

In addition, we ask employees to go even further and put their cell phones away when they drive. We tell our employees that we do not want them to conduct state business while they drive whether it is in a state-owned vehicle or their own car. We understand the dangers of driving while talking on a cell phone, even if it is hands-free.

**Why call the new law  
"Driving Under the  
Influence of Electronics"?  
Are the penalties the  
same as a DUI?**

We like the phrase because whether it's alcohol, drugs, or a cell phone, drivers are "under the influence" of those things if they choose to drive after imbibing, or drive while using their electronic device.

Unlike DUI, anyone pulled over for holding their cell phone will incur a standard traffic fine of \$136. That fine increases to \$234 for any subsequent cell phone and driving violations within the next five years. These violations are also now reported to insurance companies as well.



**RCW 46.61.672 Using a personal electronic device while driving**

[app.leg.wa.gov/RCW/default.aspx?cite=46.61.672](http://app.leg.wa.gov/RCW/default.aspx?cite=46.61.672)

**RCW 46.61.673 Dangerously distracted driving**

[app.leg.wa.gov/RCW/default.aspx?cite=46.61.673](http://app.leg.wa.gov/RCW/default.aspx?cite=46.61.673)

[www.enddd.org/the-impact/heather-lerch-19-wa/](http://www.enddd.org/the-impact/heather-lerch-19-wa/)

Heather had just graduated with honors from Tumwater High School in Washington.

- This is Heather Lerch, 19 years old. She was attending college. Had just paid off her second car. She was looking forward to finishing at a community college and moving to a four year college for forensic science. On February 3, 2010 she was driving home from work only three minutes away from home. She was texting and driving, and lost control of her car and was killed.



- One study shows that cell phone drivers are as impaired as drunk drivers who have a .08% blood-alcohol level.
- Talking on a cell phone, with or without a handsfree device, increases the chance of crashing by four times.
- Texting drivers look down for 5 seconds at a time on average, enough time at highway speeds to cover than a football field.

# New Distracted Driving Law

**Effective July 23, 2017**

**Please refer to  
[wadrivetozero.com](http://wadrivetozero.com) for  
additional resources and  
information.**



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## **Does the new law make it illegal to drink or eat while driving?**

No. Please enjoy your coffee during your morning commute!

The new law has a section on "driving dangerously distracted." Think of anything drivers might do that distract them from the primary task of driving; eating barbecued ribs, playing a tuba, or reading a book. If that distraction causes a driver to commit a traffic violation, like crossing the centerline, or following too closely, then the driver can get a ticket for dangerously distracted driving.

It is pretty common to sip a coffee or nibble on some fries. Most of us can sip our coffee and stay between the lines. The law does not prohibit any specific activity. It just requires that the activity does not interfere with the safe operation of the vehicle.

If the driver does commit a traffic offense because the driver is dangerously distracted, then they are subject to an additional \$99 fine.



Here's the actual text from the law: "For the purposes of this section, 'dangerously distracted' means a person who engages in any activity not related to the actual operation of a motor vehicle in a manner that interferes with the safe operation of such motor vehicle on any highway."

### **If a driver is pulled over for expired tabs or an equipment violation and they have food or drink in their car, can they get the additional ticket for driving dangerously distracted?**

No. An officer would need to see bad driving, not a tab or equipment violation, and would need to determine that the bad driving was caused because the driver was driving dangerously distracted before giving the additional \$99 ticket.

### **If a driver has a cell phone mounted on their dash, can they answer a call using the cell phone's speaker?**

Yes, as long as the driver can answer with a single touch or swipe.

### **Why can't I use my phone at a stop light?**

Some of the most serious crashes happen at intersections and can involve some of our most vulnerable road users: pedestrians. Research shows that phone distraction "latency" lasts an average of 27 seconds, meaning that, even after drivers take their eyes off the phone, drivers still aren't fully engaged with the task of driving. Keeping our eyes up at intersections might not seem important, but it really is.

### **\$136 doesn't seem like a big enough fine. Shouldn't it be higher?**

Many states do have higher fines. We think Washington drivers will take heed with this more reasonable amount.

### **Are police officers exempt from the law?**

The new law provides an exemption for persons operating authorized emergency vehicles. So, it applies to all operators of authorized emergency vehicles, not just law enforcement.

The Washington Traffic Safety Commission is a small state agency that is the state's designated highway safety office. All of our employees are subject to the law.