

Washington Administrative Code Notice of Permanent Rules for Distracted Driving (SB 5289)

Adoption of: WAC 308-104-160 Moving and nonmoving violations defined.
WAC 308-108-165 Prohibition on wireless communication devices
during instruction
WAC 308-330-464 RCW sections adopted--Operation and restrictions

Effective date: These rule changes will become effective 31 days after filing
(approximately November 10, 2017).

What are the agency's reasons for adopting this rule:

These rule amendments reflect changes in the distracted driving laws. Specifically, 'use of a personal electronic device while driving' and 'dangerously distracted driving' will be included in the model traffic ordinance and the moving and nonmoving violations rules. The driver training school WAC is updated to reflect the accurate RCW reference for 'use of a personal electronic device while driving'. This rulemaking is necessary to meet the requirements of SSB 5289 (2017) – Modifying the infraction of and penalties for distracted driving.

Summary of all public comments received on this rule proposal and the agency's response to those comments:

The agency did not receive any public comments.

Changes made to the proposed WAC as a result of public comment:

The adopted language puts references to the repealed statutes (RCWs 46.61.667(1)(b) and 46.61.668(1)(b)) back into WAC 308-104-160 – Moving and nonmoving violations defined. This is because commercial driver's license holders can still be cited for these infractions in other states and the department needs the ability to add these references to the driver's record.

The Administrative Procedure Act (RCW 34.05.325(6)) requires agencies to complete a concise explanatory statement before filing adopted rules with the Office of the Code Reviser. This statement must be provided to anyone who gave comment about the proposed rulemaking.

The Department of Licensing appreciates your involvement in this rulemaking process. If you have any questions, please contact Damon Monroe, Agency Rules Coordinator, at 360-902-3843 or email dmonroe@dol.wa.gov.