H-0342.6

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**HOUSE BILL 1674**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**State of Washington 68th Legislature 2023 Regular Session**

**By** Representatives Ramel, Fey, Peterson, Reed, Berry, Duerr, and Kloba

AN ACT Relating to improving protections for pedestrians and other vulnerable roadway users from dangers posed by certain pickup trucks and sport utility vehicles; amending RCW 46.70.180, 46.61.190, 46.61.235, 46.61.245, 46.61.400, 46.61.440, 46.61.145, 2.68.040, and 46.63.110; reenacting and amending RCW 3.62.090; adding a new section to chapter 46.04 RCW; adding a new section to chapter 46.01 RCW; adding a new section to chapter 43.43 RCW; adding a new section to chapter 43.59 RCW; creating a new section; prescribing penalties; and providing an effective date.

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

NEW SECTION. **Sec.**  The legislature intends to improve protections for pedestrians and other vulnerable roadway users from motor vehicles that pose an increased safety risk to them through consumer and public education, as well as through enhanced enforcement penalties for traffic infractions that pose a particular risk of dire consequences for pedestrians and other vulnerable roadway users in the event of a collision with such a vehicle.

Larger motor vehicles cause more severe injuries when they strike pedestrians, bicyclists, and other motorists due to their heavier weight. A vehicle sitting at a greater height with a long hood will have larger front blind spots that could prevent its driver from seeing a small child or someone in a wheelchair directly in front of it. Vehicles with straight, block front grilles that strike a pedestrian's pelvis or chest immediately after the bumper hits the pedestrian's lower extremities can also transfer more energy to a pedestrian's body, increasing the severity of injury. Many pickup trucks and midsize and large sport utility vehicles are more dangerous to pedestrians and other vulnerable roadway users because they are heavier and sit at a significantly greater height than sedans and have straight, block front grilles.

The legislature believes that, to protect pedestrians and vulnerable roadway users from the increased risk of severe injury and death, it is imperative to:

(1) Warn consumers considering purchasing certain pickup trucks and sport utility vehicles of this increased risk;

(2) Increase the total monetary penalties imposed on the driver of certain pickup trucks and sport utility vehicles when traffic infractions that pose a greater danger to pedestrians and vulnerable roadway users in the event of a collision are committed; and

(3) Educate the public and drivers of certain pickup trucks and sport utility vehicles of the increased risk these vehicles pose to pedestrians and vulnerable roadway users through public education campaigns.

NEW SECTION. **Sec.**  A new section is added to chapter 46.04 RCW to read as follows:

"Midsize or large sport utility vehicle" means a motor vehicle with a scale weight of 4,000 pounds or more that is designated as a sport utility vehicle by the manufacturer.

**Sec.**  RCW 46.70.180 and 2022 c 182 s 211 are each amended to read as follows:

Each of the following acts or practices is unlawful:

(1) To cause or permit to be advertised, printed, displayed, published, distributed, broadcasted, televised, or disseminated in any manner whatsoever, any statement or representation with regard to the sale, lease, or financing of a vehicle which is false, deceptive, or misleading, including but not limited to the following:

(a) That no down payment is required in connection with the sale of a vehicle when a down payment is in fact required, or that a vehicle may be purchased for a smaller down payment than is actually required;

(b) That a certain percentage of the sale price of a vehicle may be financed when such financing is not offered in a single document evidencing the entire security transaction;

(c) That a certain percentage is the amount of the service charge to be charged for financing, without stating whether this percentage charge is a monthly amount or an amount to be charged per year;

(d) That a new vehicle will be sold for a certain amount above or below cost without computing cost as the exact amount of the factory invoice on the specific vehicle to be sold;

(e) That a vehicle will be sold upon a monthly payment of a certain amount, without including in the statement the number of payments of that same amount which are required to liquidate the unpaid purchase price.

(2)(a)(i) To incorporate within the terms of any purchase and sale or lease agreement any statement or representation with regard to the sale, lease, or financing of a vehicle which is false, deceptive, or misleading((~~,~~)) including, but not limited to, terms that include as an added cost to the selling price or capitalized cost of a vehicle an amount for licensing or transfer of title of that vehicle which is not actually due to the state, unless such amount has in fact been paid by the dealer prior to such sale.

(ii) However, an amount not to exceed $200 per vehicle sale or lease may be charged by a dealer to recover administrative costs for collecting motor vehicle excise taxes, licensing and registration fees and other agency fees, verifying and clearing titles, transferring titles, perfecting, releasing, or satisfying liens or other security interests, and other administrative and documentary services rendered by a dealer in connection with the sale or lease of a vehicle and in carrying out the requirements of this chapter or any other provisions of state law.

