amended as follows:

**11.50.340 Yield signs((:))**

A. The driver of a vehicle approaching a yield sign shall slow down to a speed ~~((which is))~~ reasonable for the existing conditions and if required for safety to stop, shall stop at a marked stop line, ~~((or))~~ but if none, before entering a marked crosswalk on the near side of the intersection~~((;))~~ or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. Before entering the roadway, after slowing or stopping, the driver shall yield the right-of-way to any vehicle in the intersection, or to any vehicle which is approaching on another roadway so closely as to constitute an immediate hazard of collision. If a driver is involved in a collision with a vehicle in the intersection or junction of roadways, after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of ~~((his))~~ the driver's failure to yield the right-of-way. ~~((RCW 46.61.190(3)) (Note: See 47.36.100 for another statute.-)))~~

B. When the right-of-way has not been yielded in accordance with subsection 11.50.340.A to a vehicle that is a vulnerable user of a public way, a driver of a motor vehicle found to be in violation of subsection 11.50.340.A must be assessed an additional fine equal to the base penalty assessed under Section 11.31.120. This fine may not be waived, reduced, or suspended, unless the court finds the offender to be indigent, and shall be collected by the clerk of the court and transmitted to the state for deposit into the vulnerable roadway user education account created in RCW 46.61.145.

Section 14. Section 11.53.100 of the Seattle Municipal Code, enacted by Ordinance 108200, is amended as follows:

**11.53.100 Operate in single lane((:))**

A. Every vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be

moved from such lane until the driver has first ascertained that such movement can be made with safety. ((  
(RCW 46.61.140(1))))

B. The operator of a commercial motor vehicle as defined in RCW 46.25.010 may, with due regard for all other traffic, deviate from the lane in which the operator is driving to the extent necessary to approach and drive through a circular intersection.

Section 15. Section 11.53.120 of the Seattle Municipal Code, enacted by Ordinance 108200, is amended as follows:

**11.53.120 Interval between vehicles((-))**

A. The driver of a motor vehicle shall not follow another vehicle or bicycle more closely than is reasonable and prudent, having due regard for the speed of such vehicles or bicycles and the traffic upon and the condition of the street or alley. (((RCW 46.61.145(1))))

B. When the vehicle being followed is a vulnerable user of a public way, a driver of a motor vehicle found to be in violation of subsection 11.53.120.A must be assessed an additional fine equal to the base penalty assessed under Section 11.31.120. This fine may not be waived, reduced, or suspended, unless the court finds the offender to be indigent, and shall be collected by the clerk of the court and transmitted to the state for deposit into the vulnerable roadway user education account created in RCW 46.61.145.

Section 16. Section 11.53.140 of the Seattle Municipal Code, enacted by Ordinance 108200, is amended as follows:

**11.53.140 Interval between trucks((-))**

A. The driver of any motor truck or motor vehicle drawing another vehicle when traveling upon a roadway outside of a business or residence district and which is following another motor truck or motor vehicle drawing another vehicle shall, whenever conditions permit, leave sufficient space so that an overtaking vehicle may enter and occupy such space without danger, except that this shall not prevent a motor truck or motor vehicle drawing another vehicle from overtaking and passing any like vehicle or other vehicle. (((RCW

~~46.61.145(2))))~~

B. When the vehicle being followed is a vulnerable user of a public way, a driver of a motor vehicle found to be in violation of subsection 11.53.140.A must be assessed an additional fine equal to the base penalty assessed under Section 11.31.120. This fine may not be waived, reduced, or suspended, unless the court finds the offender to be indigent, and shall be collected by the clerk of the court and transmitted to the state for deposit into the vulnerable roadway user education account created in RCW 46.61.145.

Section 17. Section 11.53.200 of the Seattle Municipal Code, last amended by Ordinance 122742, is amended as follows:

**11.53.200 Overtaking other traffic on the left((-))**

A. The operator of a vehicle overtaking other traffic proceeding in the same direction shall pass to the left of such overtaken vehicle at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken traffic. (((RCW 46.61.110(1))))

B. When the vehicle being overtaken is a motorcycle, motor-driven cycle, or moped, a driver of a motor vehicle found to be in violation of subsection 11.53.200.A must be assessed an additional fine equal to the base penalty assessed under Section 11.31.120. This fine may not be waived, reduced, or suspended, unless the court finds the offender to be indigent, and shall be collected by the clerk of the court and transmitted to the state for deposit into the vulnerable roadway user education account created in RCW 46.61.145.

