

SENATE BILL REPORT

SHB 1469

As Passed Senate, April 11, 2019

Title: An act relating to approaching emergency or work zones and tow truck operators.

Brief Description: Modifying provisions relating to approaching emergency or work zones and tow truck operators.

Sponsors: House Committee on Transportation (originally sponsored by Representatives Jenkin, Chapman, Lovick, Young, Ryu, Orcutt, McCaslin and Barkis).

Brief History: Passed House: 3/06/19, 97-0.

Committee Activity: Transportation: 3/25/19, 3/26/19 [DP].

Floor Activity:

Passed Senate: 4/11/19, 46-0.

Brief Summary of Bill

- Requires a driver to reduce a motor vehicle's speed at least 10 miles per hour below the posted speed limit if it would be unsafe to change lanes or move away from an emergency or work zone vehicle.

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass.

Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Das, Lovelett, Nguyen, O'Ban, Padden, Randall, Takko, Wilson, C. and Zeiger.

Staff: Kelly Simpson (786-7403)

Background: Definition of an Emergency or Work Zone. An emergency or work zone is defined as the adjacent lanes of the roadway 200 feet before and after an emergency or work zone vehicle. The following vehicles qualify as emergency or work zone vehicles:

- a stationary authorized emergency vehicle making use of audible or visual, or both, signals that meet state requirements for authorized emergency vehicles;
- a tow truck making use of visual red lights that meet state requirements for emergency tow trucks;

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- other vehicles providing roadside assistance making use of warning lights with 360-degree visibility;
- a police vehicle properly and lawfully displaying a flashing, blinking, or alternating emergency light or lights; or
- a stationary or slow-moving highway construction vehicle, highway maintenance vehicle, solid waste vehicle, or utility service vehicle making use of flashing lights that meet requirements for snow-removal and other highway maintenance and service equipment or warning lights with 360-degree visibility.

Passing an Emergency or Work Zone Vehicle. The driver of a motor vehicle passing an emergency or work zone vehicle must proceed with caution, reduce the vehicle's speed in certain circumstances, and, if reasonable, yield the right-of-way by changing lanes or moving away from the emergency or work-zone vehicle. If changing lanes or moving away would be unreasonable or unsafe, the driver of a motor vehicle must proceed with due caution and reduce the speed of the vehicle.

Emergency or Work Zone Traffic Violations. The driver of a motor vehicle may not drive in an emergency or work zone at a speed greater than the posted speed limit. A person found to be in violation of any speed restriction in an emergency or work zone must be assessed a monetary penalty equal to twice the standard penalty, which may not be waived, reduced, or suspended.

A person who drives a vehicle in an emergency or work zone in a manner that endangers or is likely to endanger an emergency or work zone worker or property is guilty of reckless endangerment of emergency work zone workers. This offense is a gross misdemeanor, which is punishable by up to 364 days in a county jail, a fine of not more than \$5,000, or both. The Department of Licensing is required to suspend the driver's license, driver's permit, or non-resident driving privilege of a person convicted of reckless endangerment of emergency or work zone workers for 60 days.

Summary of Bill: The driver of a motor vehicle passing an emergency or work-zone vehicle must:

- proceed with caution, reduce the vehicle's speed in certain circumstances, and, if the opportunity exists to do so, change lanes or move away from the emergency or work zone vehicle; or
- if it would be unsafe to change lanes or move away from an emergency or work zone vehicle, reduce the vehicle's speed to at least 10 mph below the posted speed limit.

A driver may not drive a vehicle in an emergency or work zone at a speed greater than the posted speed limit, or greater than 10 mph below the posted speed limit when it is unsafe to change lanes or move away from an emergency or work zone vehicle.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This bill was brought by tow truck drivers as a way to help make their jobs safer. The bill makes tow truck operators on par with emergency vehicles and raises awareness to the traveling public. The bill is a common-sense measure.

Persons Testifying: PRO: Representative Bill Jenkin, Prime Sponsor; Paul Bressi, President, Tow & Recovery Association of Washington; Joshua Roewer, Tow Operator, Burn's Towing.

Persons Signed In To Testify But Not Testifying: No one.