
SENATE BILL 5705

State of Washington

69th Legislature

2025 Regular Session

By Senators Lias, Holy, Lovick, and King

1 AN ACT Relating to improving traffic safety by modifying penalty
2 amounts for certain traffic infractions; amending RCW 46.61.145,
3 46.61.400, 46.61.525, 46.61.672, and 46.61.688; and prescribing
4 penalties.

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

6 **Sec. 1.** RCW 46.61.145 and 2023 c 471 s 5 are each amended to
7 read as follows:

8 (1) (a) The driver of a motor vehicle shall not follow another
9 vehicle more closely than is reasonable and prudent, having due
10 regard for the speed of such vehicles and the traffic upon and the
11 condition of the highway.

12 (b) Any second or subsequent violation of this subsection within
13 a two-year period must be assessed a fine equal to double the base
14 penalty assessed under RCW 46.63.110(3). The court may waive or remit
15 such assessment, but for not less than the base penalty amount for a
16 first violation.

17 (2) The driver of any motor truck or motor vehicle drawing
18 another vehicle when traveling upon a roadway outside of a business
19 or residence district and which is following another motor truck or
20 motor vehicle drawing another vehicle shall, whenever conditions
21 permit, leave sufficient space so that an overtaking vehicle may

1 enter and occupy such space without danger, except that this shall
2 not prevent a motor truck or motor vehicle drawing another vehicle
3 from overtaking and passing any like vehicle or other vehicle.

4 (3) Motor vehicles being driven upon any roadway outside of a
5 business or residence district in a caravan or motorcade whether or
6 not towing other vehicles shall be so operated as to allow sufficient
7 space between each such vehicle or combination of vehicles so as to
8 enable any other vehicle to enter and occupy such space without
9 danger. This provision shall not apply to funeral processions.

10 (4) (a) When the vehicle being followed is a vulnerable user of a
11 public way, a driver of a motor vehicle found to be in violation of
12 this section must be assessed an additional fine equal to the base
13 penalty assessed under RCW 46.63.110(3). This fine may not be waived,
14 reduced, or suspended, unless the court finds the offender to be
15 indigent, and is not subject to the additional fees and assessments
16 that the base penalty for this violation is subject to under RCW
17 2.68.040, 3.62.090, and 46.63.110.

18 (b) For the purposes of this section, "vulnerable user of a
19 public way" has the same meaning as provided in RCW 46.61.5259.

20 (5) The additional fine imposed under subsection (4) of this
21 section must be deposited into the vulnerable roadway user education
22 account created in subsection (6) of this section.

23 (6) The vulnerable roadway user education account is created in
24 the state treasury. All receipts from the additional fine in
25 subsection (4) of this section must be deposited into the account.
26 Moneys in the account may be spent only after appropriation.
27 Expenditures from the account may be used only by the Washington
28 traffic safety commission solely to:

29 (a) Support programs dedicated to increasing awareness by law
30 enforcement officers, prosecutors, and judges of opportunities for
31 the enforcement of traffic infractions and offenses committed against
32 vulnerable roadway users; and

33 (b) With any funds remaining once the program support specified
34 in (a) of this subsection has been provided, support programs
35 dedicated to increasing awareness by the public of the risks and
36 penalties associated with traffic infractions and offenses committed
37 against vulnerable roadway users.

38 **Sec. 2.** RCW 46.61.400 and 1965 ex.s. c 155 s 54 are each amended
39 to read as follows:

1 (1) (a) No person shall drive a vehicle on a highway at a speed
2 greater than is reasonable and prudent under the conditions and
3 having regard to the actual and potential hazards then existing. In
4 every event speed shall be so controlled as may be necessary to avoid
5 colliding with any person, vehicle or other conveyance on or entering
6 the highway in compliance with legal requirements and the duty of all
7 persons to use due care.

