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**SUBSTITUTE HOUSE BILL 1513**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** House Community Safety, Justice, & Reentry (originally sponsored by Representatives Street, Simmons, Doglio, Pollet, Berry, Gregerson, Ryu, Farivar, Alvarado, Reed, Bateman, Thai, Chopp, Macri, Fitzgibbon, Morgan, Peterson, Santos, Mena, Duerr, Orwall, Ormsby, and Fosse)

1 AN ACT Relating to improving traffic safety by addressing  
2 compliance, enforcement, and data collection; amending RCW 46.20.349,  
3 46.37.005, 46.37.320, 46.37.365, 46.37.470, 46.64.030, and 46.64.070;  
4 adding a new section to chapter 46.64 RCW; adding a new section to  
5 chapter 10.118 RCW; and creating new sections.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 NEW SECTION. **Sec. 1.** (1) The legislature finds the following:  
8 (a) The state of Washington and its political subdivisions  
9 undertake to protect the safety of all individuals who use public  
10 roadways, including people who drive, bike, walk, and roll;  
11 (b) Focusing enforcement resources on high-risk behavior such as  
12 impaired driving, distracted driving, unrestrained passengers, and  
13 speeding, has been shown to reduce traffic accidents and fatalities;  
14 (c) Research shows that prioritizing safety stops reduces traffic  
15 crash and injury outcomes and reduces racial disparities in traffic  
16 stops;  
17 (d) Limited law enforcement resources are most effective when  
18 focused on highest risk behavior, and enforcement only through  
19 citations, fines, and fees is not proven to improve road safety and  
20 further entangles many low-income road users in the criminal and debt  
21 collection systems, causing financial hardship and harming their

1 ability to drive to work and contribute to the economic vitality of  
2 the state;

3 (e) National and local data show that high discretion, low-risk  
4 traffic violations, including those that are unrelated to road  
5 safety, fall disproportionately on black, brown, and indigenous road  
6 users, as well as low-income road users and people with older  
7 vehicles; and

8 (f) Biased traffic stops result in a decreased sense of safety  
9 for all road users and law enforcement.

10 (2) As a result of these findings, the legislature has a  
11 compelling interest in managing public safety resources to address  
12 vehicle violations that impact road safety, and to reduce punitive  
13 enforcement of high-discretion traffic violations, so that road  
14 safety is improved for all road users.

15 NEW SECTION. **Sec. 2.** Subject to the availability of amounts  
16 appropriated for this specific purpose, a grant program is  
17 established. The department of commerce shall develop and implement a  
18 grant program to support local initiatives that provide solution-  
19 oriented responses to nonmoving violations for low-income road users.  
20 The department of commerce must prioritize the award of grants to  
21 local initiatives that expand or establish civilian intervention  
22 programs for nonmoving violations, and focus on nonpunitive  
23 interventions such as helmet voucher programs, fee offset programs,  
24 fix-it tickets, and repair vouchers that provide solutions for  
25 vehicle equipment failures for low-income road users.

26 (1) Grants must be awarded to local jurisdictions based on  
27 locally developed proposals to establish or expand existing programs,  
28 including programs with community-lead organizations. Eligible  
29 jurisdictions under the grant program include cities, counties,  
30 tribal government entities, tribal organizations, law enforcement  
31 agencies, or nonprofit organizations.

32 (2) The department of commerce shall report on its website by  
33 December 1st of each year on the recipients, locations, and types of  
34 projects funded under this program.

35 (3) Beginning September 1, 2024, and biennially thereafter, the  
36 department of commerce shall provide a report to the governor and the  
37 transportation committees of the legislature detailing findings on  
38 the effectiveness of programs funded under this section and any

1 recommendations for enhancements or modifications to the grant  
2 program established under this section.

