

SHB 1371 - H AMD 132
By Representative Hayes

NOT ADOPTED 03/07/2017

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature recognizes that
4 distracted driving is a practice that increases the likelihood of
5 auto accidents, including fatal collisions, and is caused by a
6 variety of activities, including the use of electronic devices,
7 eating and drinking, talking to passengers, grooming, reading, using
8 a navigation system, watching a video, or adjusting an audio device.
9 The legislature further recognizes that distracted driving is one of
10 the top three causes of fatal collisions for young drivers. It is
11 therefore the intent of the legislature to discourage distracted
12 driving by increasing the penalties and fines for traffic infractions
13 when drivers are dangerously distracted and directing the additional
14 revenue from penalties and fines to programs dedicated to reducing
15 distracted driving.

16 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.61
17 RCW to read as follows:

18 (1)(a) It is a traffic infraction to drive dangerously
19 distracted. Any driver who commits this infraction must be assessed
20 the unscheduled infraction base penalty amount prescribed by rule by
21 the supreme court in its schedule of monetary penalties for
22 infractions, as directed under RCW 46.63.110(3).

23 (b) Enforcement of the infraction of driving dangerously
24 distracted may be accomplished only as a secondary action when a
25 driver of a motor vehicle has been detained for a suspected violation
26 of a separate traffic infraction or an equivalent local ordinance.

27 (c) For the purposes of this section, "dangerously distracted"
28 means a person who engages in any activity not related to the actual
29 operation of a motor vehicle in a manner that interferes with the
30 safe operation of such motor vehicle on any highway.

1 (2) The additional monetary penalty imposed under this section
2 must be deposited into the distracted driving prevention account
3 created in subsection (3) of this section.

4 (3) The distracted driving prevention account is created in the
5 state treasury. All receipts from the base penalty in subsection (2)
6 of this section must be deposited into the account. Moneys in the
7 account may be spent only after appropriation. Expenditures from the
8 account may be used only by the Washington traffic safety commission
9 solely to support programs dedicated to reducing distracted driving
10 and improving driver education on distracted driving.

11 **Sec. 3.** RCW 43.84.092 and 2016 c 194 s 5, 2016 c 161 s 20, and
12 2016 c 112 s 4 are each reenacted and amended to read as follows:

13 (1) All earnings of investments of surplus balances in the state
14 treasury shall be deposited to the treasury income account, which
15 account is hereby established in the state treasury.

16 (2) The treasury income account shall be utilized to pay or
17 receive funds associated with federal programs as required by the
18 federal cash management improvement act of 1990. The treasury income
19 account is subject in all respects to chapter 43.88 RCW, but no
20 appropriation is required for refunds or allocations of interest
21 earnings required by the cash management improvement act. Refunds of
22 interest to the federal treasury required under the cash management
23 improvement act fall under RCW 43.88.180 and shall not require
24 appropriation. The office of financial management shall determine the
25 amounts due to or from the federal government pursuant to the cash
26 management improvement act. The office of financial management may
27 direct transfers of funds between accounts as deemed necessary to
28 implement the provisions of the cash management improvement act, and
29 this subsection. Refunds or allocations shall occur prior to the
30 distributions of earnings set forth in subsection (4) of this
31 section.

32 (3) Except for the provisions of RCW 43.84.160, the treasury
33 income account may be utilized for the payment of purchased banking
34 services on behalf of treasury funds including, but not limited to,
35 depository, safekeeping, and disbursement functions for the state
36 treasury and affected state agencies. The treasury income account is
37 subject in all respects to chapter 43.88 RCW, but no appropriation is
38 required for payments to financial institutions. Payments shall occur

1 prior to distribution of earnings set forth in subsection (4) of this
2 section.

3 (4) Monthly, the state treasurer shall distribute the earnings
4 credited to the treasury income account. The state treasurer shall
5 credit the general fund with all the earnings credited to the
6 treasury income account except:

7 (a) The following accounts and funds shall receive their
8 proportionate share of earnings based upon each account's and fund's
9 average daily balance for the period: The aeronautics account, the
10 aircraft search and rescue account, the Alaskan Way viaduct
11 replacement project account, the brownfield redevelopment trust fund
12 account, the budget stabilization account, the capital vessel
13 replacement account, the capitol building construction account, the
14 Cedar River channel construction and operation account, the Central
15 Washington University capital projects account, the charitable,
16 educational, penal and reformatory institutions account, the Chehalis
17 basin account, the cleanup settlement account, the Columbia river
18 basin water supply development account, the Columbia river basin
19 taxable bond water supply development account, the Columbia river
20 basin water supply revenue recovery account, the common school
21 construction fund, the community forest trust account, the connecting
22 Washington account, the county arterial preservation account, the
23 county criminal justice assistance account, the deferred compensation
24 administrative account, the deferred compensation principal account,
25 the department of licensing services account, the department of
26 retirement systems expense account, the developmental disabilities
27 community trust account, the diesel idle reduction account, the
28 distracted driving prevention account, the drinking water assistance
29 account, the drinking water assistance administrative account, the
30 drinking water assistance repayment account, the Eastern Washington
31 University capital projects account, the Interstate 405 express toll
32 lanes operations account, the education construction fund, the
33 education legacy trust account, the election account, the electric
34 vehicle charging infrastructure account, the energy freedom account,
35 the energy recovery act account, the essential rail assistance
36 account, The Evergreen State College capital projects account, the
37 federal forest revolving account, the ferry bond retirement fund, the
38 freight mobility investment account, the freight mobility multimodal
39 account, the grade crossing protective fund, the public health
40 services account, the high capacity transportation account, the state

