



## Legislation Details (With Text)

**File #:** 2012-0396      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 10/1/2012      **In control:** Budget and Fiscal Management Committee

**On agenda:** 11/5/2012      **Final action:** 11/5/2012

**Enactment date:** 11/9/2012      **Enactment #:** 17455

**Title:** AN ORDINANCE establishing inattentive driving as a traffic infraction; adding a new chapter to K.C.C. Title 46 and prescribing penalties.

**Sponsors:** Joe McDermott

**Indexes:** Fees, Traffic

**Code sections:** 46 -

**Attachments:** 1. Ordinance 17455.pdf, 2. 2012-0396 Fiscal Note.xls, 3. 2012-0396 transmittal letter.doc, 4. 2012-0389--0392--0393--0396 fee notice doc an edits.doc, 5. 2012-0396 Affidavit of Publication Seattle Times.pdf, 6. 2012-0396 Staff Report (10-24-12).doc, 7. 2012-0396 Staff Report (10-31-12).doc

Date	Ver.	Action By	Action	Result
11/5/2012	1	Metropolitan King County Council	Hearing Held	
11/5/2012	1	Metropolitan King County Council	Passed	Pass
10/31/2012	1	Budget and Fiscal Management Committee	Recommended Do Pass Consent	Pass
10/24/2012	1	Budget and Fiscal Management Committee	Deferred	
10/1/2012	1	Metropolitan King County Council	Introduced and Referred	

Clerk 09/24/2012

AN ORDINANCE establishing inattentive driving as a traffic infraction; adding a new chapter to K.C.C. Title 46 and prescribing penalties.

### STATEMENT OF FACTS:

1. According to the Washington Traffic Safety Commission, Traffic Research and Data Center, distracted driving resulted in one hundred twenty-two deaths in King County between 2004 and 2008.
2. There are increasing incidents of drivers operating motor vehicles while they are distracted.
3. RCW 46.61.525 defines negligent driving in the second degree to be when driving in a manner that is both negligent and endangers or is likely to endanger persons or property.

4. A lesser included infraction to negligent driving in the second degree is not provided for in the Washington Model Traffic Ordinance and RCW 46.61.525 or other state statute;
5. Several other jurisdictions have adopted ordinances to create a lesser included infraction of inattentive driving, to be used when a driver is careless and demonstrates a clear lack of attention that places persons and property at risk;
6. This ordinance will expand the tools available to law enforcement to effectively educate and correct bad driver behavior and will assist to protect the health, safety, and welfare of the citizens of King County;

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Section 2 of this ordinance should constitute a new chapter to K.C.C. Title 46.

NEW SECTION. SECTION 2. A. It is unlawful for any person to operate a motor vehicle in an inattentive manner.

B. For the purposes of this section "inattentive" means with a negligent lack of attentiveness to conditions, circumstances, and one's duties required to safely operate a motor vehicle. "Conditions" include, but are not limited to, the nature and condition of the roadway, presence of other traffic, presence of pedestrians and weather conditions.

C. A violation of subsection A. of this section is a civil infraction. The offense of inattentive driving shall be considered to be a lesser offense than, but included in, the offense of operating a motor vehicle in a negligent manner under RCW 46.61.525. A person convicted of inattentive driving shall be guilty of an infraction, and shall be subject to a fine of one hundred twenty-four dollars, plus any statutory costs and assessments.

D. A citation for a violation of subsection A. of this section shall not be issued unless the officer issuing the citation has cause to stop or arrest the driver of the motor vehicle for the violation of some other provision of the King County Code relating to the operation, ownership,

or maintenance of a motor vehicle or any criminal statute.

10 days prior to hearing

Newspaper: Seattle Times

Publish: October 17<sup>th</sup>

Public Hearing: 11/5/12