

Section 1. Section 23, chapter 37, Laws of 1980 and RCW 82.08.... are each amended to read as follows:

The tax levied by RCW 82.08.020 shall not apply to sales of:

(1) Motor vehicle fuel used in aircraft by the manufacturer thereof for research, development, and testing purposes; and ~~((sales of))~~

(2) Motor vehicle and special fuel if:

(a) The fuel is purchased for the purpose of public transportation and the purchaser is entitled to a refund or an exemption under RCW 82.36.275 or 82.38.080(8); or

(b) The fuel is taxable under chapter 82.36 or 82.38 RCW~~((PROVIDED, That the use of any such fuel upon which a refund of the motor vehicle fuel tax has been obtained shall be subject to the tax imposed by chapter 82.12 RCW)).~~

Sec. 2. Section 56, chapter 37, Laws of 1980 and RCW 82.12.... are each amended to read as follows:

The provisions of this chapter shall not apply in respect to the use of:

(1) Motor vehicle fuel used in aircraft by the manufacturer thereof for research, development, and testing purposes; and

(2) Motor vehicle and special fuel if:

(a) The fuel is used for the purpose of public transportation and the purchaser is entitled to a refund or an exemption under RCW 82.36.275 or 82.38.080(8); or

(b) The fuel is taxable under chapter 82.36 or 82.38 RCW: PROVIDED, That the use of ((such)) motor vehicle and special fuel upon which a refund of the ((motor vehicle)) applicable fuel tax is obtained shall not be exempt under this subsection (2)(b), and the director of licensing shall deduct from the amount of such tax to be refunded the amount of tax due under this chapter and remit the same each month to the department of revenue.

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## CHAPTER 148

[House Bill No. 1406]

### MOTOR VEHICLE OFFENSES—CODE CORRECTIONS

AN ACT Relating to motor vehicle offenses; reenacting and amending section 9, chapter 29, Laws of 1971 ex. sess. as last amended by section 43, chapter 136, Laws of 1979 ex. sess. and by section 10, chapter 182, Laws of 1979 ex. sess. and RCW 46.10.090; reenacting section 19, chapter 29, Laws of 1971 ex. sess. as last amended by section 44, chapter 136, Laws of 1979 ex. sess. and by section 14, chapter 182, Laws of 1979 ex. sess. and RCW 46.10.190; reenacting section 2, chapter 27, Laws of 1969 as amended by section 1, chapter 74, Laws of 1979 ex. sess. and by section 62, chapter 136, Laws of 1979 ex. sess. and

RCW 46.20.342; reenacting section 46.52.110, chapter 12, Laws of 1961 as last amended by section 82, chapter 136, Laws of 1979 ex. sess. and by section 11, chapter 178, Laws of 1979 ex. sess. and RCW 46.52.110; reenacting section 35.20.090, chapter 7, Laws of 1965 as last amended by section 8, chapter 135, Laws of 1979 ex. sess. and by section 24, chapter 136, Laws of 1979 ex. sess. and RCW 35.20.090; amending section 2, chapter 136, Laws of 1979 ex. sess. and RCW 46.63.020; amending section 1, chapter 198, Laws of 1969 ex. sess. as amended by section 1, chapter 28, Laws of 1979 ex. sess. and RCW 10.31.100; repealing section 4, chapter 67, Laws of 1921, section 3, chapter 143, Laws of 1923, section 105, chapter 136, Laws of 1979 ex. sess. and RCW 76.04.480; declaring an emergency; and providing effective dates.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 9, chapter 29, Laws of 1971 ex. sess. as last amended by section 43, chapter 136, Laws of 1979 ex. sess. and by section 10, chapter 182, Laws of 1979 ex. sess. and RCW 46.10.090 are each reenacted and amended to read as follows:

