

SENATE BILL REPORT

ESB 5705

As Passed Senate, January 21, 2026

Title: An act relating to unlawful use of a personal electronic device while driving in certain speed zones.

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

Sponsors: Senators Lias, Holy, Lovick and King.

Brief History:

Committee Activity: Transportation: 2/13/25, 2/25/25 [DP, w/oRec].

Floor Activity: Passed Senate: 3/10/25, 48-1; 1/21/26, 49-0.

Brief Summary of Engrossed Bill

- Imposes a doubled base penalty amount for persons unlawfully using their electronic device while driving in a school, playground, or crosswalk speed zone.

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass.

Signed by Senators Lias, Chair; Lovick, Vice Chair; Ramos, Vice Chair; King, Ranking Member; Goehner, Assistant Ranking Member; Alvarado, Chapman, Christian, Cortes, Fortunato, Harris, Holy, Krishnadasan, Lovelett, MacEwen, Nobles, Shewmake and Valdez.

Minority Report: That it be referred without recommendation.

Signed by Senator Wilson, J..

Staff: Brandon Popovac (786-7465)

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Background: Failure to follow the rules of the road, and equivalent local laws, is a traffic violation that falls into two general categories: traffic infractions, and criminal offenses. Municipal and district courts have jurisdiction over civil traffic infractions, misdemeanors, and gross misdemeanors.

The penalty for a traffic infraction is a fine. If a person either fails to pay the fine or appear at a requested hearing, the court must enter an order assessing the monetary penalty prescribed for the infraction. The court may waive or remit any monetary penalty associated with the traffic infraction unless otherwise prohibited in state law.

The Washington State Supreme Court is responsible for prescribing by rule a monetary base penalty schedule for traffic infractions, and is requested to adjust the base penalty schedule every two years for inflation. Any traffic infraction not listed in the base penalty schedule carries a base penalty amount of \$48, not including additional statutory assessments. Additional statutory assessments are imposed on every traffic infraction unless expressly provided otherwise.

A portion of the base penalty amount for traffic infractions is composed of a judicial information systems (JIS) assessment that may not be waived or reduced and is distributed to the JIS account, with the remainder of the base penalty amount distributed to the local jurisdiction and to the state general fund.

The base penalty amount for using a personal electronic device while driving is \$48.

Doubled base penalty amounts are imposed for the following moving violations that occur within a school, playground, or crosswalk speed zone:

- failure to yield to pedestrians and bicyclists at crosswalks;
- failure to yield the right of way to pedestrians and bicyclists on sidewalks;
- failure to exercise due care to avoid colliding with pedestrians in the roadway; and
- improperly overtaking or meeting a school bus stopped to receive or discharge school children.

Fifty percent of these penalty amounts are deposited into the school zone safety account. Account funds are used only 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 Engrossed Bill: The base penalty amount for unlawfully using a personal electronic device while driving is doubled if the infraction occurs within a school, playground, or crosswalk speed zone. The total penalty amount, including statutory assessments, may not be waived, reduced, or suspended. Fifty percent of the penalty amount collected must be deposited into the School Zone Safety Account.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on January 22, 2026.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: The bill is inspired by a ride along with a WSP Trooper, with a realization that some second or subsequent infractions get doubled penalty amounts but some do not. There are drivers that get multiple infractions for the same violation. The bill focuses on those infractions associated with the most fatalities. The stakeholdering process suggested cell phone use in speed zones should be a doubled penalty amount. Payment plans and other accommodations are available to those with these types of infractions.

Persons Testifying: PRO: Senator Marko Liias, Prime Sponsor.

Persons Signed In To Testify But Not Testifying: No one.