(b) A dealer may charge the documentary service fee in (a) of this subsection under the following conditions:

(i) The documentary service fee is disclosed in writing to a prospective purchaser or lessee before the execution of a purchase and sale or lease agreement;

(ii) The dealer discloses to the purchaser or lessee in writing that the documentary service fee is a negotiable fee. The disclosure must be written in a typeface that is at least as large as the typeface used in the standard text of the document that contains the disclosure and that is bold faced, capitalized, underlined, or otherwise set out from the surrounding material so as to be conspicuous. The dealer shall not represent to the purchaser or lessee that the fee or charge is required by the state to be paid by either the dealer or prospective purchaser or lessee;

(iii) The documentary service fee is separately designated from the selling price or capitalized cost of the vehicle and from any other taxes, fees, or charges; and

(iv) Dealers disclose in any advertisement that a documentary service fee in an amount up to $200 may be added to the sale price or the capitalized cost.

For the purposes of this subsection (2), the term "documentary service fee" means the optional amount charged by a dealer to provide the services specified in (a) of this subsection.

(3) To set up, promote, or aid in the promotion of a plan by which vehicles are to be sold or leased to a person for a consideration and upon further consideration that the purchaser or lessee agrees to secure one or more persons to participate in the plan by respectively making a similar purchase and in turn agreeing to secure one or more persons likewise to join in said plan, each purchaser or lessee being given the right to secure money, credits, goods, or something of value, depending upon the number of persons joining the plan.

(4) To commit, allow, or ratify any act of "bushing" which is defined as follows: Entering into a written contract, written purchase order or agreement, retail installment sales agreement, note and security agreement, or written lease agreement, hereinafter collectively referred to as contract or lease, signed by the prospective buyer or lessee of a vehicle, which:

(a) Is subject to any conditions or the dealer's or his or her authorized representative's future acceptance, and the dealer fails or refuses within the "bushing" period, which is four calendar days, exclusive of Saturday, Sunday, or legal holiday, and prior to any further negotiations with said buyer or lessee to inform the buyer or lessee either: (i) That the dealer unconditionally accepts the contract or lease, having satisfied, removed, or waived all conditions to acceptance or performance, including, but not limited to, financing, assignment, or lease approval; or (ii) that the dealer rejects the contract or lease, thereby automatically voiding the contract or lease, as long as such voiding does not negate commercially reasonable contract or lease provisions pertaining to the return of the subject vehicle and any physical damage, excessive mileage after the demand for return of the vehicle, and attorneys' fees authorized by law, and tenders the refund of any initial payment or security made or given by the buyer or lessee, including, but not limited to, any down payment, and tenders return of the trade-in vehicle, key, other trade-in, or certificate of title to a trade-in. Tender may be conditioned on return of the subject vehicle if previously delivered to the buyer or lessee.

The provisions of this subsection (4)(a) do not impair, prejudice, or abrogate the rights of a dealer to assert a claim against the buyer or lessee for misrepresentation or breach of contract and to exercise all remedies available at law or in equity, including those under chapter 62A.9A RCW, if the dealer, bank, or other lender or leasing company discovers that approval of the contract or financing or approval of the lease was based upon material misrepresentations made by the buyer or lessee, including, but not limited to, misrepresentations regarding income, employment, or debt of the buyer or lessee, as long as the dealer, or his or her staff, has not, with knowledge of the material misrepresentation, aided, assisted, encouraged, or participated, directly or indirectly, in the misrepresentation. A dealer shall not be in violation of this subsection (4)(a) if the buyer or lessee made a material misrepresentation to the dealer, as long as the dealer, or his or her staff, has not, with knowledge of the material misrepresentation, aided, assisted, encouraged, or participated, directly or indirectly, in the misrepresentation.

A dealer may inform a buyer or lessee under this subsection (4)(a) regarding the unconditional acceptance or rejection of the contract, lease, or financing by sending an email message to the buyer's or lessee's supplied email address, by phone call, by leaving a voice message or sending a text message to a phone number provided by the buyer or lessee, by in-person oral communication, by mailing a letter by first-class mail if the buyer or lessee expresses a preference for a letter or declines to provide an email address and a phone number capable of receiving a free text message, or by another means agreed to by the buyer or lessee or approved by the department, effective upon the execution, mailing, or sending of the communication and before expiration of the "bushing" period;

(b) Permits the dealer to renegotiate a dollar amount specified as trade-in allowance on a vehicle delivered or to be delivered by the buyer or lessee as part of the purchase price or lease, for any reason except:

(i) Failure to disclose that the vehicle's certificate of title has been branded for any reason, including, but not limited to, status as a rebuilt vehicle as provided in RCW 46.12.540 and 46.12.560; or

(ii) Substantial physical damage or latent mechanical defect occurring before the dealer took possession of the vehicle and which could not have been reasonably discoverable at the time of the taking of the order, offer, or contract; or

(iii) Excessive additional miles or a discrepancy in the mileage. "Excessive additional miles" means the addition of 500 miles or more, as reflected on the vehicle's odometer, between the time the vehicle was first valued by the dealer for purposes of determining its trade-in value and the time of actual delivery of the vehicle to the dealer. "A discrepancy in the mileage" means (A) a discrepancy between the mileage reflected on the vehicle's odometer and the stated mileage on the signed odometer statement; or (B) a discrepancy between the mileage stated on the signed odometer statement and the actual mileage on the vehicle; or

(c) Fails to comply with the obligation of any written warranty or guarantee given by the dealer requiring the furnishing of services or repairs within a reasonable time.

