
HOUSE BILL 2265

State of Washington 61st Legislature 2009 Regular Session

By Representative Williams

Read first time 02/19/09. Referred to Committee on Transportation.

1 AN ACT Relating to removing the requirement that a violation of the
2 prohibition on a person operating a motor vehicle while holding a
3 wireless communications device to his or her ear be enforced only as a
4 secondary action; amending RCW 46.61.667; and providing an effective
5 date.

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

7 **Sec. 1.** RCW 46.61.667 and 2007 c 417 s 2 are each amended to read
8 as follows:

9 (1) Except as provided in subsections (2) and (3) of this section,
10 a person operating a moving motor vehicle while holding a wireless
11 communications device to his or her ear is guilty of a traffic
12 infraction.

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

15 (a) An authorized emergency vehicle, or a tow truck responding to
16 a disabled vehicle;

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

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

3 (i) Report illegal activity;

4 (ii) Summon medical or other emergency help;

5 (iii) Prevent injury to a person or property;

6 (d) A moving motor vehicle while using a hearing aid.

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

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

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

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

22 ~~(7))~~ Infractions that result from the use of a wireless
23 communications device while operating a motor vehicle under this
24 section shall not become part of the driver's record under RCW
25 46.52.101 and 46.52.120. Additionally, a finding that a person has
26 committed a traffic infraction under this section shall not be made
27 available to insurance companies or employers.

28 NEW SECTION. **Sec. 2.** This act takes effect August 1, 2009.

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