
HOUSE BILL 2900

State of Washington 65th Legislature 2018 Regular Session

By Representatives Kilduff, Eslick, Goodman, Dent, Kloba, and McCabe

Read first time 01/22/18. Referred to Committee on Transportation.

1 AN ACT Relating to violations of traffic laws that place
2 vulnerable roadway users at increased risk of injury and death;
3 amending RCW 46.61.145, 46.61.180, 46.61.185, 46.61.190, 46.61.195,
4 46.61.200, and 46.61.205; reenacting and amending RCW 43.84.092;
5 creating a new section; prescribing penalties; and providing an
6 effective date.

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

8 NEW SECTION. **Sec. 1.** The legislature finds that a number of the
9 collision types that have resulted in a high number of serious
10 injuries and deaths of vulnerable roadway users in the past five
11 years can be associated with certain types of traffic infractions. To
12 address the heightened risk to vulnerable roadway users of violations
13 of these traffic infractions, the legislature intends for an
14 additional fine to be introduced as a penalty for drivers who commit
15 these violations against a vulnerable roadway user. To increase
16 enforcement of all traffic infractions and offenses committed against
17 vulnerable roadway users, the legislature intends for revenue that is
18 collected from this new fine to be dedicated to the education of law
19 enforcement officers, prosecutors, and judges about opportunities for
20 the enforcement of traffic violations committed against vulnerable
21 roadway users. In doing so, the legislature intends to decrease the

1 frequency with which drivers violate these traffic laws to decrease
2 the risk of serious injury and death to vulnerable roadway users.

3 **Sec. 2.** RCW 46.61.145 and 1965 ex.s. c 155 s 24 are each amended
4 to read as follows:

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

9 (2) The driver of any motor truck or motor vehicle drawing
10 another vehicle when traveling upon a roadway outside of a business
11 or residence district and which is following another motor truck or
12 motor vehicle drawing another vehicle shall, whenever conditions
13 permit, leave sufficient space so that an overtaking vehicle may
14 enter and occupy such space without danger, except that this shall
15 not prevent a motor truck or motor vehicle drawing another vehicle
16 from overtaking and passing any like vehicle or other vehicle.

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

23 (4)(a) A driver of a motor vehicle found to be in violation of
24 this section when the violation is determined to have occurred due to
25 that motor vehicle's proximity to a vulnerable user of a public way
26 must be assessed an additional fine equal to the base penalty
27 assessed under RCW 46.63.110(3). This fine may not be waived,
28 reduced, or suspended, and is not subject to the additional fees and
29 assessments that the base penalty for this violation is subject to
30 under RCW 2.68.040, 3.62.090, and 46.63.110.

31 (b) For the purposes of this section, "vulnerable user of a
32 public way" has the same meaning as provided in RCW 46.61.526(11)(c).

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

36 (6) The vulnerable roadway user education account is created in
37 the state treasury. All receipts from the additional fine in
38 subsection (4) of this section must be deposited into the account.
39 Moneys in the account may be spent only after appropriation.

1 Expenditures from the account may be used only by the Washington
2 traffic safety commission solely to:

3 (a) Support programs dedicated to increasing awareness by law
4 enforcement officers, prosecutors, and judges of opportunities for
5 the enforcement of traffic infractions and offenses committed against
6 vulnerable roadway users; and

7 (b) With any funds remaining once the program support specified
8 in (a) of this subsection has been provided, support programs
9 dedicated to increasing awareness by the driving public of the risks
10 and penalties associated with traffic infractions and offenses
11 committed against vulnerable roadway users.

12 **Sec. 3.** RCW 46.61.180 and 1975 c 62 s 26 are each amended to
13 read as follows:

14 (1) When two vehicles approach or enter an intersection from
15 different highways at approximately the same time, the driver of the
16 vehicle on the left shall yield the right-of-way to the vehicle on
17 the right.

18 (2) The right-of-way rule declared in subsection (1) of this
19 section is modified at arterial highways and otherwise as stated in
20 this chapter.

21 (3)(a) A driver of a motor vehicle found to be in violation of
22 this section due to the failure of that driver to grant or yield the
23 right-of-way to a vulnerable user of a public way must be assessed an
24 additional fine equal to the base penalty assessed under RCW
25 46.63.110(3). This fine may not be waived, reduced, or suspended, and
26 is not subject to the additional fees and assessments that the base
27 penalty for this violation is subject to under RCW 2.68.040,
28 3.62.090, and 46.63.110.

