
ENGROSSED SENATE BILL 5705

State of Washington

69th Legislature

2025 Regular Session

By Senators Lias, Holy, Lovick, and King

1 AN ACT Relating to unlawful use of a personal electronic device
2 while driving in certain speed zones; amending RCW 46.61.672; and
3 prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 46.61.672 and 2017 c 334 s 1 are each amended to
6 read as follows:

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

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

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

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

16 (c) An individual employed as a commercial motor vehicle driver
17 who uses a personal electronic device within the scope of such
18 individual's employment if such use is permitted under 49 U.S.C. Sec.
19 31136 as it existed on July 23, 2017; and

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

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

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

9 (5) If a person is found to have committed an infraction under
10 this section within a school, playground, or crosswalk speed zone
11 created under RCW 46.61.440, the base penalty amount imposed under
12 RCW 46.63.110(3) for such an infraction must be doubled. The total
13 penalty amount, including statutory assessments, may not be waived,
14 reduced, or suspended. Fifty percent of the moneys collected under
15 this subsection must be deposited into the school zone safety
16 account.

17 (6) For purposes of this section:

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

24 (b) "Personal electronic device" means any portable electronic
25 device that is capable of wireless communication or electronic data
26 retrieval and is not manufactured primarily for hands-free use in a
27 motor vehicle. "Personal electronic device" includes, but is not
28 limited to, a cell phone, tablet, laptop, two-way messaging device,
29 or electronic game. "Personal electronic device" does not include
30 two-way radio, citizens band radio, or amateur radio equipment.

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

32 (i) Holding a personal electronic device in either hand or both
33 hands;

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

1 (iii) Watching video on a personal electronic device.

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