
HOUSE BILL 1256

State of Washington

66th Legislature

2019 Regular Session

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

Read first time 01/17/19. Referred to Committee on Transportation.

1 AN ACT Relating to increasing monetary penalties for the unlawful
2 use of a personal electronic device while driving a motor vehicle in
3 a school, playground, or crosswalk speed zone; amending RCW 46.20.075
4 and 46.61.672; prescribing penalties; and providing an effective
5 date.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 **Sec. 1.** RCW 46.20.075 and 2011 c 60 s 44 are each amended to
8 read as follows:

9 (1) An intermediate license authorizes the holder to drive a
10 motor vehicle under the conditions specified in this section. An
11 applicant for an intermediate license must be at least sixteen years
12 of age and:

13 (a) Have possessed a valid instruction permit for a period of not
14 less than six months;

15 (b) Have passed a driver licensing examination administered by
16 the department;

17 (c) Have passed a course of driver's education in accordance with
18 the standards established in RCW 46.20.100;

19 (d) Present certification by his or her parent, guardian, or
20 employer to the department stating (i) that the applicant has had at
21 least fifty hours of driving experience, ten of which were at night,

1 during which the driver was supervised by a person at least twenty-
2 one years of age who has had a valid driver's license for at least
3 three years, and (ii) that the applicant has not been issued a notice
4 of traffic infraction or cited for a traffic violation that is
5 pending at the time of the application for the intermediate license;

6 (e) Not have been convicted of or found to have committed a
7 traffic violation within the last six months before the application
8 for the intermediate license; and

9 (f) Not have been adjudicated for an offense involving the use of
10 alcohol or drugs during the period the applicant held an instruction
11 permit.

12 (2) For the first six months after the issuance of an
13 intermediate license or until the holder reaches eighteen years of
14 age, whichever occurs first, the holder of the license may not
15 operate a motor vehicle that is carrying any passengers under the age
16 of twenty who are not members of the holder's immediate family as
17 defined in RCW 42.17A.005. For the remaining period of the
18 intermediate license, the holder may not operate a motor vehicle that
19 is carrying more than three passengers who are under the age of
20 twenty who are not members of the holder's immediate family.

21 (3) The holder of an intermediate license may not operate a motor
22 vehicle between the hours of 1 a.m. and 5 a.m. except when the holder
23 is accompanied by a parent, guardian, or a licensed driver who is at
24 least twenty-five years of age.

25 (4) (a) The holder of an intermediate license may not operate a
26 moving motor vehicle while using a wireless communications device
27 unless the holder is using the device to report illegal activity,
28 summon medical or other emergency help, or prevent injury to a person
29 or property.

30 (b) An offense under this subsection is subject to two times the
31 penalty amount under RCW 46.63.110 when it occurs within a school,
32 playground, or crosswalk speed zone created under RCW 46.61.440.

33 (c) Fifty percent of the moneys collected under this subsection
34 must be deposited into the school zone safety account.

35 (5) It is a traffic infraction for the holder of an intermediate
36 license to operate a motor vehicle in violation of the restrictions
37 imposed under this section.

38 (6) Except for a violation of subsection (4) of this section,
39 enforcement of this section by law enforcement officers may be
40 accomplished only as a secondary action when a driver of a motor

1 vehicle has been detained for a suspected violation of this title or
2 an equivalent local ordinance or some other offense.

3 (7) An intermediate licensee may drive at any hour without
4 restrictions on the number of passengers in the vehicle if necessary
5 for agricultural purposes.

6 (8) An intermediate licensee may drive at any hour without
7 restrictions on the number of passengers in the vehicle if, for the
8 twelve-month period following the issuance of the intermediate
9 license, he or she:

10 (a) Has not been involved in an accident involving only one motor
11 vehicle;

12 (b) Has not been involved in an accident where he or she was
13 cited in connection with the accident or was found to have caused the
14 accident;

15 (c) Has not been involved in an accident where no one was cited
16 or was found to have caused the accident; and

17 (d) Has not been convicted of or found to have committed a
18 traffic offense described in chapter 46.61 RCW or violated
19 restrictions placed on an intermediate licensee under this section.

20 **Sec. 2.** RCW 46.61.672 and 2017 c 334 s 1 are each amended to
21 read as follows:

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

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

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

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

31 (c) An individual employed as a commercial motor vehicle driver
32 who uses a personal electronic device within the scope of such
33 individual's employment if such use is permitted under 49 U.S.C. Sec.
34 31136 as it existed on July 23, 2017; and

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

36 (3) The state preempts the field of regulating the use of
37 personal electronic devices in motor vehicles while driving, and this
38 section supersedes any local laws, ordinances, orders, rules, or
39 regulations enacted by any political subdivision or municipality to

1 regulate the use of a personal electronic device by the operator of a
2 motor vehicle.

3 (4) (a) A first offense under this section is subject to two times
4 the penalty amount under RCW 46.63.110 when it occurs within a
5 school, playground, or crosswalk speed zone created under RCW
6 46.61.440.

7 (b) Fifty percent of the moneys collected under this subsection
8 must be deposited into the school zone safety account.

9 (5) A second or subsequent offense under this section is subject
10 to two times the penalty amount under RCW 46.63.110.

11 ~~((5))~~ (6) For purposes of this section:

12 (a) "Driving" means to operate a motor vehicle on a public
13 highway, including while temporarily stationary because of traffic, a
14 traffic control device, or other momentary delays. "Driving" does not
15 include when the vehicle has pulled over to the side of, or off of,
16 an active roadway and has stopped in a location where it can safely
17 remain stationary.

18 (b) "Personal electronic device" means any portable electronic
19 device that is capable of wireless communication or electronic data
20 retrieval and is not manufactured primarily for hands-free use in a
21 motor vehicle. "Personal electronic device" includes, but is not
22 limited to, a cell phone, tablet, laptop, two-way messaging device,
23 or electronic game. "Personal electronic device" does not include
24 two-way radio, citizens band radio, or amateur radio equipment.

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

26 (i) Holding a personal electronic device in either hand or both
27 hands;

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

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

34 NEW SECTION. **Sec. 3.** This act takes effect October 1, 2019.

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