

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 5037

Chapter 417, Laws of 2007

60th Legislature
2007 Regular Session

CELL PHONES

EFFECTIVE DATE: 07/01/08

Passed by the Senate April 16, 2007
YEAS 33 NAYS 15

BRAD OWEN

President of the Senate

Passed by the House April 11, 2007
YEAS 59 NAYS 38

FRANK CHOPP

Speaker of the House of Representatives

Approved May 11, 2007, 10:14 a.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 5037** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

FILED

May 11, 2007

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 5037

AS AMENDED BY THE HOUSE

Passed Legislature - 2007 Regular Session

State of Washington 60th Legislature 2007 Regular Session

By Senate Committee on Transportation (originally sponsored by Senators Eide, Weinstein, Murray, Berkey, Regala, Rockefeller, Kauffman, Keiser, Spanel, Jacobsen and Kohl-Welles)

READ FIRST TIME 02/22/07.

1 AN ACT Relating to the use of a wireless communications device
2 while operating a moving motor vehicle; adding a new section to chapter
3 46.61 RCW; creating a new section; prescribing penalties; and providing
4 an effective date.

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

6 NEW SECTION. **Sec. 1.** The use of wireless communications devices
7 by motorists has increased in recent years. While wireless
8 communications devices have assisted with quick reporting of road
9 emergencies, their use has also contributed to accidents and other
10 mishaps on Washington state roadways. When motorists hold a wireless
11 communications device in one hand and drive with the other, their
12 chances of becoming involved in a traffic mishap increase. It is the
13 legislature's intent to phase out the use of hand-held wireless
14 communications devices by motorists while operating a vehicle.

15 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.61 RCW
16 to read as follows:

17 (1) Except as provided in subsection (2) of this section, a person

1 operating a moving motor vehicle while holding a wireless
2 communications device to his or her ear is guilty of a traffic
3 infraction.

4 (2) Subsection (1) of this section does not apply to a person
5 operating:

6 (a) An authorized emergency vehicle, or a tow truck responding to
7 a disabled vehicle;

8 (b) A moving motor vehicle using a wireless communications device
9 in hands-free mode;

10 (c) A moving motor vehicle using a hand-held wireless
11 communications device to:

12 (i) Report illegal activity;

13 (ii) Summon medical or other emergency help;

14 (iii) Prevent injury to a person or property;

15 (d) A moving motor vehicle while using a hearing aid.

16 (3) Subsection (1) of this section does not restrict the operation
17 of an amateur radio station by a person who holds a valid amateur radio
18 operator license issued by the federal communications commission.

19 (4) For purposes of this section, "hands-free mode" means the use
20 of a wireless communications device with a speaker phone, headset, or
21 earpiece.

22 (5) The state preempts the field of regulating the use of wireless
23 communications devices in motor vehicles, and this section supersedes
24 any local laws, ordinances, orders, rules, or regulations enacted by a
25 political subdivision or municipality to regulate the use of wireless
26 communications devices by the operator of a motor vehicle.

27 (6) Enforcement of this section by law enforcement officers may be
28 accomplished only as a secondary action when a driver of a motor
29 vehicle has been detained for a suspected violation of this title or an
30 equivalent local ordinance or some other offense.

31 (7) Infractions that result from the use of a wireless
32 communications device while operating a motor vehicle under this
33 section shall not become part of the driver's record under RCW
34 46.52.101 and 46.52.120. Additionally, a finding that a person has
35 committed a traffic infraction under this section shall not be made
36 available to insurance companies or employers.

1 NEW SECTION. **Sec. 3.** This act takes effect July 1, 2008.
Passed by the Senate April 16, 2007.
Passed by the House April 11, 2007.
Approved by the Governor May 11, 2007.
Filed in Office of Secretary of State May 11, 2007.