

SENATE BILL REPORT

SHB 2736

As Reported by Senate Committee On:
Transportation, February 21, 2012

Title: An act relating to commercial vehicle regulations for texting while driving and flags on projecting loads.

Brief Description: Concerning commercial vehicle regulations for texting while driving and projecting loads.

Sponsors: House Committee on Transportation (originally sponsored by Representative Hansen; by request of Department of Licensing).

Brief History: Passed House: 2/11/12, 95-0.

Committee Activity: Transportation: 2/20/12, 2/21/12 [DPA].

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass as amended.

Signed by Senators Haugen, Chair; Eide, Vice Chair; King, Ranking Minority Member; Fain, Assistant Ranking Minority Member; Delvin, Ericksen, Hill, Hobbs, Litzow, Ranker, Rolfes, Sheldon, Shin and Swecker.

Staff: Kim Johnson (786-7472)

Background: The operation of commercial motor vehicles is regulated under both state and federal law. Recent changes to federal regulations prohibit commercial motor vehicle operators from texting while driving and require that a violation be counted as a serious traffic violation and recorded on the driver's record. A serious traffic violation is defined in state law and includes violations such as excessive speeding; reckless driving; and, driving a commercial motor vehicle without obtaining a commercial driver license.

Under state law, a person operating a motor vehicle who, by means of an electronic wireless communications device, sends, reads, or writes a text message, is guilty of a traffic infraction. This infraction does not become part of the driver's record and is not made available to insurance companies or employers.

Currently, certain lighting and reflector requirements apply to vehicles that have a load that extends more than four feet beyond its rear. For vehicles with a load extending beyond its

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sides or more than four feet beyond its rear, red flags not less than 12 inches square must be displayed.

Under federal regulations, commercial motor vehicles transporting a load which extend beyond the sides by more than four inches or more than four feet beyond the rear must have the extremities of the load marked with red or orange fluorescent warning flags. The flags must be at least 18 inches square. A federal audit found inconsistencies between state and federal law in this area.

Summary of Bill (Recommended Amendments): The definition of a serious traffic violation is expanded to include texting while operating a commercial motor vehicle. A person driving a commercial motor vehicle, who sends, reads, or writes a text message, is guilty of a traffic infraction. Driving in this context includes while the vehicle is temporarily stationary because of traffic, a traffic control device, or other momentary delay. However, driving does not include when the driver has moved the vehicle to the side of, or off, a highway and has stopped in a location where the vehicle can safely remain stationary, with or without the motor running. This prohibition also does not apply when the activity is necessary to communicate with law enforcement officials or other emergency services. This infraction becomes part of a driver's record. Additionally, a finding that a person has committed this infraction may be made available to insurance companies or employers.

Vehicles with a load that extends more than four inches on its sides or more than four feet beyond its rear, must display a red or orange fluorescent warning flag, not less than 18 inches square, marking the extremities of the load.

EFFECT OF CHANGES MADE BY TRANSPORTATION COMMITTEE (Recommended Amendments): The title was amended to better conform to the subject of the bill.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony as Heard in Committee: PRO: This is just a small change to make our law consistent with federal law. This will keep us in compliance with federal regulations. We added orange and increased the size for the flags on oversized loads. While this bill is to comply with federal law, it is a very important safety bill. We are sharing a study report with you that shows that when a commercial motor vehicle driver is texting they are more than 20 times more likely to get in an accident than if they were not texting. It is very difficult to enforce the texting law.

Persons Testifying: PRO: Representative Hansen, prime sponsor; Teresa Berntsen, DOL; Jason Berry, WSP; Steve Lind, WA Traffic Safety Commission.