

HOUSE BILL REPORT

ESHB 2464

As Passed Legislature

Title: An act relating to approaching certain emergency, roadside assistance, or police vehicles in emergency zones.

Brief Description: Implementing rules and penalties for drivers when approaching certain emergency, roadside assistance, or police vehicles in emergency zones.

Sponsors: House Committee on Transportation (originally sponsored by Representatives Liias, Johnson, O'Brien, Morrell, Maxwell, Sullivan, Simpson, Van De Wege, Kenney, Ericks and Sells; by request of Washington State Patrol).

Brief History:

Committee Activity:

Transportation: 1/11/10, 1/14/10 [DPS].

Floor Activity:

Passed House: 2/5/10, 97-0.

Senate Amended.

Passed Senate: 2/27/10, 32-8.

House Concurred.

Passed House: 3/6/10, 94-0.

Passed Legislature.

Brief Summary of Engrossed Substitute Bill

- Defines an emergency zone as the area 200 feet before and after a stationary emergency vehicle, a tow truck, an emergency assistance vehicle, or a police vehicle utilizing its respective signal lights or sirens.
- Requires motorists to observe the speed limit in an emergency zone, and doubles the normal fine for motorists that do not.
- Creates the crime of reckless endangerment of emergency zone workers, a violation of which is a gross misdemeanor and also subjects an individual to an automatic 60-day driver's license suspension.

HOUSE COMMITTEE ON TRANSPORTATION

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

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 25 members: Representatives Clibborn, Chair; Liias, Vice Chair; Roach, Ranking Minority Member; Armstrong, Driscoll, Eddy, Ericksen, Finn, Flannigan, Herrera, Johnson, Klippert, Kristiansen, Moeller, Morris, Nealey, Rolfes, Sells, Shea, Simpson, Springer, Takko, Upthegrove, Wallace and Williams.

Staff: David Munnecke (786-7315).

Background:

On highways with at least four lanes, two lanes of which are for traffic traveling in a single direction, drivers approaching a stationary emergency vehicle with a siren or flashing lights, a tow truck using red lights, an emergency assistance vehicle using warning lights, or a police vehicle using emergency lights are required to proceed with caution, and if reasonable, yield the right-of-way by making a lane change or moving away from the emergency vehicle, tow truck, or emergency assistance vehicle. If changing lanes would be unreasonable or unsafe, the driver must proceed with caution and reduce speed.

On highways of less than four lanes, drivers approaching a stationary emergency vehicle with siren or flashing lights, a tow truck using red lights, an emergency assistance vehicle using warning lights or a police vehicle using emergency lights, must proceed with caution, reduce speed, and if reasonable and safe, yield the right-of-way by passing to the left.

Vehicles are required to be driven on the right side of the roadway, except under specified circumstances such as when passing or on a one-way roadway. No vehicle may pass on the left side of the roadway unless authorized by statute, provided however, that the left side of the roadway must be free of oncoming traffic for a sufficient distance for the overtaking vehicle to pass without interfering with other vehicles or coming within 200 feet of approaching traffic.

An individual convicted of a gross misdemeanor can be sentenced to up to one year in county jail, fined up to \$5,000, or both.

Summary of Engrossed Substitute Bill:

An emergency zone is defined as the adjacent lanes of the roadway 200 feet before and after a stationary emergency vehicle with a siren or flashing lights, a tow truck using red lights, or an emergency assistance vehicle using warning lights.

A person may not drive a vehicle above the posted speed limit in an emergency zone. A driver who receives an infraction for a violation of the restrictions on passing an emergency vehicle or tow truck or an infraction for a speed violation in an emergency zone is subject to a penalty of double the standard amount, which may not be waived, reduced, or suspended.

A person is guilty of reckless endangerment of emergency zone workers, which is a gross misdemeanor, if a person drives a vehicle in an emergency zone in such a way as to endanger or be likely to endanger any emergency zone worker or property. A person convicted of

reckless endangerment of emergency zone workers is also subject to a 60-day driver's license suspension by the Department of Licensing.

The education and outreach efforts regarding emergency zones that the Washington State Patrol and Washington State Department of Transportation are required to conduct must be carried out using existing resources.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect on January 1, 2011.

Staff Summary of Public Testimony:

(In support) Law enforcement personnel and other first responders take a variety of risks as part of their efforts to protect the public. We do not necessarily hear about the risks that these individuals face on the roads, but in the last three years, the WSP alone had 57 collisions that involved troopers and most of those occurred during broad daylight and while the vehicle lights were on.

The State Legislature passed the "move-over law" in an effort to protect emergency workers, such as firefighters, roadside assistance workers, tow trucks operators, and law enforcement personnel; but since it was passed in 2007, the number of collisions has gone up. This law is designed to mirror the work zone safety legislation that is already in law and appears to be working by increasing fines and creating the crime of endangering emergency workers. The bottom line is that we need to protect emergency workers and allow them to focus on doing their jobs rather than worrying about the dangerous acts of others. This law will be an opportunity to educate people about doing the right thing, and hopefully it will be as effective as other combined education and enforcement efforts such as Click It or Ticket.

Drivers who are approaching emergency workers on the roadway would receive notification of their presence by means of flares, flashing lights, and in some cases sirens. The law would most likely only be enforced against those who pass at high speed rather than approaching at high speed but then slowing. Currently, the drivers that hit emergency workers or their vehicles are often charged with driving under the influence or vehicular assault.

Almost 200 tow truck drivers have been killed nationwide in the last three years while assisting motorists on the side of the road, so this bill is important from their perspective as well.

(With concerns) This bill is important in terms of protecting emergency workers, but it is difficult to define the 200 foot zone in such a way so that people can understand what is being asked of them. The recklessness standard associated with the crime of endangering emergency zone workers also seems somewhat subjective. Better promotion of the existing "move-over law" might be a part of the solution.

(Opposed) None.

Persons Testifying: (In support) Representative Liias, prime sponsor; Representative Johnson; Jeff DeVere, Washington State Patrol; Stu Halsan, Towing and Recovery Association; Mark Allen, Washington State Association of Broadcasters; and Ted Trepanier, Washington State Department of Transportation.

(With concerns) Dave Overstreet, Automobile Association of America Washington.

Persons Signed In To Testify But Not Testifying: None.