Section 18. Section 11.53.205 of the Seattle Municipal Code, enacted by Ordinance 122742, is amended as follows:

**11.53.205 Overtaking a pedestrian or bicycle((-))**

A. The operator of a vehicle approaching an individual who is travelling as a pedestrian or on a bicycle ~~((that))~~, riding an animal, or using a farm tractor or implement of husbandry without an enclosed shell, and who is ((on)) travelling in the right lane of a roadway or on the right-hand shoulder or bicycle lane of the roadway, shall ~~((pass to the left at a safe distance to clearly avoid coming into contact with the pedestrian or~~

~~bicyclist and shall not again drive to the right side of the roadway until safely clear of the overtaken pedestrian or bicyclist. (RCW 46.61.110(2)))) :~~

1. On a roadway with two lanes or more for traffic moving in the direction of travel, before passing and until safely clear of the individual, move completely into a lane to the left of the right lane when it is safe to do so;

2. On a roadway with only one lane for traffic moving in the direction of travel:

a. When there is sufficient room to the left of the individual in the lane for traffic moving in the direction of travel, before passing and until safely clear of the individual:

i. Reduce speed to a safe speed for passing relative to the speed of the individual;  
and

ii. Pass at a safe distance, where practicable of at least 3 feet, to clearly avoid coming into contact with the individual or the individual's vehicle or animal; or

b. When there is insufficient room to the left of the individual in the lane for traffic moving in the direction of travel to comply with subsection 11.53.205A.2.a, before passing and until safely clear of the individual, move completely into the lane for traffic moving in the opposite direction when it is safe to do so and in compliance with Sections 11.53.210, 11.53.240, 11.53.260, 11.53.280, 11.53.290 and 11.53.300.

B. A driver of a motor vehicle found to be in violation of subsection 11.53.205.A must be assessed an additional fine equal to the base penalty assessed under Section 11.31.120. This fine may not be waived, reduced, or suspended, unless the court finds the offender to be indigent, and shall be collected by the clerk of the court and transmitted to the state for deposit into the vulnerable roadway user education account created in RCW 46.61.145.

Section 19. Section 11.55.010 of the Seattle Municipal Code, enacted by Ordinance 108200, is amended as follows:

**11.55.010 Right-of-way of vehicles approaching an intersection((-))**

A. When two ((2)) vehicles approach or enter an uncontrolled intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right. ((RCW 46.61.180))

B. When the vehicle on the right approaching an intersection is a vulnerable user of a public way, a driver of a motor vehicle found to be in violation of subsection 11.55.010.A must be assessed an additional fine equal to the base penalty assessed under Section 11.31.120. This fine may not be waived, reduced, or suspended, unless the court finds the offender to be indigent, and shall be collected by the clerk of the court and transmitted to the state for deposit into the vulnerable roadway user education account created in RCW 46.61.145.

Section 20. Section 11.55.080 of the Seattle Municipal Code, enacted by Ordinance 108200, is amended as follows:

**11.55.080 Right-of-way on making a left turn((-))**

A. The operator of a vehicle intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction which is so close as to constitute an immediate hazard. ((RCW 46.61.185))

B. When the vehicle approaching from the opposite direction is a vulnerable user of a public way, a driver of a motor vehicle found to be in violation of subsection 11.55.080.A must be assessed an additional fine equal to the base penalty assessed under Section 11.31.120. This fine may not be waived, reduced, or suspended, unless the court finds the offender to be indigent, and shall be collected by the clerk of the court and transmitted to the state for deposit into the vulnerable roadway user education account created in RCW 46.61.145.

Section 21. Section 11.56.025 of the Seattle Municipal Code, last amended by Ordinance 125344, is amended as follows:

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

A.

1. A person who is convicted of a violation of subsection 11.56.020.A or 11.56.020.B who has no prior offense within seven years and whose alcohol concentration was less than 0.15, or for any reason other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration, shall be punished by imprisonment for not less than 24 consecutive hours nor more than 364 days and by a fine of not less than \$350 and not more than \$5,000. In lieu of the mandatory minimum term of imprisonment required under this subsection 11.56.025A.1, the court, in its discretion, may order not less than 15 days of electronic home monitoring or a 90-day period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390. The court may consider the offender's pretrial 24/7 sobriety program monitoring as fulfilling a portion of posttrial sentencing.

2. A person who is convicted of a violation of subsection 11.56.020.A or 11.56.020.B who has no prior offense within seven years and whose alcohol concentration was 0.15 or more, or who refused to take a test offered pursuant to RCW 46.20.308, shall be punished by imprisonment for not less than ~~((two))~~ 48 consecutive ~~((days))~~ hours nor more than 364 days and a fine of not less than \$500 nor more than \$5,000. In lieu of the mandatory minimum term of imprisonment required under this subsection 11.56.025.A.2, the court, in its discretion, may order not less than 30 days of electronic home monitoring or a 120-day period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390. The court may consider the offender's pretrial 24/7 sobriety program monitoring as fulfilling a portion of posttrial sentencing.