29 (b) For the purposes of this section, "vulnerable user of a
30 public way" has the same meaning as provided in RCW 46.61.526(11)(c).

31 (4) The additional fine imposed under subsection (3) of this
32 section must be deposited into the vulnerable roadway user education
33 account created in RCW 46.61.145.

34 **Sec. 4.** RCW 46.61.185 and 1965 ex.s. c 155 s 29 are each amended
35 to read as follows:

36 (1) The driver of a vehicle intending to turn to the left within
37 an intersection or into an alley, private road, or driveway shall
38 yield the right-of-way to any vehicle approaching from the opposite

1 direction which is within the intersection or so close thereto as to
2 constitute an immediate hazard.

3 (2)(a) A driver of a motor vehicle found to be in violation of
4 this section due to the failure of that driver to grant or yield the
5 right-of-way to a vulnerable user of a public way must be assessed an
6 additional fine equal to the base penalty assessed under RCW
7 46.63.110(3). This fine may not be waived, reduced, or suspended, and
8 is not subject to the additional fees and assessments that the base
9 penalty for this violation is subject to under RCW 2.68.040,
10 3.62.090, and 46.63.110.

11 (b) For the purposes of this section, "vulnerable user of a
12 public way" has the same meaning as provided in RCW 46.61.526(11)(c).

13 (3) The additional fine imposed under subsection (2) of this
14 section must be deposited into the vulnerable roadway user education
15 account created in RCW 46.61.145.

16 **Sec. 5.** RCW 46.61.190 and 2000 c 239 s 5 are each amended to
17 read as follows:

18 (1) Preferential right-of-way may be indicated by stop signs or
19 yield signs as authorized in RCW 47.36.110.

20 (2) Except when directed to proceed by a duly authorized flagger,
21 or a police officer, or a firefighter vested by law with authority to
22 direct, control, or regulate traffic, every driver of a vehicle
23 approaching a stop sign shall stop at a clearly marked stop line, but
24 if none, before entering a marked crosswalk on the near side of the
25 intersection or, if none, then at the point nearest the intersecting
26 roadway where the driver has a view of approaching traffic on the
27 intersecting roadway before entering the roadway, and after having
28 stopped shall yield the right-of-way to any vehicle in the
29 intersection or approaching on another roadway so closely as to
30 constitute an immediate hazard during the time when such driver is
31 moving across or within the intersection or junction of roadways.

32 (3) The driver of a vehicle approaching a yield sign shall in
33 obedience to such sign slow down to a speed reasonable for the
34 existing conditions and if required for safety to stop, shall stop at
35 a clearly marked stop line, but if none, before entering a marked
36 crosswalk on the near side of the intersection or if none, then at
37 the point nearest the intersecting roadway where the driver has a
38 view of approaching traffic on the intersecting roadway before
39 entering the roadway, and then after slowing or stopping, the driver

1 shall yield the right-of-way to any vehicle in the intersection or
2 approaching on another roadway so closely as to constitute an
3 immediate hazard during the time such driver is moving across or
4 within the intersection or junction of roadways: PROVIDED, That if
5 such a driver is involved in a collision with a vehicle in the
6 intersection or junction of roadways, after driving past a yield sign
7 without stopping, such collision shall be deemed prima facie evidence
8 of the driver's failure to yield right-of-way.

9 (4)(a) A driver of a motor vehicle found to be in violation of
10 this section due, at least in part, to the failure of that driver to
11 grant or yield the right-of-way to a vulnerable user of a public way
12 must be assessed an additional fine equal to the base penalty
13 assessed under RCW 46.63.110(3). This fine may not be waived,
14 reduced, or suspended, and is not subject to the additional fees and
15 assessments that the base penalty for this violation is subject to
16 under RCW 2.68.040, 3.62.090, and 46.63.110.

17 (b) For the purposes of this section, "vulnerable user of a
18 public way" has the same meaning as provided in RCW 46.61.526(11)(c).

19 (5) The additional fine imposed under subsection (4) of this
20 section must be deposited into the vulnerable roadway user education
21 account created in RCW 46.61.145.

