

# HOUSE BILL REPORT

## HB 1966

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### As Passed Legislature

**Title:** An act relating to adding wheelchair users to the types of individuals for whom drivers must take additional precautions.

**Brief Description:** Adding wheelchair users to the types of individuals for whom drivers must take additional precautions.

**Sponsors:** Representatives McCoy, Ormsby and Simpson.

#### **Brief History:**

##### **Committee Activity:**

Transportation: 2/16/09, 2/19/09 [DP].

##### **Floor Activity:**

Passed House: 2/10/10, 97-0.

Senate Amended.

Passed Senate: 3/2/10, 46-0.

House Concurred.

Passed House: 3/6/10, 95-0.

Passed Legislature.

#### **Brief Summary of Bill**

- Adds wheelchair users and power wheelchair users to the individuals for whom drivers must take all necessary precautions to avoid injury when approaching, and for whom drivers may not enter a crosswalk while such an individual is in it.

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### HOUSE COMMITTEE ON TRANSPORTATION

**Majority Report:** Do pass. Signed by 26 members: Representatives Clibborn, Chair; Liias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Campbell, Cox, Driscoll, Eddy, Ericksen, Finn, Flannigan, Herrera, Johnson, Klippert, Kristiansen, Moeller, Morris, Rolfes, Sells, Shea, Simpson, Springer, Takko, Wallace, Williams and Wood.

**Staff:** David Munnecke (786-7315).

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

**Background:**

A driver is required to stop and allow a pedestrian or bicyclist in a crosswalk to cross the roadway when the pedestrian or bicyclist is in or within one lane of the driver's half of the roadway. Regardless of whether a pedestrian is in a crosswalk, all drivers are required to take due care to avoid colliding with a pedestrian in the roadway.

The Washington "White Cane Law," among other requirements, creates a higher duty of care for drivers approaching totally blind or partially blind pedestrians using a predominantly white cane, totally blind or partially blind or hearing impaired pedestrians using a guide dog, or persons with physical disabilities using a service animal. Such drivers are required to take all necessary precautions to avoid injury to these individuals. Drivers who fail to take such precautions are specifically stated to be liable in damages for any injury caused to such an individual.

When a totally blind or partially blind pedestrian using a predominantly white cane, a totally blind or partially blind or hearing impaired pedestrian using a guide dog, or a person with physical disabilities using a service animal enters a crosswalk, drivers are also forbidden from entering the crosswalk.

**Summary of Bill:**

Wheelchair users and power wheelchair users are added to totally blind or partially blind pedestrians using a predominantly white cane, totally blind or partially blind or hearing impaired pedestrians using a guide dog, or persons with physical disabilities using a service animal as individuals for whom drivers must take all necessary precautions to avoid injury when approaching such individuals. Drivers who fail to take such precautions are specifically stated to be liable in damages for any injury caused to such wheelchair users or power wheelchair users.

Wheelchair users and power wheelchair users are also added to totally blind or partially blind pedestrians using a predominantly white cane, totally blind or partially blind or hearing impaired pedestrians using a guide dog, or persons with physical disabilities using a service animal as persons for whom drivers may not enter a crosswalk while such an individual is in it.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect on August 1, 2010.

**Staff Summary of Public Testimony:**

(In support) More and more individuals are using various types of wheelchairs in order to get around. We need to improve the safety of these individuals, and this bill is one way to do so. Getting drivers to stop while people are crossing the street is very difficult. Drivers think that stopping is an option, not a requirement, and many people are killed as a result. These

additional restrictions are needed in order to make people crossing the street more visible to drivers.

(Opposed) None.

**Persons Testifying:** Representative McCoy, prime sponsor; and Sharon Todd.

**Persons Signed In To Testify But Not Testifying:** None.