B.

1. A person who is convicted of a violation of subsection 11.56.020.A or 11.56.020.B who has one prior offense within seven years and whose alcohol concentration was less than 0.15, or for any reason other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration, shall be punished by imprisonment for not less than 30 consecutive days nor more than 364 days, 60 days of electronic home monitoring, and a fine of not less than \$500 nor more than

\$5,000. ~~((H))~~ If the court makes the written findings and reason required under subsection 11.56.025.G, in lieu of the mandatory term of imprisonment and electronic home monitoring under this subsection 11.56.025.B.1, the court may order a minimum of ~~((four days in jail and))~~ either 180 days of electronic home monitoring or, if available in Seattle, a 120-day period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390. The court may consider the offender's pretrial 24/7 sobriety program monitoring as fulfilling a portion of the posttrial sentencing. The court shall order an expanded ~~((alcohol))~~ substance use disorder assessment and treatment, if deemed appropriate by the assessment.

2. A person who is convicted of a violation of subsection 11.56.020.A or 11.56.020.B who has one prior offense within seven years and whose alcohol concentration was 0.15 or more, or who refused to take a test offered pursuant to RCW 46.20.308, shall be punished by imprisonment for not less than 45 consecutive days nor more than 364 days, 90 days of electronic home monitoring, and a fine of not less than \$750 nor more than \$5,000. ~~((H))~~ If the court makes the written findings and reason required under subsection 11.56.025.G, in lieu of the mandatory minimum term of imprisonment and electronic home monitoring under this subsection 11.56.025.B.2, the court may order a minimum of ~~((six days in jail and))~~ either six months of electronic home monitoring or, if available in Seattle, a 120-day period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390. The court may consider the offender's pretrial 24/7 sobriety program monitoring as fulfilling a portion of posttrial sentencing. The court shall order an expanded ~~((alcohol))~~ substance use disorder assessment and treatment, if deemed appropriate by the assessment.

C.

1. A person who is convicted of a violation of subsection 11.56.020.A or 11.56.020.B who has two or more prior offenses within seven years and whose alcohol concentration was less than 0.15, or for any reason other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration, shall be punished by imprisonment for not less than 90 consecutive days nor more than 364 days, ~~((if available in Seattle, a six-month period of 24/7 sobriety program~~



~~monitoring pursuant to RCW 36.28A.300 through 36.28A.390,))~~ 120 days of electronic home monitoring, ~~((and~~  
~~))~~ a fine of not less than \$1,000 nor more than \$5,000, and, if available in Seattle, a six-month period of 24/7  
sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390. ~~((H))~~ If the court makes the  
written findings and reason required under subsection 11.56.025.G, in lieu of the mandatory minimum term of  
~~((120 days of))~~ imprisonment and electronic home monitoring under this subsection 11.56.025.C.1, the court  
may order ~~((at least an additional eight days in jail))~~ 360 days of electronic home monitoring or a 360-day  
period of 24/7 sobriety monitoring pursuant to RCW 36.28A.300 through 36.28A.390. The court shall order an  
expanded ~~((alcohol))~~ substance use disorder assessment and treatment, if deemed appropriate by the  
assessment.

2. A person who is convicted of a violation of subsection 11.56.020.A or 11.56.020.B who has  
two or more prior offenses within seven years and whose alcohol concentration was 0.15 or more, or who  
refused to take a test offered pursuant to RCW 46.20.308, shall be punished by imprisonment for not less than  
120 consecutive days nor more than 364 days, ~~((if available in Seattle, a six-month period of 24/7 sobriety~~  
~~program monitoring pursuant to RCW 36.28A.300 through 36.28A.390,))~~ 150 days of electronic home  
monitoring, ~~((and))~~ a fine of not less than \$1,500 nor more than \$5,000, and, if available in Seattle, a six-month  
period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390. ~~((H))~~ If the  
court makes the written findings and reason required under subsection 11.56.025.G, in lieu of the mandatory  
minimum term of ~~((150 days of))~~ imprisonment and electronic home monitoring under this subsection  
11.56.025.C.2, the court may order ~~((at least an additional 10 days in jail))~~ 360 days of electronic home  
monitoring or a 360-day period of 24/7 sobriety monitoring pursuant to RCW 36.28A.300 through 36.28A.390.  
The court shall order an expanded ~~((alcohol))~~ substance use disorder assessment and treatment, if deemed  
appropriate by the assessment.

