

---

**SUBSTITUTE SENATE BILL 5037**

---

**State of Washington**

**60th Legislature**

**2007 Regular Session**

**By** Senate Committee on Transportation (originally sponsored by Senators Eide, Weinstein, Murray, Berkey, Regala, Rockefeller, Kauffman, Keiser, Spanel, Jacobsen and Kohl-Welles)

READ FIRST TIME 02/22/07.

1       AN ACT Relating to the use of a wireless communications device  
2 while operating a moving motor vehicle; adding a new section to chapter  
3 46.61 RCW; creating a new section; prescribing penalties; and providing  
4 an effective date.

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

6       NEW SECTION. **Sec. 1.** The use of wireless communications devices  
7 by motorists has increased in recent years. While wireless  
8 communications devices have assisted with quick reporting of road  
9 emergencies, their use has also contributed to accidents and other  
10 mishaps on Washington state roadways. When motorists hold a wireless  
11 communications device in one hand and drive with the other, their  
12 chances of becoming involved in a traffic mishap increase. It is the  
13 legislature's intent to phase out the use of hand-held wireless  
14 communications devices by motorists while operating a vehicle.

15       NEW SECTION. **Sec. 2.** A new section is added to chapter 46.61 RCW  
16 to read as follows:

17       (1) Except as provided in subsection (2) of this section, a person

1 operating a moving motor vehicle while holding a wireless  
2 communications device to his or her ear is guilty of a traffic  
3 infraction.

4 (2) Subsection (1) of this section does not apply to a person  
5 operating:

6 (a) An authorized emergency vehicle, or a tow truck responding to  
7 a disabled vehicle;

8 (b) A moving motor vehicle using a wireless communications device  
9 in hands-free mode;

10 (c) A moving motor vehicle using a hand-held wireless  
11 communications device to:

12 (i) Report illegal activity;

13 (ii) Summon medical or other emergency help;

14 (iii) Prevent injury to a person or property.

15 (3) For purposes of this section, "hands-free mode" means the use  
16 of a wireless communications device with a speaker phone, headset, or  
17 earpiece.

18 (4) The state preempts the field of regulating the use of wireless  
19 communications devices in motor vehicles, and this section supersedes  
20 any local laws, ordinances, orders, rules, or regulations enacted by a  
21 political subdivision or municipality to regulate the use of wireless  
22 communications devices by the operator of a motor vehicle.

23 (5) Enforcement of this section by law enforcement officers may be  
24 accomplished only as a secondary action when a driver of a motor  
25 vehicle has been detained for a suspected violation of this title or an  
26 equivalent local ordinance or some other offense.

27 NEW SECTION. **Sec. 3.** This act takes effect July 1, 2008.

--- END ---