

SENATE BILL REPORT

SB 5485

As of February 3, 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.

Staff Summary of Public Testimony On Proposed Substitute: PRO: Pretextual stops are a problem and need to be reduced. Research studies show less than 2 percent of traffic stops lead to arrest. Low level traffic stops allow law enforcement to make unnecessary stops. The bill will make people feel safer. There are many victims of racial profiling by law enforcement for minor traffic violations. Many of these stops have led to law enforcement officers shooting family members. This leads people of color to feel targeted by law enforcement. This adds to community distrust of law enforcement. The bill limits the dangers of discriminatory stops. Research shows that ending stops for minor traffic violations results in a low cost to public safety but a high benefit to racial equity. There are many unjustified traffic stops. Everyone at some point is committing a minor traffic violation.

CON: This bill provides a direct threat to public safety. The traffic laws at issue are foundational to safe driving. Failing to stop at intersections is a leading cause of traffic collisions. Running red lights and stop signs also causes many collisions. These laws need to be enforced for public safety. Washington's current primary seat belt law has led to a high compliance rate. This bill moves Washington backwards. The bill will result in more collisions and traffic fatalities and makes it harder for the Washington State Patrol to do its work in meeting traffic safety goals. Traffic fatalities are already going in the wrong direction and this bill will make that even worse. The bill also makes it harder to enforce DUI laws.

Persons Testifying: PRO: Senator Joe Nguyen, Prime Sponsor; Sonia Joseph, Washington Coalition for Police Accountability; Dalberta "Boots" Faletogo, Washington Coalition for Police Accountability; Po Leapai, Washington Coalition for Police Accountability; Frank Baumgartner, University of North Carolina; Samuel Martin, Washington for Black Lives; Lisa Judge, Seattle Inspector General for Public Safety; Bryce Yadon, Transportation Choices Coalition; Enoka Herat, ACLU of Washington.

CON: Taylor Gardner, WASPC; Shelly Baldwin, Washington Traffic Safety Commission; Brian Smith, Chief of Police, City of Port Angeles; Miriam Norman, City of Seattle/WTSC; Dawn Farina, City of Fife Police Legal Adviser; Captain Neil Weaver, Washington State Patrol.

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