

SENATE BILL REPORT

SB 5038

As Reported By Senate Committee On:
Judiciary, February 16, 2005

Title: An act relating to the duty to yield to emergency and police vehicles.

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

Sponsors: Senators Honeyford, Oke, Kline, Mulliken and Eide.

Brief History:

Committee Activity: Judiciary: 1/18/05, 2/16/05 [DPS].

SENATE COMMITTEE ON JUDICIARY

Majority Report: That Substitute Senate Bill No. 5038 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kline, Chair; Weinstein, Vice Chair; Johnson, Ranking Minority Member; Carrell, Esser, Hargrove, McCaslin, Rasmussen and Thibaudeau.

Staff: Lidia Mori (786-7755)

Background: When an emergency vehicle, using its audible and visual signals, or a police vehicle, using an audible signal, is approaching other vehicles, the driver of every other vehicle is required to yield the right of way and 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. Failure to yield the right of way is a traffic infraction with a base penalty of \$37.00, not including statutory assessments.

Summary of Substitute Bill: The crime of failure to yield the right of way in the first degree is committed when a person negligently obstructs or impedes the passage of any authorized emergency vehicle making use of audible and visual signals or a police vehicle properly making use of an audible signal. Failure to yield in the first degree is a gross misdemeanor. A person whose failure to yield does not amount to first degree failure to yield is guilty of a traffic infraction.

On a highway with at least four lanes, with two lanes intended for traffic proceeding in the same direction, the driver of a motor vehicle approaching a stationary emergency or police vehicle, that is making use of auditory or visual signals, is required to yield the right of way. The driver is required to yield the right of way by making a lane change into a lane or moving away from the lane or shoulder occupied by the stationary emergency or police vehicle. If changing lanes is unreasonable or unsafe, the driver of the vehicle approaching the stationary emergency or police vehicle is required to proceed with caution and reduce the speed of the vehicle.

Substitute Bill Compared to Original Bill: On a highway with at least four lanes, a driver of a motor vehicle that is approaching a stationary authorized emergency vehicle making use of audible and/or visual signals or a police vehicle displaying emergency lights is required to proceed with caution and, if reasonable, with due regard for safety and traffic conditions, yield the right of way by making a lane change or moving away from the lane or shoulder occupied by the stationary authorized emergency vehicle or police vehicle. If changing lanes or moving away would be unreasonable or unsafe, the driver is required to proceed with due caution and reduce the speed of the vehicle. The original bill required the driver in this situation to make a lane change into a lane not adjacent to that occupied by the stationary emergency or police vehicle.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Failure to yield to an emergency vehicle is becoming more common. A private ambulance service in Yakima received 222 calls in two weeks and 65 of them involved occurrences of failure to yield to the ambulance using full lights and sirens. California and Illinois have much more severe fines than does Washington. Driving off without paying for gas in Washington carries a more serious penalty than failing to yield to an emergency vehicle or police vehicle. Impeding or obstructing the passage of an emergency vehicle can cause extremely serious consequences.

Testimony Against: None.

Who Testified: PRO: Senator Honeyford, prime sponsor; John Cullen; Rick Jensen, Washington State Patrol Troopers Assn; Bill Hanson, Washington State Council of Police and Sheriffs; Mike Brown, Washington State Assn of Fire Chiefs.