

**CITY OF SEATTLE**  
**ORDINANCE** 127056  
COUNCIL BILL 120806

AN ORDINANCE relating to street racing; adding the crime of racing; adding the traffic infraction of vehicle participation in unlawful racing; adding the civil infraction of attendance at an unlawful race event; adding a new Section 11.58.440 to the Seattle Municipal Code; adding a new Section 12A.12.050 to, and amending Sections 11.20.230, 11.31.020, 11.31.121, 11.56.120, and 12A.09.020 of, the Seattle Municipal Code; declaring an emergency; and establishing an immediate effective date; all by a 3/4 vote of the City Council.

WHEREAS, racing of motor vehicles in an illegal and unsanctioned manner on public streets endangers the safety of pedestrians, cyclists, and other motorists; and

WHEREAS, aggressive driving and illegal street racing generate excessive noise which negatively impacts the health and quality of life of Seattle residents and visitors; and

WHEREAS, carbon emissions, tire particles, and other toxic pollutants produced in excess by illegal racing are harmful to human health and the natural environment of Seattle; and

WHEREAS, expanding civilian enforcement authority for non-criminal infractions, including those related to illegal racing, to city departments beyond the Seattle Police Department could provide additional deterrence for harmful behavior, improve community outcomes, and increase the effectiveness of these prohibitions; and

WHEREAS, effective enforcement of laws against dangerous and illegal motor vehicle racing is necessary to address the permissive environment that allows crime to occur in Seattle;

NOW, THEREFORE,

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

Section 1. The City finds and declares:



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

13           Section 3. Section 11.31.020 of the Seattle Municipal Code, last amended by Ordinance  
14 124950, is amended as follows:

15 **11.31.020 Notice of traffic infraction – Issuance**

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

17                   1. when the infraction is committed in the officer's presence;  
18                   2. if an officer investigating at the scene of a motor vehicle accident has  
19 reasonable cause to believe that the driver of a motor vehicle involved in the accident has  
20 committed a traffic infraction; (~~(or)~~)

21                   3. when a violation of Section 11.50.140, 11.50.150, 11.52.040, or 11.52.100 is  
22 detected through the use of an automated traffic safety camera as authorized pursuant to RCW  
23 46.63.170 and Section 11.50.570(~~(-)~~) ; or



1           ~~((B. No person or persons may race any motor vehicle or motor vehicles upon any street,~~  
2 ~~alley or way open to the public of the City.~~

3           ~~C. Any person or persons who wilfully compare or contest relative speeds by operation of~~  
4 ~~one or more motor vehicles is guilty of reckless driving, whether or not such speed is in excess~~  
5 ~~of the maximum speed prescribed by law; provided however, that any comparison or contest of~~  
6 ~~the accuracy with which motor vehicles may be operated in terms of relative speeds not in excess~~  
7 ~~of the posted maximum speed does not constitute reckless driving.))~~

8           ~~((D))~~ B. A person convicted of reckless driving who has one or more prior offenses as  
9 defined in RCW 46.61.5055 within seven years shall be required, under RCW 46.20.720, to  
10 install an ignition interlock device on all vehicles operated by the person if the conviction is the  
11 result of a charge that was originally filed as a violation of subsection 11.56.020.A or  
12 11.56.020.B.

13           Section 6. A new Section 11.58.440 is added to the Seattle Municipal Code as follows:

14 **11.58.440 Vehicle participation in unlawful racing**

15           A. Any registered owner of a vehicle used in connection with an unlawful race event has  
16 committed the infraction of vehicle participation in unlawful racing.

17           B. As used in this Section 11.58.440, “unlawful race event” means an event on a street,  
18 alley, way open to the public, or off-street facility wherein persons willfully: (1) compare or  
19 contest relative speeds by operation of one or more motor vehicles, or (2) demonstrate, exhibit,  
20 or compare speed, maneuverability, or the power of one or more motor vehicles, in a straight or  
21 curved direction, in a circular direction, around corners, or in circles in an activity commonly  
22 referred to as “drifting,” or by breaking traction.

1 C. Violations of this Section 11.58.440 may be detected by the Seattle Police Department  
2 using video evidence. “Seattle Police Department video evidence” means cameras installed in or  
3 on police vehicles, body worn video, or any other video evidence obtained by the Seattle Police  
4 Department. “Seattle Police Department video evidence” excludes automated traffic safety  
5 cameras of Section 11.50.570.

6 D. The registered owner of a vehicle is responsible for a violation of this Section  
7 11.58.440, unless the registered owner overcomes the presumption in subsection 11.58.440.H, or  
8 in the case of a rental car business, satisfies the conditions under subsection 11.58.440.G. If  
9 appropriate under the circumstances, a renter is responsible for the violation.

