

# FINAL BILL REPORT

## ESSB 5037

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As Passed Legislature

**Brief Description:** Restricting the use of a wireless communications device while operating a moving motor vehicle.

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

**Senate Committee on Transportation**  
**House Committee on Transportation**

**Background:** Under current law, a Washington State Patrol officer may cite a driver with second-degree negligent driving if the driver exhibits dangerous driving behavior while using a wireless device. A rule adopted by the Washington State Patrol provides that a hands-free listening device that covers no more than one ear may be used by a motorist while driving.

**Summary:** A person operating a moving vehicle while holding a wireless communications device to his or her ear is guilty of a traffic infraction, the enforcement of which may be accomplished only as a secondary action. The prohibition against operating a moving vehicle while holding a wireless communications device to one's ear does not apply to: (1) a person operating an authorized emergency vehicle, or a tow truck driver responding to a disabled vehicle; (2) a person using a wireless communications device in hands-free mode; (3) a person using the device to report illegal activity, summon emergency help, or prevent injury to a person or property; or (4) a person using a hearing aid. The prohibition against operating a moving vehicle while holding a wireless communications device to one's ear does not restrict the operation of an amateur radio station by a person who holds a valid amateur radio operator license issued by the Federal Communications Commission. Infractions from the use of a wireless communications device under the act must not become part of the driver's driving abstract record, or be reported to insurance companies or employers. This act supersedes any local laws regulating the use of wireless devices in motor vehicles.

**Votes on Final Passage:**

Senate	29	18	
House	59	38	(House amended)
Senate	33	15	(Senate concurred)

**Effective:** The bill takes effect on July 1, 2008.