

HOUSE BILL REPORT

SSB 6231

As Reported by House Committee On: Transportation

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: Senate Committee on Transportation (originally sponsored by Senators Marr, King, Eide, Delvin, Zarelli, Shin and Tom; by request of Washington State Patrol).

Brief History:

Committee Activity:

Transportation: 2/17/10, 2/24/10 [DPA].

Brief Summary of Substitute Bill (As Amended by House)

- 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

Majority Report: Do pass as amended. Signed by 27 members: Representatives Clibborn, Chair; Liias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong, Campbell, Dickerson, Driscoll, Eddy, Ericksen, Finn, Flannigan, Herrera, Johnson, Klippert, Kristiansen, Moeller, Nealey, Rolfes, Sells, Shea, Simpson, Springer, Takko, Upthegrove, Williams and Wood.

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.

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 Amended 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, an emergency assistance vehicle using warning lights, or a police vehicle using emergency 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.

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.

For 90 days after the effective date of the act, the Washington State Patrol (WSP) and the Washington State Department of Transportation are required to conduct, within existing resources, education and outreach efforts regarding emergency zones, drivers' obligations therein, and the penalties for violation of these obligations.

Amended Bill Compared to Substitute Bill:

The restriction that prevented the waiving, reduction, or suspension of the doubled penalty for a speed violation in an emergency zone is removed.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill takes effect 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 the WSP alone had 80 collisions in the past year that involved troopers and most of those occurred during broad daylight and while the vehicle lights were on. The Legislature passed the "move-over law" in an effort to protect emergency workers, such as firefighters, roadside assistance workers, tow truck 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. We need to protect emergency workers and allow them to focus on doing their jobs.

Approximately 60 tow truck drivers are killed nationwide every year while assisting motorists on the side of the road. This bill has been modified in order to insure that they are protected as well.

The inability to waive, reduce, or suspend the penalty should be kept in the bill so that the fine stands if someone speeds in an emergency zone. An officer will still have discretion regarding the issuance of a ticket, and a judge will still have discretion in finding a person guilty or not.

(With concerns) The American Civil Liberties Union supports the intent of the bill, but not the inability to waive, reduce, or suspend the penalty for a violation. Individuals are normally afforded the right to argue to have a penalty reduced.

(Opposed) None.

Persons Testifying: (In support) Senator Marr, prime sponsor; Jason Berry, Washington State Patrol; Stu Halsan, Towing and Recovery Association; and Mark Allen, Washington State Association of Broadcasters.

(With concerns) Shankar Narayan, American Civil Liberties Union, Washington.

Persons Signed In To Testify But Not Testifying: None.