

# HOUSE BILL REPORT

## EHB 1214

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### As Amended by the Senate

**Title:** An act relating to operating a motor vehicle while reading, writing, or sending electronic messages.

**Brief Description:** Regarding the use of electronic wireless communications devices for text messaging while operating a moving motor vehicle.

**Sponsors:** By Representatives McDonald and Morrell.

**Brief History:**

**Committee Activity:**

Transportation: 2/15/07, 2/26/07 [DP].

**Floor Activity:**

Passed House: 3/13/07, 73-23.

Senate Amended.

Passed Senate: 4/13/07, 32-15.

#### Brief Summary of Engrossed Bill

- Prohibits, with limited exceptions, reading, manually writing, or sending a text message on an electronic wireless communications device while operating a motor vehicle.

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### HOUSE COMMITTEE ON TRANSPORTATION

**Majority Report:** Do pass. Signed by 14 members: Representatives Clibborn, Chair; Jarrett, Ranking Minority Member; Campbell, Dickerson, Eddy, Hankins, Lovick, Rolfes, Sells, Springer, B. Sullivan, Takko, Wallace and Wood.

**Minority Report:** Do not pass. Signed by 10 members: Representatives Schindler, Assistant Ranking Minority Member; Appleton, Armstrong, Curtis, Hailey, Hudgins, Kristiansen, Rodne, Simpson and Upthegrove.

**Staff:** David Munnecke (786-7315).

**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.*

Current law does not explicitly address text messaging or emailing while driving. Under current law, when Washington State Patrol officers observe dangerous driving behavior by a motor vehicle operator using an electronic device, they may cite the driver for second-degree negligent driving.

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### **Summary of Engrossed Bill:**

Any person operating a moving motor vehicle while reading, manually writing, or sending a text message on an electronic wireless communications device is guilty of a traffic infraction unless the person is:

- operating an authorized emergency vehicle;
  - using a hand-held wireless communications device to report illegal activity, summon medical or emergency assistance, or prevent injury to a person or property; or
  - an amateur radio operator who holds a valid amateur radio license issued by the federal Communications Commission.
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### **EFFECT OF SENATE AMENDMENT(S):**

Removes from the act the exemption for amateur radio operators who possess a license from the federal communications commission.

Limits enforcement of the act so that it can only be enforced as a secondary action and prevents violations of the act from becoming part of the driver's driving record.

Adds language stating that dialing a phone does not constitute reading, writing, or sending a text message and creates an exemption for voice-activated global positioning and navigation systems that are permanently affixed to the vehicle.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect January 1, 2008.

### **Staff Summary of Public Testimony:**

(In support) This bill would prohibit text messaging while driving. It is always dangerous to take your eyes off the road, but it is even worse when you are concentrating on composing and then sending a message at the same time. Some people claim that they have the right to do this, but they don't have the right to risk the lives of those around them.

The Washington Traffic Safety Commission has talked with teenagers about cell phones and intermediate driver's licenses (IDL). One-quarter of the teenagers that they spoke with admitted to text messaging while driving

Text messaging while driving is clearly a problem. A man using his blackberry was recently responsible for an accident on I-5. Second degree negligent driving is the other infraction people can be charged with in these types of circumstances, but it is difficult to prove, so this bill may be a deterrent.

(Opposed) None.

**Persons Testifying:** Representative McDonald, prime sponsor; and Jeff DeVere, Washington State Patrol.

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