D. "Prior offense," "treatment" and "within seven ~~((7))~~ years" have the same meaning as in RCW  
46.61.5055.

E. If a person convicted of a violation of ~~((Subsection))~~ subsection 11.56.020.A or subsection 11.56.020.B committed the offense while ~~((a passenger))~~ one or more passengers under the age of ~~((sixteen-))~~ 16(( )) years ~~((was))~~ were in the vehicle, the court shall:

1. ~~((order))~~ Order the use of an ignition interlock or other device under RCW 46.20.720 for an additional ~~((six-(6)))~~ 12 months for each passenger under the age of 16 when the defendant is subject to the penalties under subsection 11.56.025.A.1, subsection 11.56.025.B.1, or subsection 11.56.025.C.1; and order the use of an ignition interlock device for an additional 18 months for each passenger under the age of 16 when the defendant is subject to the penalties under subsection 11.56.025.A.2, subsection 11.56.025.B.2, or subsection 11.56.025.C.2;

2. ~~((in))~~ In any case in which the person has no prior offenses within seven ~~((7))~~ years, order an additional ~~((twenty-four-))~~ 24(( )) hours of imprisonment to be served consecutively for each passenger under the age of 16, and a fine of not less than ~~((One Thousand Dollars-))~~ \$1,000(( )) and not more than ~~((Five Thousand Dollars-))~~ \$5,000(( )) for each passenger under the age of 16. One Thousand Dollars ~~(((\$1,000)))~~ of the fine for each passenger under the age of 16 may not be suspended unless the court finds the ~~((person))~~ offender to be indigent;

3. ~~((in))~~ In any case in which the person has one ~~((1))~~ prior offense within seven ~~((7))~~ years, order an additional five ~~((5))~~ days of imprisonment to be served consecutively for each passenger under the age of 16, and a fine of not less than ~~((Two Thousand Dollars-))~~ \$2,000(( )) and not more than ~~((Five Thousand Dollars-))~~ \$5,000(( )) for each passenger under the age of 16. ~~((One Thousand Dollars-))~~ \$1,000(( )) of the fine for each passenger under the age of 16 may not be suspended unless the court finds the ~~((person))~~ offender to be indigent;

4. ~~((in))~~ In any case in which the person has two ~~((2))~~ or more prior offenses within seven ~~((7))~~ years, order an additional ten ~~((10))~~ days of imprisonment to be served consecutively for each passenger under the age of 16, and a fine of not less than ~~((Three Thousand Dollars-))~~ \$3,000(( )) and not more than ~~((Ten~~

~~Thousand Dollars -))~~ \$10,000~~(( ))~~ for each passenger under the age of 16. ~~((One Thousand Dollars -))~~ \$1,000~~(( ))~~ of the fine for each passenger under the age of 16 may not be suspended unless the court finds the ~~((person))~~ offender to be indigent.

\* \* \*

G. Unless the judge finds the ~~((person))~~ offender to be indigent, the mandatory minimum fine ~~((shall))~~ may not be suspended. The mandatory minimum jail sentence imposed under subsection 11.56.025.A.1 or subsection 11.56.025.A.2 may not be suspended. ~~((Neither the))~~ The mandatory minimum jail sentence ~~((nor))~~ and the mandatory minimum period of electronic home monitoring ~~((shall))~~ imposed under subsection 11.56.025.B.1, subsection 11.56.025.B.2, subsection 11.56.025.C.1, or subsection 11.56.025.C.2 may not be suspended or converted unless the offender shows and the judge finds that the imposition of this sentence will pose a substantial risk to the ~~((defendant's))~~ offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or converted, the judge must state, in writing, the reason for granting the suspension or conversion and the facts upon which the suspension or conversion is based. Whenever the court sentences an offender to a period of electronic home monitoring, the court may also require the offender's home electronic monitoring device ~~((or other separate alcohol monitoring device))~~ to include an alcohol detection breathalyzer or other separate alcohol monitoring device and may restrict the amount of alcohol the offender may consume during the period of electronic home monitoring. The cost of electronic home monitoring shall be paid for by the offender and determined by the City. In exercising its discretion is setting penalties within the limits allowed by this ~~((section))~~ Section 11.56.025, 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, ~~((whether the person's license, permit or privilege to drive was suspended, revoked, denied or in probationary status at the time of the offense, whether the person was in compliance with Section 11.20.340 at the time of the offense and))~~ whether the person was driving or in actual physical control of a vehicle with one ~~((1))~~ or more passengers at the time of the offense, whether the ~~((driver))~~ person was driving in the opposite direction of the

normal flow of traffic on a multiple lane highway, as defined by RCW 46.04.350, with a posted speed limit of ((~~forty-five~~))45((~~))~~) miles per hour or greater((~~;~~)) , and whether a child passenger under the age of ((~~sixteen~~-(~~))~~))16((~~))~~) was an occupant in the ((~~driver's~~)) person's vehicle.

