

HOUSE BILL REPORT

SHB 2736

As Passed House:

February 11, 2012

Title: An act relating to commercial vehicle regulations for texting while driving and flags on projecting loads.

Brief Description: Concerning commercial vehicle regulations for texting while driving and projecting loads.

Sponsors: House Committee on Transportation (originally sponsored by Representative Hansen; by request of Department of Licensing).

Brief History:

Committee Activity:

Transportation: 2/1/12, 2/6/12 [DPS].

Floor Activity:

Passed House: 2/11/12, 95-0.

Brief Summary of Substitute Bill

- Establishes that a traffic infraction for texting while operating a commercial motor vehicle is a "serious traffic offense" and an infraction becomes part of a commercial driver's driving record.
- Changes requirements related to the flags that must be displayed when a vehicle has a projecting load from its rear or side.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 29 members: Representatives Clibborn, Chair; Billig, Vice Chair; Liias, Vice Chair; Armstrong, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Angel, Asay, Eddy, Finn, Fitzgibbon, Hansen, Jinkins, Johnson, Klippert, Kristiansen, Ladenburg, McCune, Moeller, Morris, Moscoso, Overstreet, Reykdal, Rivers, Rodne, Ryu, Shea, Takko, Upthegrove and Zeiger.

Staff: Alison Hellberg (786-7152).

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.

Background:

The operation of commercial motor vehicles is regulated under both state and federal law. The state's failure to comply with federal regulations pertaining to operators of commercial motor vehicles could result in decertification of Washington's commercial driver's license program and a loss of federal transportation funds. Washington drivers could also be prohibited from operating commercial motor vehicles in interstate commerce.

Texting While Driving.

Under state law, a person operating a moving motor vehicle who, by means of an electronic wireless communications device, sends, reads, or writes a text message, is guilty of a traffic infraction. This infraction does not become part of the driver's record and is not made available to insurance companies or employers.

Recent changes to federal regulations prohibit commercial motor vehicle operators from texting while driving and require that a violation be counted as a serious traffic violation and recorded on the driver's record. School buses and other vehicles designed to transport nine to 15 passengers are normally exempt from regulation as a commercial motor vehicle under federal regulations, but this specific requirement applies to them.

A "serious traffic violation" is defined in state law as:

- excessive speeding, defined as 15 miles per hour or more in excess of the posted limit;
- reckless driving, as defined under state or local law;
- a violation of a state or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with an accident or collision resulting in death to any person;
- driving a commercial motor vehicle without obtaining a commercial driver's license;
- driving a commercial motor vehicle without a commercial driver's license in the driver's possession;
- driving a commercial motor vehicle without the proper class of commercial driver's license endorsement or endorsements for the specific vehicle group being operated or for the passenger or type of cargo being transported; and
- any other violation of a state or local law relating to motor vehicle traffic control, other than a parking violation, that the Department of Licensing (Department) determines by rule to be serious.

Projecting Loads.

On vehicles having loads extending more than four feet beyond its rear, certain requirements apply as to the display of lights, reflectors, and lamps during certain times. In addition, when a vehicle has a load which extends beyond its sides or more than four feet beyond its rear, red flags not less than 12 inches square must be displayed.

Under federal regulations, commercial motor vehicles transporting a load which extends beyond the sides by more than four inches or more than four feet beyond the rear must have the extremities of the load marked with red or orange fluorescent warning flags. Each warning flag must be at least 18 inches. A federal audit found inconsistencies between state and federal law in this area.

Summary of Substitute Bill:

Texting.

The definition of "serious traffic violation" is expanded to include texting while operating a commercial motor vehicle. A person driving a commercial motor vehicle, including while temporarily stationary because of traffic, a traffic control device, or other momentary delays, who sends, reads, or writes a text message, is guilty of a traffic infraction. In this context, "driving" does not include operating a commercial motor vehicle with or without the motor running when the driver has moved the vehicle to the side of, or off, a highway and has stopped in a location where the vehicle can safely remain stationary. This infraction becomes part of a driver's record. Additionally a finding that a person has committed this infraction may be made available to insurance companies or employers. This prohibition does not apply when necessary to communicate with law enforcement officials or other emergency services.

Projecting Loads.

On a vehicle with a load that extends more than four inches on its sides or more than four feet beyond its rear, there must be displayed red or orange fluorescent warning flags, not less than 18 inches square, marking the extremities of the load.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill is designed to bring Washington law into compliance with federal regulations in order to prevent loss of federal funds and decertification of the state commercial driver's license program. In addition to making the state compliant, this bill will also improve public safety. Texting while driving increases the risk of collision and this bill emphasizes accountability. This is also the first time the Department of Licensing (Department) and the Washington State Patrol (Patrol) have worked jointly on a federal compliance bill. The texting while driving piece was developed by the Department and the projecting loads piece was developed by the Patrol.

(Opposed) None.

Persons Testifying: Representative Hansen, prime sponsor; Tony Sermonti, Department of Licensing; Steve Lind, Washington Traffic Safety Commission; and Jason Berry, Washington State Patrol.

Persons Signed In To Testify But Not Testifying: None.