22 **Sec. 6.** RCW 46.61.195 and 1984 c 7 s 66 are each amended to read
23 as follows:

24 (1) All state highways are hereby declared to be arterial
25 highways as respects all other public highways or private ways,
26 except that the state department of transportation has the authority
27 to designate any county road or city street as an arterial having
28 preference over the traffic on the state highway if traffic
29 conditions will be improved by such action.

30 (2) Those city streets designated by the state department of
31 transportation as forming a part of the routes of state highways
32 through incorporated cities and towns are declared to be arterial
33 highways as respects all other city streets or private ways.

34 (3) The governing authorities of incorporated cities and towns
35 may designate any street as an arterial having preference over the
36 traffic on a state highway if the change is first approved in writing
37 by the state department of transportation. The local authorities
38 making such a change in arterial designation shall do so by proper
39 ordinance or resolution and shall erect or cause to be erected and

1 maintained standard stop signs, or "Yield" signs, to accomplish this
2 change in arterial designation.

3 (4) The operator of any vehicle entering upon any arterial
4 highway from any other public highway or private way shall come to a
5 complete stop before entering the arterial highway when stop signs
6 are erected as provided by law.

7 (5)(a) A driver of a motor vehicle found to be in violation of
8 subsection (4) of this section, which results in the failure of that
9 driver to grant or yield the right-of-way to a vulnerable user of a
10 public way, must be assessed an additional fine equal to the base
11 penalty assessed under RCW 46.63.110(3). This fine may not be waived,
12 reduced, or suspended, and is not subject to the additional fees and
13 assessments that the base penalty for this violation is subject to
14 under RCW 2.68.040, 3.62.090, and 46.63.110.

15 (b) For the purposes of this section, "vulnerable user of a
16 public way" has the same meaning as provided in RCW 46.61.526(11)(c).

17 (6) The additional fine imposed under subsection (5) of this
18 section must be deposited into the vulnerable roadway user education
19 account created in RCW 46.61.145.

20 **Sec. 7.** RCW 46.61.200 and 1984 c 7 s 67 are each amended to read
21 as follows:

22 (1) In addition to the points of intersection of any public
23 highway with any arterial public highway that is constituted by law
24 or by any proper authorities of this state or any city or town of
25 this state, the state department of transportation with respect to
26 state highways, and the proper authorities with respect to any other
27 public highways, have the power to determine and designate any
28 particular intersection, or any particular highways, roads, or
29 streets or portions thereof, at any intersection with which vehicles
30 shall be required to stop before entering such intersection. Upon the
31 determination and designation of such points at which vehicles will
32 be required to come to a stop before entering the intersection, the
33 proper authorities so determining and designating shall cause to be
34 posted and maintained proper signs of the standard design adopted by
35 the state department of transportation indicating that the
36 intersection has been so determined and designated and that vehicles
37 entering it are required to stop.

38 (2) It is unlawful for any person operating any vehicle when
39 entering any intersection determined, designated, and bearing the

1 required sign to fail and neglect to bring the vehicle to a complete
2 stop before entering the intersection.

3 (3)(a) A driver of a motor vehicle found to be in violation of
4 this section, which results in the failure of that driver to yield
5 the right-of-way to a vulnerable user of a public way, must be
6 assessed an additional fine equal to the base penalty assessed under
7 RCW 46.63.110(3). This fine may not be waived, reduced, or suspended,
8 and is not subject to the additional fees and assessments that the
9 base penalty for this violation is subject to under RCW 2.68.040,
10 3.62.090, and 46.63.110.

11 (b) For the purposes of this section, "vulnerable user of a
12 public way" has the same meaning as provided in RCW 46.61.526(11)(c).

13 (4) The additional fine imposed under subsection (3) of this
14 section must be deposited into the vulnerable roadway user education
15 account created in RCW 46.61.145.

16 **Sec. 8.** RCW 46.61.205 and 1990 c 250 s 88 are each amended to
17 read as follows:

18 (1) The driver of a vehicle about to enter or cross a highway
19 from a private road or driveway shall yield the right-of-way to all
20 vehicles lawfully approaching on said highway.

21 (2)(a) A driver of a motor vehicle found to be in violation of
22 this section due to the failure of that driver to grant or yield the
23 right-of-way to a vulnerable user of a public way must be assessed an
24 additional fine equal to the base penalty assessed under RCW
25 46.63.110(3). This fine may not be waived, reduced, or suspended, and
26 is not subject to the additional fees and assessments that the base
27 penalty for this violation is subject to under RCW 2.68.040,
28 3.62.090, and 46.63.110.

