

# SENATE BILL REPORT

## SB 6227

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As Reported by Senate Committee On:  
Transportation, February 4, 2014

**Title:** An act relating to enhancing public safety by reducing distracted driving incidents caused by the use of personal wireless communications devices.

**Brief Description:** Enhancing public safety by reducing distracted driving incidents caused by the use of personal wireless communications devices.

**Sponsors:** Senators Eide, Frockt, Chase, Keiser and McAuliffe.

**Brief History:**

**Committee Activity:** Transportation: 1/21/14, 1/30/14 [DPS, DNP]; Reconsidered 2/04/14 [DPS].

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### SENATE COMMITTEE ON TRANSPORTATION

**Majority Report:** That Substitute Senate Bill No. 6227 be substituted therefor, and the substitute bill do pass.

Signed by Senators Eide, Co-Chair; King, Co-Chair; Hobbs, Vice Co-Chair; Fain, Budget Leadership Cabinet; Angel, Brown, Cleveland, Lias, Mullet, O'Ban and Rolfes.

**Staff:** Amanda Cecil (786-7429)

**Background:** Any driver over 18 years of age operating a moving motor vehicle, while holding a wireless communications device to their ear, or who sends, reads, or writes a text message, is guilty of a traffic infraction unless the person is using a hands-free device. This does not apply when a driver is:

- operating an authorized emergency vehicle, or a tow truck responding to a disabled vehicle;
- relaying information between a transit or for-hire operator and that operator's dispatch, in which the device is permanently affixed to the vehicle;
- 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.

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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.*

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

Any intermediate drivers, drivers that are at least 16 years of age and under 18 years of age, operating a moving motor vehicle while using a wireless communications device for any purpose other than to report illegal activity, summons medical or other emergency help, or prevent injury to a person or property, is guilty of a traffic infraction. A violation of this provision has an associated penalty of \$124.

**Summary of Bill (Recommended Substitute):** Any person operating a motor vehicle while holding, reading from, or manually entering information into a personal wireless communications device is guilty of a traffic infraction. This includes when a vehicle is temporarily stopped at a traffic light or stop sign but does not include when a vehicle is pulled over to the side of, or off, the roadway and stopped in a location where it can safely remain stationary. This also includes using a personal wireless communications device to read or manually enter data including but not limited to short message service, texting, emailing, instant messaging, or engaging in any other form of electronic data retrieval or electronic data communication. The following exemptions apply when a driver is:

- operating an authorized emergency vehicle; or
- contacting emergency services.

A person found to have committed more than one violation of the provisions related to personal wireless communications devices for handheld use, texting, or use by intermediate drivers, within a five-year period, is assessed a penalty of twice the penalty for a standard infraction, which would currently result in a penalty of \$209. Fifty percent of the proceeds from the penalty are deposited into the Highway Safety Fund. The other 50 percent follows the distribution of a standard traffic infraction. An infraction resulting from a violation becomes part of the driver's record and is available to insurance companies or employers.

Personal wireless communications device is defined to include a device over which commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services are transmitted and does not include a global navigation satellite system receiver used for positioning, emergency notification, or navigation purposes.

Questions on distracted driving must be included in the driver's license examination.

**EFFECT OF CHANGES MADE BY TRANSPORTATION COMMITTEE (Recommended Substitute):** Various technical changes are made and clarifications are added.

The exceptions from the restrictions on holding a personal wireless communications device related to individuals wearing hearing aids and using hands-free devices are removed.

The exception for commercial motor vehicle operators and school bus drivers as otherwise permitted in law is removed.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Effective Date:** The bill takes effect on August 1, 2014.

**Staff Summary of Public Testimony on Original Bill:** PRO: There are a number of exemptions and loopholes in the current law that allow people to engage in dangerous behavior such as holding a cell phone in speaker mode. A lot of this is due to the fact that the original law was passed before cell phones were capable of the things that they are used for now. Many drivers are aware of the loopholes and look for ways around the law. Strengthening this law and closing these loopholes will allow for better enforcement and data collection, which will allow law enforcement agencies to better target their resources. These changes will also allow for Washington to compete for federal distracted driving grant funds that would be invested in programs targeted at reducing distracted driving. People look to the law in the area of safety, and the current law sends a mixed message. Especially to teenagers that do not always know what they are doing. These changes are a particular benefit to the bicycle riders and pedestrians that are smaller and more vulnerable in the roadway. This allows for more people to have access to the roadway and provides another tool to combat obesity.

OTHER: There are some recommended changes that could be made to the language to clarify what devices this includes.

**Persons Testifying:** PRO: Blake Trask, WA Bikes; Vic Coleman, Childhood Obesity Prevention Coalition; John Batiste, Chief, WA State Patrol; Tony Sermonti, Dept. of Licensing; Darrin Grondel, WA Traffic Safety Commission; Beth Ebel, Harborview injury prevention; Hannah Baumgardner, Danielle Salinas, citizens.

OTHER: Cliff Webster, General Motors.