

SENATE BILL REPORT

SB 6345

As Reported by Senate Committee On:
Transportation, January 25, 2010

Title: An act relating to the use of wireless communications devices while driving.

Brief Description: Addressing the use of wireless communications devices while driving.

Sponsors: Senators Eide, Regala, Delvin, Haugen, Kohl-Welles, Rockefeller, Keiser, Fairley, Kline, Tom and Fraser.

Brief History:

Committee Activity: Transportation: 1/18/10, 1/25/10 [DPS, DNP, w/oRec].

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: That Substitute Senate Bill No. 6345 be substituted therefor, and the substitute bill do pass.

Signed by Senators Haugen, Chair; Marr, Vice Chair; Becker, Berkey, Delvin, Eide, Jacobsen, Kastama, Kauffman, Kilmer, King and Ranker.

Minority Report: Do not pass.

Signed by Senators Hatfield and Sheldon.

Minority Report: That it be referred without recommendation.

Signed by Senator Benton.

Staff: Amanda Cecil (786-7429)

Background: Any person operating a moving motor vehicle while holding a cell phone or other wireless communication device to their ear is guilty of a traffic infraction, unless the person is:

- operating an authorized emergency vehicle, or a tow truck responding to a disabled vehicle;
- using a hands-free device including a speaker phone, a headset, or an earpiece;
- reporting illegal activity, summoning medical or emergency help, or using the device to prevent injury to a person or property; or
- using a hearing aid.

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.

This does not apply to amateur radio operators who hold a valid amateur radio license issued by the Federal Communications Commission.

Any person using a cell phone or other wireless communication device to read, manually write, or send a text message is guilty of a traffic infraction, unless the person is:

- operating an authorized emergency vehicle;
- reporting illegal activity, summoning medical or emergency help, or using the device to prevent injury to a person or property; or
- relaying information between a transit or for-hire operator and that operator's dispatch, in which the device is permanently affixed to the vehicle.

A violation has an associated infraction of \$124. The infraction does not become part of the driver's record and is not available to insurance companies or employers.

A violation of the laws relating to the use of a cell phone or other wireless communication device while operating a moving motor vehicle may only be enforced as a secondary action when the driver has been detained for violating state motor vehicle laws or local ordinance.

Summary of Bill (Recommended Substitute): The holder of an instruction permit or an intermediate license may not use a cell phone or other wireless communication device while driving a motor vehicle. An exception is made if the wireless communication device is being used to report illegal activity, summon medical or other emergency help, or to prevent injury to a person or property.

For all drivers, a violation of the laws relating to the use of a cell phone or other wireless communication devices while operating a moving motor vehicle may be enforced as a primary action.

EFFECT OF CHANGES MADE BY TRANSPORTATION COMMITTEE (Recommended Substitute): Added an exception for transit operators to relay time sensitive information using a hand held device.

Modifies the existing exception related to navigation systems to say that they are voice operated as opposed to voice activated. It also clarifies that the driver must keep their attention on the road.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: PRO: Driving while using a cell phone is as dangerous as driving while intoxicated. Distracted drivers miss up to 50 percent of the visual cues. Driver that text have 23 percent more risk of being involved in an accident. This is especially dangerous for people that are visually impaired. Bicyclists are

also at risk of being hit by drivers that are not paying attention to the road. There are many examples of people that have lost loved ones by distracted drivers on cell phones and many more of near misses.

Persons Testifying: PRO: Chief Jon Batiste, Washington State Patrol; Secretary Liz Luce, Department of Licensing; Steve Lind, Brian Johnston, Chief of Pediatrics at Harbor View Medical Center; Jennifer Lescher, Cyrus Habib, DeAnne Boisvert, Lowell Weiss, Driven to Distraction Taskforce; Fred Wright, SWERVE Driver Training School; Noah Sarkowsky; Ira Hyman, Western Washington University; Dave Overstreet, AAA of Washington; Kathleen Collins, Spokane Transit Authority; Mike Shaw, Washington State Transit Association; Cliff Webster, Verizon Wireless; Daniel Twohig, Washington State Ferries; Larry Walker, Washington Road Riders Association