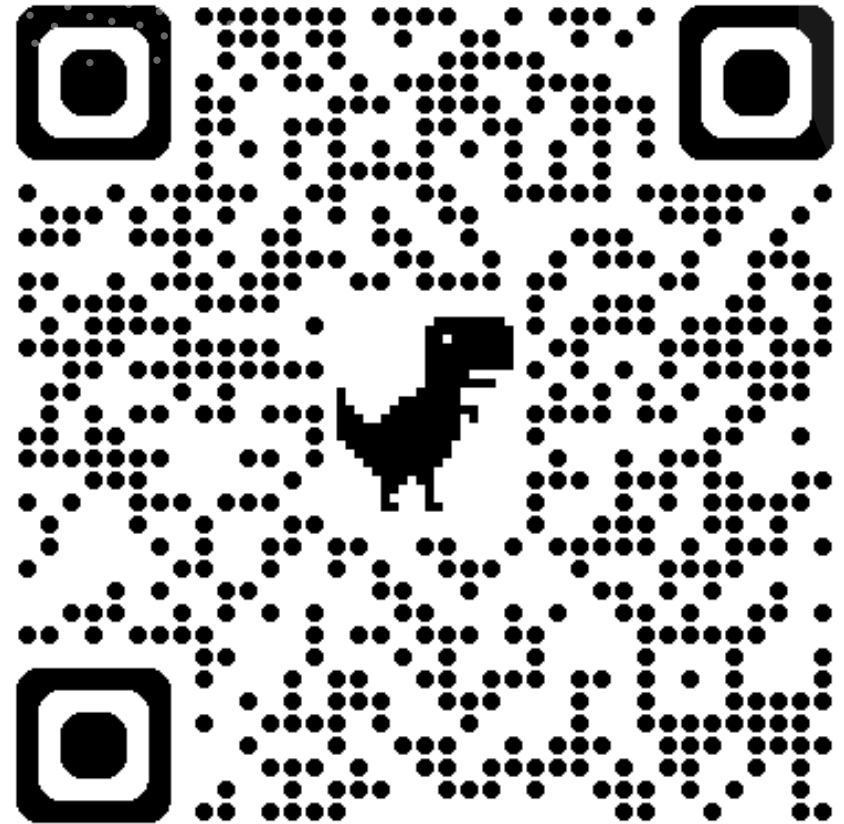


Legislative Updates to Traffic Laws and Other Hot Topics

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State Legislative Updates to Traffic Safety Laws

Deferred Prosecutions

Oral Fluid Roadside Testing

Felony DUI Changes

Vehicle Pursuits

Intelligent Speed Assistance Devices

Driving without IID

CDL and federal prohibition on masking

Deferred Prosecution – [HB 1493](#)

- Effective January 1, 2026
- RCW 10.05.010 – Deferred Prosecution
 - If a defendant does a DP on a 1st (lifetime) offense, can be eligible for a DP on a 2nd offense (can have no other “prior offenses” lifetime)
 - (5) Must be revoked on first DP prior to entry of second DP (cannot be on two DP at same time unless offenses consolidated and committed within 7 days of each other)

Deferred Prosecution – [HB 1493](#)

- Eligibility findings required – RCW 10.05.020
- Updated treatment language in amended statute
- RCW 10.05.170 - Probation records check every 3 months; 5 days to report violation

Oral Fluid Roadside Test – [HB 1493](#)

- Effective January 1, 2026
- Indiana Oral Fluid Field Screening is origin
- Similar to PBT
 - LE properly trained to administer & advise subject
 - Voluntary, does not constitute compliance with implied consent requirement
 - Results may not be used against them in court (trial)
 - Not alternative to evidentiary breath or blood test
- LE must establish policies to protect personally identifying information

Oral Fluid Roadside Test – [HB 1493](#)

- The **Washington State Patrol (WSP)** is conducting a pilot program in **Snohomish County**. Nearly a dozen troopers are participating, using five oral fluid instruments:
 - **Draeger DrugTest 5000** – screens for Amphetamines (AMP), Benzodiazepines (BZO), Methamphetamines, Cocaine, Cannabis (THC), Opiates, and Methadone.
 - **Abbott SoToxa** – screens for Amphetamines, Benzodiazepines, Cannabis (THC), Cocaine, Methamphetamines, and Opiates.