H. A person convicted of a violation of ((~~Subsection~~)) subsection 11.56.020.A or subsection 11.56.020.B ((~~of this section~~)) is subject to the ((~~alcohol~~)) substance use disorder assessment and treatment provisions of RCW 46.61.5056.

\* \* \*

Section 22. Section 11.56.050 of the Seattle Municipal Code, enacted by Ordinance 125253, is amended as follows:

**11.56.050 Emergency response caused by person's intoxication-Recovery of costs from convicted person**

A. A person whose intoxication causes an incident resulting in an appropriate emergency response, and who, in connection with the incident, has been found guilty of or has had their prosecution deferred for driving while under the influence of intoxicating liquor or any drug under Section 11.56.020, physical control of a motor vehicle while under the influence of intoxicating liquor or any drug under Section 11.56.020, or operating a vessel while under the influence of alcohol or drugs under Section 16.20.110 is liable for the expense of an emergency response by a public agency to the incident.

B. The expense of an emergency response is a charge against the person liable for expenses under this Section 11.56.050. The charge constitutes a debt of that person and is collectible by the public agency incurring those costs in the same manner as in the case of an obligation under a contract, expressed or implied. Following a conviction of an offense listed in subsection 11.56.050.A, and prior to sentencing, the prosecution may present to the court information setting forth the expenses incurred by the public agency for its emergency response to the incident. Upon a finding by the court that the expenses are reasonable, the court shall order the defendant to reimburse the public agency. The cost reimbursement shall be included in the sentencing order as an additional monetary obligation of the defendant and may not be substituted for any other fine or cost

required or allowed by ordinance or statute. The court may establish a payment schedule for the payment of the cost reimbursement, separate from any payment schedule imposed for other fines and costs. All payments for the cost reimbursement must be remitted directly to the public agency or agencies that incurred the cost associated with the emergency response.

\* \* \*

Section 23. Section 11.56.120 of the Seattle Municipal Code, last amended by Ordinance 115757, is amended as follows:

**11.56.120 Reckless driving(( ))**

\* \* \*

D. A person convicted of reckless driving who has one or more prior offenses as defined in RCW 46.61.5055 within seven years shall be required, under RCW 46.20.720, to install an ignition interlock device on all vehicles operated by the person if the conviction is the result of a charge that was originally filed as a violation of subsection 11.56.020.A or 11.56.020.B.

Section 24. Section 11.56.350 of the Seattle Municipal Code, last amended by Ordinance 124950, is amended as follows:

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

A. No person whose driving record includes a notation, pursuant to RCW 46.20.740, that the person may operate only a motor vehicle equipped with ~~((an))~~ a functioning ignition interlock device shall operate a motor vehicle that is not so equipped, unless the notation resulted from a restriction imposed as a condition of release and the restriction has been released by the court prior to driving. Violation of this ~~((Section))~~ subsection 11.56.350.A is a gross misdemeanor.

B. Any time a person is convicted under subsection 11.56.350.A, the court shall immediately notify the Washington Department of Licensing for purposes of RCW 46.20.720(3)(e).

C. Any sentence imposed for a violation of ~~((Subsection))~~ subsection 11.56.350.A shall be served consecutively with any sentence imposed under ~~((Subsection))~~ subsection 11.56.020.A, ~~((Subsection))~~ subsection 11.56.020.B, ~~((Subsection))~~ subsection 11.56.025, or Section 11.56.355. ~~((RCW 46.20.740))~~

Section 25. Section 11.56.355 of the Seattle Municipal Code, last amended by Ordinance 124950, is amended as follows:

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

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

1. ~~((tamper))~~ Tamper with the device or any components of the device, or otherwise interfere with the proper functionality of the device, by modifying, detaching, disconnecting, or otherwise disabling it to allow the restricted driver to operate the vehicle;

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

3. ~~((have))~~ Have, direct, authorize, or request another person to tamper with the device or any components of the device, or otherwise interfere with the proper functionality of the device, by modifying, detaching, disconnecting, or otherwise disabling it to allow the restricted driver to operate the vehicle; or

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

B. No person shall knowingly assist another person who is restricted to the use of a vehicle equipped with an ignition interlock device to circumvent the device or any components of the device, or otherwise interfere with the proper functionality of the device, or to start and operate such a vehicle ~~((regarding such device))~~.