1 higher education construction account, the higher education
2 construction account, the highway bond retirement fund, the highway
3 infrastructure account, the highway safety fund, the high occupancy
4 toll lanes operations account, the hospital safety net assessment
5 fund, the industrial insurance premium refund account, the judges'
6 retirement account, the judicial retirement administrative account,
7 the judicial retirement principal account, the local leasehold excise
8 tax account, the local real estate excise tax account, the local
9 sales and use tax account, the marine resources stewardship trust
10 account, the medical aid account, the mobile home park relocation
11 fund, the money-purchase retirement savings administrative account,
12 the money-purchase retirement savings principal account, the motor
13 vehicle fund, the motorcycle safety education account, the multimodal
14 transportation account, the multiuse roadway safety account, the
15 municipal criminal justice assistance account, the natural resources
16 deposit account, the oyster reserve land account, the pension funding
17 stabilization account, the perpetual surveillance and maintenance
18 account, the pollution liability insurance agency underground storage
19 tank revolving account, the public employees' retirement system plan
20 1 account, the public employees' retirement system combined plan 2
21 and plan 3 account, the public facilities construction loan revolving
22 account beginning July 1, 2004, the public health supplemental
23 account, the public works assistance account, the Puget Sound capital
24 construction account, the Puget Sound ferry operations account, the
25 Puget Sound taxpayer accountability account, the real estate
26 appraiser commission account, the recreational vehicle account, the
27 regional mobility grant program account, the resource management cost
28 account, the rural arterial trust account, the rural mobility grant
29 program account, the rural Washington loan fund, the site closure
30 account, the skilled nursing facility safety net trust fund, the
31 small city pavement and sidewalk account, the special category C
32 account, the special wildlife account, the state employees' insurance
33 account, the state employees' insurance reserve account, the state
34 investment board expense account, the state investment board
35 commingled trust fund accounts, the state patrol highway account, the
36 state route number 520 civil penalties account, the state route
37 number 520 corridor account, the state wildlife account, the
38 supplemental pension account, the Tacoma Narrows toll bridge account,
39 the teachers' retirement system plan 1 account, the teachers'
40 retirement system combined plan 2 and plan 3 account, the tobacco

1 prevention and control account, the tobacco settlement account, the
2 toll facility bond retirement account, the transportation 2003
3 account (nickel account), the transportation equipment fund, the
4 transportation fund, the transportation future funding program
5 account, the transportation improvement account, the transportation
6 improvement board bond retirement account, the transportation
7 infrastructure account, the transportation partnership account, the
8 traumatic brain injury account, the tuition recovery trust fund, the
9 University of Washington bond retirement fund, the University of
10 Washington building account, the volunteer firefighters' and reserve
11 officers' relief and pension principal fund, the volunteer
12 firefighters' and reserve officers' administrative fund, the
13 Washington judicial retirement system account, the Washington law
14 enforcement officers' and firefighters' system plan 1 retirement
15 account, the Washington law enforcement officers' and firefighters'
16 system plan 2 retirement account, the Washington public safety
17 employees' plan 2 retirement account, the Washington school
18 employees' retirement system combined plan 2 and 3 account, the
19 Washington state health insurance pool account, the Washington state
20 patrol retirement account, the Washington State University building
21 account, the Washington State University bond retirement fund, the
22 water pollution control revolving administration account, the water
23 pollution control revolving fund, the Western Washington University
24 capital projects account, the Yakima integrated plan implementation
25 account, the Yakima integrated plan implementation revenue recovery
26 account, and the Yakima integrated plan implementation taxable bond
27 account. Earnings derived from investing balances of the agricultural
28 permanent fund, the normal school permanent fund, the permanent
29 common school fund, the scientific permanent fund, the state
30 university permanent fund, and the state reclamation revolving
31 account shall be allocated to their respective beneficiary accounts.

32 (b) Any state agency that has independent authority over accounts
33 or funds not statutorily required to be held in the state treasury
34 that deposits funds into a fund or account in the state treasury
35 pursuant to an agreement with the office of the state treasurer shall
36 receive its proportionate share of earnings based upon each account's
37 or fund's average daily balance for the period.

1 (5) In conformance with Article II, section 37 of the state
2 Constitution, no treasury accounts or funds shall be allocated
3 earnings without the specific affirmative directive of this section."

4 Correct the title.

EFFECT: Makes the following modifications to distracted driving infractions and penalties:

(1) Retains current laws that prohibit use of a hand-held cellular phone and texting while driving, removing the prohibition on a driver using a personal electronic device with his or her hands while driving to conduct a range of activities other than the minimal use of a finger to activate, deactivate, or initiate a function of the device;

(2) Defines driving in a dangerously distracted manner as engaging in any activity not related to the actual operation of a motor vehicle in a manner that interferes with the safe operation of such motor vehicle on a highway;

(3) Establishes dangerously distracted driving as a secondary traffic infraction, limiting enforcement to when a driver of a motor vehicle has been detained for a suspected violation of a separate traffic infraction or an equivalent local ordinance;

(4) Sets the monetary penalty for dangerously distracted driving to equal the unscheduled infraction base penalty amount established by rule by the supreme court in its schedule of monetary penalties for infractions;

(5) Restricts the use of revenues obtained from the secondary infraction of dangerously distracted driving to the support of programs dedicated to reducing distracted driving and improving driver education on distracted driving;

(6) Establishes an appropriated account, the Distracted Driving Prevention Account, and restricts use of its funds to the support of programs dedicated to reducing distracted driving and improving driver education on distracted driving, as directed by the Washington Traffic Safety Commission; and

(7) Specifies that the Distracted Driving Prevention Account is required to receive any interest earned based on its average daily balance.

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