

CHAPTER 94

[House Bill No. 2461]

EMERGENCY VEHICLE LIGHTING AND EQUIPMENT—SALES PROHIBITION

AN ACT Relating to emergency vehicle lighting and equipment; adding a new section to chapter 46.37 RCW; and creating a new section.

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

NEW SECTION. Sec. 1. The legislature declares that public agencies should not engage in activity that leads or abets a person to engage in conduct that is not lawful. The legislature finds that some public agencies sell emergency vehicle lighting equipment at public auctions to persons who may not lawfully use the equipment. The legislature further finds that this practice misleads well-intentioned citizens and also benefits malevolent individuals.

NEW SECTION. Sec. 2. A new section is added to chapter 46.37 RCW to read as follows:

A public agency shall not sell or give emergency vehicle lighting equipment or other equipment to a person who may not lawfully operate the lighting equipment or other equipment on the public streets and highways.

Passed the House February 12, 1990.

Passed the Senate February 28, 1990.

Approved by the Governor March 19, 1990.

Filed in Office of Secretary of State March 19, 1990.

CHAPTER 95

[Senate Bill No. 6606]

MOTOR VEHICLE WINDOW TINTING

AN ACT Relating to the exemptions and penalties for tinting or coloring of motor vehicle windows; amending RCW 46.37.430; reenacting and amending RCW 46.63.020; adding a new section to chapter 46.37 RCW; and prescribing penalties.

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

Sec. 1. Section 46.37.430, chapter 12, Laws of 1961 as last amended by section 1, chapter 210, Laws of 1989 and RCW 46.37.430 are each amended to read as follows:

(1) No person may sell any new motor vehicle as specified in this title, nor may any new motor vehicle as specified in this title be registered unless such vehicle is equipped with safety glazing material of a type ~~((approved by the state patrol wherever glazing material is used in doors, windows, and windshields))~~ that meets or exceeds federal standards, or if there are none, standards approved by the Washington state patrol. The foregoing provisions apply to all passenger-type motor vehicles, including passenger buses

and school buses, but in respect to trucks, including truck tractors, the requirements as to safety glazing material apply to all glazing material used in doors, windows, and windshields in the drivers' compartments of such vehicles except as provided by subsection (4) of this section.

(2) The term "safety glazing materials" means glazing materials so constructed, treated, or combined with other materials as to reduce substantially, in comparison with ordinary sheet glass or plate glass, the likelihood of injury to persons by objects from exterior sources or by these safety glazing materials when they may be cracked or broken.

(3) The director of licensing shall not register any motor vehicle which is subject to the provisions of this section unless it is equipped with an approved type of safety glazing material, and he or she shall suspend the registration of any motor vehicle so subject to this section which ~~((he))~~ the director finds is not so equipped until it is made to conform to the requirements of this section.

(4) No person may sell or offer for sale, nor may any person operate a motor vehicle registered in this state which is equipped with, any camper manufactured after May 23, 1969, unless such camper is equipped with safety glazing material of a type conforming to rules adopted by the state patrol wherever glazing materials are used in outside windows and doors.

(5) No ~~((tinting))~~ film sunscreening or coloring material that reduces light transmittance to any degree may be applied to the surface of the safety glazing material in a motor vehicle unless it meets the following standards for such material:

(a) The maximum level of film sunscreening material to be applied to ~~((windshields and))~~ any window~~((s))~~, except the windshield, shall have a total reflectance of thirty-five percent or less, plus or minus three percent, and a light transmission of thirty-five percent or more, plus or minus three percent, when measured ~~((in conjunction with the safety glazing material))~~ against clear glass and where the vehicle is equipped with outside rearview mirrors on both the right and left. Installation of more than a single sheet of film sunscreening material to any window is prohibited. The same maximum levels of film sunscreen material may be applied to windows to the immediate right and left of the driver on limousines and passenger buses used to transport persons for compensation and vehicles identified by the manufacturer as multi-use, multipurpose, or other similar designation. All windows to the rear of the driver on such vehicles may have film sunscreening material applied that has less than thirty-five percent light transmittance, if the light reflectance is thirty-five percent or less and the vehicle is equipped with outside rearview mirrors on both the right and left. Manufacturers of film sunscreening material shall provide a label to affix to the vehicle indicating the percentage light transmittance and light reflectance of the film and it shall be affixed by the installer to the area immediately below the federal vehicle identification number sticker on the driver's side striker post.

