

SENATE BILL REPORT

SB 5995

AS REPORTED BY COMMITTEE ON TRANSPORTATION, JANUARY 25, 1994

Brief Description: Penalizing reckless endangerment of highway workers.

SPONSORS: Senators Skratek, Erwin, Vognild, Drew, Winsley, Sheldon, Pelz, Nelson, McAuliffe and M. Rasmussen

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: That Substitute Senate Bill No. 5995 be substituted therefor, and the substitute bill do pass.

Signed by Senators Vognild, Chairman; Skratek, Vice Chairman; Drew, Haugen, Morton, Nelson, Oke, Prentice, Prince, M. Rasmussen, Schow and Winsley.

Staff: Jeff Doyle (786-7322)

Hearing Dates: January 18, 1994; January 25, 1994

BACKGROUND:

In 1992 there were approximately 900 accidents reported by the Washington State Patrol that occurred within highway work zones in District 1. Recently, an employee of the Department of Transportation was struck and killed while working on a highway construction project.

A Work Zone Safety Task Force was convened during the interim to study the problem. Drivers speeding through work zones were found to create a substantial risk of injury or death to flaggers and other construction crew within highway work zones.

Under current law, no distinction is made between persons who speed near work zones and persons speeding on other areas of the highway. Speeding is a violation of RCW 46.61.400, and a traffic infraction ranging anywhere from \$25 to \$165 may be imposed, depending on the speed of the vehicle.

In addition to the monetary penalty, the State Patrol may issue a ticket for reckless driving, which is a gross misdemeanor punishable by imprisonment of not more than one year and by a fine of no more than \$5,000. Any person convicted of reckless driving has his or her license suspended for at least 30 days. However, to convict a driver of reckless driving, the state must prove that the person was driving with willful or wanton disregard for the safety of others.

SUMMARY:

A person driving a vehicle in a highway construction or maintenance area in willful or wanton disregard for the safety of workers is guilty of reckless endangerment of highway workers, a class C felony punishable by up to five years in state prison and/or up to \$10,000 fine. The driver's license of a person convicted of reckless endangerment of highway workers shall be suspended for at least 60 days.

EFFECT OF PROPOSED SUBSTITUTE:

Persons who speed in construction zones on any public roadway are subject to double fines that cannot be reduced, suspended or waived. Persons who drive negligently in construction zones or who remove, evade or purposely strike safety devices are guilty of "endangerment of roadway workers," punished as a class C felony and a suspended license of 60 days. The act takes effect immediately.

Appropriation: none

Revenue: none

Fiscal Note: none requested

Effective Date: The bill contains an emergency clause and takes effect immediately.

TESTIMONY FOR:

During the interim, the Department of Transportation and the Washington State Patrol convened a work zone safety task force. SSB 5995 is supported by the task force, DOT, WSP, labor unions, and building trade associations.

TESTIMONY AGAINST: None

TESTIFIED: PRO: Senator Skratek, prime sponsor; Senator Erwin; Senator Winsley; Sid Morrison, Secretary, DOT; Joe Daniels, IFPTE, Local 17; Tammy Malone, self; Pat Fornash, DOT/IFPTE 17; Vince Oliver, IFPTE 17; Stan Moon, DOT; Mia Andrews, Bill Mitchell, highway workers; John Conrad, Dave Peach, DOT; Alan Darr; Tim Erickson, WSP