

# SENATE BILL REPORT

## SHB 2319

---

As Reported By Senate Committee On:  
Highways & Transportation, March 1, 2004

**Title:** An act relating to traffic control signal preemption devices.

**Brief Description:** Regulating traffic signal preemption devices.

**Sponsors:** House Committee on Transportation (originally sponsored by Representatives Wallace, Armstrong, Murray, Campbell, Wood, Jarrett, Morrell, Lovick, Cooper, Sullivan, Kenney, Condotta, Chase and Edwards).

**Brief History:**

**Committee Activity:** Highways & Transportation: 2/18/04, 3/1/04 [DPA].

---

### SENATE COMMITTEE ON HIGHWAYS & TRANSPORTATION

**Majority Report:** Do pass as amended.

Signed by Senators Horn, Chair; Benton, Vice Chair; Swecker, Vice Chair; Esser, Haugen, Jacobsen, Kastama, Mulliken, Murray, Oke, Poulsen and Spanel.

**Staff:** Kelly Simpson (786-7403)

**Background:** Under current law, optical strobe light devices are devices that emit optical signals at specific frequencies to traffic control lights in order to alter the cycle of the lights. The devices may only be installed or used on the following classes of vehicles: (1) law enforcement or emergency vehicles (to obtain the right of way at intersections); (2) Department of Transportation, city, or county maintenance vehicles (to perform maintenance tests); or (3) public transit vehicles (to accelerate the cycle of the lights). The Washington State Patrol must adopt rules implementing these provisions. A violation of these provisions is a traffic infraction.

Additionally, current law prohibits persons from unlawfully altering traffic control signals or devices. A violation of these provisions is, at a maximum, a misdemeanor.

**Summary of Amended Bill:** "Optical strobe light devices" is replaced in the law with "signal preemption device" to include any device capable of altering the normal operation of a traffic control signal. Signal preemption devices may only be installed or used on or with the following classes of vehicles: (1) law enforcement or emergency vehicles; (2) Department of Transportation, city, or county maintenance vehicles; or (3) public transit vehicles.

It is a criminal offense to unlawfully possess, use, sell, or purchase signal preemption devices, resulting in the following penalties: (1) possessing a signal preemption device is a misdemeanor; (2) using, selling, or purchasing a signal preemption device is a gross misdemeanor; (3) using a signal preemption device is a class C felony (if causing a traffic

accident), a Level 3 class B felony (if causing substantial bodily harm), or a Level 7 class B felony (if causing death).

The criminal penalties do not apply to the following personnel in the course of their duties: (1) law enforcement, fire prevention, and emergency medical personnel; (2) maintenance personnel; (3) public transit personnel; (4) delivery personnel when delivering a signal preemption device; and (5) signal preemption device manufacturers or retailers when providing the device to specified personnel.

**Amended Bill Compared to Substitute Bill:** The committee striking amendment essentially adds the language found in SSB 6178 regarding traffic signal preemption devices. Rather than making the unlawful use, sale, or ownership of the device a gross misdemeanor, as the underlying bill does, the striker provides for increased penalties based on the results of the unlawful activity.

Additionally, the striker makes the following drafting changes: (1) current-law references to optical strobe light devices were removed; (2) the new crimes were separated into individual sections; and (3) the current-law provision was maintained requiring that transit operators using the devices have secondary priority to emergency vehicles when simultaneously approaching an intersection.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect on July 1, 2004.

**Testimony For:** Recent news articles highlighted the potential of unauthorized users of traffic control signal preemption devices obtaining access to the devices, particularly over the internet. The use of these devices by unauthorized individuals could have negative consequences, including causing traffic accidents and interfering with emergency personnel who are attempting to obtain the right-of-way through an intersection in the performance of their duties. Finally, transit districts have invested heavily in the use of the devices to facilitate meeting their route schedules, and request that they be able to continue to use the devices in a lawful manner.

**Testimony Against:** None.

**Testified:** Representative Lovick (testifying for Representative Wallace, prime sponsor); Toby Rickman, WA State Dept. of Transportation (pro); Peter Thein, WA State Transit Assoc. (pro).