
HOUSE BILL 2228

State of Washington 59th Legislature 2005 Regular Session

By Representatives Nixon, Springer, Campbell and Moeller

Read first time 02/24/2005. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to vehicular accidents involving law enforcement
2 officers; adding new sections to chapter 43.101 RCW; and creating new
3 sections.

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

5 NEW SECTION. **Sec. 1.** It is the intent of the legislature that
6 serious vehicle accidents involving law enforcement officers be
7 independently investigated to ensure independence and objectivity,
8 along with the perception of independence and objectivity, during the
9 investigation. It is the intent of the legislature to have corrective
10 actions in place to reduce future vehicle accidents involving law
11 enforcement officers. There shall be tracking processes implemented to
12 identify vehicle accident trends and provide corrective action to
13 reduce future vehicle accidents. When a law enforcement officer is off
14 duty, the officer will follow the same traffic laws and enforcement
15 policies as any other person using the public roadways.

16 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.101 RCW
17 to read as follows:

1 (1) If a law enforcement officer is proximately involved in a
2 vehicular accident while on duty, the law enforcement agency employing
3 the officer shall conduct an investigation if:

4 (a) The accident causes a serious injury or fatality; or

5 (b) Damage to property exceeds two thousand five hundred dollars.

6 (2) The investigation under subsection (1) of this section shall be
7 supervised by an independent law enforcement agency.

8 (3) A law enforcement officer is considered on duty when the
9 officer is using a law enforcement agency-owned vehicle.

10 (4) A law enforcement officer must be removed, for at least twelve
11 months, from duties that involve the operation of a vehicle if an
12 officer is investigated under subsection (1) of this section and is
13 determined to be at fault for four vehicular accidents in any three-
14 year period. The date for the one-year period begins on the date that
15 the final report is issued for the fourth vehicular accident within the
16 three-year period. This section applies if all four of the accidents
17 meet the criteria in subsection (1) of this section.

18 (5) Law enforcement agencies shall develop by rule agency policy
19 or, as part of the terms of a collective bargaining agreement, a
20 progressive disciplinary process that may include retraining in vehicle
21 handling, wage or benefit reductions, and termination of employment.
22 This progressive disciplinary process is to be applied to all law
23 enforcement officers for at-fault, on-duty vehicular accidents, whether
24 or not they meet the criteria in subsection (1) of this section. All
25 law enforcement agencies shall report the following accident data
26 annually to the legislative authority that governs the agency: Number
27 and type of on-duty vehicle accidents involving their officers in the
28 preceding year; and the number and type of disciplinary actions taken.

29 (6) For the purposes of this section, the following definitions
30 apply:

31 (a) "Accident" means a law enforcement vehicle that collided with
32 another vehicle, person, or object.

33 (b) "At fault" means the law enforcement officer was found to have
34 caused the accident by an action taken by the law enforcement officer.

35 (c) "Independent agency" means a law enforcement agency.

36 (d) "Law enforcement officer" has the same meaning as "law
37 enforcement personnel."

38 (e) "Property" means any real or personal property.

1 (f) "Serious injury" means an injury that requires a paramedic or
2 intermediate life support person as defined in RCW 18.71.200.

3 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.101 RCW
4 to read as follows:

5 Whenever there is an accident involving a fatality, or serious
6 injury that may result in a fatality, then every driver of a vehicle,
7 bicyclist, or pedestrian involved in the accident shall submit to a
8 drug and alcohol test.

9 NEW SECTION. **Sec. 4.** Traffic laws, accident investigations, and
10 reporting procedures shall be applied equally to all motorists without
11 discrimination or preferential treatment regardless of the motorist's
12 employment, status, or political affiliation, including motorists that
13 may be elected officials, government employees, or off-duty law
14 enforcement officers.

15 NEW SECTION. **Sec. 5.** This act may be known and cited as the
16 "Brock Loshbaugh Act."

--- END ---