(5) To commit any offense relating to odometers, as such offenses are defined in RCW 46.37.540, 46.37.550, 46.37.560, and 46.37.570. A violation of this subsection is a class C felony punishable under chapter 9A.20 RCW.

(6) For any vehicle dealer or vehicle salesperson to refuse to furnish, upon request of a prospective purchaser or lessee, for vehicles previously registered to a business or governmental entity, the name and address of the business or governmental entity.

(7) To commit any other offense under RCW 46.37.423, 46.37.424, or 46.37.425.

(8) To commit any offense relating to a dealer's temporary license permit, including but not limited to failure to properly complete each such permit, or the issuance of more than one such permit on any one vehicle. However, a dealer may issue a second temporary permit on a vehicle if the following conditions are met:

(a) The lienholder fails to deliver the vehicle title to the dealer within the required time period;

(b) The dealer has satisfied the lien; and

(c) The dealer has proof that payment of the lien was made within two calendar days, exclusive of Saturday, Sunday, or a legal holiday, after the sales contract has been executed by all parties and all conditions and contingencies in the sales contract have been met or otherwise satisfied.

(9) For a dealer, salesperson, or mobile home manufacturer, having taken an instrument or cash "on deposit" from a purchaser or lessee prior to the delivery of the bargained-for vehicle, to commingle the "on deposit" funds with assets of the dealer, salesperson, or mobile home manufacturer instead of holding the "on deposit" funds as trustee in a separate trust account until the purchaser or lessee has taken delivery of the bargained-for vehicle. Delivery of a manufactured home shall be deemed to occur in accordance with RCW 46.70.135(5). Failure, immediately upon receipt, to endorse "on deposit" instruments to such a trust account, or to set aside "on deposit" cash for deposit in such trust account, and failure to deposit such instruments or cash in such trust account by the close of banking hours on the day following receipt thereof, shall be evidence of intent to commit this unlawful practice: PROVIDED, HOWEVER, That a motor vehicle dealer may keep a separate trust account which equals his or her customary total customer deposits for vehicles for future delivery. For purposes of this section, "on deposit" funds received from a purchaser of a manufactured home means those funds that a seller requires a purchaser to advance before ordering the manufactured home, but does not include any loan proceeds or moneys that might have been paid on an installment contract.

(10) For a dealer or manufacturer to fail to comply with the obligations of any written warranty or guarantee given by the dealer or manufacturer requiring the furnishing of goods and services or repairs within a reasonable period of time, or to fail to furnish to a purchaser or lessee, all parts which attach to the manufactured unit including but not limited to the undercarriage, and all items specified in the terms of a sales or lease agreement signed by the seller and buyer or lessee.

(11) For a vehicle dealer to pay to or receive from any person, firm, partnership, association, or corporation acting, either directly or through a subsidiary, as a buyer's agent for consumers, any compensation, fee, purchase moneys or funds that have been deposited into or withdrawn out of any account controlled or used by any buyer's agent, gratuity, or reward in connection with the purchase, sale, or lease of a new motor vehicle.

(12) For a buyer's agent, acting directly or through a subsidiary, to pay to or to receive from any motor vehicle dealer any compensation, fee, gratuity, or reward in connection with the purchase, sale, or lease of a new motor vehicle. In addition, it is unlawful for any buyer's agent to engage in any of the following acts on behalf of or in the name of the consumer:

(a) Receiving or paying any purchase moneys or funds into or out of any account controlled or used by any buyer's agent;

(b) Signing any vehicle purchase orders, sales contracts, leases, odometer statements, or title documents, or having the name of the buyer's agent appear on the vehicle purchase order, sales contract, lease, or title; or

(c) Signing any other documentation relating to the purchase, sale, lease, or transfer of any new motor vehicle.

It is unlawful for a buyer's agent to use a power of attorney obtained from the consumer to accomplish or effect the purchase, sale, lease, or transfer of ownership documents of any new motor vehicle by any means which would otherwise be prohibited under (a) through (c) of this subsection. However, the buyer's agent may use a power of attorney for physical delivery of motor vehicle license plates to the consumer.

Further, it is unlawful for a buyer's agent to engage in any false, deceptive, or misleading advertising, disseminated in any manner whatsoever, including but not limited to making any claim or statement that the buyer's agent offers, obtains, or guarantees the lowest price on any motor vehicle or words to similar effect.

(13) For a buyer's agent to arrange for or to negotiate the purchase, or both, of a new motor vehicle through an out-of-state dealer without disclosing in writing to the customer that the new vehicle would not be subject to chapter 19.118 RCW. This subsection also applies to leased vehicles. In addition, it is unlawful for any buyer's agent to fail to have a written agreement with the customer that: (a) Sets forth the terms of the parties' agreement; (b) discloses to the customer the total amount of any fees or other compensation being paid by the customer to the buyer's agent for the agent's services; and (c) further discloses whether the fee or any portion of the fee is refundable.

