
Transportation Committee

HB 2574

Brief Description: Enhancing public safety by reducing distracted driving incidents caused by the use of personal wireless communications devices.

Sponsors: Representatives Farrell, Fey, Peterson, Moscoso, Clibborn, Fitzgibbon, Kilduff, Robinson, McBride and Gregerson.

Brief Summary of Bill

- Extends the personal wireless communication device-related activities subject to a traffic infraction to include a person driving while holding a personal wireless communications device in his or her hands or using a personal wireless communications device to read or manually enter data.
- Doubles the penalty for a second violation of the above traffic infraction within a five-year period, allocating half of the penalty to the Highway Safety Fund.
- Prohibits only the first violation of the above traffic infraction from being made available to insurance companies and employers, excepting violations by commercial driver's license holders, which can all be made available to insurance companies and employers.
- Directs the Department of Licensing to include questions on distracted driving on the written portion of the driver licensing examination.

Hearing Date: 1/27/16

Staff: Jennifer Harris (786-7143).

Background:

Prohibited Activities and Exceptions.

A person operating a moving motor vehicle is guilty of a traffic infraction if he or she holds a wireless communications device to his or her ear. A person operating a moving motor vehicle is

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also guilty of a traffic infraction if he or she sends, reads, or writes a text message by means of a wireless communications device.

Exceptions for both infraction types are similar and apply to a person operating: (1) an authorized emergency vehicle; (2) a voice-operated global positioning system (GPS) that is affixed to the vehicle for a text-message infraction (or a device in hands-free mode, for a device-to-ear infraction); or (3) a moving motor vehicle while using a wireless communications device to (a) report illegal activity, (b) summon medical or other emergency help, (c) prevent injury to a person or property, or (d) relay information that is time sensitive between a transit or for-hire operator and that operator's dispatcher so long as the device is permanently affixed to the vehicle. For a device-to-ear infraction, there are also exceptions for operating a tow truck responding to a disabled vehicle and for operating a moving motor vehicle while using a hearing aid.

Special Application of Restrictions.

The holder of an intermediate driver's license or driver's instruction permit is not permitted to use a wireless communications device except for the purposes listed in exception (3) above.

A person operating a commercial motor vehicle is not prohibited from using an electronic wireless communications device to send, read, or write a text message if he or she has moved the vehicle to the side of or off of the highway and has stopped in a location where the vehicle can safely remain stationary, or if such activity is necessary to communicate with law enforcement officials or other emergency services. However, only the following exceptions apply to a person operating a commercial motor vehicle while using a wireless communications device: when necessary to communicate with law enforcement officials or other emergency services, or using a mobile telephone in hands-free mode. The other exceptions noted above are not applicable to a person operating a commercial motor vehicle.

Violations.

Infractions for sending, reading, or writing a text message by means of a wireless communications device are not permitted to become part of a driver's record, nor are they permitted to be made available to insurance companies or employers.

Preemption.

The state preempts any local law regulating the use of wireless communications devices in motor vehicles.

Summary of Bill:

Prohibited Activities and Exceptions.

The activities subject to a traffic infraction include a person operating a motor vehicle on a public highway: (1) holding a personal wireless communications device in his or her hands, or (2) who uses a personal wireless communications device to read or to manually enter data including, but not limited to, short message service (SMS) texting, emailing, instant messaging, or engaging in any other form of electronic data retrieval or electronic data communication. The

use of a personal wireless communications device that is equipped with an attachment or addition or that is physically or electronically integrated into a motor vehicle is permitted, and a person operating a motor vehicle is permitted to use either hand to activate, deactivate, or initiate a function of such a device.

A personal wireless communications device includes any device through which personal wireless services are transmitted; however, a global navigation satellite system receiver used for positioning, emergency notification, or navigation purposes is not considered a personal wireless communications device.

Exceptions to the above restrictions apply to: (1) a driver who uses a personal wireless communications device to contact emergency services; (2) the use by a transit system employee of a system for time-sensitive relay communication between the employee and the transit system's dispatch services; and (3) emergency services personnel who use a personal wireless communications device while operating an emergency services vehicle in the performance of emergency service duties.

A person is subject to a traffic infraction for engaging in the above prohibited activities if operating a motor vehicle while it is moving or temporarily stopped due to traffic, a traffic light, or a stop sign. A person is not subject to a traffic infraction for engaging in the above activities if the vehicle is pulled over to the side of or off of the roadway and the vehicle has stopped in a location where it can safely remain stationary.

Special Application of Restrictions.

The holder of an intermediate driver's license or driver's instruction permit is not permitted to use a wireless communications device in any manner while operating a motor vehicle. None of the above exceptions apply.

Violations.

If a person is found to have committed more than one violation within a five-year period, he or she must be assessed a monetary penalty double the penalty that would be assessed for a first violation. Half of the money collected for this traffic infraction is deposited in the Highway Safety Fund and the other half is subject to the distribution for a standard traffic infraction.

The first traffic infraction for engaging in the above prohibited activities received by anyone other than a holder of a commercial driver's license is prohibited from being made available to insurance companies or employers. All traffic infractions received by commercial driver's license holders for the above prohibited activities can be made available to insurance companies or employers.

Driver License Examination.

The bill directs the Department of Licensing (DOL) to include questions on distracted driving in the written portion of the driver licensing examination.

Appropriation: None.

Fiscal Note: Requested on January 18, 2016.

Effective Date: The bill takes effect on August 1, 2016.