- (1) It is a traffic infraction for any person to operate any snowmobile:
  - (a) At a rate of speed greater than reasonable and prudent under the existing conditions.
  - (b) In a manner so as to endanger the property of another.
  - (c) Without a lighted headlight and taillight between the hours of dusk and dawn, or when otherwise required for the safety of others.
  - (d) Without an adequate braking device which may be operated either by hand or foot.
  - (e) Without an adequate and operating muffling device which shall effectively blend the exhaust and motor noise in such a manner so as to preclude excessive or unusual noise, and, ~~((a))~~ (i) on snowmobiles manufactured on or before January 4, 1973, which shall effectively limit such noise at a level of eighty-six decibels, or below, on the "A" scale at fifty feet, and ~~((b))~~ (ii) on snowmobiles manufactured after January 4, 1973, which shall effectively limit such noise at a level of eighty-two decibels, or below, on the "A" scale at fifty feet, and ~~((c))~~ (iii) on snowmobiles manufactured after January 1, 1975, which shall effectively limit such noise at a level of seventy-eight decibels, or below, as measured on the "A" scale at a distance of fifty feet, under testing procedures as established by the department of ecology; except snowmobiles used in organized racing events in an area designated for that purpose may use a bypass or cutout device. This section shall not affect the power of the department of ecology to adopt noise performance standards for snowmobiles. Noise performance standards adopted or to be adopted by the department of ecology shall be in addition to the standards contained in this section, but the department's standards shall supersede this section to the extent of any inconsistency.
  - (f) Upon the paved portion or upon the shoulder or inside bank or slope of any public roadway or highway, or upon the median of any divided highway, except as provided in RCW 46.10.100 and 46.10.110.
  - (g) In any area or in such a manner so as to expose the underlying soil or vegetation, or to injure, damage, or destroy trees or growing crops.

(h) Without a current registration decal affixed thereon, if not exempted under RCW 46.10.030 as now or hereafter amended.

(2) It is a misdemeanor for any person to operate any snowmobile so as to endanger the person of another or while under the influence of intoxicating liquor or narcotics or habit-forming drugs.

Sec. 2. Section 19, chapter 29, Laws of 1971 ex. sess. as last amended by section 44, chapter 136, Laws of 1979 ex. sess. and by section 14, chapter 182, Laws of 1979 ex. sess. and RCW 46.10.190 are each reenacted to read as follows:

(1) Except as provided in RCW 46.10.090(2) and 46.10.130, any violation of the provisions of this chapter is a traffic infraction: PROVIDED, That the penalty for failing to display a valid registration decal under RCW 46.10.090 as now or hereafter amended shall be a fine of twenty-five dollars and sixty percent of such fine shall be remitted to the state treasurer for deposit in the snowmobile account in the general fund to be expended for snowmobile purposes as provided in this chapter and forty percent remitted to the general fund of the local government.

(2) In addition to the penalties provided in subsection (1) of this section, the operator and/or the owner of any snowmobile used with the permission of the owner shall be liable for three times the amount of any damage to trees, shrubs, growing crops, or other property injured as the result of travel by such snowmobile over the property involved.

Sec. 3. Section 2, chapter 27, Laws of 1969 as amended by section 1, chapter 74, Laws of 1979 ex. sess. and by section 62, chapter 136, Laws of 1979 ex. sess. and RCW 46.20.342 are each reenacted to read as follows:

(1) Any person who drives a motor vehicle on any public highway of this state at a time when his privilege so to do is suspended or revoked in this or any other state or when his policy of insurance or bond, when required under this chapter, shall have been canceled or terminated, shall be guilty of a misdemeanor: PROVIDED, That the offenses described in RCW 46.20.021 and 46.20.190, as now or hereafter amended, are lesser included offenses within the offense described by this section. Upon the first conviction therefor, he shall be punished by imprisonment for not less than ten days nor more than six months. Upon the second such conviction therefor, he shall be punished by imprisonment for not less than ninety days nor more than one year. Upon the third such conviction therefor, he shall be punished by imprisonment for one year. There may also be imposed in connection with each such conviction a fine of not more than five hundred dollars.

