
Transportation Committee

HB 2635

Brief Description: Addressing the use of wireless communications devices while driving.

Sponsors: Representatives Carlyle, Orwall, Clibborn, Maxwell, Pettigrew, Ericks, Hunt, Eddy, Appleton, Pedersen, Kenney and Morrell.

Brief Summary of Bill

- Prohibits the holder of either an intermediate driver's license or an instruction permit from operating a motor vehicle while using a wireless communication device except in the case of an emergency.
- Allows the laws relating to the use of a cell phone or other wireless communication devices while operating a moving motor vehicle to be enforced as a primary infraction for all drivers.

Hearing Date: 1/18/10

Staff: David Munnecke (786-7315).

Background:

Infractions Involving Wireless Communication Devices

Any person operating a moving motor vehicle while holding a cell phone or other wireless communication device to their ear is guilty of a traffic infraction, unless the person is:

- operating an authorized emergency vehicle, or a tow truck responding to a disabled vehicle;
- using a hands-free device including a speaker phone, a headset, or an earpiece;
- operating an amateur radio and possesses a valid amateur radio operator license from the Federal Communications Commission;
- reporting illegal activity, summoning medical or emergency help, or using the device to prevent injury to a person or property; or
- using a hearing aid.

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.

Any person using a cell phone or other wireless communication device to read, manually write, or send a text message is guilty of a traffic infraction, unless the person is:

- operating an authorized emergency vehicle;
- reporting illegal activity, summoning medical or emergency help, or using the device to prevent injury to a person or property; or
- relaying information between a transit or for-hire operator and that operator's dispatch, in which the device is permanently affixed to the vehicle.

A violation of these laws relating to the use of a cell phone or other wireless communication device while operating a moving motor vehicle currently has an associated infraction of \$124. The infraction does not become part of the driver's record and is not available to insurance companies or employers.

A violation of these laws may only be enforced as a secondary action when the driver has been detained for violating state motor vehicle laws or local ordinance.

Instruction Permit

An individual who is at least 15 years of age, submits a proper application, and is enrolled in an approved traffic safety program may be issued a driver's instruction permit by the Department of Licensing (DOL) upon passage of the appropriate examination. An individual who is at least 15-1/2 years of age may also be issued a driver's instruction permit by the DOL upon passage of the appropriate examination.

A person holding an instruction permit may drive a motor vehicle, other than a motorcycle, if they have immediate possession of the permit and an approved instructor or a licensed driver with at least five years of driving experience occupies the seat beside the driver.

Intermediate Driver's License

Washington's Intermediate Drivers' License (IDL) law prohibits drivers who hold an IDL from carrying passengers under 20 years of age in their car for the first six months after issuance of the license, unless the passenger is an immediate family member. During the remaining period of the IDL (up to the age of 18), the driver may not carry more than three non-family member passengers under the age of 20.

Drivers who hold an IDL are also prohibited from driving between 1:00 a.m. and 5:00 a.m. unless a licensed driver 25 years or older is also in the vehicle. Driving for agricultural purposes is an exception to the late night hours driving restriction.

Beginning with the issuance of the IDL and until the age of 18:

- If a driver commits a driving violation, or a violation of license restrictions, the driver is sent a warning letter by the DOL.
- If two driving violations are committed, a letter suspending the driver for six months (or until age 18, whichever is shorter) is sent to the driver.
- For a third driving violation the driver is suspended until age 18.

- The driver's parents also receive a copy of any warning or suspension letter sent to the driver.

After a year of driving safely without a driving violation, offense or collision, the driving restrictions expire and will not be reimposed. However, the driver is still subject to receiving the intermediate license warning letter and license suspension penalties until age 18. Driving with a suspended IDL is a misdemeanor.

Summary of Bill:

The holder of an instruction permit or an intermediate license may not use a cell phone or other wireless communication device while driving a motor vehicle. An exception is made if the wireless communication device is being used to report illegal activity, summon medical or other emergency help, or to prevent injury to a person or property.

For all drivers, a violation of the laws relating to the use of a cell phone or other wireless communication devices while operating a moving motor vehicle may be enforced as a primary action.

Appropriation: None.

Fiscal Note: Requested on 1/15/2010.

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