
Transportation Committee

HB 1631

Brief Description: Imposing an additional penalty for distracted driving.

Sponsors: Representatives Hayes, Bergquist, Harmsworth, Irwin, Haler, Van Werven, Hargrove, Shea, Rodne, Harris, Orcutt, Goodman, Young, Pike and Fitzgibbon.

Brief Summary of Bill

- Increases the monetary penalty by one-half the penalty amount for any moving violation committed by a driver who is engaged in dangerously distracted driving.
- Defines driving in a dangerously distracted manner as engaging in any activity not related to the actual operation of a motor vehicle in a manner that interferes with the safe operation of that motor vehicle on a highway.
- Restricts the use of revenues obtained from the increase in monetary penalties to the support of programs dedicated to reducing distracted driving and improving driver education on distracted driving.

Hearing Date: 2/9/17

Staff: Jennifer Harris (786-7143).

Background:

Applicable Infractions.

There are several state laws that currently restrict the performance of certain actions while driving: (1) holding a wireless communications device to one's ear; (2) sending, reading, or writing a text message; and (3) embracing another while driving.

Prohibited Activities and Exceptions.

A person operating a moving motor vehicle is guilty of a traffic infraction if he or she holds a wireless communications device to his or her ear. A person operating a moving motor vehicle is

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also guilty of a traffic infraction if he or she sends, reads, or writes a text message by means of a wireless communications device.

The following activities are excluded from the device-to-ear infraction: the operation of an amateur radio station by a person who holds a valid amateur radio operator license; and the operation of two-way or citizens band radio services.

Exceptions for both infraction types are similar and apply to a person operating: (1) an authorized emergency vehicle; (2) a voice-operated global positioning system (GPS) that is affixed to the vehicle for a text-message infraction (or a device in hands-free mode, for a device-to-ear infraction); or (3) a moving motor vehicle while using a wireless communications device to (a) report illegal activity, (b) summon medical or other emergency help, (c) prevent injury to a person or property, or (d) relay information that is time sensitive between a transit or for-hire operator and that operator's dispatcher so long as the device is permanently affixed to the vehicle. For a device-to-ear infraction, there are also exceptions for operating a tow truck responding to a disabled vehicle and for operating a moving motor vehicle while using a hearing aid.

A driver is guilty of Embracing Another While Driving if he or she is prevented from the free and unhampered operation of the vehicle due to embracing another person; this activity serves as prima facie evidence of reckless driving.

Special Application of Restrictions.

The holder of an intermediate driver's license or driver's instruction permit is not permitted to use a wireless communications device except for the purposes listed in exception (3) above.

A person operating a commercial motor vehicle is not prohibited from using an electronic wireless communications device to send, read, or write a text message if he or she has moved the vehicle to the side of or off of the highway and has stopped in a location where the vehicle can safely remain stationary, or if such activity is necessary to communicate with law enforcement officials or other emergency services. However, only the following exceptions apply to a person operating a commercial motor vehicle while using a wireless communications device: when necessary to communicate with law enforcement officials or other emergency services, or using a mobile telephone in hands-free mode. The other exceptions noted above are not applicable to a person operating a commercial motor vehicle.

Violations.

These violations incur a penalty of \$136 currently, comprised of a \$99 base penalty and \$37 in fees. Infractions for sending, reading, or writing a text message by means of a wireless communications device are not permitted to become part of a driver's record, nor are they permitted to be made available to insurance companies or employers.

Local Law.

The state preempts any local law regulating the use of wireless communications devices in motor vehicles. A number of local jurisdictions, including Seattle, Bellevue, King County, and Snohomish County, have laws against inattentive driving in place.

Summary of Bill:

The monetary penalty for any moving violation committed by a driver who is engaged in dangerously distracted driving is increased by one-half of the penalty amount for the moving violation. Dangerously distracted driving is defined as engaging in any activity not related to the actual operation of a motor vehicle in a manner that interferes with the safe operation of that motor vehicle on any highway.

The use of revenue obtained from the increase in monetary penalties for dangerously distracted driving is restricted to the support of programs dedicated to reducing distracted driving and improving driver education on the topic of distracted driving.

Appropriation: None.

Fiscal Note: Available.

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