

EHB 1214 - S COMM AMD  
By Committee on Transportation

ADOPTED AND ENGROSSED 4/13/07

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 46.61 RCW  
4 to read as follows:

5 (1) Except as provided in subsection (2) of this section, a person  
6 operating a moving motor vehicle who, by means of an electronic  
7 wireless communications device, other than a voice-activated global  
8 positioning or navigation system that is permanently affixed to the  
9 vehicle, sends, reads, or writes a text message, is guilty of a traffic  
10 infraction. A person does not send, read, or write a text message when  
11 he or she reads, selects, or enters a phone number or name in a  
12 wireless communications device for the purpose of making a phone call.

13 (2) Subsection (1) of this section does not apply to a person  
14 operating:

15 (a) An authorized emergency vehicle; or

16 (b) A moving motor vehicle while using an electronic wireless  
17 communications device to:

18 (i) Report illegal activity;

19 (ii) Summon medical or other emergency help;

20 (iii) Prevent injury to a person or property; or

21 (iv) Relay information between a transit or for-hire operator and  
22 that operator's dispatcher, in which the device is permanently affixed  
23 to the vehicle.

24 (3) Enforcement of this section by law enforcement officers may be  
25 accomplished only as a secondary action when a driver of a motor  
26 vehicle has been detained for a suspected violation of this title or an  
27 equivalent local ordinance or some other offense.

28 (4) Infractions under this act shall not become part of the  
29 driver's record under RCW 46.52.101 and 46.52.120. Additionally, a

1 finding that a person has committed a traffic infraction under this  
2 section shall not be made available to insurance companies or  
3 employers.

4 NEW SECTION. **Sec. 2.** This act takes effect January 1, 2008."

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5 On page 1, line 2 of the title, after "messages;" strike the  
6 remainder of the title and insert "adding a new section to chapter  
7 46.61 RCW; prescribing penalties; and providing an effective date."

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