\* \* \*

F. Any time a person is convicted under subsection 11.56.355.A, the court shall immediately notify the Washington Department of Licensing for purposes of RCW 46.20.720(3)(e).

G. Any sentence imposed for a violation of ~~((Subsection))~~ subsection 11.56.355.A shall be served consecutively with any sentence imposed under ~~((Subsection))~~ subsection 11.56.020.A, ~~((Subsection))~~ subsection 11.56.020.B, Section 11.56.025, or Section 11.56.350. ~~((RCW 46.20.750)))~~

Section 26. Section 11.58.005 of the Seattle Municipal Code, last amended by Ordinance 124302, is amended as follows:

**11.58.005 Operating motor vehicle in a negligent manner-Penalty~~((:))~~**

A.

1. A person is guilty of negligent driving in the first degree if he or she operates a motor vehicle in a manner that is both negligent and endangers or is likely to endanger any person or property, and exhibits the effects of having consumed liquor, marijuana, or any drug or exhibits the effects of having inhaled or ingested any chemical, whether or not a legal substance, for its intoxicating or hallucinatory effects.

2. It is an affirmative defense to negligent driving in the first degree by means of exhibiting the effects of having consumed any drug, that must be proved by the defendant by a preponderance of the evidence, that the driver has a valid prescription for the drug consumed and has been consuming it according to the prescription directions and warnings.

3. Negligent driving in the first degree is a misdemeanor.

4. A person convicted of negligent driving in the first degree who has one or more prior offenses as defined in RCW 46.61.5055 within seven years shall be required, under RCW 46.20.720, to install an ignition interlock device on all vehicles operated by the person.

\* \* \*

C.

1. A person commits negligent driving in the second degree with a vulnerable user victim if, under circumstances not constituting negligent driving in the first degree, he or she operates a vehicle, as defined in Section 11.14.710, in a manner that is both negligent and endangers or is likely to endanger any

person or property, and he or she proximately causes the death, great bodily harm, or substantial bodily harm of a vulnerable user of a public way.

2. Negligent driving in the second degree with a vulnerable user victim is a traffic infraction and is subject to the penalties provided by (~~Washington Laws of 2011, chapter 372, section 1~~) RCW 46.61.526.

D. For the purposes of this (~~section~~) Section 11.58.005:

1. "Negligent" means the failure to exercise ordinary care, and is the doing of some act that a reasonably careful person would not do under the same or similar circumstances or the failure to do something that a reasonably careful person would do under the same or similar circumstances.

2. "Exhibiting the effects of having consumed liquor, marijuana or any drug" means that the person has the odor of liquor, marijuana, or any drug on his or her breath, or that by speech, manner, appearance, behavior, lack of coordination, or otherwise exhibits that he or she has consumed liquor, marijuana, or any drug, and either:

a. Is in possession of or in close proximity to a container that has or recently had liquor, marijuana, or any drug in it; or

b. Is shown by other evidence to have recently consumed liquor, marijuana, or any drug.

3. "Exhibiting the effects of having inhaled or ingested any chemical, whether or not a legal substance, for its intoxicating or hallucinatory effects" means that a person by speech, manner, appearance, behavior, or lack of coordination or otherwise exhibits that he or she has inhaled or ingested a chemical and either:

a. Is in possession of the canister or container from which the chemical came; or

b. Is shown by other evidence to have recently inhaled or ingested a chemical for its intoxicating or hallucinatory effects.

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



~~((5. "Vulnerable user of a public way" means a pedestrian, a person riding an animal or a person operating any of the following on a public way: a farm tractor or implement of husbandry, without an enclosed shell, a bicycle, an electric-assisted bicycle, an electric personal assistive mobility device, a moped, a motor-driven cycle, a motorized foot scooter or a motorecycle.))~~

\* \* \*

Section 27. Section 11.58.195 of the Seattle Municipal Code, last amended by Ordinance 122742, is amended as follows:

**11.58.195 Child passenger restraint required((:))**

A. Whenever a child who is less than ~~((sixteen-))~~16((+)) years of age is being transported in a motor vehicle that is in operation and that is required by RCW 46.37.510 to be equipped with a safety belt system in a passenger seating position, or is being transported in a neighborhood electric vehicle that is in operation, the driver of the vehicle shall keep the child properly restrained as follows:

1. ~~((A child must be restrained in a child restraint system, if the passenger seating position equipped with a safety belt system allows sufficient space for installation, until the child is eight (8) years old, unless the child is four feet nine inches (4' 9") or taller. The child restraint system must comply with standards of the United States department of transportation and must be secured in the vehicle in accordance with instructions of the vehicle manufacturer and the child restraint system manufacturer.~~

