
Transportation Committee

ESB 5705

Brief Description: Improving traffic safety by modifying penalty amounts for certain traffic infractions.

Sponsors: Senators Liias, Holy, Lovick and King.

Brief Summary of Engrossed Bill

- Doubles the base penalty and assessment amounts for using a personal electronic device while driving for all infractions committed in a school, playground, or crosswalk speed zone, increasing the total penalty amount from \$150 to \$248 for first infractions to match total penalty amounts for second and subsequent infractions for using a personal electronic device while driving.
- Requires the doubled penalty amount collected for all second and subsequent infractions for using a personal electronic device while driving in school, playground, or crosswalk speed zones to be deposited in the School Zone Safety Account.

Hearing Date: 2/18/26

Staff: Jennifer Harris (786-7143).

Background:

Using a Personal Electronic Device While Driving.

A person who uses a personal electronic device while driving a motor vehicle on a public highway is guilty of a traffic infraction. The base penalty for use of a personal electronic device for a first infraction is \$48, which, inclusive of fees and assessments, brings the total penalty

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amount to \$150. The base penalty for use of a personal electronic device for second and subsequent infractions is doubled, resulting in a total penalty amount of \$248.

School, Playground, and Crosswalk Speed Zones.

A county or incorporated city or town may create a school or playground speed zone on a highway bordering a marked school or playground, in which it is unlawful for a person to operate a vehicle at a speed in excess of 20 miles per hour (mph). The school or playground speed zone may extend 300 feet from the border of the school or playground property; however, the speed zone may only include area consistent with active school or playground use.

A person found to have committed an infraction related to speeding restrictions within a school or playground speed zone must be assessed a monetary penalty equal to twice the base penalty and assessment amounts. The penalty may not be waived, reduced, or suspended. School, playground, and crosswalk speed zones must be marked with standard school speed limit signs or standard playground speed limit signs for maximum lawful speed restrictions applicable to them to apply.

It is an infraction to fail to yield to a pedestrian or bicyclist at a marked crosswalk or sidewalk, for which the base penalty and additional assessments are doubled when the infraction is committed in a school, playground, or crosswalk speed zone. Similarly, the base penalty and assessments for an infraction for failure to exercise due care to pedestrians is doubled when the infraction is committed within a school, playground, or crosswalk speed zone.

The total in base penalties, fees, and assessments for infractions for exceeding a posted speed limit of less than 40 mph outside of school or playground speed zones ranges from \$140 to \$437 (with base penalties ranging from \$43 to \$188), depending on the speed limit and the amount by which the speed limit is exceeded. These total penalty amounts increase to from \$228 to \$822 in a school or playground speed zone. The penalty amount for speeding in a school or playground speed zone may not be waived, reduced, or suspended.

The total in base penalties, fees, and assessments for failure to yield to a pedestrian or bicyclist at a marked crosswalk or sidewalk is \$150, which increases to \$248 in a school or playground speed zone. The penalty amount for failure to yield to a pedestrian or bicyclist at a market crosswalk in a school or playground speed zone may not be waived, reduced, or suspended.

Traffic Infraction Total Penalty Amounts and Distributions.

The above total penalties include the following additional assessments and fees:

1. public safety and education assessments that total 105 percent of the base penalty amount;
2. a legislative assessment of \$24;
3. a trauma care fee of \$5;
4. an auto theft prevention fee of \$10;
5. a traumatic brain injury fee of \$10; and

6. a driver licensing technology support assessment of \$2.

Designated percentages of revenue from base penalties are distributed to local jurisdictions, the General Fund, and the Judicial Information System Account. Revenue from traffic infraction assessments and fees are used for purposes other than transportation, with the exception of revenue from the driver licensing technology support assessment, which is used for Department of Licensing information technology systems that communicate with the judicial information system, manage driving records, and implement court orders.

School Zone Safety Account.

The total doubled penalty amount for speeding, failure to yield to a pedestrian or bicyclist at a marked crosswalk or sidewalk; and failure to exercise due care to pedestrians infractions committed in school or playground speed zones must be deposited in the School Zone Safety Account. Expenditures from this account may only be used by the Washington Traffic Safety Commission to fund projects in local communities to improve school zone safety, pupil transportation safety, and student safety in school bus loading and unloading areas.

Summary of Bill:

The base penalty and assessments for using a personal electronic device while driving committed in a school, playground, or crosswalk speed zone is doubled, increasing the total penalty amount from \$150 to \$248 for first infractions to match total penalty amounts for second and subsequent infractions for using a personal electronic device while driving.

The total doubled penalty amount for this infraction, consisting of a doubling of the base penalty amount and assessments, may not be waived, reduced, or suspended. The double penalty amount collected for all second and subsequent infractions must be deposited in the School Zone Safety Account.

Appropriation: None.

Fiscal Note: Available.

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