

# HOUSE BILL REPORT

## HB 3261

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**As Passed House:**

February 19, 2008

**Title:** An act relating to excluding public transit communication systems from the definition of a wireless communications device.

**Brief Description:** Excluding public transit communications systems from the definition of a wireless communications device.

**Sponsors:** By Representatives Flannigan, Wallace, Jarrett, Schindler, Simpson, Clibborn, Appleton and Wood.

**Brief History:**

**Committee Activity:**

Transportation: 2/5/08 [DP].

**Floor Activity:**

Passed House: 2/19/08, 93-0.

**Brief Summary of Bill**

- Defines a "wireless communications device" to exclude radio-based communications devices used by public or non-profit transit agencies for purposes of the law prohibiting the use of hand-held cell phones while driving.

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**HOUSE COMMITTEE ON TRANSPORTATION**

**Majority Report:** Do pass. Signed by 25 members: Representatives Clibborn, Chair; Flannigan, Vice Chair; Ericksen, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Appleton, Armstrong, Campbell, Dickerson, Eddy, Herrera, Jarrett, Kristiansen, Loomis, Rodne, Rolfes, Sells, Simpson, Smith, Springer, Takko, Upthegrove, Wallace, Warnick, Williams and Wood.

**Minority Report:** Without recommendation. Signed by 1 member: Representative Hudgins.

**Staff:** Beth Redfield (786-7347).

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Background:**

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 or tow-truck responding to a disabled vehicle;
- using a hands-free wireless communications device in hands-free mode;
- operating an amateur radio and possesses a valid amateur radio operator license from the Federal Communications Commission;
- using a hand-held wireless communications device to report illegal activity, summon medical or emergency assistance, or prevent injury to a person or property; or
- using a hearing aid.

The 2007 legislation enacting this prohibition did not define "wireless communication device."

The prohibition against using a hand-held wireless communication device takes effect July 1, 2008.

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**Summary of Bill:**

For purposes of the law prohibiting the use of hand-held cell phones while driving, a "wireless communications device" is defined not to include radio-based communications devices used by public or non-profit transit agencies.

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**Appropriation:** None.**Fiscal Note:** Not requested.**Effective Date:** The bill takes effect July 1, 2008.**Staff Summary of Public Testimony:**

(In support) The bill does not add an exemption, it clarifies the definition of "wireless communication device" so that it excludes the handsets used by public transit buses to communicate with the dispatcher. Bus communications systems are an essential part of operating the transit service safely. Older technologies did not include an earpiece so passengers would have to hear reports on emergencies or other customer service issues. Some of those issues include routing changes, problems with the coach, ill passengers, or calls to emergency services. Transit systems have received legal advice to the effect that their radio-based communications systems would fall under the law passed last year prohibiting the use of hand-held cell phones while driving. Transit agencies do not want to have a policy on the books that goes against the law. Riding a bus is 20 times safer than riding in a car. The communications system is not used frequently or for personal or discretionary calls.

(In support with concerns) Airporter companies and chartered excursion tour providers use communications systems in the same way and for the same purposes as transit agencies and would like to have the definition further revised to exclude companies regulated under 81.68 and 81.70 RCW.

(Opposed) None.

**Persons Testifying:** (In support) Representative Flannigan, prime sponsor; Peter Thein, Washington State Transit Association; Jim O'Rourke, King County Metro; and Fred Nelson, Pierce Transit.

(In support with concerns) Jim Fricke, Capital Aeroporter.

**Persons Signed In To Testify But Not Testifying:** None.