(14) Being a manufacturer, other than a motorcycle manufacturer governed by chapter 46.93 RCW, to:

(a) Coerce or attempt to coerce any vehicle dealer to order or accept delivery of any vehicle or vehicles, parts or accessories, or any other commodities which have not been voluntarily ordered by the vehicle dealer: PROVIDED, That recommendation, endorsement, exposition, persuasion, urging, or argument are not deemed to constitute coercion;

(b) Cancel or fail to renew the franchise or selling agreement of any vehicle dealer doing business in this state without fairly compensating the dealer at a fair going business value for his or her capital investment which shall include, but not be limited to, tools, equipment, and parts inventory possessed by the dealer on the day he or she is notified of such cancellation or termination and which are still within the dealer's possession on the day the cancellation or termination is effective, if: (i) The capital investment has been entered into with reasonable and prudent business judgment for the purpose of fulfilling the franchise; and (ii) the cancellation or nonrenewal was not done in good faith. Good faith is defined as the duty of each party to any franchise to act in a fair and equitable manner towards each other, so as to guarantee one party freedom from coercion, intimidation, or threats of coercion or intimidation from the other party: PROVIDED, That recommendation, endorsement, exposition, persuasion, urging, or argument are not deemed to constitute a lack of good faith;

(c) Encourage, aid, abet, or teach a vehicle dealer to sell or lease vehicles through any false, deceptive, or misleading sales or financing practices including but not limited to those practices declared unlawful in this section;

(d) Coerce or attempt to coerce a vehicle dealer to engage in any practice forbidden in this section by either threats of actual cancellation or failure to renew the dealer's franchise agreement;

(e) Refuse to deliver any vehicle publicly advertised for immediate delivery to any duly licensed vehicle dealer having a franchise or contractual agreement for the retail sale or lease of new and unused vehicles sold or distributed by such manufacturer within sixty days after such dealer's order has been received in writing unless caused by inability to deliver because of shortage or curtailment of material, labor, transportation, or utility services, or by any labor or production difficulty, or by any cause beyond the reasonable control of the manufacturer;

(f)(i) To provide under the terms of any warranty that a purchaser or lessee of any new or unused vehicle that has been sold or leased, distributed for sale or lease, or transferred into this state for resale or lease by the vehicle manufacturer may only make any warranty claim on any item included as an integral part of the vehicle against the manufacturer of that item.

(ii) Nothing in this section may be construed to impair the obligations of a contract or to prevent a manufacturer, distributor, representative, or any other person, whether or not licensed under this chapter, from requiring performance of a written contract entered into with any licensee hereunder, nor does the requirement of such performance constitute a violation of any of the provisions of this section if any such contract or the terms thereof requiring performance, have been freely entered into and executed between the contracting parties. This ((~~paragraph and subsection (14)(b) of this section~~)) subsection (14)(f)(ii) and (b) of this subsection do not apply to new motor vehicle manufacturers governed by chapter 46.96 RCW.

(15) Unlawful transfer of an ownership interest in a motor vehicle as defined in RCW 19.116.050.

(16) To knowingly and intentionally engage in collusion with a registered owner of a vehicle to repossess and return or resell the vehicle to the registered owner in an attempt to avoid a suspended license impound under chapter 46.55 RCW. However, compliance with chapter 62A.9A RCW in repossessing, selling, leasing, or otherwise disposing of the vehicle, including providing redemption rights to the debtor, is not a violation of this section.

(17)(a) For a dealer to enter into a new motor vehicle sales contract without disclosing in writing to a buyer of the new motor vehicle, or to a dealer in the case of an unregistered motor vehicle, any known damage and repair to the new motor vehicle if the damage exceeds five percent of the manufacturer's suggested retail price as calculated at the dealer's authorized warranty rate for labor and parts, or $1,000, whichever amount is greater. A manufacturer or new motor vehicle dealer is not required to disclose to a dealer or buyer that glass, tires, bumpers, or cosmetic parts of a new motor vehicle were damaged at any time if the damaged item has been replaced with original or comparable equipment. A replaced part is not part of the cumulative damage required to be disclosed under this subsection.

(b) A manufacturer is required to provide the same disclosure to a dealer of any known damage or repair as required in (a) of this subsection.

(c) If disclosure of any known damage or repair is not required under this section, a buyer may not revoke or rescind a sales contract due to the fact that the new motor vehicle was damaged and repaired before completion of the sale.

(d) As used in this section:

(i) "Cosmetic parts" means parts that are attached by and can be replaced in total through the use of screws, bolts, or other fasteners without the use of welding or thermal cutting, and includes windshields, bumpers, hoods, or trim panels.

(ii) "Manufacturer's suggested retail price" means the retail price of the new motor vehicle suggested by the manufacturer, and includes the retail delivered price suggested by the manufacturer for each accessory or item of optional equipment physically attached to the new motor vehicle at the time of delivery to the new motor vehicle dealer that is not included within the retail price suggested by the manufacturer for the new motor vehicle.

(18)(a)(i) For a dealer to show a motor vehicle that is for sale or lease to a potential customer when it is a light truck, as defined in RCW 46.04.271, or a midsize or large sport utility vehicle, as defined in section 2 of this act, without a written disclosure in at least 10 point type, with boldface type used as indicated in (a)(ii)(A) of this subsection, posted on a readily visible area of the motor vehicle that complies with the requirements of (a)(ii) of this subsection.

