

SENATE BILL REPORT

SHB 1256

As of March 2, 2020

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: House Committee on Transportation (originally sponsored by Representatives Lovick, Irwin, Valdez, Orwall, Kloba, Sells, Slatter, Riccelli, Gregerson, Ortiz-Self, Kilduff, Mead, Doglio, Goodman, Dolan, Peterson, Stonier, Reeves and Appleton).

Brief History: Passed House: 2/18/20, 97-0.

Committee Activity: Transportation: 2/25/20.

Brief Summary of 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.

SENATE COMMITTEE ON TRANSPORTATION

Staff: Kim Johnson (786-7472)

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.

Background: Drivers Over Age 18. A person who uses a personal electronic device while driving a motor vehicle on a public highway is guilty of a traffic infraction. 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.

Uses means:

- holding a personal electronic device in either hand;
- using your hand or finger to compose, send, read, view, access, browse, transmit, save, or retrieve email, text messages, instant messages, photographs, or other electronic data; and
- watching video on a personal electronic device.

The minimal use of a finger to activate, deactivate, or initiate a function of a device is not precluded.

Intermediate Driver's License Holders. 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 statutory assessments.

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. 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 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 its exceeded, and from \$217 to \$811 inside of a school zone.

Half of the amount of penalties 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 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.

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 they do 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 penalties and fees from \$139 to \$237.

Half of the amount of penalties for the unlawful use of a wireless communications device when issued in a school, playground, or crosswalk speed zone are required to be deposited in the School Zone Safety Account.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony: PRO: Texting while using a cell phone while driving is dangerous. My experience in law enforcement really has made it clear to me texting while driving is a big problem. There are a number of other traffic infractions that are doubled where we want to highlight just how dangerous it is to speed. I think using a cell phone when in a school speed zone rises that level. We need to keep our kids safe, so hang up the phone.

OTHER: A health impact statement was requested for this bill. The review found that doubling the penalty may reduce injury and fatalities in school zones. As to impacts on health equity, the review was unable to find evidence of a disproportional impact.

Persons Testifying: PRO: Representative John Lovick, Prime Sponsor.

OTHER: Lindsay Herendeen, State Board of Health.

Persons Signed In To Testify But Not Testifying: No one.