Felony DUI – Miscellaneous HB 1493

- Effective January 1, 2026 – Changes to RCW 46.61.5055
- Section (4) sentence for Felony DUI under SRA/RCW 9.94A if
 - Three or more priors within 15 years
 - Prior V-Assault or V-Homicide conviction
 - Prior felony DUI conviction
- Section (11) - IID cure period of 30 days for mandatory license suspension

Felony DUI – Miscellaneous HB 1493

- Felony Scoring changes
 - RCW 9.94A.030(46) definition of “serious traffic offense” amended to include reductions to Neg 1 and Reckless Endangerment to list of offenses
 - RCW 9.94A.525 (11) - Felony point for any DP on 2nd or subsequent DUI when scoring felony traffic offenses
 - DP on a first offense still won't score

Felony DUI DOSA – HB 1493

- Effective January 1, 2026
- Eligibility – No prior V-Hom, V-Assault, Felony DUI or Phys Control
- Any party can make the motion if the mid point is 26 mo. or less
- Must have a joint agreement if mid point is higher than 26 mo. (score 6)
- Up to 30 days hold with direct transfer to treatment
- 24 mo. of partial confinement: 12 mo. WR + 12 mo. EHM
- 12 mo. community custody
- Court can modify at any point

Vehicular Pursuits – Initiative 2113 (2024)

- [RCW 10.116.060](#); effective 2024
- Two language changes to when pursuit permitted
 - Reasonable suspicion a person has violated the law
 - The person poses a “threat to the safety of others...” greater than pursuit risks
- No other changes to existing rules:
 - Training
 - Supervisory contact and oversight
 - Communication during pursuit
 - Plan to end the pursuit

Intelligent Speed Assistance Device – [HB 1596](#)

- [The BEAM Act passed 2025](#); Effective January 1, 2029
- The BEAM Act honors the memory of a mother and three children who were killed in a high-speed crash near Renton in March 2024.
- Boyd "Buster" Brown, 12, Eloise Wilcoxson, 12, Andrea Hudson, 38, and Matilda Wilcoxson, 13, were killed when a vehicle being driven by 18-year-old Chase Jones ran a red light and crashed into their minivan going 112 mph. Two other children were injured.
 - Jones later pleaded guilty to 4 counts of V-Hom, 2 counts of V-Assault and was sentenced to 17.5 years in prison

Intelligent Speed Assistance Device – [HB 1596](#)

- An “intelligent speed assistance device” is defined in [RCW 10.04.218](#) - a “technical device designed to be installed within a motor vehicle to actively monitor and prevent the driver from exceeding a preset limit.”
- Exceptions allow the vehicle to exceed the posted speed limit on no more than three occasions in each calendar month. See [RCW 46.20.765](#)
- Excessive speeding defined – 10 MPH (speed limit under 40) or 20 MPH over posted limit – [RCW 10.04.16991](#)

Speeding – HB 1596 (Intelligent Speed Assistance Device)

- Courts may impose ISAD as condition of release ([RCW 10.21.030](#)) or conviction ([RCW 46.61.734](#)).
- Courts must impose ISAD if the court finds a person engaged in excessive speeding during the commission of any Title 46.61 criminal offense or during commission of any other crime that is a misdemeanor, gross misdemeanor or felony. [RCW 46.61.734](#).
- Required by DOL after suspension of license for multiple moving violations ([RCW 40.20.2892](#)) and reckless driving convictions ([RCW 46.61.500](#))
- Exclusions for employment related driving [RCW 46.20.760](#).

Speeding – HB 1596 (Intelligent Speed Assistance Device)

- Gross misdo for interfering with ISAD – [RCW 46.20.770](#)
- When mandatory under RCW 46.61.500 or RCW 40.20.2892, driving without one is an INFRACTION
- Statute does not mirror IID for enforcement of ISAD restriction
 - No statute mandates any notation on driver record reflecting a restriction, except employer exemption under RCW 46.20.760
 - No statute requires proof of compliance for removal
 - No statute requires suspension of license upon non-compliance

Driving Without Ignition Interlock Device

- Effective January 1, 2026
- [RCW 46.20.720](#) (6)(c) – (c) “The employer exemption does not apply to a person who is self-employed unless the person's vehicle is used exclusively for the person's employment.”
- [RCW 46.20.740 - Affirmative Defense for Employer Exemption language](#) added to section (2) – “It is an affirmative defense, which the defendant must prove by a preponderance of the evidence, that the employer exemption in RCW [46.20.720](#)(6) applies. The court shall not admit evidence of this defense unless the defendant notifies the prosecution prior to the omnibus or pretrial hearing in the case of the defendant's intent to assert the affirmative defense.”

CDL Holders and Masking Prohibition

- RCW 46.25.082 amended, effective 10/1/2025
- NEW SECTION - (3) Every district court, municipal court, and clerk of a superior court shall report a traffic conviction of a CDL or CLP holder so that the conviction may be posted to the record in the commercial driver's license information system. **No state, county, or municipal official or employee may take any action to mask, defer imposition of judgment, or allow entry into a diversion or alternative disposition program.**

CDL Holders and Masking Prohibition

- CDL holder cannot obtain the licensing benefits of any deferral or diversion program for any traffic offense or traffic infraction.
- Federal regulations adopted in 2002 prohibit a state from “masking” a conviction of a state or local traffic law for a person with a CDL endorsement. 49 CFR § 384.226.
- A state that fails to comply with this “masking” regulation stands to lose federal highway funds. 49 CFR § 384.401

