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the State of Washington, Volume No. 2

1965

# SESSION LAWS

OF THE

## STATE OF WASHINGTON

EXTRAORDINARY SESSION, THIRTY-NINTH LEGISLATURE  
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### VOLUME NO. 2

ALL LAWS OF THE 1965 EXTRAORDINARY SESSION



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MARGINAL NOTES AND INDEX

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special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions.

RCW 46.48.013 amended.

Sec. 55. Section 3, chapter 16, Laws of 1963 and RCW 46.48.013 are each amended to read as follows:

Motor vehicles. Speed. Alteration of maximum speed limits. Increase by state highway commission.

(1) Subject to subsection (2) below the state highway commission may increase the maximum speed limit on any part of a limited access highway constructed under chapter 47.52 RCW to not more than seventy miles per hour whenever said commission determines upon the basis of an engineering and traffic investigation that such greater speed is reasonable and safe under the circumstances existing on such part of the highway. The greater maximum limit so determined shall be effective when appropriate signs giving notice thereof are erected. Such maximum speed limit may be declared to be effective at all times or at such times as are indicated upon said signs; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective when posted upon appropriate fixed or variable signs.

(2) The maximum speed limit for vehicles over ten thousand pounds gross weight and vehicles in combination shall not exceed sixty miles per hour and may be established at a lower limit by the state highway commission as provided in RCW 46.48.012.

(3) The word "trucks" used by the state highway commission on signs giving notice of maximum speed limits shall mean vehicles over ten thousand pounds gross weight and all vehicles in combination.

Speed limits in city or town. Procedure for reducing.

Sec. 56. Any existing city or town ordinance establishing a speed limit on a state highway within the city or town in conflict with subsection (2) (c) of section 54 of this amendatory act shall continue in effect not to exceed six months from the effective

date of this amendatory act during which time the city or town council may enact a reduced speed limit for such state highway subject to the provisions of subsection (4) of RCW 46.48.014.

Sec. 57. No person shall operate any motor-driven cycle at any time mentioned in RCW 46.37.020 at a speed greater than thirty-five miles per hour unless such motor-driven cycle is equipped with a head lamp or lamps which are adequate to reveal a person or vehicle at a distance of three hundred feet ahead.

Sec. 58. (1) In every charge of violation of any speed regulation in this amendatory act the complaint, also the summons or notice to appear, shall specify the approximate speed at which the defendant is alleged to have driven, also the maximum speed applicable within the district or at the location.

(2) Any provision of this amendatory act declaring maximum speed limitations shall not be construed to relieve the plaintiff in any action from the burden of proving negligence on the part of the defendant.

Sec. 59. (1) Any person who drives any vehicle in wilful or wanton disregard for the safety of persons or property is guilty of reckless driving.

(2) The license or permit to drive or any non-resident privilege of any person convicted of reckless driving shall be suspended by the department of licenses for not less than thirty days.

Sec. 60. (1) It is unlawful for any person who is under the influence of or affected by the use of intoxicating liquor or of any narcotic drug to drive or be in actual physical control of any vehicle upon the public highways.

(2) In any criminal prosecution for a violation of the provisions of this section relating to driving a vehicle while under the influence of intoxicating

Persons under the influence of intoxicating liquor.

Reckless driving.

Driving deficiencies. Charging violations to indicate speed.

Motor-driven cycles, maximum speed without lamps.

Motor vehicles, Driving de-licencies, Persons under the influence of intoxicating liquor.

liquor, the amount of alcohol in the defendant's blood at the time alleged as shown by chemical analysis of the defendant's blood, urine, breath, or other bodily substance shall give rise to the following presumptions:

(a) If there was at that time 0.05 percent or less by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was not under the influence of intoxicating liquor;

(b) If there was at that time in excess of 0.05 percent but less than 0.15 percent by weight of alcohol in the defendant's blood, such fact shall not give rise to any presumption that the defendant was or was not under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant;

(c) If there was at that time 0.15 percent or more by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was under the influence of intoxicating liquor.

(3) The foregoing provisions of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether or not the defendant was under the influence of intoxicating liquor. Nothing herein contained shall be construed as requiring any person to submit to a chemical analysis of his blood, and the refusal to submit to such an analysis shall not be admissible in evidence in any criminal prosecution for a violation of the provisions of this section or in any civil action.

(4) Evidence of the chemical analysis or scientific breath test of any kind of such person's blood shall not be admissible unless such person shall have been advised by the person giving the test before giving the test that such person has the constitutional right not to submit to such test. Evidence taken in

violation of this act shall not be admitted in evidence in any criminal or civil proceeding.

Sec. 61. It is unlawful and punishable as provided in section 62 of this amendatory act for any person who is an habitual user of or under the influence of any narcotic drug or who is under the influence of any other drug to a degree which renders him incapable of safely driving a vehicle to drive a vehicle within this state. The fact that any person charged with a violation of this section is or has been entitled to use such drug under the laws of this state shall not constitute a defense against any charge of violating this section.

Sec. 62. (1) Every person who is convicted of a violation of (a) driving a motor vehicle while under the influence of intoxicating liquor or (b) driving a motor vehicle while under the influence of a narcotic drug, or under the influence of any other drug to a degree which renders the driver incapable of safely driving a motor vehicle shall be punished by imprisonment for not less than five days nor more than one year, and by a fine of not less than fifty dollars nor more than five hundred dollars.

On a second or subsequent conviction of either offense within a five year period he shall be punished by imprisonment for not less than thirty days nor more than one year and by a fine of not less than one hundred dollars nor more than one thousand dollars, and neither the jail sentence nor the fine shall be suspended. If such person at the time of a second or subsequent conviction is without a license or permit because of a previous suspension or revocation, the minimum mandatory sentence shall be ninety days in jail and a two hundred dollar fine. The penalty so imposed shall not be suspended.

(2) The license or permit to drive or any non-resident privilege of any person convicted of either of the offenses named in subsection (1) above shall:

Person under the influence of drugs.

Penalties for driving motor vehicle while under the influence of intoxicating liquor or drugs—Administrative action.