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RCWs > Title 46 > Chapter 46.61 > Section 46.61.667

[46.61.665](#) << [46.61.667](#) >> [46.61.668](#)**RCW 46.61.667****Using a wireless communications device while driving.**

(1) Except as provided in subsection (2) of this section, a person operating a moving motor vehicle while holding a wireless communications device to his or her ear is guilty of a traffic infraction.

(2) Subsection (1) of this section does not apply to a person operating:

- (a) An authorized emergency vehicle, or a tow truck responding to a disabled vehicle;
- (b) A moving motor vehicle using a wireless communications device in hands-free mode;
- (c) A moving motor vehicle using a hand-held wireless communications device to:

- (i) Report illegal activity;
- (ii) Summon medical or other emergency help;
- (iii) Prevent injury to a person or property;
- (d) A moving motor vehicle while using a hearing aid.

(3) Subsection (1) of this section 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.

(4) For purposes of this section, "hands-free mode" means the use of a wireless communications device with a speaker phone, headset, or earpiece.

(5) The state preempts the field of regulating the use of wireless communications devices in motor vehicles, and this section supersedes any local laws, ordinances, orders, rules, or regulations enacted by a political subdivision or municipality to regulate the use of wireless communications devices by the operator of a motor vehicle.

(6) Enforcement of this section by law enforcement officers may be accomplished only as a secondary action when a driver of a motor vehicle has been detained for a suspected violation of this title or an equivalent local ordinance or some other offense.

(7) Infractions that result from the use of a wireless communications device while operating a motor vehicle under this section shall not become part of the driver's record under RCW [46.52.101](#) and [46.52.120](#). Additionally, a finding that a person has committed a traffic infraction under this section shall not be made available to insurance companies or employers.

[2007 c 417 § 2.]

Notes:

Intent -- 2007 c 417: "The use of wireless communications devices by motorists has increased in recent years. While wireless communications devices have assisted with quick reporting of road emergencies, their use has also contributed to accidents and other mishaps on Washington state roadways. When motorists hold a wireless communications device in one hand and drive with the other, their chances of becoming involved in a traffic mishap increase. It is the legislature's intent to phase out the use of hand-held wireless communications devices by motorists while operating a vehicle." [2007 c 417 § 1.]

Effective date -- 2007 c 417: "This act takes effect July 1, 2008." [2007 c 417 § 3.]