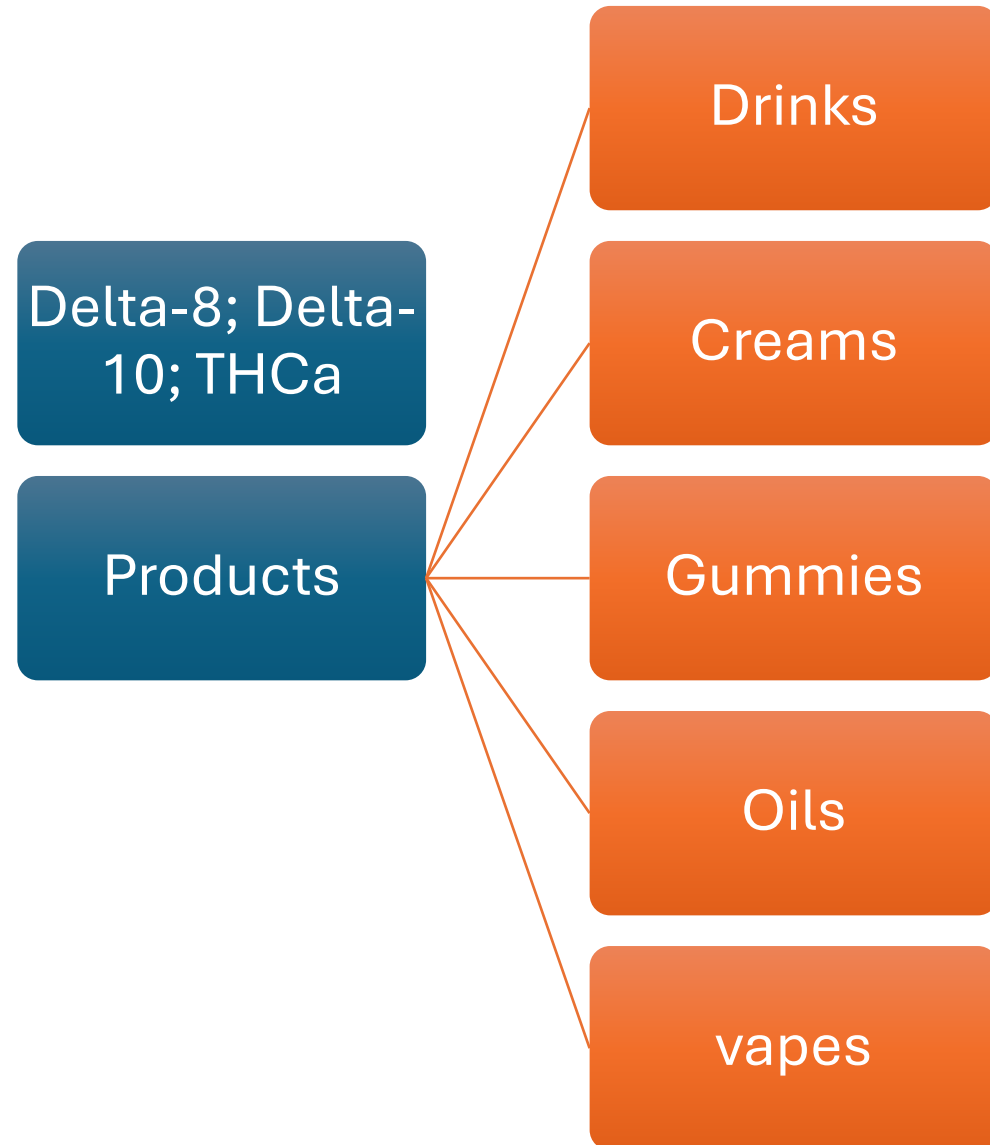
Federal Legislative Updates



Agriculture Improvement Act of 2018

- “2018 Farm Bill” legalized hemp with <0.3% delta-9 THC
 - [Text - H.R.2 - 115th Congress \(2017-2018\): Agriculture Improvement Act of 2018 | Congress.gov | Library of Congress](#)
- Legalized industrial “hemp” products ... with huge loophole for intoxicating THC products

New “hemp”
products hit
nationwide
markets



Warning! Internet
“hemp” products are
known to contain
dangerous toxins &
chemicals



Impact of new “hemp” products

- CDC notes significant public health concern due to sharp increases in pediatric emergency room visits for accidental THC ingestion
- Regulatory confusion about what products are legal
- Lack of oversight / regulation for internet or OTC products
- **Toxicology and drug chemistry**
 - Isomers and analogues from cannabis product manufacturing

H.R. 5371, the Continuing Appropriations and Extensions Act, 2026

Funds federal
government through
early 2026

Redefines federal
hemp to exclude
most intoxicating
cannabinoid products

Delta-8 THC, THCO

Effectively bans sale
of these products
nationwide after
11/13/2026

H.R. 5371, the Continuing Appropriations and Extensions Act, 2026

- The restrictive hemp provision targets unregulated delta-8 products and derivatives that previously legalized these in a loophole in the 2018 Farm Bill

H.R. 5371, the Continuing Appropriations and Extensions Act, 2026

HEALTH

Pour One Out for Weed Seltzer

A new law is set to devastate the industry that brought THC sodas and cookies to American convenience stores.

By Nicholas Florko



Illustration by Akshita Chandra / The Atlantic



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