

HOUSE BILL REPORT

SSB 5038

As Reported by House Committee On:
Criminal Justice & Corrections

Title: An act relating to the duty to yield to emergency and police vehicles.

Brief Description: Increasing penalties for failure to yield to authorized emergency vehicles or police vehicles.

Sponsors: Senate Committee on Judiciary (originally sponsored by Senators Honeyford, Oke, Kline, Mulliken and Eide).

Brief History:

Committee Activity:

Criminal Justice & Corrections: 3/22/05, 3/31/05 [DPA].

**Brief Summary of Substitute Bill
(As Amended by House Committee)**

- Retains the classification of failure to yield to emergency and police vehicles as a traffic infraction, and increases the penalty for such failure to \$500 per violation.
- Establishes that the increased monetary penalty for failure to yield to a police or emergency vehicle may not be reduced.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: Do pass as amended. Signed by 7 members: Representatives O'Brien, Chair; Darneille, Vice Chair; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi, Kirby and Strow.

Staff: Kathryn Leathers (786-7114).

Background:

Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals or of a police vehicle making proper and lawful use of only an audible signal, the driver of every other vehicle must yield the right-of-way and immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection. The yielding vehicle must stop and remain in this position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

Failure to yield the right-of-way is classified as a traffic infraction, subject only to monetary penalties established by court rule.

Summary of Amended Bill:

This bill increases the monetary penalty for failing to yield to a travelling emergency or police vehicle. The penalty is increased to \$500 per violation and may not be reduced.

In addition, this bill requires vehicles approaching a stationary emergency or police vehicle making use of audible and/or visual signals, to yield the right-of-way when it would be reasonable to do so by: (a) on a highway having a minimum of four lanes, at least two of which are intended for traffic moving in the same direction as the vehicle approaching the stationary emergency/police vehicle, changing lanes or moving away from the stationary emergency or police vehicle; or (b) if changing lanes or moving away from the emergency/police vehicle would be unreasonable or unsafe, proceeding with due caution and reducing the speed of the vehicle. Violations of this requirement are deemed traffic infractions.

Amended Bill Compared to Substitute Bill:

Strikes the language criminalizing some acts of failure to yield to emergency and police vehicles. Retains the classification of failure to yield to emergency and police vehicles as a traffic infraction, and increases the penalty for such failure to \$500 per violation. Establishes that the increased monetary penalty for failure to yield to a police or emergency vehicle may not be reduced.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: The intent of this bill is to encourage better driving behavior in response to emergency vehicles. People's lives have been put at risk because drivers are not moving out of the way for ambulances. In one Washington county, about 30 percent of drivers do not move over when they see an emergency vehicle approaching with its lights on and sirens engaged. It used to be common practice for drivers to pull over to the shoulder when an emergency vehicle was approaching. This is no longer true, but the failure to yield is not always intentional. Today, drivers often play music loudly in their vehicles and the emergency vehicles' sirens are not as loud as they used to be – this bill allows for unintentional failure to allow an emergency vehicle to pass. The number one cause of police officer injury and death involves stationary police vehicles that have pulled off to the shoulder. Currently, failure to yield is a traffic infraction, subject to a monetary penalty only ranging from \$37 to \$101. It would be helpful to engage in more public relations efforts to

educate the public about the dangers associated with failing to yield to emergency vehicles, but making failure to yield a crime will help in this effort and will make a difference.

Testimony Against: None.

Persons Testifying: Senator Honeyford, prime sponsor; John Cullen; Rick Jensen, Washington State Patrol Troopers Association; Gordon Walgren, Washington Association of Fire Chiefs; and Bill Hanson, Washington Council of Police and Sheriffs.

Persons Signed In To Testify But Not Testifying: None.