HOUSE BILL REPORT
ESHB 1596

As Amended by the Senate

Title: An act relating to accountability for persons for speeding.

Brief Description: Concerning accountability for persons for speeding.

Sponsors: House Committee on Transportation (originally sponsored by Representatives Leavitt, Goodman, Ryu and Berry).

Brief History:

Committee Activity:

Transportation: 1/30/25, 2/27/25 [DPS].

Floor Activity:

Passed House: 3/11/25, 84-12.
Senate Amended.
Passed Senate: 4/15/25, 40-8.

Brief Summary of Engrossed Substitute Bill

- Requires the use of an intelligent speed assistance device, as a condition to a temporary restricted or occupational driver's license under certain circumstances, during a probationary period following the lifting of a driver's license suspension for certain traffic-related offenses, or by order of a court, in order to limit the operation of a vehicle to no more than the speed limit, with certain exceptions.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 24 members: Representatives Fey, Chair; Bernbaum, Vice Chair; Donaghy, Vice Chair; Reed, Vice Chair; Barkis, Ranking Minority Member; Low, Assistant Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; Bronoske, Duerr, Entenman, Griffey, Hunt, Klicker, Ley, Nance, Orcutt, Paul, Ramel, Richards, Stuebe,

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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 part of the legislation nor does it constitute a statement of legislative intent.

Taylor, Timmons, Wylie and Zahn.

Minority Report: Without recommendation. Signed by 3 members: Representatives Mendoza, Assistant Ranking Minority Member; Dent and Volz.

Staff: Mark Matteson (786-7145).

Background:

Driver's Licenses, Generally.
A driver's license is required to operate a vehicle on Washington roads for most individuals. To obtain a driver's license, an individual must pass a driver's licensing examination and pay the Department of Licensing (DOL) an initial issuance or renewal fee of $72 for a standard eight-year license, or $54 for a standard six-year license. A person may obtain an enhanced driver's license for an additional $56 for an eight-year license or $42 for a six-year license.

Driver's Licenses Authorized for Specific Circumstances.
The DOL is also authorized to issue restricted or special types of driver's licenses to individuals for specific circumstances, including Commercial Driver's Licenses, occupational and temporary restricted driver's licenses, and ignition interlock licenses, among others. Commercial Driver's Licenses are required for several types of larger vehicles, including a combination vehicle with a gross weight rating of 26,001 pounds or more, and are needed in various types of employment. An occupational license may be issued while a person's driver's license is suspended administratively by the DOL and allows the person to operate a vehicle, under certain conditions, in order to commute to work and certain other reasons. A temporary restricted license may be issued while a person's driver's license is mandatorily suspended for the commission of certain crimes and allows the person to operate a vehicle under the same conditions, and for the same reasons as for an occupational license.

Ignition Interlock Driver's License.
An ignition interlock driver's license may be issued when the person has been convicted of impaired driving under either the Driving Under the Influence statute or the Actual Physical Control of a Vehicle While Under the Influence statute, Vehicular Homicide While Under the Influence, or Vehicular Assault While Under the Influence. Under the terms of the license, a person may only drive a vehicle equipped with a functioning ignition interlock device, into which the vehicle operator blows to verify that the blood alcohol content is below a certain level before the vehicle may start.

An ignition interlock device must be installed on all vehicles operated by the person, and it must remain in place during the license suspension, revocation, or denial period. In addition, a court may order the use of an ignition interlock device as a condition of pre-trial release of a defendant or as a condition of post-conviction probation. An ignition interlock

user must pay the cost of installing, removing, and leasing the ignition interlock device, unless the company waives the costs or the person is indigent. In addition, the applicant must pay a $100 application fee and a $21 monthly fee to the DOL's Ignition Interlock Device Revolving Account, expenditures from which are used to offset the costs for indigent persons. If the ignition interlock device is removed or stops functioning, the person's license will be suspended until the device is reinstalled. It is a gross misdemeanor for a person to drive a vehicle without a properly installed device, or for the vehicle operator or another person to tamper with the device.

Ignition interlock devices are not required on an employer's vehicles that are driven by the convicted person when driving the vehicles is a requirement of employment during working hours. The person must provide the DOL with a declaration from the employer stating that the person is required to operate the employer's vehicle. The DOL must include a notation on the person's driving record applying the employer exemption. The employer exemption is not available if the employer's vehicle is assigned exclusively to the convicted person and is used solely for commuting to and from employment.

Traffic Laws Relating to Excessive Vehicle Speed.
A driver who operates a vehicle in excess of the posted speed limit commits a traffic infraction, with certain exceptions, and is subject to a fine, which depends on the magnitude of the speed in excess of the limit and is prescribed under state court rules. Traffic infractions for speeding may also be issued for speed that is too fast for given roadway conditions or for certain speeds within school zones at certain times of day. Racing, the comparing or contesting of the relative speed of one or more motor vehicles, is a type of illegal conduct that constitutes Reckless Driving. In addition, excessive speed may be a factor in other vehicular crimes, such as in Vehicular Assault.

