
Transportation Committee

SSB 6066

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

Sponsors: Senate Committee on Transportation (originally sponsored by Senators Liias, Warnick, Hunt and Saldaña).

Brief Summary of Substitute Bill

- Allows tow truck operators using a tow truck registered in accordance with state tow truck laws to use their wireless communications device for the purpose of making a phone call when they do so in response to disabled vehicles, exempting them from state distracted driving laws for this purpose.

Hearing Date: 2/26/18

Staff: Jennifer Harris (786-7143).

Background:

Distracted Driving.

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 delay, 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.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The following activities are prohibited while driving:

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

Tow Trucks.

A "registered tow truck operator" is any person who engages in the impounding, transporting, or storage of unauthorized vehicles or the disposal of abandoned vehicles. A "tow truck" is a motor vehicle that is equipped for and used in the business of towing vehicles with equipment as approved by the Washington State Patrol.

Summary of Bill:

Tow truck operators using a tow truck registered and regulated under state tow truck laws are permitted to use their wireless communications device for the purpose of making a phone call when responding to a disabled vehicle.

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.