3 NEW SECTION. **Sec. 3.** A new section is added to chapter 46.64  
4 RCW to read as follows:

5 (1)(a) Except as provided in (b) of this subsection, a peace  
6 officer may not stop, or otherwise detain, an operator of a vehicle  
7 to enforce one or more of the following violations as a primary  
8 offense:

9 (i) Any nonmoving violation, except violations of RCW 46.37.190,  
10 or where a vehicle does not have any license plates, or where the  
11 license plate does not match the registered make, model, year, and  
12 color of the vehicle;

13 (ii) Driving while license suspended or revoked in the third  
14 degree under RCW 46.20.342(1)(c) (ii), (iv), (v), or (viii); or

15 (iii) Any warrant for a misdemeanor, other than a misdemeanor  
16 warrant for driving under the influence under RCW 46.61.502 or a  
17 domestic violence violation, or a civil court order.

18 (b)(i) A peace officer may only stop or detain an operator of a  
19 vehicle when the primary reason for the stop is an equipment failure  
20 violation when necessary to protect against an immediate, serious  
21 threat to the safety of the operator or others on the roadway.

22 (ii) Prior to first contact with the operator of the vehicle  
23 under this subsection (1)(b), the peace officer must log digitally or  
24 notify dispatch of the primary reason for the stop, including a  
25 detailed description of the immediate, serious threat to the safety  
26 of the operator or others on the roadway.

27 (iii) Upon first contact with the operator of the vehicle during  
28 a stop under this subsection (1)(b), the peace officer must inform  
29 the operator of the reason for the stop, and may not request a  
30 consent search of the operator, any passengers, or the vehicle. The  
31 peace officer may not question the operator or any passenger of the  
32 vehicle on a subject other than the equipment violation that  
33 initiated the stop, unless the peace officer detects evidence that  
34 establishes reasonable suspicion sufficient to question the operator  
35 about an independent criminal offense.

36 (c) Enforcement of nonmoving violations may be accomplished as a  
37 secondary action when a driver of a motor vehicle has been stopped or  
38 detained for a suspected violation of a separate moving violation.

1 (2) (a) Prior to first contact with the operator of a vehicle for  
2 a moving violation, a peace officer must log digitally or notify  
3 dispatch of the primary reason for the stop.

4 (b) Upon first contact with the operator of the vehicle, the  
5 peace officer must inform the operator of the reason for the stop.

6 (c) For moving violations that are infractions or simple  
7 misdemeanors, the peace officer may not request a consent search of  
8 the operator of the vehicle, any passengers, or the vehicle. The  
9 peace officer may not question the operator of the vehicle or any  
10 passenger on a subject other than the moving violation that initiated  
11 the stop, unless the peace officer detects evidence that establishes  
12 reasonable suspicion sufficient to question the operator about an  
13 independent criminal offense.

14 (3) Before engaging in any consent search of a vehicle, the  
15 operator, or any passengers that is not prohibited under subsection  
16 (1) or (2) of this section, the peace officer must obtain written  
17 consent. To obtain consent, the peace officer must provide the  
18 operator and any passengers with an oral explanation and a written  
19 consent form that explains the purpose of the search, that the search  
20 is voluntary, that such persons may ask to speak with an attorney,  
21 and that such persons may choose not to consent to the search or  
22 decline the search at any point. The form must state explicitly that  
23 such persons will not be punished or suffer retaliation for not  
24 consenting or declining to be searched. The form must be available at  
25 least in English and Spanish and explained orally to a person who is  
26 unable to read the form, using, when necessary, an interpreter from  
27 the district communications center language line or other agency  
28 resources.

29 (4) Any evidence recovered during a stop, detention, or search  
30 made in violation of this section is inadmissible in any criminal  
31 proceeding.

32 (5) For purposes of this section:

33 (a) "Immediate, serious threat to the safety of the operator or  
34 others on the roadway" means that, based on the totality of the  
35 circumstances, it is reasonable for an objective observer to believe  
36 that an equipment failure on the vehicle may cause immediate, serious  
37 injury to the operator or other persons in the vicinity of the  
38 vehicle. Depending on the circumstances, such an immediate threat may  
39 include, but is not limited to: Having both taillights, headlights,

1 or brake lights out at nighttime; a shattered windshield impairing  
2 the operator's ability to see; or a dragging muffler.

3 (b) "Moving violation" is defined by rule pursuant to RCW  
4 46.20.2891.

