

SENATE BILL REPORT

SB 6231

As Reported by Senate Committee On:
Transportation, January 19, 2010

Title: An act relating to approaching certain emergency, roadside assistance, or police vehicles in emergency zones.

Brief Description: Implementing rules and penalties for drivers when approaching certain emergency, roadside assistance, or police vehicles in emergency zones.

Sponsors: Senators Marr, King, Eide, Delvin, Zarelli, Shin and Tom; by request of Washington State Patrol.

Brief History:

Committee Activity: Transportation: 1/13/10, 1/19/10 [DPS].

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: That Substitute Senate Bill No. 6231 be substituted therefor, and the substitute bill do pass.

Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker, Ranking Minority Member; Becker, Berkey, Delvin, Eide, Hatfield, Kastama, Kilmer and King.

Staff: Kelly Simpson (786-7403)

Background: Under current law, drivers must take specific cautionary actions when approaching the following: (1) a stationary authorized emergency vehicle that is using audible or visual emergency signals, (2) a tow truck using its red lights, (3) other vehicles providing roadside assistance using warning lights, or (4) a police vehicle properly using emergency lights.

Specifically, on a highway with four or more lanes, with at least two lanes proceeding in the same direction as the approaching vehicle, the driver must proceed with caution and, if reasonably safe under the conditions, yield the right-of-way by making a lane change or moving away from the stationary authorized emergency vehicle or police vehicle. On a highway with less than four lanes, the driver must proceed with caution, reduce speed, and, if reasonably safe under the conditions, yield the right-of-way by passing to the left at a safe distance while also yielding the right-of-way to all other traveling vehicles. However, if

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changing lanes or moving away would be unreasonable or unsafe, the driver must proceed with due caution and reduce speed.

Failing to take the required cautionary actions when approaching stationary emergency and roadside assistance vehicles is a traffic infraction.

Summary of Bill (Recommended Substitute): An emergency zone is established in the adjacent lanes of the roadway 200-feet before and after the following vehicles: (1) a stationary authorized emergency vehicle that is using audible or visual emergency signals, (2) a tow truck using its red lights, (3) other vehicles providing roadside assistance using warning lights, or (4) a police vehicle properly using emergency lights. Drivers approaching an emergency zone must take the specific cautionary actions that are required under current law when approaching stationary emergency and roadside assistance vehicles, as determined by the number of established lanes on the applicable highway. Additionally, drivers may not exceed posted speed limits when driving in an emergency zone.

Failing to take the required cautionary actions in emergency zones, or speeding in an emergency zone, subjects the driver to twice the applicable monetary penalty regularly imposed. However, a traffic infraction issued for violating emergency zone restrictions is not subject to the \$20 special assessment attached to most traffic infraction monetary penalties.

Persons driving in an emergency zone in such a manner as to endanger or be likely to endanger any emergency zone worker or property are guilty of a new crime, reckless endangerment of emergency zone workers. Reckless endangerment of emergency zone workers constitutes a gross misdemeanor. A person convicted of reckless endangerment of emergency zone workers must have their driving privileges suspended for 60 days.

EFFECT OF CHANGES MADE BY TRANSPORTATION COMMITTEE (Recommended Substitute): A clarification was made to cover all emergency workers in an emergency zone, such as tow truck operators, and not just law enforcement or medical responders.

A provision was added requiring the Washington State Patrol and the state Department of Transportation to conduct education and outreach efforts regarding emergency zones. This requirement is to occur within existing resources.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: The bill takes effect on January 1, 2011.

Staff Summary of Public Testimony on Original Bill: PRO: This bill is a request bill from the State Patrol as an attempt to provide additional safety for emergency response workers attending to emergencies on public highways. The bill uses the highway work zones statutes as a model. This bill can serve as an educational tool for better compliance with the

state's move over law that was enacted in 2007. The definition of emergency zone could use a bit more clarity as the typical driver may not be able to visualize 200 feet. Also, the new crime created (reckless endangerment of emergency workers) is very subjective. The bill also helps WSDOT, radio, and TV incident response vehicle operators. Tow truck operators also benefit under the bill; however, the phrase "emergency workers" should be revised to say "emergency zone workers."

Persons Testifying: PRO: Senator Marr, prime sponsor; Jason Berry, WA State Patrol; Dave Overstreet, AAA of WA; Ted Trepanier, WSDOT; Mark Allen, WA State Assoc. of Broadcasters; Stu Halsan, Towing & Recovery Assoc.