



NW Sidebar

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Time of Change for Time Change: Legal Complexities of Permanent Daylight Saving Time

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Most of what we think we know about daylight saving time is wrong.

Farmers started it? Nope; they've historically lobbied against it. The Germans started it in World War I? Yes, but the concept had earlier origins. Most people hate it? Polling shows a

less definitive public opinion than you might think. It's pointless? Actually, lives might be at stake.

At least one WSBA member has lobbied long and hard for permanent daylight saving time because, as he has often said, “darkness kills.” Steve Calandrillo is a Jeffrey & Susan Brotman Professor of Law at the University of Washington School of Law who focuses on daylight saving time in his Law & Economics course to explore “how legal rules affect individual and firm behavior—and how to structure them to maximize efficiency and social welfare,” he said by email. More so, he’s made permanent daylight saving time somewhat of a personal mission, writing for various media outlets, speaking before the Washington Legislature, and publishing “Time Well Spent: An Economic Analysis of Daylight Saving Time Legislation” in *Wake Forest Law Review*, among other articles on the subject.

Most of what we do know about the impacts of permanent daylight saving time was collected in the 1970s, Calandrillo argues in his paper. Based on more recent limited studies, such a transition could have saved 370 lives per year from fatal car accidents in the U.S. in the late 1990s (“Time Well Spent: An Economic Analysis of Daylight Saving Time Legislation,” pg. 77).

Calandrillo presented similar information earlier this year at the state Senate Government, Tribal Relations, & Election Committee hearing on House Bill 1196 to make daylight saving time permanent in Washington.

He said the evening rush hour is about twice as deadly as the morning rush hour—with decreased visibility and a higher likelihood of alcohol-impaired drivers—which would be alleviated by an extra hour of evening light. Furthermore, U.K. studies show a 20 percent reduction in crimes, such as juvenile crime and vandalism, with permanent daylight saving.

The Legislature overwhelmingly passed, and Gov. Jay Inslee signed, HB 1196. Oregon recently adopted a similar law, SB 320; while California’s AB 7 is still pending in the Legislature. About a half-dozen other states have legislation pending, according to counsel from the Washington Committee on State Government & Tribal Relations, House of Representatives Office of Program Research.

Except, there’s a catch. Under the federal Uniform Time Act, states can only *opt out* of daylight saving time; not make it permanent.

HB 1196, includes a statutory qualifier that the state law hinges on a blessing from Washington, D.C.: “*If the United States Congress amends federal law to authorize states to observe daylight saving time year round....*” [Emphasis added.]

“It wouldn’t be recognized currently,” HB 1196 co-sponsor Rep. Marcus Riccelli, D-Spokane, said of Washington’s new law. “The state doesn’t have unlimited authority to make decisions about daylight saving time.”

It’s unclear what penalties there might be if Washington went ahead with permanent daylight saving time without federal approval, Riccelli said, but he suspected it could be challenged for violating the Commerce Clause of the Constitution for impacting interstate commerce.

Federal legislation might not be the only option. In addition to lobbying on the legislative side, the Secretary of Transportation could allow states to enact permanent daylight saving time, and there is a simultaneous effort to urge such a policy decision.


But for now, it’s unclear whether there’s a light at the end of the tunnel for daylight saving time, or another fall back.

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