

HOUSE BILL REPORT

HB 2900

As Reported by House Committee On: Transportation

Title: An act relating to violations of traffic laws that place vulnerable roadway users at increased risk of injury and death.

Brief Description: Concerning violations of traffic laws that place vulnerable roadway users at increased risk of injury and death.

Sponsors: Representatives Kilduff, Eslick, Goodman, Dent, Kloba and McCabe.

Brief History:

Committee Activity:

Transportation: 1/29/18, 2/6/18 [DPS].

Brief Summary of Substitute Bill

- Requires that a driver of a motor vehicle be assessed an additional fine that is equal to the base penalty for the infraction committed if he or she commits an infraction for following vehicles too closely or for failure to stop or yield the right of way, and does so due to that motor vehicle's proximity to a vulnerable user of a public way.
- Mandates that all revenue collected from this additional fine be used to support programs dedicated to increasing awareness by law enforcement officers, prosecutors, and judges of opportunities for the enforcement of traffic infractions and offenses committed against vulnerable roadway users, and with any funds remaining, to support programs dedicated to increasing awareness by the driving public of the risks and penalties associated with traffic infractions and offenses committed against vulnerable roadway users.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 19 members: Representatives Clibborn, Chair; Fey, Vice Chair; Wylie, Vice Chair; Orcutt, Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Chapman, Gregerson, Irwin, Kloba, Lovick, McBride, Morris, Ortiz-Self, Pellicciotti, Riccelli, Stambaugh, Tarleton, Valdez and Young.

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.

Minority Report: Do not pass. Signed by 6 members: Representatives Hargrove, Assistant Ranking Minority Member; Hayes, Pike, Rodne, Shea and Van Werven.

Staff: Jennifer Harris (786-7143).

Background:

The following traffic infractions relate to driving too close to another vehicle and right-of-way violations that may, but are not required to, involve vulnerable roadway users, as that term is defined below:

- Following Too Closely. A driver of a vehicle is not permitted to follow another vehicle more closely than is reasonable and prudent based on the speed of the vehicles and the traffic and condition of the highway.
- Failure to Yield Right-of-Way at an Intersection. When two vehicles approach or enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left must yield the right-of-way to the vehicle on the right.
- Failure to Yield Right-of-Way, Left Turn. A driver of a vehicle intending to turn left within an intersection or into an alley, private road, or driveway must yield the right-of-way to any vehicle approaching from the opposite direction that is within the intersection or so close that it presents an immediate hazard.
- Failure to Stop at an Intersection. A driver approaching a stop sign must stop at a clearly marked stop sign, or before entering a cross walk if there is no stop sign marking, or at the nearest point to the intersecting roadway with a view of approaching traffic, and must then yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to present an immediate hazard.
- Failure to Yield at an Intersection. A driver of a vehicle approaching a yield sign must slow down to a reasonable speed for existing conditions, and if required for safety to stop, must stop in the manner applicable to stop signs (see Failure to Stop at an Intersection description above).
- Failure to Stop Entering an Arterial Highway. A driver of a vehicle entering an arterial highway from any other public highway or private way must come to a complete stop before entering the arterial highway when stop signs are posted as specified by law.
- Failure to Yield Right-of-Way from a Driveway or Private Road. A driver of a vehicle about to enter or cross a highway from a private road or driveway must yield the right-of-way to all vehicles lawfully approaching the highway.

The current total in penalties and fees assessed for each of these traffic infractions is \$136 and is set by the Washington State Supreme Court by rule.

Vulnerable Roadway User Traffic Offense.

A person commits Negligent Driving in the second degree with a Vulnerable User Victim if, under circumstances not constituting Negligent Driving in the first degree, he or she operates a vehicle in a manner that is both negligent and endangers or is likely to endanger any person or property, and he or she proximately causes the death, great bodily harm, or substantial bodily harm of a vulnerable roadway user.

A vulnerable roadway user is defined as:

- a pedestrian;
- a person riding an animal; or
- a person operating: a farm tractor or implement of husbandry, without an enclosed shell; a bicycle; an electric-assisted bicycle; an electric personal assistive mobility device; a moped; a motor-driven cycle; a motorized foot scooter; or a motorcycle on a public way.

Summary of Substitute Bill:

A driver of a motor vehicle must be assessed an additional fine that is equal to the base penalty for the infraction committed if he or she:

- commits the infraction in law for following vehicles too closely, and does so due to that motor vehicle's proximity to a vulnerable user of a public way; or
- commits an infraction in law for failure to stop or yield the right-of-way, and does so due to the failure of that driver to grant or yield the right-of-way to a vulnerable user of a public way.

This fine may not be waived, reduced, or suspended for certain infractions and is not subject to the additional fees and assessments to which the base penalty for these violations is subject. The total fine, based on a doubling of the current base penalty amount for these infractions, which adds \$48, is \$184.

An appropriated Vulnerable Roadway User Education Account (Account) is created in the State Treasury. Interest earned on revenue in the Account is to be deposited in the Account. All revenue generated from the additional fine must be deposited in the Account and may only be used by the Washington Traffic Safety Commission to:

- support programs dedicated to increasing awareness by law enforcement officers, prosecutors, and judges of opportunities for the enforcement of traffic infractions and offenses committed against vulnerable roadway users; and
- with any funds remaining, support programs dedicated to increasing awareness by the driving public of the risks and penalties associated with traffic infractions and offenses committed against vulnerable roadway users.

The legislative intent section finds that a number of collision types that can be associated with certain traffic infractions have resulted in a high number of serious injuries and deaths of vulnerable roadway users in the past five years. The intent section states that the purpose of this law is to decrease the frequency at which drivers commit traffic violations against vulnerable roadway users to decrease the risk of serious injury and death to vulnerable roadway users.

Substitute Bill Compared to Original Bill:

The substitute bill removes the prohibition on waiving, reducing, or suspending the additional fine imposed for traffic infractions for following vehicles too closely or for failure

to stop or yield the right of way when they are due to a motor vehicle's close proximity to a vulnerable user of a public way for one included infraction.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect on April 1, 2019.

Staff Summary of Public Testimony:

(In support) This bill is a step in the right direction. More needs to be done to protect vulnerable users, and this bill is a good step to help protect motorcyclists, pedestrians, bicyclists, horseback riders, and farm implement users. Vulnerable users are not treated equally under the law compared to motor vehicle drivers.

Drivers of motor vehicles often do not pay attention to vulnerable users, including people in wheelchairs using crosswalks and horseback riders. Vulnerable users have to contend with drivers breaking rules of the road and endangering them through such infractions as not yielding on red when making a right turn. When the driver of a motor vehicle causes a serious collision with a vulnerable user, that vulnerable user can be severely injured or killed. In such cases, the driver of the motor vehicle often only receives minimal misdemeanor citations.

While the infraction for Negligent Driving in the second degree with a Vulnerable User Victim passed in 2011, and was intended to hold motor vehicle drivers accountable when these infractions occur, the law is rarely used. This is either due to an absence of familiarity with the law on the part of law enforcement or the difficulty of establishing that a motor vehicle driver has acted negligently when these incidents occur. Any new law requires education around its implementation, and this bill ensures that individuals will be knowledgeable about vulnerable user infractions.

(Opposed) None.

Persons Testifying: Representative Muri; Brian Lange and Alice Brown, A Brotherhood Against Totalitarian Enactments of Washington; Larry Walker, Washington Road Riders Association; and Alex Alston, Washington Bikes.

Persons Signed In To Testify But Not Testifying: None.