

SENATE BILL REPORT

SB 6178

As Reported By Senate Committee On:
Highways & Transportation, February 4, 2004

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

Brief Description: Prohibiting traffic control signal preemption devices.

Sponsors: Senators Shin, Rasmussen, Franklin, Jacobsen, Keiser, Benton, Regala, Honeyford, Mulliken, Fairley, Swecker, Finkbeiner, McCaslin, Doumit, Stevens, Morton, Hargrove, Hewitt, Deccio, Fraser, Esser, Kastama, Prentice, B. Sheldon, Thibaudeau, T. Sheldon, Sheahan, Spanel, Roach, Oke, Berkey and Schmidt.

Brief History:

Committee Activity: Highways & Transportation: 1/29/04, 2/4/04 [DPS].

SENATE COMMITTEE ON HIGHWAYS & TRANSPORTATION

Majority Report: That Substitute Senate Bill No. 6178 be substituted therefor, and the substitute bill do pass.

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 Substitute 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.

Substitute Bill Compared to Original Bill: A technical change was made to define "substantial bodily harm" consistent with the criminal code. A change was made to retain a current law provision that public transit personnel, when operating a traffic control signal preemption device, have secondary priority to emergency vehicles when simultaneously approaching the same traffic control signal.

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. Recent legislation in Michigan provided a good model for this bill as an attempt to penalize the unauthorized use of the devices.

Testimony Against: None.

Testified: Senator Shin, prime sponsor (pro); Toby Rickman, WA State Dept. of Transportation (pro); Glen Cramer, WA State Patrol (pro).