

SENATE BILL REPORT

SB 5115

As Reported By Senate Committee On:
Transportation, February 7, 2005

Title: An act relating to traffic control signal preemption devices.

Brief Description: Regulating traffic signal preemption devices.

Sponsors: Senators Shin, Rockefeller, Weinstein, Kline, Keiser, Fairley, Regala, Berkey, Haugen, McAuliffe and Rasmussen.

Brief History:

Committee Activity: Transportation: 1/31/05, 2/7/05 [DPS].

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: That Substitute Senate Bill No. 5115 be substituted therefor, and the substitute bill do pass.

Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Swecker, Ranking Minority Member; Benson, Eide, Esser, Kastama, Mulliken, Oke and Spanel.

Staff: Kelly Simpson (786-7403)

Background: Under current law, optical strobe light devices are devices that emit optical signals at specific frequencies to traffic control lights in order to alter the cycle of the lights. The devices may only be installed or used on the following classes of vehicles: (1) law enforcement or emergency vehicles, to obtain the right of way at intersections; (2) Department of Transportation, city, or county maintenance vehicles, to perform maintenance tests; or (3) public transit vehicles, to accelerate the cycle of the lights. The Washington State Patrol must adopt rules implementing these provisions. A violation of these provisions is a traffic infraction.

Additionally, current law prohibits persons from unlawfully altering traffic control signals or devices. A violation of these provisions is, at a maximum, a misdemeanor.

Summary of Substitute Bill: "Optical strobe light devices" is replaced in the law with "signal preemption device" to include any device manufactured, or intentionally modified, for the purpose of altering the normal operation of a traffic control signal. Signal preemption devices may only be installed or used on or with the following classes of vehicles: (1) law enforcement or emergency vehicles; (2) Department of Transportation, city, or county maintenance vehicles; or (3) public transit vehicles.

It is a criminal offense to unlawfully possess, use, sell, or purchase signal preemption devices, resulting in the following penalties: (1) possessing a signal preemption device is a misdemeanor; (2) using, selling, or purchasing a signal preemption device is a gross misdemeanor; (3) using a signal preemption device is a class C felony, if causing a traffic

accident, a Level 3 class B felony, if causing substantial bodily harm, or a Level 7 class B felony, if causing death.

The criminal penalties do not apply to the following personnel in the course of their duties: (1) law enforcement, fire prevention, and emergency medical personnel; (2) maintenance personnel; (3) public transit personnel; (4) delivery personnel when delivering a signal preemption device; and (5) signal preemption device manufacturers or retailers when providing the device to specified personnel.

Substitute Bill Compared to Original Bill: The definition of "signal preemption device" was modified to limit it to devices manufactured, or intentionally modified, for the purpose of altering traffic control signals. The original broader definition was thought to potentially apply to newer infrared technologies installed in some vehicles that are intended to help drivers see at night or in inclement weather such as fog.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This legislation is important for public safety, especially in light of how easily available the devices are becoming over the Internet. The unauthorized use of signal preemption devices is dangerous to the driving public and could result in traffic congestion problems during the time it takes for the traffic lights to cycle back to the original sequence. This bill is a simple and cost-effective way to address this public safety issue. A few public transit districts currently use the signal preemption devices, with the approval of either the applicable local jurisdiction or the Department of Transportation. Transit districts often cover the costs of implementing and upgrading the devices. Some automobile manufacturers have concerns that the current definition of signal preemption device may unintentionally apply to newer infrared technologies installed in some vehicles that are intended to help drivers see at night or in inclement weather such as fog.

Testimony Against: None.

Who Testified: PRO: Senator Shin, prime sponsor; Scott Zeller, WSDOT; Peter Thein, WA State Transit Assoc.; Fred Fakkema, WA State Patrol. CONCERNS: Tim Layton, General Motors.