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**Transportation Committee**

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**HB 3211**

**Brief Description:** Providing law enforcement accountability for officers involved in traffic accidents.

**Sponsors:** Representatives Ruderman and Nixon.

**Brief Summary of Bill**

- Clarifies that law enforcement officers who are at fault in traffic accidents while on duty are not exempt from traffic citations.
- Removes the driving record abstract exemption for law enforcement officers while driving official vehicles in performance of duties.

**Hearing Date:** 3/1/04

**Staff:** Page Scott (786-7301).

**Background:**

A law enforcement officer investigating the scene of a motor vehicle accident may arrest the driver of a motor vehicle involved in the accident if the officer has probable cause to believe that the driver has committed a violation of any traffic law or regulation. An officer may act upon the request of a law enforcement officer in whose presence a traffic infraction was committed, to stop, detain, arrest, or issue a notice of traffic infraction to the driver who is believed to have committed the infraction.

Accident reports must be filed within four days of an accident resulting in injury, death, or property damage. Any police officer present at the scene of an accident or in possession of any facts concerning an accident, whether by official investigation or otherwise, must make a police report of the accident.

Under certain circumstances, the Department of Licensing may provide abstracts of individual driving records to individuals named in the abstract, employers, prospective employers, insurance carriers, approved alcohol/drug assessment and treatment agencies, and city and county prosecuting attorneys. Driving record abstracts furnished to insurance companies are limited to the last three years. Abstracts provided to approved alcohol/drug assessment or treatment agencies are limited to the last five years, but must also include any alcohol related driving offenses within the last ten years.

Abstracts provided to insurance companies must exclude driving records of law enforcement officers, firefighters, and any officer of the Washington State Patrol while driving official vehicles in the performance of their duties. Abstracts for these drivers may include records relating to the commission of misdemeanors or felonies by these individuals.

**Summary of Bill:**

Law enforcement officers driving motor vehicles involved in accidents while on duty are not exempt from arrest or traffic citation if the investigating officer has probable cause to believe that the driver has violated any traffic law or regulation.

Law enforcement officers driving motor vehicles involved in accidents while on duty resulting in injury, death, or property damage are not exempt from filing written accident reports within four days of the accident or from having a police officer's report completed and filed by a police officer present at the scene of the accident.

Driving abstracts provided to insurance companies do not exclude information pertaining to law enforcement officers and any officer of the Washington State Patrol (WSP) while driving official vehicles in the performance of their duties.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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