2. ~~A child who is eight (8) years of age or older or four feet nine inches (4' 9") or taller shall be properly restrained with the motor vehicle's safety belt properly adjusted and fastened around the child's body or an appropriately fitting child restraint system.~~

3.)) A child under the age of two years must be properly secured in a child restraint system that is rear-facing until the child reaches the weight or height limit of the child restraint system as set by the manufacturer. A child may continue to be properly secured in a child restraint system that is rear-facing until the child reaches the weight or height limit of the child restraint system as set by the manufacturer, as

recommended by the American Academy of Pediatrics.

2. A child who is not properly secured in a rear-facing child restraint system in accordance with subsection 11.58.195.A.1 and who is under the age of four years must be properly secured in a child restraint system that is forward-facing and has a harness until the child reaches the weight or height limit of the child restraint system as set by the manufacturer. A child may continue to be properly secured in a child restraint system that is forward-facing and has a harness until the child reaches the weight or height limit of the child restraint system as set by the manufacturer, as recommended by the American Academy of Pediatrics.

3. A child who is not properly secured in a child restraint system in accordance with section 11.58.195.A.1 or 11.58.195.A.2 and who is under 4 feet 9 inches tall must be properly secured in a child booster seat. A child may continue to be properly secured in a child booster seat until the vehicle lap and shoulder seat belts fit properly, typically when the child is between the ages of eight and 12 years of age, as recommended by the American Academy of Pediatrics, or must be properly secured with the motor vehicle's safety belt properly adjusted and fastened around the child's body.

4. The child restraint system used must comply with standards of the United States Department of Transportation and must be secured in the vehicle in accordance with instructions of the vehicle manufacturer and the child restraint system manufacturer.

5. The child booster seat used must comply with standards of the United States Department of Transportation and must be secured in the vehicle in accordance with instructions of the vehicle manufacturer and the child booster seat manufacturer to position a child to sit properly in a federally approved safety seat belt system.

6. The driver of a vehicle transporting a child who is under ~~((thirteen-))~~13(( )) years old shall transport the child in the back seat positions in the vehicle where it is practical to do so.

B. Enforcement of subsection ~~((A of this section))~~ 11.58.195.A is subject to a visual inspection by law enforcement to determine if the child restraint system in use is appropriate for the child's individual height,

weight, and age. The visual inspection for usage of a child restraint system must ensure that the child restraint system is being used in accordance with the instruction of the vehicle and the child restraint system manufacturers. ~~((The driver of a vehicle transporting a child who is under thirteen (13) years old shall transport the child in the back seat positions in the vehicle where it is practical to do so.))~~

C. A person violating subsection ~~((A of this section))~~ 11.58.195.A may be issued a notice of traffic infraction under Chapter 11.31. If the person to whom the notice was issued presents proof of acquisition of an approved child ~~((passenger))~~ restraint system or a child booster seat, as appropriate, within seven ~~((7))~~ days to the court and the person has not previously had a violation of this section or RCW 46.61.687 dismissed, the notice of traffic infraction shall be dismissed.

\* \* \*

E. This ~~((section))~~ Section 11.58.195 does not apply to for hire vehicles, vehicles designed to transport ~~((sixteen-))~~16~~((7))~~ or fewer passengers, including the driver, operated by auto transportation companies, as defined in RCW 81.68.010, vehicles providing customer shuttle service between parking, convention, and hotel facilities, and airport terminals, or school buses.

F. As used in this ~~((section, “child”))~~ Section 11.58.195:

1. “Child booster seat” is a type of child restraint system; a backless child restraint system or a belt positioning system is a child booster seat provided it meets the Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. Sec. 571.213.

2. “Child restraint system” means a child passenger restraint system that meets the Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. Sec. 571.213.

G. The requirements of subsection ~~((A of this section))~~ 11.58.195.A.3 do not apply in any seating position where there is only a lap belt available ~~((and the child weighs more than forty (40) pounds))~~. ~~((RCW 46.61.687))~~

Section 28. Section 11.58.230 of the Seattle Municipal Code, enacted by Ordinance 108200, is amended

as follows:

**11.58.230 Emerging from alley, driveway, private property, or building((:))**

A. Except as directed otherwise by official traffic-control devices, the driver of a vehicle emerging from any alley, driveway, private property, or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alley or driveway, or onto a public path, and shall yield the right-of-way to any pedestrian or bicyclist as may be necessary to avoid collision, and upon entering the roadway of a street shall yield the right-of-way to all vehicles approaching on the roadway. (((RCW 46.61.365)))

B. When the right-of-way has not been yielded in accordance with subsection 11.58.230.A to a vehicle that is a vulnerable user of a public way, a driver of a motor vehicle found to be in violation of subsection 11.58.230.A must be assessed an additional fine equal to the base penalty assessed under Section 11.31.120. This fine may not be waived, reduced, or suspended, unless the court finds the offender to be indigent, and shall be collected by the clerk of the court and transmitted to the state for deposit into the vulnerable roadway user education account created in RCW 46.61.145.

