

# HOUSE BILL REPORT

## HB 1256

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### As Reported by House Committee On: Transportation

**Title:** An act relating to increasing monetary penalties for the unlawful use of a personal electronic device while driving a motor vehicle in a school, playground, or crosswalk speed zone.

**Brief Description:** Increasing monetary penalties for the unlawful use of a personal electronic device while driving a motor vehicle in a school, playground, or crosswalk speed zone.

**Sponsors:** Representatives Lovick, Irwin, Valdez, Orwall, Kloba, Sells, Slatter, Riccelli, Gregerson, Ortiz-Self, Kilduff, Mead, Doglio, Goodman, Dolan, Peterson, Stonier, Reeves and Appleton.

#### **Brief History:**

##### **Committee Activity:**

Transportation: 1/28/19, 1/31/19 [DP].

#### **Brief Summary of Bill**

- Doubles the base penalty for a first-time offense for the use of a personal electronic device while driving a motor vehicle when the offense occurs in a school, playground, or crosswalk speed zone.
- Doubles the base penalty for the unlawful use of a wireless communications device by Intermediate Driver's License holders while operating a moving motor vehicle when the offense occurs in a school, playground, or crosswalk speed zone.
- Directs revenue from the increased penalties for these offenses to fund projects in local communities to improve school zone safety, pupil transportation safety, and student safety in school bus loading and unloading areas.

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### HOUSE COMMITTEE ON TRANSPORTATION

**Majority Report:** Do pass. Signed by 24 members: Representatives Fey, Chair; Slatter, 2nd Vice Chair; Valdez, 2nd Vice Chair; Wylie, 1st Vice Chair; Barkis, Ranking Minority

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Member; Young, Assistant Ranking Minority Member; Boehnke, Chambers, Doglio, Entenman, Eslick, Goehner, Gregerson, Irwin, Kloba, Lovick, Mead, Ortiz-Self, Paul, Pellicciotti, Ramos, Riccelli, Shewmake and Van Werven.

**Minority Report:** Without recommendation. Signed by 3 members: Representatives Dent, Dufault and Orcutt.

**Minority Report:** Do not pass. Signed by 3 members: Representatives Walsh, Assistant Ranking Minority Member; McCaslin and Shea.

**Staff:** Jennifer Harris (786-7143).

### **Background:**

#### Distracted Driving for Drivers 18 Years of Age or Older.

A person who uses a personal electronic device while driving a motor vehicle on a public highway, including while temporarily stationary because of traffic, a traffic control device, or other momentary delays, is guilty of a traffic infraction. The activity of driving does not include when a vehicle has pulled over to the side of or off of a highway and has stopped in a location where it can safely remain stationary.

A personal electronic device means a portable electronic device that is capable of wireless communication or electronic data retrieval and that is not manufactured primarily for hands-free use in a motor vehicle. It includes cell phones, tablets, laptops, two-way messaging devices, and electronic games. Two-way radios, citizens band radios, and amateur radio equipment are excluded from the definition of personal electronic device.

The following activities are prohibited while driving:

- holding a personal electronic device in either or both hands;
- using a hand or finger to compose, send, read, view, access, browse, transmit, save, or retrieve electronic mail, text messages, instant messages, photographs, or other electronic data; and
- watching a video on a personal electronic device. The minimal use of a finger to activate, deactivate, or initiate a function of a personal electronic device is permitted.

Exceptions for this infraction apply to the following uses:

- the use of a personal electronic device to contact emergency services;
- a transit system employee's use of a system for time-sensitive relay communication between the transit system employee and the transit system's dispatch services;
- a commercial motor vehicle driver's use of a personal electronic device within the scope of his or her employment if such use is permitted under federal law; and
- the operation of an authorized emergency vehicle.

Second and subsequent infractions received for using a personal electronic device while driving are subject to two times the standard driving infraction base penalty amount, which would currently result in penalties and fees that total \$234.

The state preempts local laws regulating the use of personal electronic devices in motor vehicles while driving.