5 (c) "Nonmoving violation" means any parking violation, equipment  
6 violation, or paperwork violation relating to insurance,  
7 registration, licensing, and inspection.

8 (d) "Peace officer" has the same meaning as in RCW 43.101.010.

9 (e) "Vehicle" has the same meaning as in RCW 46.04.670, but does  
10 not include any commercial motor vehicle as defined in RCW 46.32.005.

11 NEW SECTION. **Sec. 4.** A new section is added to chapter 10.118  
12 RCW to read as follows:

13 (1) Each peace officer in the state as defined in RCW 43.101.010  
14 must report each incident when they stop or detain an operator of a  
15 vehicle. Each report must include the following information:

16 (a) The date, time, location (address, latitude and longitude, or  
17 GPS information), and duration of the incident;

18 (b) The primary reason for the stop, and whether it was peace  
19 officer-initiated or in response to a call for service from the  
20 public;

21 (c) The perceived or known age, gender, race, ethnicity of the  
22 operator of the vehicle, and tribal affiliation of the operator, if  
23 applicable, and the language of interpretation used, if applicable;

24 (d) Make, model, and year of the vehicle;

25 (e) The agency or agencies employing the peace officer;

26 (f) The name, approximate age, gender, race, and ethnicity of the  
27 peace officer;

28 (g) Whether a consent search was requested, and whether the  
29 operator or any passengers provided or declined written consent to  
30 the search request;

31 (h) Whether a search was conducted, and if so, who and what was  
32 searched, and whether the search was conducted pursuant to a warrant,  
33 written consent, or an exception to the warrant requirement with a  
34 description of the basis for the exception;

35 (i) Whether the vehicle, personal effects, operator, or any  
36 passengers were searched, and the approximate age, gender, race, and  
37 ethnicity, if known, or tribal affiliation if applicable, of each  
38 person searched;

1 (j) Whether any property was seized, with a specific description  
2 of that property, or whether any contraband such as a firearm, other  
3 weapon, or narcotics was found and the specific type, size, and  
4 amount of any such contraband as applicable;

5 (k) Whether the stop resulted in no action, the issuance of a  
6 verbal warning, written warning, or citation, an arrest, or other  
7 action; and

8 (l) Whether dashboard or body worn camera footage was recorded  
9 for the incident.

10 (2) Each law enforcement agency in the state must submit the  
11 reports required under this section in accordance with the  
12 requirements of the statewide use of force data program under RCW  
13 10.118.030.

14 (3) For the purposes of this section, "vehicle" has the same  
15 meaning as in RCW 46.04.670, but does not include any commercial  
16 motor vehicle as defined in RCW 46.32.005.

17 **Sec. 5.** RCW 46.20.349 and 2010 c 8 s 9026 are each amended to  
18 read as follows:

19 (~~Any~~) Subject to section 3 of this act, any police officer who  
20 has received notice of the suspension or revocation of a driver's  
21 license from the department of licensing may, during the reported  
22 period of such suspension or revocation, stop any motor vehicle  
23 identified by its (~~vehicle~~) license plate number as being  
24 registered to the person whose driver's license has been suspended or  
25 revoked. The driver of such vehicle shall display his or her driver's  
26 license upon request of the police officer.

27 **Sec. 6.** RCW 46.37.005 and 1987 c 330 s 706 are each amended to  
28 read as follows:

29 (~~It~~) Subject to section 3 of this act, in addition to those  
30 powers and duties elsewhere granted, the chief of the Washington  
31 state patrol shall have the power and the duty to adopt, apply, and  
32 enforce such reasonable rules and regulations (1) relating to proper  
33 types of vehicles or combinations thereof for hauling passengers,  
34 commodities, freight, and supplies, (2) relating to vehicle  
35 equipment, and (3) relating to the enforcement of the provisions of  
36 this title with regard to vehicle equipment, as may be deemed  
37 necessary for the public welfare and safety in addition to but not  
38 inconsistent with the provisions of this title.

