

# SENATE BILL REPORT

## ESHB 2464

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As of February 18, 2010

**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:** Passed House: 2/05/10, 97-0.

**Committee Activity:** Transportation: 2/18/10.

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### SENATE COMMITTEE ON TRANSPORTATION

**Staff:** Kelly Simpson (786-7403)

**Background:** Under current law, drivers must take specific cautionary actions when approaching the following: (1) a stationary authorized emergency vehicle that is using audible or visual emergency signals, (2) a tow truck using its red lights, (3) other vehicles providing roadside assistance using warning lights, or (4) a police vehicle properly using emergency lights.

Specifically, on a highway with four or more lanes, with at least two lanes proceeding in the same direction as the approaching vehicle, the driver must proceed with caution and, if reasonably safe under the conditions, yield the right-of-way by making a lane change or moving away from the stationary authorized emergency vehicle or police vehicle. On a highway with less than four lanes, the driver must proceed with caution, reduce speed, and, if reasonably safe under the conditions, yield the right-of-way by passing to the left at a safe distance while also yielding the right-of-way to all other traveling vehicles. However, if changing lanes or moving away would be unreasonable or unsafe, the driver must proceed with due caution and reduce speed.

Failing to take the required cautionary actions when approaching stationary emergency and roadside assistance vehicles is a traffic infraction.

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*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.*

**Summary of Bill:** An emergency zone is established in the adjacent lanes of the roadway 200-feet before and after the following vehicles: (1) a stationary authorized emergency vehicle that is using audible or visual emergency signals, (2) a tow truck using its red lights, (3) other vehicles providing roadside assistance using warning lights, or (4) a police vehicle properly using emergency lights. Drivers approaching an emergency zone must take the specific cautionary actions that are required under current law when approaching stationary emergency and roadside assistance vehicles, as determined by the number of established lanes on the applicable highway. Additionally, drivers may not exceed posted speed limits when driving in an emergency zone.

Failing to take the required cautionary actions in emergency zones, or speeding in an emergency zone subjects the driver to twice the applicable monetary penalty regularly imposed. However, a traffic infraction issued for violating emergency zone restrictions is not subject to the \$20 special assessment attached to most traffic infraction monetary penalties.

Persons driving in an emergency zone in such a manner as to endanger or be likely to endanger any emergency zone worker or property are guilty of a new crime: reckless endangerment of emergency zone workers. Reckless endangerment of emergency zone workers constitutes a gross misdemeanor. A person convicted of reckless endangerment of emergency zone workers must have their driving privileges suspended for 60 days.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

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

**Staff Summary of Public Testimony:** PRO: The WSP wants to change drivers' behavior around stationary emergency and roadside assistance vehicles responding to an emergency. Additional sanctions are needed to encourage drivers to properly yield to emergency workers. This bill provides additional sanctions on those who are violating current law. Radio stations that provide roadside assistance, and tow truck operators, are supportive of this bill.

OTHER: The provision in the bill that prohibits a judge from waiving, reducing, or suspending the monetary penalties violates due process.

**Persons Testifying:** PRO: Representative Liias, prime sponsor; Jason Berry, WA State Patrol; Stu Halsan, Towing & Recovery Assn.; Mark Allen, Broadcasting Assn.

OTHER: Shankar Narayan, ACLU.