

of the offense to which the defendant pleaded guilty may have the consequences for the defendant of deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States, the court, on defendant's motion, shall vacate the judgment and permit the defendant to withdraw the plea of guilty and enter a plea of not guilty. Absent a written acknowledgement by the defendant of the advisement required by this subsection, the defendant shall be presumed not to have received the required advisement.

(3) With respect to pleas accepted prior to September 1, 1983, it is not the intent of the legislature that a defendant's failure to receive the advisement required by subsection (2) of this section should require the vacation of judgment and withdrawal of the plea or constitute grounds for finding a prior conviction invalid.

NEW SECTION. Sec. 2. The office of the administrator for the courts shall notify all courts of the requirements contained in section 1 of this act. The judicial council shall recommend to the supreme court appropriate court rules to ensure compliance with the requirements of section 1 of this act. Until court rules are promulgated, the office of the administrator for the courts shall develop and distribute forms necessary for the courts to comply with section 1 of this act.

NEW SECTION. Sec. 3. Section 1 of this act shall take effect on September 1, 1983.

Passed the House March 30, 1983.

Passed the Senate April 18, 1983.

Approved by the Governor May 16, 1983.

Filed in Office of Secretary of State May 16, 1983.

CHAPTER 200

[Engrossed Substitute House Bill No. 546]

WHEELCHAIR CONVEYANCES—REGULATIONS

AN ACT Relating to vehicles for handicapped persons; adding a new section to chapter 46.04 RCW; adding a new section to chapter 46.16 RCW; adding a new section to chapter 46.20 RCW; adding a new section to chapter 46.37 RCW; adding a new section to chapter 46.61 RCW; adding a new section to chapter 82.44 RCW; prescribing penalties; and declaring an emergency.

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

NEW SECTION. Sec. 1. There is added to chapter 46.04 RCW a new section to read as follows:

"Wheelchair conveyance" means any vehicle specially manufactured or designed for the transportation of a physically or medically impaired wheelchair-bound person. The vehicle may be a separate vehicle used in lieu of a wheelchair or a separate vehicle used for transporting the impaired person while occupying a wheelchair. The vehicle shall be equipped with a

propulsion device capable of propelling the vehicle within a speed range established by the commission on equipment. The commission may approve and define as a wheelchair conveyance, a vehicle that fails to meet these specific criteria but is essentially similar in performance and application to vehicles that do meet these specific criteria.

NEW SECTION. Sec. 2. There is added to chapter 46.16 RCW a new section to read as follows:

Wheelchair conveyances that are incapable of complying with RCW 46.37.340 shall be licensed in the manner provided for mopeds in RCW 46.16.630.

NEW SECTION. Sec. 3. There is added to chapter 46.20 RCW a new section to read as follows:

Each operator of a wheelchair conveyance shall undergo a special examination conducted for the purpose of determining whether that person can properly and safely operate the conveyance on public roadways within a specified area. An operator's license issued after the special examination may specify the route, area, time, or other restrictions that are necessary to ensure the safety of the operator as well as the general motoring public. The department shall adopt rules for periodic review of the performance of operators of wheelchair conveyances. Operation of a wheelchair conveyance in violation of these rules is a traffic infraction.

NEW SECTION. Sec. 4. There is added to chapter 46.37 RCW a new section to read as follows:

The commission on equipment shall adopt rules for wheelchair conveyance safety standards. Operation of a wheelchair conveyance that is in violation of these standards is a traffic infraction.

NEW SECTION. Sec. 5. There is added to chapter 46.61 RCW a new section to read as follows:

(1) No person may operate a wheelchair conveyance on any public roadway with a posted speed limit in excess of thirty-five miles per hour.

(2) No person other than a wheelchair-bound person may operate a wheelchair conveyance on a public roadway.

(3) Every wheelchair-bound person operating a wheelchair conveyance upon a roadway is granted all the rights and is subject to all the duties applicable to the driver of a vehicle by this chapter, except those provisions that by their nature can have no application.

(4) A violation of this section is a traffic infraction.

NEW SECTION. Sec. 6. There is added to chapter 82.44 RCW a new section to read as follows:

For purposes of this chapter, fair market value shall exclude value attributable to modifications of a motor vehicle and equipment, other than standard or optional equipment provided by the manufacturer of the motor

vehicle, that are designed to facilitate the use or operation of the motor vehicle by a handicapped person.

NEW SECTION. Sec. 7. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 8. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House March 24, 1983.

Passed the Senate April 18, 1983.

Approved by the Governor May 16, 1983.

Filed in Office of Secretary of State May 16, 1983.

CHAPTER 201

[Engrossed House Bill No. 643]

CREDITOR CLAIMS AGAINST AN ESTATE—STATUTE OF LIMITATIONS

AN ACT Relating to service and filing liability and casualty insurance claims; amending section 3, chapter 106, Laws of 1967 ex. sess. and RCW 11.40.011; and creating a new section.

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

Sec. 1. Section 3, chapter 106, Laws of 1967 ex. sess. and RCW 11.40.011 are each amended to read as follows:

The four-month time limitation for serving and filing of claims shall not accrue to the benefit of any liability or casualty insurer as to claims against the deceased and/or the marital community of which the deceased was a member and such claims, subject to applicable statutes of limitation, may at any time (~~within eighteen months after the date of the first publication of notice to creditors~~) be:

(1) Served on the personal representative, or the attorney for the estate; or

(2) If the personal representative shall have been discharged, then the claimant as a creditor may cause a new personal representative to be appointed and the estate to be reopened in which case service may be had upon the new personal representative or his attorney of record.

Claims may be served and filed as herein provided, notwithstanding the conclusion of any probate proceedings: PROVIDED, That the amount of recovery under such claims shall not exceed the amount of applicable insurance coverages and proceeds: AND PROVIDED FURTHER, That such claims so served and filed shall not constitute a cloud or lien upon the title to the assets of the estate under probate nor delay or prevent the conclusion