A driver following a slow-moving vehicle on a two-lane road may pass the vehicle at a speed that exceeds the speed limit, but only at such a speed and for only such a distance as is necessary to complete the pass with a reasonable margin of safety.

Suspensions.
A person's driver's license may be suspended by the DOL for a number reasons relating to the violation of the law, two of which include an accumulation of too many moving violations and a criminal conviction for Reckless Driving. A moving violation is a traffic infraction for violating the law while the vehicle is being operated and includes both criminal traffic infractions, such as for Vehicular Assault or for Reckless Driving, as well as non-criminal traffic infractions, such as for excessive speed or for disobeying traffic signals. While the penalty for a single moving violation is a fine that varies according to the severity of the offense, an accumulation of three or more moving violation infractions within a one-year period or four or more such infractions within a two-year period results in a suspension of the person's driver's license for a period of 60 days. In addition, the DOL must establish a period of probation for one calendar year to begin when the suspension ends. Prior to reinstatement of the driver's license, the person must complete a safe driving

course recommended by the DOL. During the period of probation, the person must not be convicted of any additional traffic infractions for moving violations. Conviction for a traffic infraction for a moving violation during this period will result in 30 days being added to the suspension period.

A person who drives a vehicle in disregard to the safety of people or property is guilty of Reckless Driving, a gross misdemeanor punishable by imprisonment for up to 364 days and a fine of $5,000 or less. In addition, the DOL must suspend the person's driver's license for at least 30 days.

Intelligent Speed Assistance Devices.
An intelligent speed assistance (ISA) device is a technical device designed to be installed within a motor vehicle to actively monitor and prevent the driver from exceeding a preset limit. Intelligent speed assistance devices employ a technology that uses a global positioning system to limit the velocity of a moving vehicle to the posted speed limit or some other preset speed. Some ISA devices are programmed to include an override function to allow the vehicle to exceed the preset limit for the purposes of passing slow-moving vehicles or certain other conditions.

Motor Vehicle Manufacturers, Distributors, and Retailers.
Motor vehicle manufacturers, distributors, retailers are regulated under state law and must be licensed by the DOL for doing business in the state.

Summary of Engrossed Substitute Bill:

A person may not operate a motor vehicle without a functioning ISA device, defined as a technical device designed to be installed within a motor vehicle to actively monitor and prevent the driver from exceeding a preset limit:

- if the person applies for and receives either an occupational driver's license or a temporary restricted driver's license, after having had the regular driver's license suspended either for an accumulation of moving violations, in which at least one of the violations was for excessive speeding, defined as traveling at 20 miles per hour (mph) or more above the speed limit where the speed limit exceeds 40 mph, and 10 mph or more above the speed limit where the speed limit is 40 mph or less, or for a conviction of Reckless Driving;
- during a probationary period following the reinstatement of the person's regular driver's license that had been suspended for either of the reasons provided above; or
- pursuant to a court order, as a condition of pre-trial release or of post-conviction probation.

The ISA device must employ a technology using a global positioning system (GPS) and be programmed to limit the operation of the vehicles to no more than the speed limit, generally. The ISA device must include an override function to allow the operator to exceed the speed limit on up to three occasions per month. An exception to the requirement

to use a functioning ISA device is provided with respect to certain vehicles owned, leased, rented, or maintained by the person's employer.

When a person is required to use an ISA device, the person is otherwise required to operate a motor vehicle in a safe and lawful manner at all times. The obligation to use the ISA device is not a defense or mitigating circumstance to any violation of the rules of the road.

With respect to an applicant for either a temporary restricted or an occupational driver's license, in which the applicant has had the regular driver's license suspended either for an accumulation of moving violations, in which at least one of the violations was for excessive speeding, or for a conviction of Reckless Driving, the terms of the license is modified. The license requires the applicant to use a properly functioning ISA device while operating a motor vehicle during the duration of the license.

The person who is required to use an ISA device must pay for the costs of installing, removing, and leasing the device, as well as an additional fee of $21 per month. The DOL must deposit the additional fee to a new account, the Intelligent Speed Assistance Device Revolving Account, which is established to offset the costs of the ISA devices for indigent persons.

Following a suspension for an accumulation of moving violations, in which at least one of the violations was for excessive speeding, a person may not operate a vehicle without a properly functioning ISA device for the first 120 days of the probation period. A violation of this requirement is a traffic infraction. Following a suspension for a conviction of Reckless Driving, the DOL must establish a period of probation for 150 days and require the use of an ISA device during that time. A violation of this requirement is a traffic infraction that triggers an additional 30 day suspension of the person's driver's license.

To be eligible to install, repair, maintain, monitor, or remove an ISA device, a person must apply to the DOL. An applicant seeking to install the device must submit a declaration that the device meets the definition of an ISA device and is programmed with GPS technology to limit the velocity of a moving vehicle to the posted speed limit, except as provided for the override function exception. To maintain eligibility, a person must submit criminal background check results to the DOL for any individual hired to install, repair, maintain, monitor, or repair an ISA device.