All vehicles equipped with film sunscreening material are required, on and after January 1, 1991, to meet the labeling requirements in this section. The label shall meet standards adopted by the state patrol.

(b) ~~((This section shall permit))~~ A greater degree of light reduction is permitted on all windows and the top six inches of windshields of a vehicle operated by or carrying as a passenger a person who possesses a written verification from a licensed physician that the operator or passenger must be protected from exposure to sunlight for physical or medical reasons.

(c) ~~Windshield application. ((The application of sunscreening material is restricted to))~~ A greater degree of light reduction is permitted on the top six-inch area of a vehicle's windshield. Clear film sunscreening material that reduces or eliminates ultraviolet light may be applied to windshields.

(d) ~~((F))~~ When film sunscreening material is applied to ((the rear-view)) any window except the windshield, outside mirrors on both the left and right sides shall be located so as to reflect to the driver a view of the roadway, through each mirror, a distance of at least two hundred feet to the rear of the vehicle.

(e) The following types ~~((of colors))~~ of film sunscreening material are not permitted:

- (i) Mirror finish products;
- (ii) Red, gold, yellow, or black material; or
- (iii) Film sunscreening material that is in liquid preapplication form and brushed or sprayed on.

Nothing in this section prohibits the use of shaded or heat-absorbing safety glazing material in which the shading or heat-absorbing characteristics have been applied at the time of manufacture of the safety glazing material and which meet federal standards and the standards of the state patrol for such safety glazing materials.

(6) It is a ~~((misdemeanor))~~ traffic infraction for any person to operate a vehicle for use on the public highways of this state, if the vehicle is equipped with ~~((tinting))~~ film sunscreening or coloring material in violation of this section.

(7) ~~((Limousines and passenger buses used to transport persons for compensation are exempt from the requirements of this section))~~ Owners of vehicles with film sunscreening material applied to windows to the rear of the driver, prior to the effective date of this act, must comply with the requirements of this section and section 2 of this act by July 1, 1993.

NEW SECTION. Sec. 2. A new section is added to chapter 46.37 RCW to read as follows:

From the effective date of this act, a person who installs safety glazing or film sunscreening material in violation of RCW 46.37.430 is guilty of unlawful installation of safety glazing or film sunscreening materials. Unlawful installation is a misdemeanor.

Sec. 3. Section 20, chapter 111, Laws of 1989, section 27, chapter 178, Laws of 1989, and section 8, chapter 353, Laws of 1989 and RCW 46.63-.020 are each reenacted and 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 46.16.010 relating to initial registration of motor vehicles;
- (7) RCW 46.16.011 relating to permitting unauthorized persons to drive;
- (8) RCW 46.16.160 relating to vehicle trip permits;
- (9) RCW 46.16.381(8) relating to unauthorized acquisition of a special decal, license plate, or card for disabled persons' parking;
- (10) RCW 46.20.021 relating to driving without a valid driver's license;
- (11) RCW 46.20.336 relating to the unlawful possession and use of a driver's license;
- (12) RCW 46.20.342 relating to driving with a suspended or revoked license;
- (13) RCW 46.20.410 relating to the violation of restrictions of an occupational driver's license;
- (14) RCW 46.20.416 relating to driving while in a suspended or revoked status;
- (15) RCW 46.20.420 relating to the operation of a motor vehicle with a suspended or revoked license;
- (16) RCW 46.20.750 relating to assisting another person to start a vehicle equipped with an ignition interlock device;
- (17) RCW 46.25.170 relating to commercial driver's licenses;
- (18) Chapter 46.29 RCW relating to financial responsibility;

