
Transportation Committee

ESSB 5656

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

Sponsors: Senate Committee on Transportation (originally sponsored by Senators Rivers, Chase, Fain and Keiser; by request of Washington Traffic Safety Commission).

Brief Summary of Engrossed Substitute Bill

- Modifies the current traffic infraction relating to the use of a wireless communications device to prohibit the holding, reading from, and manually entering information into a personal wireless communications device while operating a motor vehicle.
- Establishes increasing penalties for a person who commits multiple violations of the provisions related to personal wireless communications devices.
- Requires the driver's license examination to include questions about distracted driving.

Hearing Date: 3/25/15

Staff: Andrew Russell (786-7143).

Background:

Any driver over 18 years of age operating a moving motor vehicle while holding a wireless communications device to their ear 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, reporting illegal activity, summoning medical or emergency help, using the device to prevent injury to a person or property, or using a hearing aid. Any driver holding an instruction permit or intermediate driver's license who operates a moving motor vehicle while using a wireless communications device for any purpose other than to report illegal activity, summon medical or other emergency help, or prevent injury to a person or

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property, is guilty of a traffic infraction. It is also a traffic infraction to send, read, or write a text message while driving.

A violation of the provisions listed above carry monetary penalties, however, the infraction does not become part of the driver's record and is not available to insurance companies or employers.

The state law related to drivers holding a wireless communication device to their ear supersedes any local laws regulating the use of wireless devices in motor vehicles.

Summary of Bill:

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. However this does not prohibit the use of a device that allows a user to engage in communication without the use of either hand, except to activate, deactivate, or initiate a function. Drivers are exempt from these requirements only if they are 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 base penalty for a standard infraction. Fifty percent of the proceeds from the base 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, but a first violation is not made 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.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect on August 1, 2015.