1 The chief of the Washington state patrol is authorized to adopt  
2 by regulation, federal standards relating to motor vehicles and  
3 vehicle equipment, issued pursuant to the National Traffic and Motor  
4 Vehicle Safety Act of 1966, or any amendment to said act,  
5 notwithstanding any provision in Title 46 RCW inconsistent with such  
6 standards. Federal standards adopted pursuant to this section shall  
7 be applicable only to vehicles manufactured in a model year following  
8 the adoption of such standards.

9 **Sec. 7.** RCW 46.37.320 and 1987 c 330 s 717 are each amended to  
10 read as follows:

11 (1) (~~The~~) Subject to section 3 of this act, the chief of the  
12 state patrol is hereby authorized to adopt and enforce rules  
13 establishing standards and specifications governing the performance  
14 of lighting devices and their installation, adjustment, and aiming,  
15 when in use on motor vehicles, and other safety equipment,  
16 components, or assemblies of a type for which regulation is required  
17 in this chapter or in rules adopted by the state patrol. Such rules  
18 shall correlate with and, so far as practicable, conform to federal  
19 motor vehicle safety standards adopted pursuant to the national  
20 traffic and motor vehicle safety act of 1966 (15 U.S.C. Sec. 1381 et  
21 seq.) covering the same aspect of performance, or in the absence of  
22 such federal standards, to the then current standards and  
23 specifications of the society of automotive engineers applicable to  
24 such equipment: PROVIDED, That the sale, installation, and use of any  
25 headlamp meeting the standards of either the society of automotive  
26 engineers or the United Nations agreement concerning motor vehicle  
27 equipment and parts done at Geneva on March 20, 1958, or as amended  
28 and adopted by the Canadian standards association (CSA standard  
29 D106.2), as amended, shall be lawful in this state.

30 (2) Every manufacturer who sells or offers for sale lighting  
31 devices or other safety equipment subject to requirements established  
32 by the state patrol shall, if the lighting device or safety equipment  
33 is not in conformance with applicable federal motor vehicle safety  
34 standards, provide for submission of such lighting device or safety  
35 equipment to any recognized organization or agency such as, but not  
36 limited to, the American national standards institute, the society of  
37 automotive engineers, or the American association of motor vehicle  
38 administrators, as the agent of the state patrol. Issuance of a  
39 certificate of compliance for any lighting device or item of safety

1 equipment by that agent is deemed to comply with the standards set  
2 forth by the state patrol. Such certificate shall be issued by the  
3 agent of the state before sale of the product within the state.

4 (3) The state patrol may at any time request from the  
5 manufacturer a copy of the test data showing proof of compliance of  
6 any device with the requirements established by the state patrol and  
7 additional evidence that due care was exercised in maintaining  
8 compliance during production. If the manufacturer fails to provide  
9 such proof of compliance within ~~((sixty))~~ 60 days of notice from the  
10 state patrol, the state patrol may prohibit the sale of the device in  
11 this state until acceptable proof of compliance is received by the  
12 state patrol.

13 (4) The state patrol or its agent may purchase any lighting  
14 device or other safety equipment, component, or assembly subject to  
15 this chapter or rules adopted by the state patrol under this chapter,  
16 for purposes of testing or retesting the equipment as to its  
17 compliance with applicable standards or specifications.

18 **Sec. 8.** RCW 46.37.365 and 1987 c 330 s 719 are each amended to  
19 read as follows:

20 (1) The term "hydraulic brake fluid" as used in this section  
21 shall mean the liquid medium through which force is transmitted to  
22 the brakes in the hydraulic brake system of a vehicle.

23 (2) Hydraulic brake fluid shall be distributed and serviced with  
24 due regard for the safety of the occupants of the vehicle and the  
25 public.

26 (3) ~~((The))~~ Subject to section 3 of this act, the chief of the  
27 Washington state patrol shall, in compliance with ~~((the provisions~~  
28 ~~of))~~ chapter 34.05 RCW, ~~((the administrative procedure act, which~~  
29 ~~govern the adoption of rules,))~~ adopt and enforce regulations for the  
30 administration of this section and shall adopt and publish standards  
31 and specifications for hydraulic brake fluid which shall correlate  
32 with, and so far as practicable conform to, the then current  
33 standards and specifications of the society of automotive engineers  
34 applicable to such fluid.

