

# SENATE BILL REPORT

## SB 5705

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As of February 13, 2025

**Title:** An act relating to improving traffic safety by modifying penalty amounts for certain traffic infractions.

**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.

**Brief Summary of Bill**

- Doubles the base penalty amount for second or subsequent violations of certain traffic infractions within a two-year period.
- Authorizes courts to reduce the doubled penalty amounts, but to no less than the penalty amount for a first violation.
- Imposes a doubled penalty amount for persons unlawfully using their electronic device while driving in a school or playground speed zone.

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### SENATE COMMITTEE ON TRANSPORTATION

**Staff:** Brandon Popovac (786-7465)

**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

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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 the following traffic infractions is \$48:

- following too closely;
- speeding more than reasonable and prudent given conditions and existing hazards;
- failure to wear a safety belt;
- failure to ensure a person under 16 years of age is wearing a safety belt or securely fastened; or
- using a personal electronic device while driving.

The base penalty amount for negligent driving in the second degree is \$250. The base penalty amount for speeding on a highway is determined by how fast the vehicle was operating at the time of the infraction and the speed limit for the roadway on which the infraction occurred. The base penalty amount for speeding on a roadway with a speed limit over 40 miles per hour is incremental, beginning at \$33 for one to five miles per hour over the speed limit and maxing out at \$188 for over 40 miles per hour over the speed limit. The base penalty amount for speeding on a roadway with a speed limit of 40 miles per hour or less is also incremental, beginning at \$43 for one to five miles per hour over the speed limit and maxing out at \$188 for over 35 miles per hour over the speed limit.

**Summary of Bill:** The base penalty amount for a second or subsequent offense within a two-year period of the following traffic infractions is doubled:

- following too closely;
- speeding more than reasonable and prudent given conditions and existing hazards;
- speeding more than ten miles per hour on any highway;
- negligent driving in the second degree;
- failure to wear a safety belt; and
- failure to ensure a person under 16 years of age is wearing a safety belt or securely fastened.

A court may reduce the new doubled penalty amount but to no less than the base penalty amount for a first violation.

The base penalty amount for unlawfully using a personal electronic device while driving is doubled if the infraction occurs within a school or playground speed zone. This penalty amount may not be waived, reduced, or suspended.

**Appropriation:** None.

**Fiscal Note:** Requested on February 7, 2025.

**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.