
**Criminal Justice & Corrections
Committee**

SSB 5038

Brief Description: Increasing penalties for failure to yield to authorized emergency vehicles or police vehicles.

Sponsors: Senate Committee on Judiciary (originally sponsored by Senators Honeyford, Oke, Kline, Mulliken and Eide).

Brief Summary of Substitute Bill

- Creates two levels of failure to yield the right-of-way to emergency and police vehicles, and criminalizes those acts that rise to the level of failure to yield the right-of-way in the first degree.
- Requires vehicles approaching a stationary emergency vehicle that is making use of audible and/or visual signals or a police vehicle making use of emergency lights to yield the right-of-way, when it would be reasonable to do so, by (a) changing lanes or moving away from the stationary emergency or police vehicle; or (b) proceeding with due caution and reducing the speed of the vehicle.

Hearing Date: 3/22/05

Staff: Kathryn Leathers (786-7114).

Background:

Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals or of a police vehicle making proper and lawful use of only an audible signal, the driver of every other vehicle must yield the right-of-way and immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection. The yielding vehicle must stop and remain in this position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. Failure to yield the right-of-way is classified as a traffic infraction, subject only to monetary penalties established by court rule.

Summary of Bill:

This bill creates two levels of failure to yield the right-of-way to emergency and police vehicles, and criminalizes those acts that rise to the level of failure to yield the right-of-way in the first degree.

Failure to yield the right-of-way in the first degree is committed when a driver, with criminal negligence, obstructs or impedes the passage of any authorized emergency vehicle making use of audible and visual signals or of a police vehicle making proper and lawful use of an audible signal. "Criminal negligence" means failing to be aware of a substantial risk that a wrongful act may occur and his or her failure to be aware of such substantial risk constitutes a gross deviation from the standard of care that a reasonable person would exercise in the same situation. Failure to yield the right-of-way in the first degree is a gross misdemeanor. All other failures to yield that do not rise to the level of failure to yield the right-of-way in the first degree are deemed traffic infractions.

In addition, this bill requires vehicles approaching a stationary emergency vehicle making use of audible and/or visual signals, or approaching a police vehicle making use of emergency lights, to yield the right-of-way when it would be reasonable to do so by (a) on a highway having a minimum of four lanes, at least two of which are intended for traffic moving in the same direction as the vehicle approaching the stationary emergency/police vehicle, changing lanes or moving away from the stationary emergency or police vehicle; or (b) if changing lanes or moving away from the emergency/police vehicle would be unreasonable or unsafe, proceeding with due caution and reducing the speed of the vehicle. Violations of this requirement are deemed traffic infractions.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.