35 (4) No person shall distribute, have for sale, offer for sale, or  
36 sell any hydraulic brake fluid unless it complies with the  
37 requirements of this section and the standard specifications adopted  
38 by the state patrol. No person shall service any vehicle with brake



1 fluid unless it complies with the requirements of this section and  
2 the standards and specifications adopted by the state patrol.

3 (5) Subsections (3) and (4) of this section shall not apply to  
4 petroleum base fluids in vehicles with brake systems designed to use  
5 them.

6 **Sec. 9.** RCW 46.37.470 and 2021 c 65 s 51 are each amended to  
7 read as follows:

8 (1) "Air conditioning equipment," as used or referred to in this  
9 section, means mechanical vapor compression refrigeration equipment  
10 that is used to cool the driver's or passenger compartment of any  
11 motor vehicle.

12 (2) Air conditioning equipment must be manufactured, installed,  
13 and maintained with due regard for the safety of the occupants of the  
14 vehicle and the public. Air conditioning equipment may not contain  
15 any refrigerant that is toxic to persons or that is flammable, unless  
16 the refrigerant is allowed under the department of ecology's motor  
17 vehicle emission standards adopted under RCW 70A.30.010.

18 (3) (~~The~~) Subject to section 3 of this act, the state patrol  
19 may enforce safety requirements, regulations, and specifications  
20 consistent with the requirements of this section applicable to air  
21 conditioning equipment which must correlate with and, so far as  
22 possible, conform to the current recommended practice or standard  
23 applicable to air conditioning equipment approved by the society of  
24 automotive engineers.

25 (4) A person may not sell or equip, for use in this state, a new  
26 motor vehicle with any air conditioning equipment unless it complies  
27 with the requirements of this section.

28 (5) A person may not register or license for use on any highway  
29 any new motor vehicle equipped with any air conditioning equipment  
30 unless the equipment complies with the requirements of this section.

31 **Sec. 10.** RCW 46.64.030 and 1979 ex.s. c 28 s 3 are each amended  
32 to read as follows:

33 (~~The~~) Subject to section 3 of this act, the provisions of this  
34 title with regard to the apprehension and arrest of persons violating  
35 this title shall govern all police officers in making arrests without  
36 a warrant for violations of this title for offenses either committed  
37 in their presence or believed to have been committed based on  
38 probable cause pursuant to RCW 10.31.100, but the procedure

1 prescribed herein shall not otherwise be exclusive of any other  
2 method prescribed by law for the arrest and prosecution of a person  
3 for other like offenses.

4 **Sec. 11.** RCW 46.64.070 and 1999 c 6 s 26 are each amended to  
5 read as follows:

6 To carry out the purpose of RCW 46.64.060 and (~~46.64.070~~)  
7 subject to section 3 of this act, officers of the Washington state  
8 patrol are hereby empowered during daylight hours and while using  
9 plainly marked state patrol vehicles to require the driver of any  
10 motor vehicle being operated on any highway of this state to stop and  
11 display his or her driver's license and/or to submit the motor  
12 vehicle being driven by such person to an inspection and test to  
13 ascertain whether such vehicle complies with the minimum equipment  
14 requirements prescribed by chapter 46.37 RCW, as now or hereafter  
15 amended. No criminal citation shall be issued for a period of ten  
16 days after giving a warning ticket pointing out the defect.

17 The powers conferred by (~~RCW 46.64.060 and 46.64.070~~) this  
18 section are in addition to all other powers conferred by law upon  
19 such officers(~~(7)~~) including, but not limited to, powers conferred  
20 upon them as police officers pursuant to RCW 46.20.349 and powers  
21 conferred by chapter 46.32 RCW.

22 NEW SECTION. **Sec. 12.** The provisions of this act must be  
23 liberally construed to accomplish their purpose, and if any provision  
24 of this act conflicts with any other statute, ordinance, rule, or  
25 regulation of any public employer, the provision of this act  
26 controls.

27 NEW SECTION. **Sec. 13.** If any provision of this act or its  
28 application to any person or circumstance is held invalid, the  
29 remainder of the act or the application of the provision to other  
30 persons or circumstances is not affected.

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