

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5161

Chapter 171, Laws of 2005

59th Legislature
2005 Regular Session

ACCIDENT REPORTS--DISTRACTIONS

EFFECTIVE DATE: 1/1/06

Passed by the Senate February 9, 2005
YEAS 45 NAYS 1

BRAD OWEN

President of the Senate

Passed by the House April 7, 2005
YEAS 67 NAYS 29

FRANK CHOPP

Speaker of the House of Representatives

Approved April 22, 2005.

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5161** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

FILED

April 22, 2005 - 4:30 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5161

Passed Legislature - 2005 Regular Session

State of Washington **59th Legislature** **2005 Regular Session**

By Senate Committee on Transportation (originally sponsored by
Senators Eide and Swecker)

READ FIRST TIME 01/28/05.

1 AN ACT Relating to accident reports; amending RCW 46.52.030 and
2 46.52.060; and providing an effective date.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 46.52.030 and 1997 c 248 s 1 are each amended to read
5 as follows:

6 (1) Unless a report is to be made by a law enforcement officer
7 under subsection (3) of this section, the driver of any vehicle
8 involved in an accident resulting in injury to or death of any person
9 or damage to the property of any one person to an apparent extent equal
10 to or greater than the minimum amount established by rule adopted by
11 the chief of the Washington state patrol in accordance with subsection
12 (5) of this section, shall, within four days after such accident, make
13 a written report of such accident to the chief of police of the city or
14 town if such accident occurred within an incorporated city or town or
15 the county sheriff or state patrol if such accident occurred outside
16 incorporated cities and towns. Nothing in this subsection prohibits
17 accident reports from being filed by drivers where damage to property
18 is less than the minimum amount or where a law enforcement officer has
19 submitted a report.

1 (2) The original of the report shall be immediately forwarded by
2 the authority receiving the report to the chief of the Washington state
3 patrol at Olympia, Washington. The Washington state patrol shall give
4 the department of licensing full access to the report.

5 (3) Any law enforcement officer who investigates an accident for
6 which a report is required under subsection (1) of this section shall
7 submit an investigator's report as required by RCW 46.52.070.

8 (4) The chief of the Washington state patrol may require any driver
9 of any vehicle involved in an accident, of which report must be made as
10 provided in this section, to file supplemental reports whenever the
11 original report in the chief's opinion is insufficient, and may
12 likewise require witnesses of any such accident to render reports. For
13 this purpose, the chief of the Washington state patrol shall prepare
14 and, upon request, supply to any police department, coroner, sheriff,
15 and any other suitable agency or individual, sample forms of accident
16 reports required hereunder, which reports shall be upon a form devised
17 by the chief of the Washington state patrol and shall call for
18 sufficiently detailed information to disclose all material facts with
19 reference to the accident to be reported thereon, including the
20 location, the circumstances, the conditions then existing, the persons
21 and vehicles involved, the insurance information required under RCW
22 46.30.030, personal injury or death, if any, the amounts of property
23 damage claimed, the total number of vehicles involved, whether the
24 vehicles were legally parked, legally standing, or moving, ~~((and))~~
25 whether such vehicles were occupied at the time of the accident, and
26 whether any driver involved in the accident was distracted at the time
27 of the accident. Distractions contributing to an accident must be
28 reported on the accident form and include at least the following
29 minimum reporting options: Not distracted; operating a handheld
30 electronic telecommunication device; operating a hands-free wireless
31 telecommunication device; other electronic devices (including, but not
32 limited to, PDA's, laptop computers, navigational devices, etc.);
33 adjusting an audio or entertainment system; smoking; eating or
34 drinking; reading or writing; grooming; interacting with children,
35 passengers, animals, or objects in the vehicle; other inside
36 distractions; outside distractions; and distraction unknown. Every
37 required accident report shall be made on a form prescribed by the
38 chief of the Washington state patrol and each authority charged with

1 the duty of receiving such reports shall provide sufficient report
2 forms in compliance with the form devised. The report forms shall be
3 designated so as to provide that a copy may be retained by the
4 reporting person.

5 (5) The chief of the Washington state patrol shall adopt rules
6 establishing the accident-reporting threshold for property damage
7 accidents. Beginning October 1, 1987, the accident-reporting threshold
8 for property damage accidents shall be five hundred dollars. The
9 accident-reporting threshold for property damage accidents shall be
10 revised when necessary, but not more frequently than every two years.
11 The revisions shall only be for the purpose of recognizing economic
12 changes as reflected by an inflationary index recommended by the office
13 of financial management. The revisions shall be guided by the change
14 in the index for the time period since the last revision.

15 **Sec. 2.** RCW 46.52.060 and 1998 c 169 s 1 are each amended to read
16 as follows:

17 It shall be the duty of the chief of the Washington state patrol to
18 file, tabulate, and analyze all accident reports and to publish
19 annually, immediately following the close of each fiscal year, and
20 monthly during the course of the year, statistical information based
21 thereon showing the number of accidents, the location, the frequency,
22 whether any driver involved in the accident was distracted at the time
23 of the accident and the circumstances thereof, and other statistical
24 information which may prove of assistance in determining the cause of
25 vehicular accidents. Distractions contributing to an accident to be
26 reported must include at least the following: Not distracted;
27 operating a handheld electronic telecommunication device; operating a
28 hands-free wireless telecommunication device; other electronic devices
29 (including, but not limited to, PDA's, laptop computers, navigational
30 devices, etc.); adjusting an audio or entertainment system; smoking;
31 eating or drinking; reading or writing; grooming; interacting with
32 children, passengers, animals, or objects in the vehicle; other inside
33 distractions; outside distractions; and distraction unknown.

34 Such accident reports and analysis or reports thereof shall be
35 available to the director of licensing, the department of
36 transportation, the utilities and transportation commission, the
37 traffic safety commission, and other public entities authorized by the

1 chief of the Washington state patrol, or their duly authorized
2 representatives, for further tabulation and analysis for pertinent data
3 relating to the regulation of highway traffic, highway construction,
4 vehicle operators and all other purposes, and to publish information so
5 derived as may be deemed of publication value.

6 NEW SECTION. **Sec. 3.** This act takes effect January 1, 2006.
Passed by the Senate February 9, 2005.
Passed by the House April 7, 2005.
Approved by the Governor April 22, 2005.
Filed in Office of Secretary of State April 22, 2005.