

SENATE BILL REPORT

SB 5485

As of January 31, 2022

Title: An act relating to prohibiting traffic stops for certain traffic violations.

Brief Description: Prohibiting traffic stops for certain traffic violations.

Sponsors: Senators Nguyen and Nobles.

Brief History:

Committee Activity: Transportation: 2/03/22.

Brief Summary of Bill

- Prohibits peace officers from stopping drivers to enforce certain specified traffic violations.

SENATE COMMITTEE ON TRANSPORTATION

Staff: Kelly Simpson (786-7403)

Background: A law enforcement officer has the authority to issue a notice of traffic infraction in the following circumstances:

- when the infraction is committed in the officer's presence, except for operating violations of wheeled all-terrain vehicles;
- when the officer is acting upon the request of a law enforcement officer in whose presence the traffic infraction was committed;
- if an officer investigating at the scene of a motor vehicle accident has reasonable cause to believe that the driver of a motor vehicle involved in the accident has committed a traffic infraction;
- when the infraction is detected through the use of an automated traffic safety camera;
or
- when the infraction is detected through the use of an automated school bus safety camera.

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

Any police officer having probable cause to believe that a person has committed or is committing a violation of any of the following traffic laws may arrest the person:

- relating to duty on striking an unattended car or other property;
- relating to duty in case of injury to, or death of, a person or damage to an attended vehicle;
- relating to reckless driving or racing vehicles;
- relating to persons under the influence of intoxicating liquor or drugs;
- relating to persons having alcohol or THC in their system;
- relating to driving a motor vehicle while an operator's license is suspended or revoked; or
- relating to operating a motor vehicle in a negligent manner.

A law enforcement officer investigating at the scene of a motor vehicle accident may arrest the driver of a motor vehicle involved in the accident if the officer has probable cause to believe the driver has committed, in connection with the accident, a violation of any traffic law or regulation.

Summary of Bill: The bill as referred to committee not considered.

Summary of Bill (Proposed Substitute): A peace officer may not stop drivers to enforce the following traffic violations:

- failure to keep to the right;
- improper turn;
- failure to stop, under most circumstances;
- failure to dim lights, and any other equipment violation not defined as a moving violation;
- parking violations;
- driving without a license;
- vehicle registration violation;
- failure to maintain proof of motor vehicle insurance;
- driving while license suspended; and
- safety belt violations, except for failure to properly restrain children.

A peace officer may enforce the traffic violations specified only as a secondary action when a driver has been detained for a suspected moving violation not listed in this section.

A peace officer includes a general authority Washington peace officer, a limited authority Washington peace officer, and a specially commissioned Washington peace officer. A peace officer does not include any corrections officer or other employee of a jail, correctional, or detention facility, but does include any community corrections officer.

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.