8 (b) Any second or subsequent violation of this subsection within
9 a two-year period must be assessed a fine equal to double the base
10 penalty assessed under RCW 46.63.110(3). The court may waive or remit
11 such assessment, but for not less than the base penalty amount for a
12 first violation.

13 (2) (a) Except when a special hazard exists that requires lower
14 speed for compliance with subsection (1) of this section, the limits
15 specified in this section or established as hereinafter authorized
16 shall be maximum lawful speeds, and no person shall drive a vehicle
17 on a highway at a speed in excess of such maximum limits.

18 ~~((a))~~ (i) Twenty-five miles per hour on city and town streets;

19 ~~((b))~~ (ii) Fifty miles per hour on county roads;

20 ~~((c))~~ (iii) Sixty miles per hour on state highways.

21 (b) The maximum speed limits set forth in this section may be
22 altered as authorized in RCW 46.61.405, 46.61.410, and 46.61.415.

23 (c) If a person drives a vehicle in excess of 10 miles per hour
24 or more of the posted speed limit on a highway in violation of this
25 section at least twice within a two-year period, the second or
26 subsequent offense must be assessed a fine equal to double the base
27 penalty assessed under RCW 46.63.110(3). The court may waive or remit
28 such assessment, but for not less than the base penalty amount for a
29 first violation.

30 (3) The driver of every vehicle shall, consistent with the
31 requirements of subsection (1) of this section, drive at an
32 appropriate reduced speed when approaching and crossing an
33 intersection or railway grade crossing, when approaching and going
34 around a curve, when approaching a hill crest, when traveling upon
35 any narrow or winding roadway, and when special hazard exists with
36 respect to pedestrians or other traffic or by reason of weather or
37 highway conditions.

38 **Sec. 3.** RCW 46.61.525 and 1997 c 66 s 5 are each amended to read
39 as follows:

1 (1)(a) A person is guilty of negligent driving in the second
2 degree if, under circumstances not constituting negligent driving in
3 the first degree, he or she operates a motor vehicle in a manner that
4 is both negligent and endangers or is likely to endanger any person
5 or property.

6 (b) It is an affirmative defense to negligent driving in the
7 second degree that must be proved by the defendant by a preponderance
8 of the evidence, that the driver was operating the motor vehicle on
9 private property with the consent of the owner in a manner consistent
10 with the owner's consent.

11 (c) Negligent driving in the second degree is a traffic
12 infraction and is subject to a penalty of (~~two hundred fifty~~
13 ~~dollars~~) \$250. Any second or subsequent violation of this section
14 within a two-year period is subject to a penalty of \$500. The court
15 may waive or remit such assessment, but for not less than the base
16 penalty amount for a first violation.

17 (2) For the purposes of this section, "negligent" means the
18 failure to exercise ordinary care, and is the doing of some act that
19 a reasonably careful person would not do under the same or similar
20 circumstances or the failure to do something that a reasonably
21 careful person would do under the same or similar circumstances.

22 (3) Any act prohibited by this section that also constitutes a
23 crime under any other law of this state may be the basis of
24 prosecution under such other law notwithstanding that it may also be
25 the basis for prosecution under this section.

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

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

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

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

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

37 (c) An individual employed as a commercial motor vehicle driver
38 who uses a personal electronic device within the scope of such

1 individual's employment if such use is permitted under 49 U.S.C. Sec.
2 31136 as it existed on July 23, 2017; and

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

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

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

12 (5) If a person is found to have committed an infraction under
13 this section within a school, playground, or crosswalk speed zone
14 created under RCW 46.61.440, the person must be assessed a monetary
15 penalty equal to twice the penalty assessed under RCW 46.63.110. The
16 penalty may not be waived, reduced, or suspended.

