

SB 5705 - S AMD **505**
By Senator Liiias

ADOPTED 01/21/2026

1 Strike everything after the enacting clause and insert the
2 following:

3 **"Sec. 1.** RCW 46.61.672 and 2017 c 334 s 1 are each amended to
4 read as follows:

5 (1) A person who uses a personal electronic device while driving
6 a motor vehicle on a public highway is guilty of a traffic infraction
7 and must pay a fine as provided in RCW 46.63.110(3).

8 (2) Subsection (1) of this section does not apply to:

9 (a) A driver who is using a personal electronic device to contact
10 emergency services;

11 (b) The use of a system by a transit system employee for time-
12 sensitive relay communication between the transit system employee and
13 the transit system's dispatch services;

14 (c) An individual employed as a commercial motor vehicle driver
15 who uses a personal electronic device within the scope of such
16 individual's employment if such use is permitted under 49 U.S.C. Sec.
17 31136 as it existed on July 23, 2017; and

18 (d) A person operating an authorized emergency vehicle.

19 (3) The state preempts the field of regulating the use of
20 personal electronic devices in motor vehicles while driving, and this
21 section supersedes any local laws, ordinances, orders, rules, or
22 regulations enacted by any political subdivision or municipality to
23 regulate the use of a personal electronic device by the operator of a
24 motor vehicle.

25 (4) A second or subsequent offense under this section is subject
26 to two times the penalty amount under RCW 46.63.110.

27 (5) If a person is found to have committed an infraction under
28 this section within a school, playground, or crosswalk speed zone
29 created under RCW 46.61.440, the base penalty amount imposed under
30 RCW 46.63.110(3) for such an infraction must be doubled. The total
31 penalty amount, including statutory assessments, may not be waived,
32 reduced, or suspended. Fifty percent of the moneys collected under

1 this subsection must be deposited into the school zone safety
2 account.

3 (6) For purposes of this section:

4 (a) "Driving" means to operate a motor vehicle on a public
5 highway, including while temporarily stationary because of traffic, a
6 traffic control device, or other momentary delays. "Driving" does not
7 include when the vehicle has pulled over to the side of, or off of,
8 an active roadway and has stopped in a location where it can safely
9 remain stationary.

10 (b) "Personal electronic device" means any portable electronic
11 device that is capable of wireless communication or electronic data
12 retrieval and is not manufactured primarily for hands-free use in a
13 motor vehicle. "Personal electronic device" includes, but is not
14 limited to, a cell phone, tablet, laptop, two-way messaging device,
15 or electronic game. "Personal electronic device" does not include
16 two-way radio, citizens band radio, or amateur radio equipment.

17 (c) "Use" or "uses" means:

18 (i) Holding a personal electronic device in either hand or both
19 hands;

20 (ii) Using your hand or finger to compose, send, read, view,
21 access, browse, transmit, save, or retrieve email, text messages,
22 instant messages, photographs, or other electronic data; however,
23 this does not preclude the minimal use of a finger to activate,
24 deactivate, or initiate a function of the device;

25 (iii) Watching video on a personal electronic device."

SB 5705 - S AMD 505
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26 On page 1, line 1 of the title, after "Relating to" strike the
27 remainder of the title and insert "unlawful use of a personal
28 electronic device while driving in certain speed zones; amending RCW
29 46.61.672; and prescribing penalties."

EFFECT: (1) Removes the entirety of the bill, but retains
language doubling the penalty amount for unlawful use of a personal
electronic device while driving within a school, playground, or
crosswalk speed zone.

(2) Clarifies that the total penalty amount, plus statutory
assessments, may not be waived or reduced.

(3) Directs 50 percent of such penalty amounts collected to be deposited into the school zone safety account.

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