10 E. A notice of infraction must be mailed to the registered owner of the vehicle within 14  
11 days of the violation, or to the renter of a vehicle within 14 days of establishing the renter's name  
12 and address under subsection 11.58.440.G.1. The law enforcement officer issuing the notice of  
13 infraction shall include a certificate or facsimile of the notice, based upon inspection of Seattle  
14 Police Department video evidence, stating the facts supporting the notice of infraction. This  
15 certificate or facsimile is prima facie evidence of the facts contained in it and is admissible in a  
16 proceeding charging a violation under this Section 11.58.440. Seattle Police Department video  
17 evidence supporting the violation must be available for inspection and admission into evidence  
18 in a proceeding to adjudicate the liability for the infraction. A person receiving a notice of  
19 infraction based on Seattle Police Department video evidence may respond to the notice by mail.

20 F. Notwithstanding any other provision of law, all photographs, microphotographs, or  
21 electronic images prepared under this Section 11.58.440 are for the exclusive use of law  
22 enforcement in the discharge of duties under this Section 11.58.440.

1 G. If the registered owner of the vehicle is a rental car business, the law enforcement  
2 agency shall, before a notice of infraction is issued under this Section 11.58.440, provide a  
3 written notice to the rental car business that a notice of infraction may be issued to the rental car  
4 business if the rental car business does not, within 18 days of receiving the written notice,  
5 provide to the issuing agency by return mail:

6 1. A statement under oath stating the name and known mailing address of the  
7 individual driving or renting the vehicle when the infraction occurred;

8 2. A statement under oath that the business is unable to determine who was  
9 driving or renting the vehicle at the time the infraction occurred because the vehicle was stolen at  
10 the time of the infraction. A statement provided under this subsection must be accompanied by a  
11 copy of a filed police report regarding the vehicle theft; or

12 3. Payment of the applicable penalty in lieu of identifying the vehicle operator.

13 Timely mailing of a statement under this subsection 11.58.440.G to the issuing law  
14 enforcement agency relieves a rental car business of any liability under this Section 11.58.440  
15 for the notice of infraction.

16 H. If the registered owner of the vehicle is not a rental car business, the recipient of a  
17 notice of infraction is not liable for the infraction if the recipient demonstrates, by a  
18 preponderance of the evidence, that the recipient was not the registered owner of the vehicle, or  
19 that the vehicle was stolen, at the time of the offense.

20 I. Violation of this Section 11.58.440 is a traffic infraction, which shall be assessed a  
21 penalty of \$500 upon first infraction, excluding any costs, fees, or assessments. A second  
22 violation shall be assessed a penalty of \$800, excluding any costs, fees, or assessments. Third  
23 and subsequent violations shall be assessed a penalty of \$1,500 per violation, excluding any

1 costs, fees, or assessments. Penalties under this Section 11.58.440 may not be waived or  
2 remitted. The infraction, if detected through the use of Seattle Police Department video evidence,  
3 is not part of the registered owner’s driving record and shall be processed in the same manner as  
4 parking infractions.

5 Section 7. A new Section 12A.12.050 is added to the Seattle Municipal Code as follows:

6 **12A.12.050 Attendance at an unlawful race event**

7 A. No person shall attend an unlawful race event. Attendance at an unlawful race event  
8 consists of:

- 9 1. Actual or constructive knowledge of being in attendance of an unlawful race  
10 event;
- 11 2. Actual or constructive knowledge that an unlawful race event is occurring;
- 12 3. Intent to observe or support or encourage the unlawful race event; and,
- 13 4. Failure to leave the area of an unlawful race event, if instructed to do so by  
14 peace officer.

15 B. As used in this Section 12A.12.050, “unlawful race event” shall have the same  
16 meaning as defined in Seattle Municipal Code Section 11.58.440.

17 C. Violation of this Section 12A.12.050 is a civil infraction, which shall be assessed a  
18 penalty of \$100. The \$100 penalty may not be waived or remitted.

19 Section 8. Section 12A.09.020 of the Seattle Municipal Code, last amended by Ordinance  
20 126896, is amended as follows:

21 **12A.09.020 Adoption of RCW sections**

22 The following RCW sections as amended are adopted by reference:

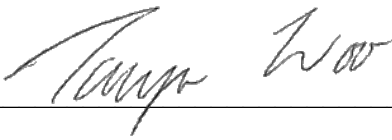
23 \* \* \*






1 Section 9. By reason of the findings set out in Section 1, and the emergency that is hereby  
2 declared to exist, this ordinance shall become effective immediately upon its passage by a 3/4  
3 vote of the City Council and its approval by the Mayor, as provided by Article 4, subsection 1.I  
4 of the Charter of the City.


5 Passed by a 3/4 vote of all the members of the City Council the 16th day of  
6 July, 2024, and signed by me in open session in authentication of its  
7 passage this 16th day of July, 2024.

8   
9 \_\_\_\_\_  
President Pro Tem of the City Council

Approved /  returned unsigned /  vetoed this 18th day of July, 2024.

10   
11 \_\_\_\_\_  
Bruce A. Harrell, Mayor

12 Filed by me this 18th day of July, 2024.

13   
14 \_\_\_\_\_  
Scheereen Dedman, City Clerk

15 (Seal)