(19) RCW 46.30.040 relating to providing false evidence of financial responsibility;

(20) Section 2 of this act relating to wrongful installation of sunscreening material;

(21) RCW 46.44.180 relating to operation of mobile home pilot vehicles;

~~((21))~~ (22) RCW 46.48.175 relating to the transportation of dangerous articles;

~~((22))~~ (23) RCW 46.52.010 relating to duty on striking an unattended car or other property;

~~((23))~~ (24) RCW 46.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle;

~~((24))~~ (25) RCW 46.52.090 relating to reports by repairmen, storage men, and appraisers;

~~((25))~~ (26) RCW 46.52.100 relating to driving under the influence of liquor or drugs;

~~((26))~~ (27) RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company, an employer, and an alcohol/drug assessment or treatment agency;

~~((27))~~ (28) RCW 46.55.020 relating to engaging in the activities of a registered tow truck operator without a registration certificate;

~~((28))~~ (29) RCW 46.55.035 relating to prohibited practices by tow truck operators;

~~((29))~~ (30) RCW 46.61.015 relating to obedience to police officers, flagmen, or fire fighters;

~~((30))~~ (31) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;

~~((31))~~ (32) RCW 46.61.022 relating to failure to stop and give identification to an officer;

~~((32))~~ (33) RCW 46.61.024 relating to attempting to elude pursuing police vehicles;

~~((33))~~ (34) RCW 46.61.500 relating to reckless driving;

~~((34))~~ (35) RCW 46.61.502 and 46.61.504 relating to persons under the influence of intoxicating liquor or drugs;

~~((35))~~ (36) RCW 46.61.520 relating to vehicular homicide by motor vehicle;

~~((36))~~ (37) RCW 46.61.522 relating to vehicular assault;

~~((37))~~ (38) RCW 46.61.525 relating to negligent driving;

~~((38))~~ (39) RCW 46.61.530 relating to racing of vehicles on highways;

~~((39))~~ (40) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;

~~((40))~~ (41) RCW 46.64.010 relating to unlawful cancellation of or attempt to cancel a traffic citation;

~~((41))~~ (42) RCW 46.64.020 relating to nonappearance after a written promise;

~~((42))~~ (43) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;

~~((43))~~ (44) Chapter 46.65 RCW relating to habitual traffic offenders;

~~((44))~~ (45) 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;

~~((45))~~ (46) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;

~~((46))~~ (47) Chapter 46.80 RCW relating to motor vehicle wreckers;

~~((47))~~ (48) Chapter 46.82 RCW relating to driver's training schools;

~~((48))~~ (49) RCW 46.87.260 relating to alteration or forgery of a cab card, letter of authority, or other temporary authority issued under chapter 46.87 RCW;

~~((49))~~ (50) RCW 46.87.290 relating to operation of an unregistered or unlicensed vehicle under chapter 46.87 RCW.

Passed the Senate February 8, 1990.

Passed the House March 2, 1990.

Approved by the Governor March 19, 1990.

Filed in Office of Secretary of State March 19, 1990.

CHAPTER 96

[Substitute Senate Bill No. 6681]

LEASING OF SURPLUS SCHOOL PROPERTY—RECAPTURE PROVISION
EXEMPTION

AN ACT Relating to the leasing of surplus school property; and amending RCW 28A.58.033.

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

Sec. 1. Section 2, chapter 115, Laws of 1980 as amended by section 2, chapter 306, Laws of 1981 and RCW 28A.58.033 are each amended to read as follows:

(1) Every school district board of directors is authorized to permit the rental, lease, or occasional use of all or any portion of any surplus real property owned or lawfully held by the district to any person, corporation, or government entity for profit or nonprofit, commercial or noncommercial purposes: PROVIDED, That the leasing or renting or use of such property is for a lawful purpose, is in the best interest of the district, and does not interfere with conduct of the district's educational program and related activities: PROVIDED FURTHER, That the lease or rental agreement entered into shall include provisions which permit the recapture of the leased or rented surplus property of the district should such property be needed for