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**Transportation Committee**

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**ESB 5160**

**Brief Description:** Restricting use of wireless communications devices in moving motor vehicles.

**Sponsors:** Senators Eide, Swecker, Berkey and Regala.

**Brief Summary of Engrossed Bill**

- Prohibits, with limited exceptions, the use of wireless communications devices while operating a motor vehicle unless used in conjunction with a hands-free device.

**Hearing Date:** 3/24/05

**Staff:** David Munnecke (786-7315).

**Background:**

Current law does not explicitly address cell phone usage while driving. However, the Washington State Patrol, through their equipment standards, have adopted a rule which allows the usage of hands free wireless communication devices while driving motor vehicles. Additionally, under current law, when Washington State Patrol officers observe dangerous driving behavior by a motor vehicle operator using a cell phone, they may cite the driver for second-degree negligent driving.

**Summary of Bill:**

Any person operating a moving motor vehicle while holding a wireless communications device to his or her ear is guilty of a traffic infraction unless the person is:

- operating an authorized emergency vehicle;
- using a hands-free wireless communications device in hands free mode; or
- using a hand-held wireless communications device to report illegal activity, summon medical or emergency assistance, or prevent injury to a person or property.

Enforcement may only be accomplished as a secondary action. For the first six months this act is in effect, law enforcement officers may only issue verbal warnings for violations. Infractions that result from this act will not become part of the driver's record nor will information regarding the infraction be available to insurance companies or employers.

Preempts the field of regulating the use of wireless communication devices in motor vehicles and supersedes any local laws, ordinances, orders, rules or regulations.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect on January 1, 2006.