SENATE BILL REPORT
ESHB 1596

As Passed Senate - Amended, April 15, 2025

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: Passed House: 3/11/25, 84-12.
Committee Activity: Transportation: 3/31/25, 4/04/25 [DP, DNP, w/oRec].
Floor Activity: Passed Senate - Amended: 4/15/25, 40-8.

Brief Summary of Bill
(As Amended by Senate)

- 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, to limit the operation of a vehicle to no more than the speed limit, with certain exceptions.

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass.
Signed by Senators Liias, Chair; Lovick, Vice Chair; Ramos, Vice Chair; King, Ranking Member; Goehner, Assistant Ranking Member; Alvarado, Chapman, Cortes, Harris, Krishnadasan, Lovelett, Nobles, Shewmake and Valdez.

Minority Report: Do not pass.
Signed by Senator Christian.

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.

Minority Report: That it be referred without recommendation.
Signed by Senators Fortunato, Holy, MacEwen and Wilson, J..

Staff: Brandon Popovac (786-7465)

Background: Driver's Licenses Authorized for Specific Circumstances. The Department of Licensing (DOL) may issue restricted or special types of driver's licenses to individuals for specific circumstances, including occupational and temporary restricted drivers' licenses. An occupational driver's license may be issued while a person's regular driver's license is suspended administratively by DOL and allows the person to operate a vehicle, under certain conditions, to commute to work and certain other reasons. A temporary restricted driver's license may be issued while a person's regular driver's license is mandatorily suspended for the commission of certain vehicular crimes and allows the person to operate a vehicle under the same conditions and for the same reasons as an occupational driver's license.

Traffic Laws Relating to Excessive Vehicle Speed and Reckless Driving. 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, as determined by the magnitude of the speed in excess of the limit and as prescribed under state court rules. Traffic infractions for speeding may also be issued for driving a vehicle at a speed that is too fast for given roadway conditions or over certain speed limits within school zones at certain times of day.

A person who drives a vehicle in willful or wanton disregard for the safety of persons or property is guilty of reckless driving, which is a gross misdemeanor punishable by imprisonment for up to 364 days and a fine of $5,000 or less. DOL must suspend such person's driver's license for at least 30 days.

Driver's License Suspension. A moving violation is a traffic infraction for violating a rule of the road while the vehicle is being operated and includes both civil and criminal traffic infractions. 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 the suspension of the person's driver's license for a period of 60 days. DOL must establish a period of probation for one calendar year to begin when the suspension ends. Before reinstatement of the driver's license, the person must complete a safe driving course recommended by DOL. During the period of probation, the person must not be convicted of any additional traffic infractions for moving violations. A conviction for a traffic infraction for a moving violation during this period results in 30 days being added to the suspension period.

Summary of Amended Bill: A person may not operate a motor vehicle without a functioning intelligent speed assistance (ISA) device when the device is required for the issuance of:

- a temporary restricted driver's license due to a suspended regular driver's license from a conviction of reckless driving; or
- an occupational driver's license due to a suspended regular driver's license from a specified accumulation of moving violations, in which at least one of the violations was for excessive speeding.

A person may also not operate a motor vehicle without a functioning ISA device when the device is required:

- for a probationary period of 150 days after the period of driver's license suspension from a conviction of reckless driving; or
- for a probationary period of 120 days after the period of driver's license suspension from a specified accumulation of moving violations, in which at least one of the violations was for excessive speeding.

A person may also not operate a motor vehicle without a functioning ISA device when the device is required pursuant to a court order, as a condition of pre-trial release or post-conviction probation. Under such a condition of probation, the court must impose use of a functioning ISA device for at least a six-month period if the offense included excessive speeding.

Excessive speeding is defined as traveling at 20 miles per hour or more above a posted speed limit of over 40 miles per hour, and 10 miles per hour or more above a posted speed limit of 40 miles per hour or less.

An ISA device is 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, but does not include any manufacturer provided technology in a new motor vehicle that controls or affects vehicle speed. An ISA device must employ technology using a global positioning system and be programmed to limit the operation of the vehicles to no more than the speed limit, except that the device must include an override function to allow the operator to exceed the speed limit on up to three occasions per month, but subject to the rules in passing a vehicle traveling less than the legal maximum speed limit.