(ii)(A) A disclosure required under (a)(i) of this subsection must consist of the following text: "Due to its size and weight, this vehicle likely poses increased risk to other roadway users. Drivers of more dangerous vehicles may be subject to more severe penalties for safety infractions, such as for failure to yield to pedestrians and for driving more than 10 miles per hour over the speed limit.

The state of Washington advises consumers considering the purchase or lease of a vehicle of this make and model that larger vehicles cause more severe injuries when they strike pedestrians, bicyclists, and other motorists due to their heavier weight. A vehicle sitting at a greater height with a long hood will have larger front blind spots that could prevent its driver from seeing a small child or someone in a wheelchair directly in front of it. Vehicles with straight, block-front grilles that strike a pedestrian's pelvis or chest immediately after the bumper hits the pedestrian's lower extremities can also transfer more energy to a pedestrian's body, increasing the severity of injury."

(B) A disclosure required under (a)(i) of this subsection must use boldface type for the following portion of text required under (a)(ii)(A) of this subsection: "Due to its size and weight, this vehicle likely poses increased risk to other roadway users. Drivers of more dangerous vehicles may be subject to more severe penalties for safety infractions."

(b)(i) For a dealer to enter into a motor vehicle sales contract for the retail sale or lease of a light truck, as defined in RCW 46.04.271, or of a midsize or large sport utility vehicle, as defined in section 2 of this act, without providing a written disclosure that follows the requirements of (b)(ii) of this subsection to a buyer of a motor vehicle and upon which the dealer obtains the buyer's signature.

(ii)(A) A disclosure required under (b)(i) of this subsection must be written in a typeface that is at least as large as the typeface used in the standard text of the document that contains the disclosure and that is boldfaced, capitalized, underlined, or otherwise set out from the surrounding material so as to be conspicuous.

(B) A disclosure required under (b)(i) of this subsection must consist of the following text: "The state of Washington advises consumers considering the purchase or lease of a vehicle of this make and model that larger vehicles cause more severe injuries when they strike pedestrians, bicyclists, and other motorists due to their heavier weight. A vehicle sitting at a greater height with a long hood will have larger front blind spots that could prevent its driver from seeing a small child or someone in a wheelchair directly in front of it. Vehicles with straight, block front grilles that strike a pedestrian's pelvis or chest immediately after the bumper hits the pedestrian's lower extremities can also transfer more energy to a pedestrian's body, increasing the severity of injury.

Because of the increased risk this vehicle poses to other roadway users, the state of Washington may impose more severe penalties for safety infractions, such as for failure to yield to pedestrians and for driving more than 10 miles per hour over the speed limit."

**Sec.**  RCW 46.61.190 and 2020 c 66 s 2 are each amended to read as follows:

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

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

(b)(i) With the exception of (b)(ii) and (iii) of this subsection, a person operating a bicycle approaching a stop sign shall either:

(A) Follow the requirements for approaching a stop sign as specified in (a) of this subsection; or

(B) Follow the requirements for approaching a yield sign as specified in subsection (3) of this section.

(ii) A person operating a bicycle approaching a stop sign located at a highway grade crossing of a railroad must follow the requirements of RCW 46.61.345.

(iii) A person operating a bicycle approaching a "stop" signal in use by a school bus, as required under RCW 46.37.190, must follow the requirements of RCW 46.61.370.

(3) The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions and if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering a marked crosswalk on the near side of the intersection or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the roadway, and then after slowing or stopping, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection or junction of roadways: PROVIDED, That if such a driver is involved in a collision with a vehicle in the intersection or junction of roadways, after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of the driver's failure to yield right-of-way.

(4)(a) When right-of-way has not been yielded in accordance with this section to a vehicle that is a vulnerable user of a public way, a driver of a motor vehicle found to be in violation of this section must be assessed an additional fine equal to the base penalty assessed under RCW 46.63.110(3). This fine may not be waived, reduced, or suspended, unless the court finds the offender to be indigent, and is not subject to the additional fees and assessments that the base penalty for this violation is subject to under RCW 2.68.040, 3.62.090, and 46.63.110.

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

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

(6) An additional fine of $100 shall apply when the driver of a vehicle commits an infraction under this section when the driver's vehicle is a light truck, as defined in RCW 46.04.271, or a midsize or large sport utility vehicle, as defined in section 2 of this act. This fine is not subject to the additional fees and assessments that the base penalty for this violation is subject to under RCW 2.68.040, 3.62.090, and 46.63.110. All receipts from this additional fine must be deposited into the vulnerable roadway user education account created in RCW 46.61.145.

**Sec.**  RCW 46.61.235 and 2019 c 214 s 12 are each amended to read as follows:

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

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

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

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

(5)(a) If a person is found to have committed an infraction under this section within a school, playground, or crosswalk speed zone created under RCW 46.61.440, the person must be assessed a monetary penalty equal to twice the penalty assessed under RCW 46.63.110. The penalty may not be waived, reduced, or suspended.

