

SSB 6066 - H COMM AMD
By Committee on Transportation

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

3 "Sec. 1. RCW 46.61.672 and 2017 c 334 s 1 are each amended to
4 read as follows:

5 (1) A person who uses a personal electronic device while driving
6 a motor vehicle on a public highway is guilty of a traffic infraction
7 and must pay a fine as provided in RCW 46.63.110(3).

8 (2) Subsection (1) of this section does not apply to:

9 (a) A driver who is using a personal electronic device to contact
10 emergency services;

11 (b) The use of a system by a transit system employee for time-
12 sensitive relay communication between the transit system employee and
13 the transit system's dispatch services;

14 (c) An individual employed as a commercial motor vehicle driver
15 who uses a personal electronic device within the scope of such
16 individual's employment if such use is permitted under 49 U.S.C. Sec.
17 31136 as it existed on July 23, 2017; and

18 (d) A person operating an authorized emergency vehicle.

19 (3) The state preempts the field of regulating the use of
20 personal electronic devices in motor vehicles while driving, and this
21 section supersedes any local laws, ordinances, orders, rules, or
22 regulations enacted by any political subdivision or municipality to
23 regulate the use of a personal electronic device by the operator of a
24 motor vehicle.

25 (4) A second or subsequent offense under this section is subject
26 to two times the penalty amount under RCW 46.63.110.

27 (5) For purposes of this section:

28 (a) "Driving" means to operate a motor vehicle on a public
29 highway, including while temporarily stationary because of traffic, a
30 traffic control device, or other momentary delays. "Driving" does not
31 include when the vehicle has pulled over to the side of, or off of,

1 an active roadway and has stopped in a location where it can safely
2 remain stationary.

3 (b) "Personal electronic device" means any portable electronic
4 device that is capable of wireless communication or electronic data
5 retrieval and is not manufactured primarily for hands-free use in a
6 motor vehicle. "Personal electronic device" includes, but is not
7 limited to, a cell phone, tablet, laptop, two-way messaging device,
8 or electronic game. "Personal electronic device" does not include
9 two-way radio, citizens band radio, or amateur radio equipment.

10 (c) "Use" or "uses" means:

11 (i) Holding a personal electronic device in either hand or both
12 hands;

13 (ii) Using your hand or finger to compose, send, read, view,
14 access, browse, transmit, save, or retrieve email, text messages,
15 instant messages, photographs, or other electronic data; however,
16 this does not preclude the minimal use of a finger to activate,
17 deactivate, or initiate a function of the device; or

18 (iii) Watching video on a personal electronic device.

19 NEW SECTION. **Sec. 2.** (1) The traffic safety commission must
20 review available information on the safety record of tow trucks in
21 the state related to the use or possible use of the telephone call
22 functionality of a wireless communications device by its operator
23 while the tow truck is being driven on a public highway.

24 (2) By December 1, 2018, the traffic safety commission must
25 report to the transportation committees of the legislature on its
26 findings and the implications of these findings for the possible use
27 of the telephone call functionality of a wireless communications
28 device by the operator of a tow truck permitted under chapter 46.55
29 RCW while the operator is driving the tow truck on a public highway
30 and responding to a request for towing services."

31 Correct the title.

EFFECT: Makes the following changes related to the use of a
personal electronic device by a tow truck operator:

(1) Removes authorization for a tow truck operator of a tow truck
registered in accordance with state tow truck laws to use his or her
wireless communications device for the purpose of making a phone call
when doing so in response to calls regarding disabled vehicles.

(2) Requires the Traffic Safety Commission to review available
information on the safety record of tow trucks in the state related
to the use of the telephone call functionality of a wireless

communications device, and by December 1, 2018, report to the Transportation Committees of the Legislature on its findings as they relate to allowing registered tow truck operators to use the telephone call functionality of a wireless communications device to respond to a request for towing services while driving.

--- END ---