

Judiciary Committee

HB 1334

Title: *An act relating to using a personal wireless phone while driving.*

Brief Description: *Penalizing the use of a wireless service while driving when the use causes injury.*

Sponsors: *Representatives Miloscia, Wood, Lantz, Keiser and Santos.*

Brief Summary of Bill

- *Allows a \$35 infraction fee to be imposed on a person who drives while using a wireless phone and causes injury to another.*

Hearing Date: *2/9/01*

Staff: *Bill Perry (786-7123).*

Background:

The traffic code requires safe operation of a motor vehicle. In addition to containing many specific rules of the road, such as the requirement to obey speed limits, the code also contains requirements of a more general nature. For instance, regardless of posted speed limits, drivers are required to use "due care." Failure to do so is a traffic infraction. Drivers also commit the infraction of negligent driving in the second degree if they drive without the "ordinary care" that a "reasonably careful person" would exercise and thereby endanger others.

There are, however, few restrictions on particular kinds of activities that a person may engage in while driving. There is a specific prohibition against a driver "embracing another" if to do so would "prevent the free and unhampered operation" of the vehicle. On the other hand, there are no specific restrictions on many other activities, such as eating or reading while driving.

The use of cell phones has grown dramatically in the past few years. One estimate by the National Highway Traffic Safety Administration is that in the year 2000 there were more

than 80 million cell phone users in the country. Some studies, such as a study reported in the New England Journal of Medicine in 1997, have indicated a significant increase in the chances of an accident when a person is driving and using a cell phone at the same time.

Summary of Bill:

A person who is the proximate cause of damage or injury to another is subject to a \$35 fee if he or she was operating a moving vehicle and using a wireless phone at the same time.

Exceptions are provided for emergency calls and use of a phone in a hands-free mode.

Appropriation: *None.*

Fiscal Note: *Not Requested.*

Effective Date: *The bill takes effect on January 1, 2002.*