(b) Fifty percent of the moneys collected under this subsection must be deposited into the school zone safety account.

(6) An additional fine of $100 shall apply when the driver of a vehicle commits an infraction under this section when the driver's vehicle is a light truck, as defined in RCW 46.04.271, or a midsize or large sport utility vehicle, as defined in section 2 of this act. This fine is not subject to the additional fees and assessments that the base penalty for this violation is subject to under RCW 2.68.040, 3.62.090, and 46.63.110. All receipts from this additional fine must be deposited into the vulnerable roadway user education account created in RCW 46.61.145.

**Sec.**  RCW 46.61.245 and 2010 c 242 s 2 are each amended to read as follows:

(1) Notwithstanding the foregoing provisions of this chapter every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any obviously confused or incapacitated person upon a roadway.

(2)(a) If a person is found to have committed an infraction under this section within a school, playground, or crosswalk speed zone created under RCW 46.61.440, the person must be assessed a monetary penalty equal to twice the penalty assessed under RCW 46.63.110. The penalty may not be waived, reduced, or suspended.

(b) Fifty percent of the moneys collected under this subsection must be deposited into the school zone safety account.

(3) An additional fine of $100 shall apply when the driver of a vehicle commits an infraction under this section when the driver's vehicle is a light truck, as defined in RCW 46.04.271, or a midsize or large sport utility vehicle, as defined in section 2 of this act. This fine is not subject to the additional fees and assessments that the base penalty for this violation is subject to under RCW 2.68.040, 3.62.090, and 46.63.110. All receipts from this additional fine must be deposited into the vulnerable roadway user education account created in RCW 46.61.145.

**Sec.**  RCW 46.61.400 and 1965 ex.s. c 155 s 54 are each amended to read as follows:

(1) No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.

(2) Except when a special hazard exists that requires lower speed for compliance with subsection (1) of this section, the limits specified in this section or established as hereinafter authorized shall be maximum lawful speeds, and no person shall drive a vehicle on a highway at a speed in excess of such maximum limits.

(a) Twenty-five miles per hour on city and town streets;

(b) Fifty miles per hour on county roads;

(c) Sixty miles per hour on state highways.

The maximum speed limits set forth in this section may be altered as authorized in RCW 46.61.405, 46.61.410, and 46.61.415.

(3) The driver of every vehicle shall, consistent with the requirements of subsection (1) of this section, drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, and when special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions.

(4) An additional fine of $100 shall apply when the driver of a vehicle exceeds a maximum lawful speed limit authorized under this section by 10 miles per hour or more and when the driver's vehicle is a light truck, as defined in RCW 46.04.271, or a midsize or large sport utility vehicle, as defined in section 2 of this act. This fine is not subject to the additional fees and assessments that the base penalty for this violation is subject to under RCW 2.68.040, 3.62.090, and 46.63.110. All receipts from this additional fine must be deposited into the vulnerable roadway user education account created in RCW 46.61.145.

**Sec.**  RCW 46.61.440 and 2010 c 242 s 4 are each amended to read as follows:

(1) Subject to RCW 46.61.400(1), and except in those instances where a lower maximum lawful speed is provided by this chapter or otherwise, it shall be unlawful for the operator of any vehicle to operate the same at a speed in excess of ((~~twenty~~)) 20 miles per hour when operating any vehicle upon a highway either inside or outside an incorporated city or town when passing any marked school or playground crosswalk when such marked crosswalk is fully posted with standard school speed limit signs or standard playground speed limit signs. The speed zone at the crosswalk shall extend ((~~three hundred~~)) 300 feet in either direction from the marked crosswalk.

(2) A county or incorporated city or town may create a school or playground speed zone on a highway bordering a marked school or playground, in which zone it is unlawful for a person to operate a vehicle at a speed in excess of ((~~twenty~~)) 20 miles per hour. The school or playground speed zone may extend ((~~three hundred~~)) 300 feet from the border of the school or playground property; however, the speed zone may only include area consistent with active school or playground use.

(3) A person found to have committed any infraction relating to speed restrictions within a school or playground speed zone shall be assessed a monetary penalty equal to twice the penalty assessed under RCW 46.63.110. This penalty may not be waived, reduced, or suspended.

(4) An additional fine of $100 shall apply when the driver of a vehicle exceeds a maximum lawful speed limit authorized under this section by 10 miles per hour or more and when the driver's vehicle is a light truck, as defined in RCW 46.04.271, or a midsize or large sport utility vehicle, as defined in section 2 of this act. This fine is not subject to the additional fees and assessments that the base penalty for this violation is subject to under RCW 2.68.040, 3.62.090, and 46.63.110. All receipts from this additional fine must be deposited into the vulnerable roadway user education account created in RCW 46.61.145.

(5) School districts may erect signs that comply with the uniform state standards adopted and designated by the department of transportation under RCW 47.36.030, informing motorists of the increased monetary penalties assessed for violations of RCW 46.61.235, 46.61.245, or 46.61.261 within a school, playground, or crosswalk speed zone created under subsection (1) or (2) of this section.

