

HOUSE BILL REPORT

HB 1256

As Reported by House Committee On: Transportation

Title: An act relating to increasing monetary penalties for the unlawful use of a personal electronic device while driving a motor vehicle in a school, playground, or crosswalk speed zone.

Brief Description: Increasing monetary penalties for the unlawful use of a personal electronic device while driving a motor vehicle in a school, playground, or crosswalk speed zone.

Sponsors: Representatives Lovick, Irwin, Valdez, Orwall, Kloba, Sells, Slatter, Riccelli, Gregerson, Ortiz-Self, Kilduff, Mead, Doglio, Goodman, Dolan, Peterson, Stonier, Reeves and Appleton.

Brief History:

Committee Activity:

Transportation: 1/28/19, 1/31/19 [DP], 1/15/20 [DPS].

Brief Summary of Substitute Bill

- Doubles the base penalty for a first-time offense for the use of a personal electronic device while driving a motor vehicle when the offense occurs in a school, playground, or crosswalk speed zone with posted "fines double" signage.
- Doubles the base penalty for the unlawful use of a wireless communications device by Intermediate Driver's License holders while operating a moving motor vehicle when the offense occurs in a school, playground, or crosswalk speed zone with posted "fines double" signage.
- Directs revenue from the increased penalties for these offenses to fund projects in local communities to improve school zone safety, pupil transportation safety, and student safety in school bus loading and unloading areas.

HOUSE COMMITTEE ON TRANSPORTATION

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.

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 31 members: Representatives Fey, Chair; Wylie, 1st Vice Chair; Slatter, 2nd Vice Chair; Valdez, 2nd Vice Chair; Barkis, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Young, Assistant Ranking Minority Member; Boehnke, Chambers, Chapman, Dent, Doglio, Duerr, Dufault, Entenman, Eslick, Goehner, Gregerson, Irwin, Kloba, Lovick, McCaslin, Mead, Orcutt, Ortiz-Self, Paul, Ramos, Riccelli, Shewmake, Van Werven and Volz.

Staff: Jennifer Harris (786-7143).

Background:

Distracted Driving for Drivers 18 Years of Age or Older.

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:

- holding a personal electronic device in either or both hands;
- using a hand or finger to compose, send, read, view, access, browse, transmit, save, or retrieve electronic mail, text messages, instant messages, photographs, or other electronic data; and
- 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:

- the use of a personal electronic device to contact emergency services;
- 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;
- 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
- the operation of an authorized emergency vehicle.

First infractions for using a personal electronic device while driving are subject to a fine of \$139, including the base penalty and fees. Second and subsequent infractions received for using a personal electronic device while driving are subject to two times the standard driving

infraction base penalty amount, which would currently result in penalties and fees that total \$237.

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

Distracted Driving for Drivers under 18 Years of Age.

A driver with an Intermediate Driver's License may not operate a moving vehicle while using a wireless communications device unless the holder is using the device to report illegal activity, summon medical or other emergency help, or prevent injury to a person or property. Infractions are subject to a fine of \$139, including the base penalty and fees.

Traffic Infractions in School Zones.

Base monetary penalties are doubled in school and playground speed zones, where it is unlawful for a driver to operate a vehicle at a speed greater than 20 miles per hour, and in marked school or playground crosswalks with posted standard school or playground speed limits signs, for drivers who are found to have:

- committed any infraction related to speed restrictions;
- failed to stop or remain stopped to allow a pedestrian or a bicyclist to cross the roadway at a marked or unmarked crosswalk;
- failed to yield the right-of-way to a pedestrian or bicyclist on a sidewalk; and
- failed to exercise due care to avoid colliding with a pedestrian, including sounding the horn when necessary, or failing to exercise proper precaution for a child or a confused or incapacitated person on a roadway.

The speed zones for school and playground crosswalks extend 300 feet in either direction from the marked crosswalk. A school or playground speed zone may extend up to 300 feet from the border of the school or playground property, to the extent the area is consistent with active school or playground use.

School Zone Traffic Infraction Penalties and Fines.

The base penalties for the majority of traffic infractions, including those doubled in school and playground speed zones and crosswalks, are set by the Washington Supreme Court. The base penalty for the infractions noted above, except for those related to speed restrictions, is \$48 outside of school and playground speed zones and crosswalks, and doubles to \$96 inside of them—the corresponding total in penalties and fees are \$139 and \$237, respectively. The total in penalties and fees for the speed-related infractions range from \$108 to \$426 outside of school and playground speed zones and crosswalks (depending on the speed limit and the amount by which it exceeded), and from \$217 to \$811 inside of them. These totals include the following additional penalties and fees: a public safety and education assessment; a legislative assessment; a trauma care fee; an auto theft prevention fee; and a traumatic brain injury fee.

Half of the amount in penalties and fees for traffic infractions in school zones is required to be deposited in the School Zone Safety Account, which can only be used by the Washington

Traffic Safety Commission to fund projects in local communities to improve school zone safety, pupil transportation safety, and student safety in school bus loading and unloading areas.

Summary of Substitute Bill:

A driver at least 18 years of age who unlawfully uses a personal electronic device while driving a motor vehicle and receives a first offense for it is subject to two times the base penalty when it occurs within a school, playground, or crosswalk speed zone with "fines double" signage that complies with the Manual on Uniform Traffic Control Devices, raising the total in penalties and fees from \$139 to \$237. (Second and subsequent offenses are already subject to the doubling of the penalty under current law irrespective of where the offense occurs.)

An Intermediate Driver's License holder who unlawfully uses a wireless communications device while operating a moving motor vehicle is subject to two times the base penalty when he or she does so within a school, playground, or crosswalk speed zone with "fines double" signage that complies with the Manual on Uniform Traffic Control Devices, raising the total in penalties and fees from \$139 to \$237.

Half of the amount in penalties and fees assessed for the unlawful use of a wireless communications device are required to be deposited in the School Zone Safety Account, and can only be used by the Washington Traffic Safety Commission to fund projects in local communities to improve school zone safety, pupil transportation safety, and student safety in school bus loading and unloading areas.

Substitute Bill Compared to Original Bill:

The substitute bill replaces the October 1, 2019, effective date with an October 1, 2020, effective date. It also requires motorists to be informed of the doubling of penalties in order for them to be doubled in school, playground, and crosswalk speed zones through the use of "fines double" signage that is posted in compliance with the Manual on Uniform Traffic Control Devices.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect on October 1, 2020.

Staff Summary of Public Testimony:

See House Bill Report in 2019 Legislative Session.

Persons Testifying: See House Bill Report in 2019 Legislative Session.

Persons Signed In To Testify But Not Testifying: See House Bill Report in 2019 Legislative Session.