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**SENATE BILL 6547**

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**State of Washington****56th Legislature****2000 Regular Session**

**By** Senators Costa, Benton, Eide, Shin, Patterson, Haugen, Gardner, Rasmussen, Prentice, Goings, McAuliffe, Winsley, Kline and Kohl-Welles

Read first time 01/19/2000. Referred to Committee on Transportation.

1       AN ACT Relating to rights and duties of bicyclists; amending RCW  
2 46.61.235, 46.61.261, and 46.61.755; and adding a new section to  
3 chapter 46.61 RCW.

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

5       **Sec. 1.** RCW 46.61.235 and 1993 c 153 s 1 are each amended to read  
6 as follows:

7       (1) The operator of an approaching vehicle shall stop and remain  
8 stopped to allow a pedestrian or bicycle to cross the roadway within an  
9 unmarked or marked crosswalk when the pedestrian or bicycle is upon or  
10 within one lane of the half of the roadway upon which the vehicle is  
11 traveling or onto which it is turning. For purposes of this section  
12 "half of the roadway" means all traffic lanes carrying traffic in one  
13 direction of travel, and includes the entire width of a one-way  
14 roadway.

15       (2) No pedestrian or bicycle shall suddenly leave a curb or other  
16 place of safety and walk, run, or otherwise move into the path of a  
17 vehicle which is so close that it is impossible for the driver to stop.

18       (3) Subsection (1) of this section does not apply under the  
19 conditions stated in RCW 46.61.240(2).

1       (4) Whenever any vehicle is stopped at a marked crosswalk or at any  
2 unmarked crosswalk at an intersection to permit a pedestrian or bicycle  
3 to cross the roadway, the driver of any other vehicle approaching from  
4 the rear shall not overtake and pass such stopped vehicle.

5       **Sec. 2.** RCW 46.61.261 and 1975 c 62 s 41 are each amended to read  
6 as follows:

7       The driver of a vehicle shall yield the right of way to any  
8 pedestrian or bicycle on a sidewalk. The rider of a bicycle shall  
9 yield the right of way to a pedestrian on a sidewalk or crosswalk.

10      **Sec. 3.** RCW 46.61.755 and 1965 ex.s. c 155 s 80 are each amended  
11 to read as follows:

12      (1) Every person riding a bicycle upon a roadway shall be granted  
13 all of the rights and shall be subject to all of the duties applicable  
14 to the driver of a vehicle by this chapter, except as to special  
15 regulations in RCW 46.61.750 through 46.61.780 and except as to those  
16 provisions of this chapter which by their nature can have no  
17 application.

18      (2) Every person riding a bicycle upon a sidewalk or crosswalk must  
19 be granted all of the rights and is subject to all of the duties  
20 applicable to a pedestrian by this chapter.

21      NEW SECTION. **Sec. 4.** A new section is added to chapter 46.61 RCW  
22 to read as follows:

23      (1) A law enforcement officer may offer to transport a bicycle  
24 rider who appears to be under the influence of alcohol or any drug and  
25 who is walking or moving along or within the right of way of a public  
26 roadway, unless the bicycle rider is to be taken into protective  
27 custody under RCW 70.96A.120. The law enforcement officer offering to  
28 transport an intoxicated bicycle rider under this section shall:

29       (a) Transport the intoxicated bicycle rider to a safe place; or  
30       (b) Release the intoxicated bicycle rider to a competent person.

31       (2) The law enforcement officer shall not provide the assistance  
32 offered if the bicycle rider refuses to accept it. No suit or action  
33 may be commenced or prosecuted against the law enforcement officer, law  
34 enforcement agency, the state of Washington, or any political  
35 subdivision of the state for any act resulting from the refusal of the  
36 bicycle rider to accept this assistance.

1       (3) The law enforcement officer may impound the bicycle operated by  
2 an intoxicated bicycle rider if the officer determines that impoundment  
3 is necessary to reduce a threat to public safety, and there are no  
4 reasonable alternatives to impoundment. The bicyclist will be given a  
5 written notice of when and where the impounded bicycle may be  
6 reclaimed. The bicycle may be reclaimed by the bicycle rider when the  
7 bicycle rider no longer appears to be intoxicated, or by an individual  
8 who can establish ownership of the bicycle. The bicycle must be  
9 returned without payment of a fee. If the bicycle is not reclaimed  
10 within thirty days, it will be subject to sale or disposal consistent  
11 with agency procedures.

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