Any data collected by an ISA device is exempt from public disclosure, and must be securely maintained by the ISA device company and not be shared with any third parties, except for ISA device installation and removal data, without a court order.

Installation of an ISA device is not required in vehicles owned, leased, rented, or maintained by the person's employer and driven as a requirement of employment during working hours and not used for solely commuting to and from work.

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.

Unless waived by the ISA device company or for indigency, a person 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, to the ISA device company. The ISA device company must remit the $21 monthly fee to DOL for deposit into the newly created Intelligent Speed Assistance Device Revolving Account, which is established to offset the costs of the ISA devices for indigent persons. The ISA device company may retain $0.25 of the $21 monthly fee for administration purposes.

For a person required to use an ISA device who resides outside of Washington State, DOL may accept verification of ISA device installation by an ISA device company authorized to do business in or within a 75-mile radius of that jurisdiction of residence. DOL may waive the $21 monthly fee if fee collection is impractical in this regard.

A violation of any of the probationary period requirements or operating a vehicle without a properly functioning ISA device is a traffic infraction. A traffic infraction that occurs during a 150-day probationary period 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 DOL and 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 annually to DOL for any individual hired to install, repair, maintain, monitor, or repair an ISA device.

A person who is required to use an ISA device and tampers with, interferes with, or otherwise disables the device, or directs another person to any such actions with the ISA device, is guilty of a gross misdemeanor. A person who knowingly assists another person required to use an ISA device with tampering or interfering with the device is guilty of a gross misdemeanor, except for safety or mechanical repair of the device.

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, except for knowingly engaging in a device repair or update that proximately causes loss, injury, or damage. 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.

Appropriation: None.

Fiscal Note: Available.

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

Effective Date: The bill takes effect on January 1, 2029.

Staff Summary of Public Testimony: PRO: The bill passed the House with strong bipartisan support and focuses on some of the most reckless of drivers causing a disproportionate number of traffic fatalities and injuries. The bill also aims to protect the public from preventable and predictable tragic injuries and many deaths. Washington State has had an increase in speed-related fatalities from 2019 to 2024. There has been an increase of tickets issued to individuals going 50 mph or more with over a 200 percent increase in that time period. Pierce County has had at least one serious speed-related accident per month this year. The bill advocates for the adoption of ISA technology or devices to ensure vehicles adhere to posted speed limits, thereby reducing speed-related accidents. ISA technology has been effective in other regions, demonstrating its potential to enhance road safety and save lives by encouraging responsible behavior. Many other states, like Virginia, Maryland, Georgia, and New York are also taking similar steps. National research shows more than 70 percent of drivers with suspended licenses continue to drive, while in Washington over 75 percent of those with suspended licenses continue to drive during their suspension. The bill clearly defines excessive speeding and focuses on the most dangerous violations, promoting fairness while prioritizing public safety. The structured ISA device fee system considers the financial capabilities of all drivers and is patterned after the Ignition Interlock Device Program.

Reducing speed through technology will save lives. Speeding reduces the time drivers can react safely to potential roadway conditions or hazards. Speeders have impacted work zones. Driver's license suspension alone is not changing driving behavior. There is an increased penalty for driving without an ISA device. Speeding weaponizes vehicles. Adding the driver work zone safety course proposed in other legislation, along with the current safe driving course, is suggested for administrative suspensions.

OTHER: There were 809 fatalities in 2023, representing a steady increase in recent years and with many caused by speeding. Infractions for speeding have tripled over the last few years. Force increases exponentially with speed. Target Zero identifies ISA technology as a tool to curb speeding and achieve reduced to zero fatalities.

Persons Testifying: PRO: Representative Mari Leavitt, Prime Sponsor; DAVID SALE; Lori Markowitz; Amy Freedheim, Senior Deputy Prosecutor King County - Felony Traffic; Peter Bengtson, Parents of Ellen Bengtson; Ken Denton, LifeSafer; Tom Yabe, Steilacoom Department of Public Safety; Billy Wallace, Washington & Northern Idaho District Council of Laborers; Sadie Haag; THEODORE SMITH; Mark Ottele, Granite Construction Company.

OTHER: Mark McKechnie, Washington Traffic Safety Commission.

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