
SUBSTITUTE HOUSE BILL 1371

State of Washington

65th Legislature

2017 Regular Session

By House Transportation (originally sponsored by Representatives Farrell, Lovick, Haler, Harris, Clibborn, Orwall, Kagi, Robinson, Appleton, Ryu, Goodman, Tarleton, Gregerson, Sells, Ormsby, and Cody)

READ FIRST TIME 02/17/17.

1 AN ACT Relating to updating the distracted driving infraction;
2 adding a new section to chapter 46.61 RCW; repealing RCW 46.61.667
3 and 46.61.668; prescribing penalties; and providing an effective
4 date.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 46.61
7 RCW to read as follows:

8 (1) A person who uses a personal electronic device while driving
9 a motor vehicle on a public roadway is guilty of a traffic infraction
10 and must pay a fine as provided in RCW 46.63.110(3).

11 (2) Subsection (1) of this section does not apply to:

12 (a) A driver who is using a personal electronic device to contact
13 emergency services;

14 (b) The use of a system by a transit system employee for time-
15 sensitive relay communication between the transit system employee and
16 the transit system's dispatch services;

17 (c) An individual employed as a commercial motor vehicle driver
18 who uses a personal electronic device within the scope of such
19 individual's employment if such use is permitted under 49 U.S.C. Sec.
20 31136 as it existed on the effective date of this section;

21 (d) A person operating an authorized emergency vehicle; and

1 (e) A person operating a tow truck, to the extent that person is
2 using the telephone call functionality of a wireless communications
3 device to respond to a disabled vehicle.

4 (3) Subsection (1) of this section does not restrict the
5 operation of:

6 (a) An amateur radio station by a person who holds a valid
7 amateur radio operator license issued by the federal communications
8 commission; or

9 (b) Two-way or citizens band radio services by a person driving a
10 commercial motor vehicle.

11 (4) The state preempts the field of regulating the use of
12 personal electronic devices in motor vehicles while driving, and this
13 section supersedes any local laws, ordinances, orders, rules, or
14 regulations enacted by any political subdivision or municipality to
15 regulate the use of a personal electronic device by the operator of a
16 motor vehicle.

17 (5) A second or subsequent offense under this section within five
18 years is subject to two times the penalty amount under RCW 46.63.110.

19 (6) For purposes of this section:

20 (a) "Driving" means to operate a motor vehicle on a public
21 roadway, including while temporarily stationary because of traffic, a
22 traffic control device, or other momentary delays. "Driving" does not
23 include when the vehicle has pulled over to the side of, or off of,
24 an active roadway and has stopped in a location where it can safely
25 remain stationary.

26 (b) "Personal electronic device" means any portable electronic
27 device that is capable of wireless communication or electronic data
28 retrieval and is not manufactured primarily for hands-free use in a
29 motor vehicle. "Personal electronic device" includes, but is not
30 limited to, a cell phone, tablet, laptop, two-way messaging device,
31 or electronic game.

32 (c) "Use" or "uses" means:

33 (i) Holding a personal electronic device in either hand or both
34 hands;

35 (ii) Using your hand or finger to compose, send, read, view,
36 access, browse, transmit, save, or retrieve email, text messages,
37 instant messages, photographs, or other electronic data; however,
38 this neither precludes the minimal use of a finger to activate,
39 deactivate, or initiate a function of the device, nor precludes the

1 use of a hand or finger to control the built-in features of a motor
2 vehicle through the use of a touch screen control panel;
3 (iii) Watching video on a personal electronic device.

4 NEW SECTION. **Sec. 2.** The following acts or parts of acts are
5 each repealed:

6 (1) RCW 46.61.667 (Using a wireless communications device or
7 handheld mobile telephone while driving) and 2013 c 224 s 15, 2010 c
8 223 s 3, & 2007 c 417 s 2; and

9 (2) RCW 46.61.668 (Sending, reading, or writing a text message
10 while driving) and 2013 c 224 s 16, 2010 c 223 s 4, & 2007 c 416 s 1.

11 NEW SECTION. **Sec. 3.** This act takes effect January 1, 2018.

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