

# HOUSE BILL REPORT

## SHB 1469

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### As Passed Legislature

**Title:** An act relating to approaching emergency or work zones and tow truck operators.

**Brief Description:** Modifying provisions relating to approaching emergency or work zones and tow truck operators.

**Sponsors:** House Committee on Transportation (originally sponsored by Representatives Jenkin, Chapman, Lovick, Young, Ryu, Orcutt, McCaslin and Barkis).

#### **Brief History:**

##### **Committee Activity:**

Transportation: 2/18/19, 2/25/19 [DPS].

##### **Floor Activity:**

Passed House: 3/6/19, 97-0.

Passed Senate: 4/11/19, 46-0.

Passed Legislature.

#### **Brief Summary of Substitute Bill**

- Requires a driver to reduce a motor vehicle's speed to at least 10 miles per hour below the posted speed limit if changing lanes or moving away from an emergency or work-zone vehicle would be unsafe.

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### HOUSE COMMITTEE ON TRANSPORTATION

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 28 members: Representatives Fey, Chair; Slatter, 2nd Vice Chair; Valdez, 2nd Vice Chair; Wylie, 1st Vice Chair; Barkis, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Young, Assistant Ranking Minority Member; Boehnke, Chambers, Chapman, Dent, Doglio, Dufault, Eslick, Goehner, Gregerson, Lovick, McCaslin, Mead, Orcutt, Ortiz-Self, Paul, Pellicciotti, Ramos, Riccelli, Shea, Shewmake and Van Werven.

**Staff:** Jennifer Harris (786-7143).

#### **Background:**

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*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.*

### Definition of an Emergency or Work Zone.

An emergency or work zone is defined as the adjacent lanes of the roadway 200 feet before and after an emergency or work-zone vehicle. The following vehicles qualify as emergency or work-zone vehicles:

- a stationary authorized emergency vehicle that is making use of audible and/or visual signals that meet state requirements for authorized emergency vehicles;
- a tow truck that is making use of visual red lights that meet state requirements for emergency tow trucks;
- other vehicles providing roadside assistance that are making use of warning lights with 360-degree visibility;
- a police vehicle properly and lawfully displaying a flashing, blinking, or alternating emergency light or lights; or
- a stationary or slow-moving highway construction vehicle, highway maintenance vehicle, solid waste vehicle, or utility service vehicle that is making use of flashing lights that meet state requirements for snow-removal and other highway maintenance and service equipment or warning lights with 360-degree visibility.

### Passing an Emergency or Work-Zone Vehicle.

If the highway has four or more lanes, at least two of which are intended for traffic proceeding in the same direction as the motor vehicle approaching the emergency or work zone, the approaching motor vehicle must proceed with caution and, if reasonable, with due regard for safety and traffic conditions, yield the right-of-way by making a lane change or moving away from the lane or shoulder occupied by an emergency or work-zone vehicle.

On a highway having fewer than four lanes, the driver of a motor vehicle must proceed with caution, reduce the speed of the vehicle, and, if reasonable, with due regard for safety and traffic conditions, and following all applicable rules of the road, yield the right-of-way by passing to the left at a safe distance and simultaneously yield the right-of-way to all vehicles traveling in the proper direction on the highway.

If changing lanes or moving away would be unreasonable or unsafe, the driver of a motor vehicle must proceed with due caution and reduce the speed of the vehicle.

### Emergency or Work-Zone Traffic Violations.

The driver of a motor vehicle may not drive in an emergency or work zone at a speed greater than the posted speed limit. A person found to be in violation of any speed restriction in an emergency or work zone must be assessed a monetary penalty equal to twice the standard penalty, which may not be waived, reduced, or suspended.

A person who drives a vehicle in an emergency or work zone in a manner that endangers or is likely to endanger an emergency or work-zone worker or property is guilty of reckless endangerment of emergency work-zone workers. This offense is a gross misdemeanor, which is punishable by up to 364 days in a county jail, a fine of not more than \$5,000, or both. The Department of Licensing is required to suspend the driver's license, driver's

permit, or non-resident driving privilege of a person convicted of reckless endangerment of emergency or work-zone workers for 60 days.

**Summary of Substitute Bill:**

Passing an Emergency or Work-Zone Vehicle.

The driver of a motor vehicle passing an emergency or work-zone vehicle must:

- if the opportunity exists to do so, reduce the motor vehicle's speed and change lanes or move away from the emergency or work-zone vehicle; or
- if it would be unsafe to change lanes or move away from an emergency or work-zone vehicle, reduce the vehicle's speed to at least 10 miles per hour (mph) below the posted speed limit.

Emergency or Work-Zone Traffic Violations.

A driver is prohibited from operating a vehicle at a speed greater than the posted speed limit, or greater than 10 mph below the posted speed limit when the driver is unable to change lanes or move away from an emergency or work-zone vehicle.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony:**

(In support) This is common sense legislation that is intended to save lives. The substitute version of the bill defines what is meant by proceed with caution and reduce the speed of a vehicle in an emergency or work zone. Speeds are required to be reduced by 10 mph below the speed limit when passing vehicles in these zones.

People working on the sides of roadways are continually placed in great danger. Workers commonly have to jump out of the way of vehicles and frequently have near misses. The Washington State Patrol lost nine people last year. Firefighters, other law enforcement officers, and tow truck drivers have all been killed working on the side of roadways. There will likely be more deaths in 2019 than ever before.

Being a tow truck driver is the most dangerous job in the United States right now. Last year, one tow truck operator was killed every six days. Ten tow truck operators have been killed so far this year. This is about safety, bringing awareness to the problem, and saving lives. It is important that the public understand what is expected of them when driving in emergency or work zones.

(Opposed) None.

**Persons Testifying:** Representative Jenkin, prime sponsor; Emily Wade, Jim's Northgate Towing, Day and Nite Towing, and Big "D" Towing; Tina Parada, 3P Towing and Recovery; and Joshua Roewer, Burns Towing.

**Persons Signed In To Testify But Not Testifying:** None.