

## Commercial drivers texting while driving and projecting loads

**Issue:** Washington needs to amend state law to comply with recent changes in federal law and regulations that prohibit commercial drivers from texting while driving and require flags on projecting loads.

State law must be amended to conform to the federal regulations prohibiting commercial motor vehicle operators from texting while driving, which requires that violations be recorded on the driver's record and be counted as serious traffic violations, no later than October 28, 2013.

The state law that requires flags to be displayed at the extremities of projecting loads must be amended due to revised standards included in the federal Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). The inconsistency between state and federal law on this issue was found during a Federal Motor Carrier audit of the Washington Department of Transportation.

**Proposed solution:** The Department and the Washington State Patrol are proposing legislation that will bring Washington into compliance with federal regulations prohibiting texting by commercial motor vehicle drivers and federal law requiring that flags be displayed on projecting loads. The bill amends state law as follows:

- Section 1 – RCW 46.25.010(18)(c), to further define “Serious traffic violation” to also include a person texting while operating a commercial motor vehicle.
- Section 2 – RCW 46.61.668(1), (2), and (3) to redefine the offense to meet federal requirements when applied to commercial motor vehicle drivers and to provide that the traffic infraction for texting shall become part of the driving record when the driver is operating a commercial motor vehicle at the time of the violation.
- Section 3 – RCW 46.37.140, to increase the minimum size of the flag from twelve inches square to eighteen inches square, permit the use of a fluorescent orange flag, and permit a load to extend up to four inches from the side of a vehicle before a flag is required.



### **Economic impact:**

A contracted programmer is required to make software and system changes, at an estimated cost of \$17,226.

### **Potential impacts of not taking action:**

If Washington is out of compliance with federal commercial vehicle regulation the following consequences could be imposed:

The loss of a portion of the state's federal highway funds:

- 5 percent in the first year; equal to \$16-17 million
- 10 percent in the second year and following years; equal to \$32-34 million per year

CDL program decertification:

- No issuance to interstate CDLs (new/renewals/upgrades/transfers)
- Restricts CDL issuance to intrastate
- Existing CDLs will be valid until their expiration