
ENGROSSED SUBSTITUTE SENATE BILL 5037

State of Washington

60th Legislature

2007 Regular Session

By Senate Committee on Transportation (originally sponsored by Senators Eide, Weinstein, Murray, Berkey, Regala, Rockefeller, Kauffman, Keiser, Spanel, Jacobsen and Kohl-Welles)

READ FIRST TIME 02/22/07.

1 AN ACT Relating to the use of a wireless communications device
2 while operating a moving motor vehicle; adding a new section to chapter
3 46.61 RCW; creating a new section; prescribing penalties; and providing
4 an effective date.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** The use of wireless communications devices
7 by motorists has increased in recent years. While wireless
8 communications devices have assisted with quick reporting of road
9 emergencies, their use has also contributed to accidents and other
10 mishaps on Washington state roadways. When motorists hold a wireless
11 communications device in one hand and drive with the other, their
12 chances of becoming involved in a traffic mishap increase. It is the
13 legislature's intent to phase out the use of hand-held wireless
14 communications devices by motorists while operating a vehicle.

15 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.61 RCW
16 to read as follows:

17 (1) Except as provided in subsection (2) of this section, a person

1 operating a moving motor vehicle while holding a wireless
2 communications device to his or her ear is guilty of a traffic
3 infraction.

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

6 (a) An authorized emergency vehicle, or a tow truck responding to
7 a disabled vehicle;

8 (b) A moving motor vehicle using a wireless communications device
9 in hands-free mode;

10 (c) A moving motor vehicle using a hand-held wireless
11 communications device to:

12 (i) Report illegal activity;

13 (ii) Summon medical or other emergency help;

14 (iii) Prevent injury to a person or property.

15 (3) Subsection (1) of this section does not restrict the operation
16 of an amateur radio station by a person who holds a valid amateur radio
17 operator license issued by the federal communications commission.

18 (4) For purposes of this section, "hands-free mode" means the use
19 of a wireless communications device with a speaker phone, headset, or
20 earpiece.

21 (5) The state preempts the field of regulating the use of wireless
22 communications devices in motor vehicles, and this section supersedes
23 any local laws, ordinances, orders, rules, or regulations enacted by a
24 political subdivision or municipality to regulate the use of wireless
25 communications devices by the operator of a motor vehicle.

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

30 (7) Infractions that result from the use of a wireless
31 communications device while operating a motor vehicle under this
32 section shall not become part of the driver's record under RCW
33 46.52.101 and 46.52.120. Additionally, a finding that a person has
34 committed a traffic infraction under this section shall not be made
35 available to insurance companies or employers.

1 NEW SECTION. **Sec. 3.** This act takes effect July 1, 2008.

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