
**Community Safety, Justice, & Reentry
Committee**

HB 1513

Brief Description: Improving traffic safety.

Sponsors: Representatives Street, Simmons, Doglio, Pollet, Berry, Gregerson, Ryu, Farivar, Alvarado, Reed, Bateman, Thai, Chopp, Macri, Fitzgibbon, Morgan, Peterson, Santos, Mena, Duerr, Orwall, Ormsby and Fosse.

Brief Summary of Bill

- Limits officers' use of stops and detentions for non-moving violations, and specifies additional process requirements for traffic stops.
- Requires written consent before an officer may search a vehicle or passengers.
- Requires an officer to prepare a detailed report for each stop or detention.
- Creates a grant program focused on interventions for non-moving violations for low-income road users.

Hearing Date: 1/30/23

Staff: Martha Wehling (786-7067).

Background:

Traffic Enforcement.

Peace officers are full-time officers employed by a state or local government or agency whose primary function is to detect and apprehend persons committing infractions or violating traffic or

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criminal laws. The Washington State Patrol and Washington Department of Fish and Wildlife employ general authority Washington peace officers. A peace officer is commissioned to enforce the State's criminal laws.

A vehicle is used to transport persons or property on a public highway, and, in some situations, includes bicycles. Certain forms of transportation are excluded from the definition of a vehicle in specified circumstances.

The Department of Licensing adopts and maintains rules that define a moving violation. Moving violations include any violations of a vehicle law committed by the vehicle driver while the vehicle is moving and include certain criminal traffic infractions and traffic infractions. Examples of criminal infractions include driving under the influence, negligent driving, hit and run, and speeding. Examples of traffic infractions include driving the wrong way on a one-way street, making an improper freeway entrance or exit, embracing, using an improper signal, or failing to signal.

Nonmoving violations include violations for parking, equipment, or paperwork, including insurance, registration, licensing, and inspection. Washington State Patrol officers may stop vehicles to check a driver's license and inspect the vehicle's equipment. Equipment requirements include: lighting devices, hydraulic brake fluid, air conditioning equipment, hauling, and other vehicle equipment. Vehicle stops for license or equipment checks are limited to daylight hours by marked patrol vehicles.

Officers may stop any vehicle when the license is registered to a person whose license has been suspended or revoked. The driver must provide his or her license to the officer upon request. The penalties for driving with a suspended or revoked license vary, but may include imprisonment and a gross misdemeanor. Officers also have the authority to arrest a person without a warrant in several situations, including when the person is violating an antiharassment order. All police officers must comply with designated procedures to make an arrest without a warrant for violations of the traffic enforcement statute.

Law Enforcement Transparency.

To maintain public trust, data collection on law enforcement use of force is required to provide transparency and accountability. Each law enforcement agency is required to report when an officer uses force for situations involving fatality, bodily harm, or use of a firearm, taser, pepper spray, weapon, or canine. The reports must include the date, time, location, agency, force used, injuries, demographics, officer's years of service, and whether minors were present.

Summary of Bill:

Limitation on Stops, Detention, and Consent Searches.

Peace officers may not stop or detain drivers committing certain violations, including nonmoving violations, suspended or revoked licenses, or misdemeanor warrants.

The limitation on stopping or detaining drivers applies to:

- Driving with a suspended or revoked license;
- Hauling and vehicle equipment;
- Lighting devices;
- Hydraulic brake fluid;
- Safety requirements for air conditioning equipment;
- Arrest and prosecution without a warrant; and
- Stopping vehicles to check a driver's license or inspect a vehicle.

A peace officer may stop or detain a driver for equipment failure that poses an immediate, serious threat to safety, a moving violation, a misdemeanor warrant for driving under the influence, a domestic violence violation, or a civil court order. When an officer stops or detains a driver, the officer must comply with specified processes, including notification to dispatch detailing the threat, notification to the driver of the reason for the stop, and a prohibition on the officer's option to request a search.

An immediate threat is defined as a vehicle equipment failure that may cause immediate, serious injury to the driver or nearby persons. An example of an immediate threat is a shattered windshield that impacts the driver's ability to see.

When a vehicle is stopped or detained for a moving violation, an officer may request a search if there is visible evidence of a criminal offense, but the driver and passengers must provide written consent. The officer must explain the search is voluntary, its purpose, the right to an attorney, and the option to decline. A written consent form must be provided in English and Spanish. If evidence is recovered without compliance with these requirements, the evidence is inadmissible in a criminal proceeding.

Commercial vehicles, which are distinguished by weight, passengers, or hazardous materials, are not included in these limitations. Noncommercial recreational vehicles are included.

Reporting Requirements for Stop or Detention.

Peace officers for any law enforcement agency must prepare a report for each stop or detention of a driver. The report must include: the location, duration, purpose of the stop, description of the driver, language used, vehicle description, officer's employer and description, consent search information, property description if any seized, result of stop, and available camera footage, whether dashboard or body cam.

Grant Program for Nonmoving Violations.

The Traffic Safety Commission (Commission) is required to develop a grant program for nonmoving violations for low-income road users. The program should prioritize nonpunitive interventions, such as helmet vouchers, fee offsets, fix-it tickets, and repair vouchers. Local and tribal governments and nonprofits are eligible for the grants. Reports on the grant recipients, locations, and project types must be published annually. Beginning in September 2024, the Commission must submit a biennial report to the Governor and Legislative transportation

committees recommending changes to the grant program.

Appropriation: None.

Fiscal Note: Requested on January 23, 2023.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.