((~~(5)~~)) (6) The school zone safety account is created in the custody of the state treasurer. Fifty percent of the moneys collected under subsection (3) of this section and the moneys collected under RCW 46.61.235(5), 46.61.245(2), or 46.61.261(2) shall be deposited into the account. Expenditures from the account may be used only by the Washington traffic safety commission solely to fund projects in local communities to improve school zone safety, pupil transportation safety, and student safety in school bus loading and unloading areas. Only the director of the traffic safety commission or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures until July 1, 1999, after which date moneys in the account may be spent only after appropriation.

**Sec.**  RCW 46.61.145 and 2019 c 403 s 4 are each amended to read as follows:

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

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

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

(4)(a) When the vehicle being followed is a vulnerable user of a public way, a driver of a motor vehicle found to be in violation of this section must be assessed an additional fine equal to the base penalty assessed under RCW 46.63.110(3). This fine may not be waived, reduced, or suspended, unless the court finds the offender to be indigent, and is not subject to the additional fees and assessments that the base penalty for this violation is subject to under RCW 2.68.040, 3.62.090, and 46.63.110.

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

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

(6) The vulnerable roadway user education account is created in the state treasury. All receipts from the additional fine in subsection (4) of this section must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only by the Washington traffic safety commission solely to:

(a) 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

(b) With any funds remaining once the program support specified in (a) of this subsection has been provided((~~, support~~)):

(i) Support programs dedicated to increasing awareness by the public of the risks and penalties associated with traffic infractions and offenses committed against vulnerable roadway users; and

(ii) Conduct the educational campaigns required under section 15 of this act.

**Sec.**  RCW 2.68.040 and 2021 c 240 s 14 are each amended to read as follows:

(1) To support the judicial information system account provided for in RCW 2.68.020, the supreme court may provide by rule for an increase in fines, penalties, and assessments, and the increased amount shall be forwarded to the state treasurer for deposit in the account:

(a) Pursuant to the authority of RCW 46.63.110(3), the sum of ((~~ten dollars~~)) $10 to any penalty collected by a court pursuant to supreme court infraction rules for courts of limited jurisdiction;

(b) Pursuant to RCW 3.62.060, a mandatory appearance cost in the initial sum of ((~~ten dollars~~)) $10 to be assessed on all defendants; and

(c) Pursuant to RCW 46.63.110(6), a ((~~ten-dollar~~)) $10 assessment for each account for which a person requests a time payment schedule.

(2) Notwithstanding a provision of law or rule to the contrary, the assessments provided for in this section may not be waived or suspended and shall be immediately due and payable upon forfeiture, conviction, deferral of prosecution, or request for time payment, as each shall occur.

(3) The supreme court is requested to adjust these assessments for inflation.

(4) This section does not apply to the additional monetary penalty under RCW 46.20.500.

(5) This section does not apply to the additional monetary fine under RCW 46.61.110, 46.61.145, 46.61.180, 46.61.185, 46.61.190, ((~~and~~)) 46.61.205, 46.61.235, 46.61.245, 46.61.400, and 46.61.440.

(6) This section does not apply to the additional monetary penalties under RCW 46.61.165.

(7) In addition to any amount prescribed by rule under subsection (1)(a) of this section as an assessment on traffic infractions dedicated for the judicial information system, there shall be assessed $2 on each traffic infraction. The additional $2 shall be forwarded to the state treasurer for deposit in the driver licensing technology support account, created under RCW 46.68.067, to be used to support information technology systems used by the department of licensing to communicate with the judicial information system, manage driving records, and implement court orders.

**Sec.**  RCW 3.62.090 and 2019 c 467 s 5, 2019 c 403 s 11, and 2019 c 65 s 5 are each reenacted and amended to read as follows:

(1) There shall be assessed and collected in addition to any fines, forfeitures, or penalties assessed, other than for parking infractions, by all courts organized under Title 3 or 35 RCW a public safety and education assessment equal to ((~~seventy~~)) 70 percent of such fines, forfeitures, or penalties, which shall be remitted as provided in this chapter and chapters 3.46, 3.50, ((~~3.62,~~)) and 35.20 RCW. The assessment required by this section shall not be suspended or waived by the court.

(2) There shall be assessed and collected in addition to any fines, forfeitures, or penalties assessed, other than for parking infractions and for fines levied under RCW 46.61.5055, and in addition to the public safety and education assessment required under subsection (1) of this section, by all courts organized under Title 3 or 35 RCW, an additional public safety and education assessment equal to ((~~fifty~~)) 50 percent of the public safety and education assessment required under subsection (1) of this section, which shall be remitted to the state treasurer and deposited as provided in RCW 43.08.250. The additional assessment required by this subsection shall not be suspended or waived by the court.

(3) This section does not apply to the fee imposed under RCW 46.63.110(7), the penalty imposed under RCW 46.63.110(8), the additional penalty imposed under RCW 46.20.500, the additional fine imposed under RCW 46.61.110, 46.61.145, 46.61.180, 46.61.185, 46.61.190, ((~~and~~)) 46.61.205, 46.61.235, 46.61.245, 46.61.400, and 46.61.440, or the penalty assessment imposed under RCW 10.99.080. This section does not apply to the additional monetary penalties under RCW 46.61.165.