29 (b) For the purposes of this section, "vulnerable user of a
30 public way" has the same meaning as provided in RCW 46.61.526(11)(c).

31 (3) The additional fine imposed under subsection (2) of this
32 section must be deposited into the vulnerable roadway user education
33 account created in RCW 46.61.145.

34 **Sec. 9.** RCW 43.84.092 and 2017 3rd sp.s. c 25 s 50, 2017 3rd
35 sp.s. c 12 s 12, and 2017 c 290 s 8 are each reenacted and amended to
36 read as follows:

1 (1) All earnings of investments of surplus balances in the state
2 treasury shall be deposited to the treasury income account, which
3 account is hereby established in the state treasury.

4 (2) The treasury income account shall be utilized to pay or
5 receive funds associated with federal programs as required by the
6 federal cash management improvement act of 1990. The treasury income
7 account is subject in all respects to chapter 43.88 RCW, but no
8 appropriation is required for refunds or allocations of interest
9 earnings required by the cash management improvement act. Refunds of
10 interest to the federal treasury required under the cash management
11 improvement act fall under RCW 43.88.180 and shall not require
12 appropriation. The office of financial management shall determine the
13 amounts due to or from the federal government pursuant to the cash
14 management improvement act. The office of financial management may
15 direct transfers of funds between accounts as deemed necessary to
16 implement the provisions of the cash management improvement act, and
17 this subsection. Refunds or allocations shall occur prior to the
18 distributions of earnings set forth in subsection (4) of this
19 section.

20 (3) Except for the provisions of RCW 43.84.160, the treasury
21 income account may be utilized for the payment of purchased banking
22 services on behalf of treasury funds including, but not limited to,
23 depository, safekeeping, and disbursement functions for the state
24 treasury and affected state agencies. The treasury income account is
25 subject in all respects to chapter 43.88 RCW, but no appropriation is
26 required for payments to financial institutions. Payments shall occur
27 prior to distribution of earnings set forth in subsection (4) of this
28 section.

29 (4) Monthly, the state treasurer shall distribute the earnings
30 credited to the treasury income account. The state treasurer shall
31 credit the general fund with all the earnings credited to the
32 treasury income account except:

33 (a) The following accounts and funds shall receive their
34 proportionate share of earnings based upon each account's and fund's
35 average daily balance for the period: The aeronautics account, the
36 aircraft search and rescue account, the Alaskan Way viaduct
37 replacement project account, the brownfield redevelopment trust fund
38 account, the budget stabilization account, the capital vessel
39 replacement account, the capitol building construction account, the
40 Cedar River channel construction and operation account, the Central

1 Washington University capital projects account, the charitable,
2 educational, penal and reformatory institutions account, the Chehalis
3 basin account, the cleanup settlement account, the Columbia river
4 basin water supply development account, the Columbia river basin
5 taxable bond water supply development account, the Columbia river
6 basin water supply revenue recovery account, the common school
7 construction fund, the community forest trust account, the connecting
8 Washington account, the county arterial preservation account, the
9 county criminal justice assistance account, the deferred compensation
10 administrative account, the deferred compensation principal account,
11 the department of licensing services account, the department of
12 retirement systems expense account, the developmental disabilities
13 community trust account, the diesel idle reduction account, the
14 drinking water assistance account, the drinking water assistance
15 administrative account, the early learning facilities development
16 account, the early learning facilities revolving account, the Eastern
17 Washington University capital projects account, the Interstate 405
18 express toll lanes operations account, the education construction
19 fund, the education legacy trust account, the election account, the
20 electric vehicle charging infrastructure account, the energy freedom
21 account, the energy recovery act account, the essential rail
22 assistance account, The Evergreen State College capital projects
23 account, the federal forest revolving account, the ferry bond
24 retirement fund, the freight mobility investment account, the freight
25 mobility multimodal account, the grade crossing protective fund, the
26 public health services account, the high capacity transportation
27 account, the state higher education construction account, the higher
28 education construction account, the highway bond retirement fund, the
29 highway infrastructure account, the highway safety fund, the high
30 occupancy toll lanes operations account, the hospital safety net
31 assessment fund, the industrial insurance premium refund account, the
32 judges' retirement account, the judicial retirement administrative
33 account, the judicial retirement principal account, the local
34 leasehold excise tax account, the local real estate excise tax
35 account, the local sales and use tax account, the marine resources
36 stewardship trust account, the medical aid account, the mobile home
37 park relocation fund, the money-purchase retirement savings
38 administrative account, the money-purchase retirement savings
39 principal account, the motor vehicle fund, the motorcycle safety
40 education account, the multimodal transportation account, the

