
Transportation Committee

HB 2706

Brief Description: Exempting tow truck operators using the telephone call functionality of a wireless communications device from traffic infractions.

Sponsors: Representatives Irwin, Griffey, Fey and Condotta.

Brief Summary of Bill

- Exempts tow truck operators from using their wireless communications device for the purpose of making a phone call from the prohibition on the use of a personal electronic device while driving.

Hearing Date: 1/22/18

Staff: Jennifer Harris (786-7143).

Background:

A person who uses a personal electronic device while driving a motor vehicle on a public highway, including while temporarily stationary because of traffic, a traffic control device, or other momentary delays, is guilty of a traffic infraction. The activity of driving does not include when a vehicle has pulled over to the side of or off of a highway and has stopped in a location where it can safely remain stationary.

A personal electronic device means a portable electronic device that is capable of wireless communication or electronic data retrieval and that is not manufactured primarily for hands-free use in a motor vehicle. It includes cell phones, tablets, laptops, two-way messaging devices, and electronic games. Two-way radios, citizens band radios, and amateur radio equipment are excluded from the definition of personal electronic device.

The following activities are prohibited while driving:

1. holding a personal electronic device in either or both hands;

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2. using a hand or finger to compose, send, read, view, access, browse, transmit, save, or retrieve electronic mail (email), text messages, instant messages, photographs, or other electronic data; and
3. watching a video on a personal electronic device.

The minimal use of a finger to activate, deactivate, or initiate a function of a personal electronic device is permitted.

Exceptions for this infraction apply to the following uses:

1. the use of a personal electronic device to contact emergency services;
2. a transit system employee's use of a system for time-sensitive relay communication between the transit system employee and the transit system's dispatch services;
3. a commercial motor vehicle driver's use of a personal electronic device within the scope of his or her employment if such use is permitted under federal law; and
4. the operation of an authorized emergency vehicle.

The state preempts local laws regulating the use of personal electronic devices in motor vehicles while driving.

Summary of Bill:

Tow truck operators using their wireless communications device for the purpose of making a phone call are exempted from the prohibition on the use of a personal electronic device while driving.

Appropriation: None.

Fiscal Note: Not requested.

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