(2) The department upon receiving a record of conviction of any person or upon receiving an order by any juvenile court or any duly authorized court officer of the conviction of any juvenile under this section upon a charge of driving a vehicle while the license of such person is under suspension shall extend the period of such suspension for an additional like period

and if the conviction was upon a charge of driving while a license was revoked the department shall not issue a new license for an additional period of one year from and after the date such person would otherwise have been entitled to apply for a new license.

Sec. 4. Section 46.52.110, chapter 12, Laws of 1961 as last amended by section 82, chapter 136, Laws of 1979 ex. sess. and by section 11, chapter 178, Laws of 1979 ex. sess. and RCW 46.52.110 are each reenacted to read as follows:

It shall be the duty of the sheriff of every county, the chief of police or chief police officer of every incorporated city and town of this state, constables, and members of the Washington state patrol 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 sheriff, chief of police, or other chief police officer to whom such motor vehicle was reported as stolen is a traffic infraction.

Upon receipt of such information the chief of the Washington state patrol shall enter the information in a "stolen vehicle index." He shall also enter any reports of vehicles stolen in other states and reported to him as such. It shall be the duty of the chief of the Washington state patrol to keep a record of all vehicles reported to him as recovered.

Such information shall be provided by the chief of the Washington state patrol for the use of the director of licensing as will permit the director to check the motor or serial number set forth in any application for certificate of ownership or certificate of license registration against such "stolen vehicle index" and no such certificates shall be issued upon any vehicle recorded as stolen and the director shall immediately inform the chief of the Washington state patrol of any application upon any such vehicle.

It shall be the duty of the sheriff of every county, the chief of police or chief police officer of each incorporated city and town, members of the Washington state patrol, and constables to report to the chief of the Washington state patrol all vehicles or vehicle hulks found abandoned on a public highway or at any other place and the same shall thereafter, at the direction of such law enforcement officer, be disposed of as provided in this chapter.

NEW SECTION. Sec. 5. Section 4, chapter 67, Laws of 1921, section 3, chapter 143, Laws of 1923, section 105, chapter 136, Laws of 1979 ex. sess. and RCW 76.04.480 are each repealed.

Sec. 6. Section 35.20.090, chapter 7, Laws of 1965 as last amended by section 8, chapter 135, Laws of 1979 ex. sess. and by section 24, chapter

136, Laws of 1979 ex. sess. and RCW 35.20.090 are each reenacted to read as follows:

In all civil cases and criminal cases where jurisdiction is concurrent with district courts as provided in RCW 35.20.250, within the jurisdiction of the municipal court, the plaintiff or defendant may demand a jury, which shall consist of six citizens of the state who shall be impaneled and sworn as in cases before district courts, or the trial may be by a judge of the municipal court: PROVIDED, That no jury trial may be held on a proceeding involving a traffic infraction. A defendant requesting a jury shall pay to the court a fee which shall be the same as that for a jury in justice court. Where there is more than one defendant in an action and one or more of them requests a jury, only one jury fee shall be collected by the court. Each juror may receive up to twenty-five dollars but in no case less than ten dollars for each day in attendance upon the municipal court, and in addition thereto shall receive mileage at the rate determined under RCW 43.03.060: PROVIDED, That the compensation paid jurors shall be determined by the legislative authority of the city and shall be uniformly applied. Trial by jury shall be allowed in criminal cases involving violations of city ordinances commencing January 1, 1972, unless such incorporated city affected by this chapter has made provision therefor prior to January 1, 1972.

