



Legislation Text

File #: CB 120799, Version: 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to street racing; adding the crime of racing; adding the traffic infraction of vehicle participation in unlawful racing; adding a new Section 11.58.440 to the Seattle Municipal Code; and amending Sections 11.20.230, 11.31.020, 11.31.121, 11.56.120, and 12A.09.020 of the Seattle Municipal Code.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 11.20.230 of the Seattle Municipal Code, last amended by Ordinance 126517, is amended as follows:

11.20.230 Ignition interlock device authorized

* * *

B. Subject to the exception and waiver provisions of subsection 11.56.025.L, the court shall order a person convicted under 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 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~~) 11.56.120.B 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.

Section 2. Section 11.31.020 of the Seattle Municipal Code, last amended by Ordinance 124950, is amended as follows:

11.31.020 Notice of traffic infraction - Issuance

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

- 1. when the infraction is committed in the officer’s presence;
- 2. if an officer investigating at the scene of a motor vehicle accident has reasonable cause to

believe that the driver of a motor vehicle involved in the accident has committed a traffic infraction; ((~~or~~))

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

- 4. if an officer is investigating a violation of Section 11.58.440.

* * *

Section 3. Section 11.31.121 of the Seattle Municipal Code, last amended by Ordinance 126892, is amended as follows:

11.31.121 Monetary penalties - Parking infractions

The base monetary penalty for violation of each of the numbered provisions of the Seattle Municipal Code listed in the following table is as shown, unless and until the penalty shown below for a particular parking infraction is modified by Local Rule of the Seattle Municipal Court adopted pursuant to the Infraction Rules for Courts of Limited Jurisdiction (“IRLJ”) or successor rules to the IRLJ:

Municipal Code reference	Parking infraction and other violations short description	Base penalty amount
* * *		
11.53.230	HIGH OCUPANCY VEHICLE LANE VIOLATION CAMERA VIOLATION	\$75

11.58.440	VEHICLE PARTICIPATION IN UNLAWFUL RACING	\$500
* * *		

Section 4. Section 11.56.120 of the Seattle Municipal Code, last amended by Ordinance 126517, is amended as follows:

11.56.120 Reckless driving

A. Any person who drives any vehicle in the City in wilful or wanton disregard for the safety of persons or property is guilty of reckless driving.

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

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

~~((D))~~B. 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 5. A new Section 11.58.440 is added to the Seattle Municipal Code as follows:

11.58.440 Vehicle participation in unlawful racing

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

B. As used in this Section 11.58.440, “unlawful race event” means an event on a street, alley, way open

to the public, or off-street facility wherein persons willfully: (1) compare or contest relative speeds by operation of one or more motor vehicles, or (2) demonstrate, exhibit, or compare speed, maneuverability, or the power of one or more motor vehicles, in a straight or curved direction, in a circular direction, around corners, or in circles in an activity commonly referred to as “drifting,” or by breaking traction.

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

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

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

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

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

1. A statement under oath stating the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred;
2. A statement under oath that the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred because the vehicle was stolen at the time of the infraction. A statement provided under this subsection must be accompanied by a copy of a filed police report regarding the vehicle theft; or
3. Payment of the applicable penalty in lieu of identifying the vehicle operator.

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

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

I. Violation of this Section 11.58.440 is a traffic infraction, which shall be assessed a penalty of \$500, excluding any costs, fees, or assessments. The \$500 penalty may not be waived or remitted. The infraction, if detected through the use of Seattle Police Department video evidence, is not part of the registered owner's driving record and shall be processed in the same manner as parking infractions.

Section 6. Section 12A.09.020 of the Seattle Municipal Code, last amended by Ordinance 126896, is amended as follows:

12A.09.020 Adoption of RCW sections

The following RCW sections as amended are adopted by reference:

* * *

43.43.754's crime of refusal to provide DNA

46.04.1641 - Drifting

46.04.367 - Off-street facility

46.61.530 - Racing of vehicles on highways - Reckless driving - Exception

46.61.748 - Racing - Impoundment

* * *

Section 7. This ordinance shall take effect as provided by Seattle Municipal Code Sections 1.04.020 and 1.04.070.

Passed by the City Council the _____ day of _____, 2024, and signed by me in open session in authentication of its passage this _____ day of _____, 2024.

President _____ of the City Council

Approved / returned unsigned / vetoed this _____ day of _____, 2024.

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2024.

Scheereen Dedman, City Clerk

(Seal)