

# SENATE BILL REPORT

## SB 5161

---

As Reported By Senate Committee On:  
Transportation, January 27, 2005

**Title:** An act relating to accident reports.

**Brief Description:** Including use of wireless communications in accident reports.

**Sponsors:** Senators Eide and Swecker.

**Brief History:**

**Committee Activity:** Transportation: 1/18/05, 1/27/05 [DPS].

---

### SENATE COMMITTEE ON TRANSPORTATION

**Majority Report:** That Substitute Senate Bill No. 5161 be substituted therefor, and the substitute bill do pass.

Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Eide, Esser, Kastama, Mulliken, Oke, Spanel, Swecker and Weinstein.

**Staff:** Dalene Sprick (786-7321)

**Background:** Under current law, there is no requirement for law enforcement officers to indicate in their reports whether a wireless communication device was in use at the time of a motor vehicle accident or whether the driver was distracted at the time of the accident.

**Summary of Substitute Bill:** The Washington State Patrol shall expand its traffic accident form, that is completed by an investigating officer, to include information disclosing whether any driver involved in an accident was distracted at the time of the accident. Additionally, the Washington State Patrol must include related statistical information in its yearly and monthly reports. Distraction categories to be collected and reported are to include at least the following:

- not distracted;
- operating a hand-held electronic telecommunication device;
- operating a hands-free wireless telecommunication device;
- other electronic devices (to include, but not limited to, PDA's, laptop computers, navigational devices, etc.);
- adjusting an audio or entertainment system;
- smoking;
- eating and/or drinking;
- reading and/or writing;
- grooming;
- interacting with children, passengers, animals, or objects in the vehicle;
- other inside distractions;
- outside distractions;

- and distraction unknown.

**Substitute Bill Compared to Original Bill:** The original bill required collection and reporting of information disclosing whether any driver involved in an accident was using a wireless communication device while operating his or her respective vehicle and had an implementation date of ninety days after adjournment of session in which bill is passed.

**Appropriation:** None.

**Fiscal Note:** Available for original bill, requested on the substitute bill January 27, 2005.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** January 1, 2006.

**Testimony For:** Studies have shown the use of cellular phones while driving increases the likelihood of accidents and impair the driver. The Washington State Patrol said it supported the bill however, requested a delay in implementation to January 2006. Washington State Department of Transportation also supported the bill and indicated an implementation date in January of 2006 would be better. Any additional data is helpful.

**Testimony Against:** Numerous individuals expressed opposition to singling out wireless phones. There was a preference for having cell phones listed as one type of distraction in a longer listing of distractions rather than isolating it. Generally there was agreement that there was a need for driver education. It was stated that studies have shown that the use of cell phones is down on the list of distractions that contribute to accidents.

**Who Testified:** PRO: Senator Eide, prime sponsor; Fred Fakkema, Washington State Patrol; Steve Lind, WTSC; Roger Horton, WSDOT, and Steve Lind, Traffic Safety Commission.

CON: Barb Young, Sprint; Steve Gano, Cingular Wireless; and Nancee Wildermuth, Nextel.