1 multiuse roadway safety account, the municipal criminal justice
2 assistance account, the natural resources deposit account, the oyster
3 reserve land account, the pension funding stabilization account, the
4 perpetual surveillance and maintenance account, the pollution
5 liability insurance agency underground storage tank revolving
6 account, the public employees' retirement system plan 1 account, the
7 public employees' retirement system combined plan 2 and plan 3
8 account, the public facilities construction loan revolving account
9 beginning July 1, 2004, the public health supplemental account, the
10 public works assistance account, the Puget Sound capital construction
11 account, the Puget Sound ferry operations account, the Puget Sound
12 taxpayer accountability account, the real estate appraiser commission
13 account, the recreational vehicle account, the regional mobility
14 grant program account, the resource management cost account, the
15 rural arterial trust account, the rural mobility grant program
16 account, the rural Washington loan fund, the sexual assault
17 prevention and response account, the site closure account, the
18 skilled nursing facility safety net trust fund, the small city
19 pavement and sidewalk account, the special category C account, the
20 special wildlife account, the state employees' insurance account, the
21 state employees' insurance reserve account, the state investment
22 board expense account, the state investment board commingled trust
23 fund accounts, the state patrol highway account, the state route
24 number 520 civil penalties account, the state route number 520
25 corridor account, the state wildlife account, the supplemental
26 pension account, the Tacoma Narrows toll bridge account, the
27 teachers' retirement system plan 1 account, the teachers' retirement
28 system combined plan 2 and plan 3 account, the tobacco prevention and
29 control account, the tobacco settlement account, the toll facility
30 bond retirement account, the transportation 2003 account (nickel
31 account), the transportation equipment fund, the transportation
32 future funding program account, the transportation improvement
33 account, the transportation improvement board bond retirement
34 account, the transportation infrastructure account, the
35 transportation partnership account, the traumatic brain injury
36 account, the tuition recovery trust fund, the University of
37 Washington bond retirement fund, the University of Washington
38 building account, the volunteer firefighters' and reserve officers'
39 relief and pension principal fund, the volunteer firefighters' and
40 reserve officers' administrative fund, the vulnerable roadway user

1 education account, the Washington judicial retirement system account,
2 the Washington law enforcement officers' and firefighters' system
3 plan 1 retirement account, the Washington law enforcement officers'
4 and firefighters' system plan 2 retirement account, the Washington
5 public safety employees' plan 2 retirement account, the Washington
6 school employees' retirement system combined plan 2 and 3 account,
7 the Washington state health insurance pool account, the Washington
8 state patrol retirement account, the Washington State University
9 building account, the Washington State University bond retirement
10 fund, the water pollution control revolving administration account,
11 the water pollution control revolving fund, the Western Washington
12 University capital projects account, the Yakima integrated plan
13 implementation account, the Yakima integrated plan implementation
14 revenue recovery account, and the Yakima integrated plan
15 implementation taxable bond account. Earnings derived from investing
16 balances of the agricultural permanent fund, the normal school
17 permanent fund, the permanent common school fund, the scientific
18 permanent fund, the state university permanent fund, and the state
19 reclamation revolving account shall be allocated to their respective
20 beneficiary accounts.

21 (b) Any state agency that has independent authority over accounts
22 or funds not statutorily required to be held in the state treasury
23 that deposits funds into a fund or account in the state treasury
24 pursuant to an agreement with the office of the state treasurer shall
25 receive its proportionate share of earnings based upon each account's
26 or fund's average daily balance for the period.

27 (5) In conformance with Article II, section 37 of the state
28 Constitution, no treasury accounts or funds shall be allocated
29 earnings without the specific affirmative directive of this section.

30 NEW SECTION. **Sec. 10.** This act takes effect April 1, 2019.

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