

SENATE BILL REPORT

SSB 6066

As Passed Senate, February 9, 2018

Title: An act relating to exempting tow truck operators using the telephone call functionality of a wireless communications device from traffic infractions.

Brief Description: Exempting certain tow truck operators using the telephone call functionality of a wireless communications device from traffic infractions.

Sponsors: Senate Committee on Transportation (originally sponsored by Senators Lias, Warnick, Hunt and Saldaña).

Brief History:

Committee Activity: Transportation: 1/15/18, 1/23/18 [DPS, DNP, w/oRec].

Floor Activity:

Passed Senate: 2/09/18, 29-18.

Brief Summary of First Substitute Bill

- Provides an exemption from the distracted driving infraction for a person who is making a call on a wireless communications device while operating a tow truck.

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: That Substitute Senate Bill No. 6066 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland, Fortunato, Lias, O'Ban, Sheldon, Takko and Zeiger.

Minority Report: Do not pass.

Signed by Senators Chase, Dhingra and Wellman.

Minority Report: That it be referred without recommendation.

Signed by Senator McCoy.

Staff: Kim Johnson (786-7472)

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Background: A person who uses a personal electronic device while driving a motor vehicle on a public highway is guilty of a traffic infraction—commonly referred to as the distracted driving infraction. The first violation of the distracted driving infraction carries a base penalty of \$48 and a total penalty of \$136. Second and subsequent violations of this infraction double the base penalty to \$96, resulting in a total penalty of approximately \$235.

Uses includes the following actions:

- holding a personal electronic device in either hand;
- using your hand or finger to compose, send, read, view, access, browse, transmit, save, or retrieve email, text messages, instant messages, photographs, or other electronic data; and
- watching video on a personal electronic device.

However, the minimal use of a finger to activate, deactivate, or initiate a function of a device is not precluded.

A personal electronic device means any portable electronic device that is capable of wireless communication or electronic data retrieval, but does not include two-way radio, citizen band radio, or amateur radio equipment.

Driving means operating a motor vehicle on a public highway, and includes when the vehicle is temporarily stopped because of traffic or a stop light or stop sign. Driving does not include when the vehicle has pulled over and stopped on the side of an active roadway and can remain stationary safely.

The following actions are exempted from the infraction:

- a driver who is summoning emergency services;
- a driver operating an authorized emergency vehicle;
- a transit system employee using a system for time-sensitive relay communication with transit dispatch services; and
- a commercial motor vehicle driver who uses a device within the scope of an individual's employment as allowed by federal law.

Summary of First Substitute Bill: The distracted driving infraction does not apply to a person operating a tow truck that is registered under Chapter 46.55 RCW, while responding to a disabled vehicle, and is using the call functionality of a wireless communication device.

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: We passed important legislation last year to combat distracted driving. When we did so, we removed an exemption in the law for

tow truck drivers. I introduced this bill as I thought the tow truck driver exception deserved a conversation.

Allowing tow truck drivers to use their cell phones while driving could save several minutes in critical situations. Annually, \$72 billion is wasted in traffic congestions in our country. Twenty-five percent of traffic congestion is due to accidents, and secondary crashes only contribute to the amount of time and congestion. Do tow trucks cause these traffic crashes? Communication is critical to clearing the crashes as quickly as possible. We have to be in our truck within five minutes to get to the crash and respond. We need to be able to communicate while in the vehicle on our way to the scene. We often communicate with law enforcement who are on the scene about where we need to be and where we are going to move the vehicles, and whether there are any secondary crashes. We need to be able to clear the scene as quickly as possible and worrying about our blue tooth device and whether it is charged is a secondary thought in these critical moments after we are notified of a crash.

CON: We appreciate the work tow truck operators do in clearing accidents quickly. The new law allows the use of blue tooth devices that are inexpensive and easy to use. The law, as it is written, already allows for the tow truck drivers to communicate in route; however, they have to use a blue tooth device just like everybody else. I do not see how holding their phone in their hand is necessary.

Persons Testifying: PRO: Senator Marko Liias, Prime Sponsor; Dan Johnson Sr., Towing and Recovery Association of Washington.

CON: Shelly Baldwin, Washington Traffic Safety Commission.

Persons Signed In To Testify But Not Testifying: No one.