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;

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

1 **Sec. 5.** RCW 46.61.688 and 2019 c 173 s 1 are each amended to
2 read as follows:

3 (1) For the purposes of this section, "motor vehicle" includes:

4 (a) "Buses," meaning motor vehicles with motive power, except
5 trailers, designed to carry more than (~~ten~~) 10 passengers;

6 (b) "Medium-speed electric vehicle" meaning a self-propelled,
7 electrically powered four-wheeled motor vehicle, equipped with a roll
8 cage or crush-proof body design, whose speed attainable in one mile
9 is more than (~~thirty~~) 30 miles per hour but not more than (~~thirty-~~
10 ~~five~~) 35 miles per hour and otherwise meets or exceeds the federal
11 regulations set forth in 49 C.F.R. Sec. 571.500;

12 (c) "Motorcycle," meaning a three-wheeled motor vehicle that is
13 designed (i) so that the driver rides on a seat in a partially or
14 completely enclosed seating area that is equipped with safety belts
15 and (ii) to be steered with a steering wheel;

16 (d) "Multipurpose passenger vehicles," meaning motor vehicles
17 with motive power, except trailers, designed to carry (~~ten~~) 10
18 persons or less that are constructed either on a truck chassis or
19 with special features for occasional off-road operation;

20 (e) "Neighborhood electric vehicle," meaning a self-propelled,
21 electrically powered four-wheeled motor vehicle whose speed
22 attainable in one mile is more than (~~twenty~~) 20 miles per hour and
23 not more than (~~twenty-five~~) 25 miles per hour and conforms to
24 federal regulations under 49 C.F.R. Sec. 571.500;

25 (f) "Passenger cars," meaning motor vehicles with motive power,
26 except multipurpose passenger vehicles, motorcycles, or trailers,
27 designed for carrying (~~ten~~) 10 passengers or less; and

28 (g) "Trucks," meaning motor vehicles with motive power, except
29 trailers, designed primarily for the transportation of property.

30 (2) (a) This section only applies to:

31 (i) Motor vehicles that meet the manual seat belt safety
32 standards as set forth in 49 C.F.R. Sec. 571.208;

33 (ii) Motorcycles, when equipped with safety belts that meet the
34 standards set forth in 49 C.F.R. Part 571; and

35 (iii) Neighborhood electric vehicles and medium-speed electric
36 vehicles that meet the seat belt standards as set forth in 49 C.F.R.
37 Sec. 571.500.

38 (b) This section does not apply to a vehicle occupant for whom no
39 safety belt is available when all designated seating positions as
40 required under 49 C.F.R. Part 571 are occupied.

1 (3) Every person (~~sixteen~~) 16 years of age or older operating
2 or riding in a motor vehicle shall wear the safety belt assembly in a
3 properly adjusted and securely fastened manner.

4 (4) No person may operate a motor vehicle unless all child
5 passengers under the age of (~~sixteen~~) 16 years are either: (a)
6 Wearing a safety belt assembly or (b) are securely fastened into an
7 approved child restraint device.

8 (5) A person violating this section shall be issued a notice of
9 traffic infraction under chapter 46.63 RCW. Any second or subsequent
10 violation of this section within a two-year period must be assessed a
11 fine equal to double the base penalty assessed under RCW
12 46.63.110(3). The court may waive or remit such assessment, but for
13 not less than the base penalty amount for a first violation. A
14 finding that a person has committed a traffic infraction under this
15 section shall be contained in the driver's abstract but shall not be
16 available to insurance companies or employers.

17 (6) Failure to comply with the requirements of this section does
18 not constitute negligence, nor may failure to wear a safety belt
19 assembly be admissible as evidence of negligence in any civil action.

20 (7) This section does not apply to an operator or passenger,
21 except for an operator or passenger operating a commercial motor
22 vehicle as defined in RCW 46.32.005, who possesses written
23 verification from a licensed physician that the operator or passenger
24 is unable to wear a safety belt for physical or medical reasons.

25 (8) The state patrol may adopt rules exempting operators or
26 occupants of farm vehicles, construction equipment, and vehicles that
27 are required to make frequent stops from the requirement of wearing
28 safety belts.

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