Sec. 7. Section 2, chapter 136, Laws of 1979 ex. sess. and RCW 46.63-.020 are each amended to read as follows:

Failure to perform any act required or the performance of any act prohibited by this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution relating to traffic including parking, standing, stopping, and pedestrian offenses, is designated as a traffic infraction and may not be classified as a criminal offense, except for an offense contained in the following provisions of this title or a violation of an equivalent administrative regulation or local law, ordinance, regulation, or resolution:

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

(2) RCW 46.09.130 relating to operation of nonhighway vehicles;

(3) RCW 46.10.090(2) relating to the operation of a snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs or in a manner endangering the person of another;

(4) RCW 46.10.130 relating to the operation of snowmobiles;

(5) Chapter 46.12 RCW relating to certificates of ownership and registration;

(6) RCW 46.20.021 relating to driving without a valid driver's license;

(7) RCW 46.20.336 relating to the unlawful possession and use of a driver's license;

(8) RCW 46.20.342 relating to driving with a suspended or revoked license;

(9) RCW 46.20.410 relating to the violation of restrictions of an occupational driver's license;

(10) RCW 46.20.420 relating to the operation of a motor vehicle with a suspended or revoked license;

(11) Chapter 46.29 RCW relating to financial responsibility;

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

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

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

(15) RCW 46.52.090 relating to reports by repairmen, storagemen, and appraisers;

(16) RCW 46.52.100 relating to driving under the influence of liquor or drugs;

(17) RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company and an employer;

(18) RCW 46.61.015 relating to obedience to police officers, flagmen, or firefighters;

(19) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;

(20) RCW 46.61.022 relating to failure to stop and give identification to an officer;

(21) RCW 46.61.500 relating to reckless driving;

(22) RCW (~~46.61.506 and 46.61.515~~) 46.61.502 and 46.61.504 relating to persons under the influence of intoxicating liquor or drugs;

(23) RCW 46.61.520 relating to negligent homicide by motor vehicle;

(24) RCW 46.61.525 relating to negligent driving;

(25) RCW 46.61.530 relating to racing of vehicles on highways;

(26) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;

(27) RCW 46.64.020 relating to nonappearance after a written promise;

(28) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;

(29) Chapter 46.65 RCW relating to habitual traffic offenders;

(30) Chapter 46.70 RCW relating to unfair motor vehicle business practices, except where that chapter provides for the assessment of monetary penalties of a civil nature;

(31) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;

(32) Chapter 46.80 RCW relating to motor vehicle wreckers;

(33) Chapter 46.83 RCW relating to driver's training schools.

Sec. 8. Section 1, chapter 198, Laws of 1969 ex. sess. as amended by section 1, chapter 28, Laws of 1979 ex. sess. and RCW 10.31.100 are each amended to read as follows:

A police officer having probable cause to believe that a person has committed or is committing a felony shall have the authority to arrest the person without a warrant. A police officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of the officer, except as provided in subsections (1) through (3) of this section.

(1) Any police officer having probable cause to believe that a person has committed or is committing a misdemeanor or gross misdemeanor, involving physical harm or threats of harm to any person or property or the unlawful taking of property or involving the use or possession of cannabis shall have the authority to arrest the person.

(2) Any police officer having probable cause to believe that a person has committed or is committing a violation of any of the following traffic laws shall have the authority to arrest the person:

(a) RCW 46.52.010, relating to duty on striking an unattended car or other property;

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

(c) RCW 46.61.500 or 46.61.530, relating to reckless driving or racing of vehicles;

(d) RCW (~~46.61.506~~) 46.61.502 or 46.61.504, relating to persons under the influence of intoxicating liquor or drugs;

(e) RCW 46.61.525, relating to operating a motor vehicle in a negligent manner.

(3) A law enforcement officer investigating at the scene of a motor vehicle accident may arrest the driver of a motor vehicle involved in the accident if the officer has probable cause to believe that the driver has committed in connection with the accident a violation of any traffic law or regulation.

(4) Except as specifically provided in subsections (2) and (3) of this section, nothing in this section extends or otherwise affects the powers of arrest prescribed in Title 46 RCW.

NEW SECTION. Sec. 9. Sections 1 through 7 of this 1980 act shall take effect January 1, 1981. Section 8 of this 1980 act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing institutions, and shall take effect immediately.

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