A person who is required to use the ISA device and tampers with the device, or directs another person to tamper with the ISA device, is guilty of a gross misdemeanor. Another person who knowingly assists a person who is required to use an ISA device with the tampering of the device is guilty of a gross misdemeanor.

A court may order the use of an ISA device, with respect to a criminal offense, as either a condition of pre-trial release of a defendant or of post-conviction probation.

A motor vehicle manufacturer, distributor, or dealer is not liable for any loss, injury, or damages caused by the design, manufacture, installation, improper installation, use, or misuse of an ISA device. A lessor or lienholder may require the lessee or owner of a motor vehicle to notify the lessor or lienholder if an ISA device is installed on a motor vehicle subject to a lease or finance agreement.

EFFECT OF SENATE AMENDMENT(S):

In comparison to the engrossed substitute bill, the Senate amendment:

- exempts any data collected by an intelligent speed assistance device from disclosure under the Public Records Act;
- requires that data collected by an intelligent speed assistance device be securely maintained by an intelligent speed assistance device company and may not be shared with third parties without a court order, except for data pertaining to installation and removal of the device;
- adds a short title section naming the act "the BEAM Act"; and
- delays the effective date to January 1, 2029.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect on July 1, 2028.

Staff Summary of Public Testimony:

(In support) Washingtonians are losing their lives because of people speeding. Infractions involving speeding drivers in excess of 50 mph over the speed limit increased by 200 percent between 2019 and 2024. This bill focuses on some of the most reckless drivers and those causing a disproportionate number of traffic fatalities and injuries. Nationally, 29 percent of all crash fatalities in 2022 were speed-related. In Washington, this figure exceeded 30 percent in 2023. Speeding remains a big factor in fatal crashes. Excessive speed was a contributing factor in 251 fatalities, underscoring the critical need for interventions to address speeding.

The bill implements intelligent speed assistance (ISA) technology. This is not a new technology around the world. The proposed bill advocates for the adoption of speed limiter devices to ensure vehicles adhere to posted speed limits, thereby reducing speed-related accidents. These devices have been shown to be effective.

Fundamentally, one of the goals is public safety. According to the American Association of Motor Vehicle Administrators, more than 70 percent of drivers with suspended licenses continue to drive during their suspension. By mandating speed limiters as a condition for license reinstatement, the bill aims to promote responsible driving behavior among habitual

offenders. The bill gives the courts a tool to maintain accountability for these habitual speed violators. The bill focuses on the most dangerous offenders and specifically addresses excessive speeding defined as driving 20 mph over the speed limit.

One victim spent her life in the Renton community. Out of nowhere, a vehicle slammed into her van at 112 mph, leaving three children without a mom. This was not a traffic accident; this intentional behavior weaponizes vehicles, turning them into missiles more dangerous than bullets. We need stiff consequences for these thrill seekers and must use any tools possible to detect and stop them.

Policymakers should think of the ISA device along the lines of the ignition interlock device, which is a tool that restricts people from starting their vehicle when they have had an alcohol-related conviction. The ISA device uses a technology that can stop speeding drivers. Speed, more than weight, causes deadly crashes.

Families for Safe Streets (FSS) is comprised of people who have lost loved ones, who have been injured, or who care for someone who was injured in traffic violence. Families for Safe Streets supports life-saving legislation in our communities to lower speed limits, permit automated enforcement, improved roadway design, and more. This bill is an important tool to advance this cause. Speed accounts for a significant number of traffic fatalities, and we need to invest in this technology. Protecting families in Washington is paramount, and speeding is preventable.

The DOL intends to work with the sponsor on the implementation timeline. This is a complex bill that will require resources and time to deal with the software programming and interfacing with other entities that rely on the DOL data.

The technology proposed in the bill has been in use for decades, mostly in municipal fleets. It has been proven to work. It can protect drivers on roadways and, at the same time, change the behavior of that individual while allowing them to still get to work and errands.

(Opposed) None.

(Other) Excessive speeding, particularly at speeds above 45 mph, is extremely dangerous. Drivers have less time to react and their ability to see and process their surroundings is reduced drastically. Tickets and license suspensions do not prevent someone from continuing to speed. The state strategic highway safety plan called Target Zero identifies speed limiter technology as an important strategy to curb excess speeding to protect families, save lives, and create a safer Washington for everyone.

Persons Testifying: (In support) Representative Mari Leavitt, prime sponsor; Theodore Smith; Amy Freedheim, Senior Deputy Prosecutor King County - Felony Traffic; David Sale, Families for Safe Streets; Lori Markowitz, Families for Safe Streets; Peter Bengston, Families for Safe Streets; and Ken Denton, Life Scofer.

(Other) Shelly Baldwin, Washington Traffic Safety Commission; and Alejandro Sanchez.

Persons Signed In To Testify But Not Testifying: May Wang, Families for Safe Streets; and Amber Weilert, Families for Safe Streets.