Section 29. Section 11.70.060 of the Seattle Municipal Code, enacted by Ordinance 108200, is amended as follows:

**11.70.060 Parallel parking-One (((H))) way street((:))**

No person shall stop, stand, or park a vehicle upon the left-hand side of a one (((H))) way street other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the wheels on the left side of the vehicle within (((twelve))) 12 inches (((12")) of the left constructed curb or with the wheels on the left side of the vehicle on a shoulder as provided in Section 11.70.080, except as otherwise provided in this (((chapter))) Chapter 11.70. (((RCW 46.61.575(2)))) This Section 11.70.060 does not apply to the parking of motorcycles.

Section 30. A new Section 11.70.070 is added to the Seattle Municipal Code as follows:

### 11.70.070 Motorcycle parking

A. Every motorcycle stopped or parked on a one way or two way street shall be so stopped or parked parallel or at an angle to the curb or edge of the highway with at least one wheel or fender within 12 inches of the curb nearest to which the motorcycle is parked or as close as practicable to the edge of the shoulder nearest to which the motorcycle is parked. A motorcycle may not be parked in such a manner that it extends into the roadway.

B. More than one motorcycle may occupy a parking space, provided that the parked motorcycles occupying the parking space do not exceed the boundaries of that parking space.

C. All motor vehicle parking laws and penalties for the unlawful parking of a motor vehicle apply to each motorcycle parked in a parking space when multiple motorcycles are parked in that space to the same extent that motor vehicle parking laws apply to a single motor vehicle when it is the sole motor vehicle parked in a parking space. When proof of payment is required to be displayed by each motor vehicle parking at a location, all motorcycles must display such proof of payment, even if more than one motorcycle is parked in the same parking space. However, parking spaces that are metered by the space may not require payment multiple times for the use of a single parking space by multiple motorcycles during the same period of time.

Section 31. Section 11.82.520 of the Seattle Municipal Code, last amended by Ordinance 122742, is amended as follows:

#### **11.82.520 Red lights on emergency vehicles, school buses, private carrier buses, police vehicles-Sirens on emergency vehicles-Driver's duty to yield and stop((-))**

\* \* \*

B. Every school bus and private carrier bus shall, in addition to any other equipment and distinctive markings required by this ~~((chapter))~~ Chapter 11.82, be equipped with a stop signal upon a background not less than ~~((fourteen-))14((9))~~ inches by ~~((eighteen))~~ 18 inches ~~((18"))~~ displaying the word "stop" in letters of distinctly contrasting colors not less than ~~((eight))~~ 5 9/10 inches ~~((8"))~~ high. Every school bus and private

carrier bus shall further be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, which shall be capable of displaying to the front two ~~((2))~~ alternately flashing red lights located at the same level and to the rear two ~~((2))~~ alternately flashing red lights located at the same level and these lights shall have sufficient intensity to be visible at ~~((five hundred))~~ 500 feet ~~((500'))~~ in normal sunlight.

\* \* \*

Section 32. Section 11.84.440 of the Seattle Municipal Code, last amended by Ordinance 123632, is amended as follows:

**11.84.440 ~~((Television viewers-))~~ Earphones~~(( ))~~**

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

~~B.))~~ No person shall operate any motor vehicle on a public highway while wearing any headset or earphones connected to any electronic device capable of receiving a radio broadcast or playing a sound recording for the purpose of transmitting a sound to the human auditory senses and which headset or earphones muffle or exclude other sounds. This subsection 11.84.440.A does not apply to students and instructors participating in a Washington state motorcycle safety program.

~~((C.))~~ B. This ~~((section))~~ Section 11.84.440 does not apply to authorized emergency vehicles, motorcyclists wearing a helmet with built-in headsets or earphones as approved by the Washington state patrol, or motorists using hands-free, wireless communications systems, as approved by the equipment section of the Washington state patrol. ~~((RCW 46.37.480))~~

Section 33. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 2021, and signed by  
me in open session in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

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

Approved /returned unsigned / vetoed / this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Jenny A. Durkan, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Monica Martinez Simmons, City Clerk

(Seal)