#### Distracted Driving for Drivers under 18 Years of Age.

A driver with an Intermediate Driver's License may not operate a moving vehicle while using a wireless communications device unless the holder is using the device to report illegal activity, summon medical or other emergency help, or prevent injury to a person or property.

#### Traffic Infractions in School Zones.

Base monetary penalties are doubled in school and playground speed zones, where it is unlawful for a driver to operate a vehicle at a speed greater than 20 miles per hour, and in marked school or playground crosswalks with posted standard school or playground speed limits signs for drivers who are found to have:

- committed any infraction related to speed restrictions;
- failed to stop or remain stopped to allow a pedestrian or a bicyclist to cross the roadway at a marked or unmarked crosswalk;
- failed to yield the right-of-way to a pedestrian or bicyclist on a sidewalk;
- failed to exercise due care to avoid colliding with a pedestrian, including sounding the horn when necessary, or failing to exercise proper precaution for a child or a confused or incapacitated person on a roadway.

The speed zones for school and playground crosswalks extend 300 feet in either direction from the marked crosswalk. A school or playground speed zone may extend up to 300 feet from the border of the school or playground property, to the extent the area is consistent with active school or playground use.

#### Traffic Infraction Penalties and Fines.

The base penalties for the majority of traffic infractions, including those doubled in school and playground speed zones and crosswalks, are set by the Washington Supreme Court. The base penalty for the infractions noted above, except for those related to speed restrictions, is \$48 outside of school and playground speed zones and crosswalks, and doubles to \$96 inside of them—the corresponding total in penalties and fees are \$136 and \$234, respectively. The total in penalties and fees for the speed-related infractions range from \$105 to \$423 outside of school and playground speed zones and crosswalks (depending on the speed limit and the amount by which its exceeded), and from \$214 to \$808 inside of them. These totals include the following additional penalties and fees: a public safety and education assessment; a legislative assessment; a trauma care fee; an auto theft prevention fee; and a traumatic brain injury fee.

Half of the amount in penalties and fees for traffic infractions in school zones is required to be deposited in the School Zone Safety Account, which can only be used by the Washington Traffic Safety Commission to fund projects in local communities to improve school zone safety, pupil transportation safety, and student safety in school bus loading and unloading areas.

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**Summary of Bill:**

A driver at least 18 years of age who unlawfully uses a personal electronic device while driving a motor vehicle and receives a first offense for it is subject to two times the base penalty when it occurs within a school, playground, or crosswalk speed zone, raising the total in penalties and fees from \$136 to \$234. (Second and subsequent offenses are already subject to the doubling of the penalty under current law irrespective of where the offense occurs.)

An Intermediate Driver's License holder who unlawfully uses a wireless communications device while operating a moving motor vehicle is subject to two times the base penalty when he or she does so within a school, playground, or crosswalk speed zone, raising the total in penalties and fees from \$136 to \$234.

Half of the amount in penalties and fees assessed for the unlawful use of a wireless communications device are required to be deposited in the School Zone Safety Account, and can only be used by the Washington Traffic Safety Commission to fund projects in local communities to improve school zone safety, pupil transportation safety, and student safety in school bus loading and unloading areas.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect on October 1, 2019.

**Staff Summary of Public Testimony:**

(In support) There is nothing more important than keeping our children safe. This bill is focused on school safety. Safety patrol officers who assist crossing guards see people on their cell phones in school zones talking, texting, and reading while driving through crosswalks when they should be stopping. This creates a very dangerous environment, especially when the weather is poor and it is dark out, as is often the case.

(Opposed) None.

(Other) A Health Impact Assessment, an evidence-based review, shows that doubling these fines would likely reduce injuries and fatalities for pedestrians and bicyclists in speed zones, and that the additional funding used to strengthen school speed zone safety would likely also reduce injuries and fatalities for pedestrians and bicyclists.

**Persons Testifying:** (In support) Representative Lovick, prime sponsor; and Christine White, Mill Creek Police Department.

(Other) Christy Hoff, State Board of Health.

**Persons Signed In To Testify But Not Testifying:** None.