**Washington State
House of Representatives**

**BILL
ANALYSIS**

Transportation Committee

HB 3261

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

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

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 .

Hearing Date: 2/5/08

Staff: Beth Redfield (786-7347).

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 legislation did not define "wireless communication device."

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

Summary of Bill:

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.

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.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.