**Sec.**  RCW 46.63.110 and 2021 c 240 s 3 are each amended to read as follows:

(1)(a) A person found to have committed a traffic infraction shall be assessed a monetary penalty. No penalty may exceed ((~~two hundred and fifty dollars~~)) $250 for each offense unless authorized by this chapter or title.

(b) The court may waive or remit any monetary penalty, fee, cost, assessment, or other monetary obligation associated with a traffic infraction unless the specific monetary obligation in question is prohibited from being waived or remitted by state law.

(2) The monetary penalty for a violation of (a) RCW 46.55.105(2) is ((~~two hundred fifty dollars~~)) $250 for each offense; (b) RCW 46.61.210(1) is ((~~five hundred dollars~~)) $500 for each offense. No penalty assessed under this subsection (2) may be reduced.

(3) The supreme court shall prescribe by rule a schedule of monetary penalties for designated traffic infractions. This rule shall also specify the conditions under which local courts may exercise discretion in assessing fines and penalties for traffic infractions. The legislature respectfully requests the supreme court to adjust this schedule every two years for inflation.

(4) There shall be a penalty of ((~~twenty-five dollars~~)) $25 for failure to respond to a notice of traffic infraction except where the infraction relates to parking as defined by local law, ordinance, regulation, or resolution or failure to pay a monetary penalty imposed pursuant to this chapter. A local legislative body may set a monetary penalty not to exceed ((~~twenty-five dollars~~)) $25 for failure to respond to a notice of traffic infraction relating to parking as defined by local law, ordinance, regulation, or resolution. The local court, whether a municipal, police, or district court, shall impose the monetary penalty set by the local legislative body.

(5) Monetary penalties provided for in chapter 46.70 RCW which are civil in nature and penalties which may be assessed for violations of chapter 46.44 RCW relating to size, weight, and load of motor vehicles are not subject to the limitation on the amount of monetary penalties which may be imposed pursuant to this chapter.

(6) Whenever a monetary penalty, fee, cost, assessment, or other monetary obligation is imposed by a court under this chapter, it is immediately payable and is enforceable as a civil judgment under Title 6 RCW. If the court determines that a person is not able to pay a monetary obligation in full, the court shall enter into a payment plan with the person in accordance with RCW 46.63.190 and standards that may be set out in court rule.

(7) In addition to any other penalties imposed under this section and not subject to the limitation of subsection (1) of this section, a person found to have committed a traffic infraction shall be assessed:

(a) A fee of ((~~five dollars~~)) $5 per infraction. Under no circumstances shall this fee be reduced or waived. Revenue from this fee shall be forwarded to the state treasurer for deposit in the emergency medical services and trauma care system trust account under RCW 70.168.040;

(b) A fee of ((~~ten dollars~~)) $10 per infraction. Under no circumstances shall this fee be reduced or waived. Revenue from this fee shall be forwarded to the state treasurer for deposit in the Washington auto theft prevention authority account; and

(c) A fee of ((~~five dollars~~)) $5 per infraction. Under no circumstances shall this fee be reduced or waived. Revenue from this fee shall be forwarded to the state treasurer for deposit in the traumatic brain injury account established in RCW 74.31.060.

(8)(a) In addition to any other penalties imposed under this section and not subject to the limitation of subsection (1) of this section, a person found to have committed a traffic infraction other than of RCW 46.61.527 or 46.61.212 shall be assessed an additional penalty of $24. The court may not reduce, waive, or suspend the additional penalty unless the court finds the offender to be indigent. If a court authorized community restitution program for offenders is available in the jurisdiction, the court shall allow offenders to offset all or a part of the penalty due under this subsection (8) by participation in the court authorized community restitution program.

(b) $12.50 of the additional penalty under (a) of this subsection shall be remitted to the state treasurer. The remaining revenue from the additional penalty must be remitted under chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted under this subsection to the state treasurer must be deposited as follows: $8.50 in the state general fund and $4 in the driver licensing technology support account created under RCW 46.68.067. The moneys deposited into the driver licensing technology support account must be used to support information technology systems used by the department to communicate with the judicial information system, manage driving records, and implement court orders. The balance of the revenue received by the county or city treasurer under this subsection must be deposited into the county or city current expense fund. Moneys retained by the city or county under this subsection shall constitute reimbursement for any liabilities under RCW 43.135.060.

(9) If a legal proceeding, such as garnishment, has commenced to collect any delinquent amount owed by the person for any penalty imposed by the court under this section, the person may request a payment plan pursuant to RCW 46.63.190.

(10) The monetary penalty for violating RCW 46.37.395 is: (a) ((~~Two hundred fifty dollars~~)) $250 for the first violation; (b) ((~~five hundred dollars~~)) $500 for the second violation; and (c) ((~~seven hundred fifty dollars~~)) $750 for each violation thereafter.

(11) The additional monetary penalty for a violation of RCW 46.20.500 is not subject to assessments or fees provided under this section.

(12) The additional monetary fine for a violation of RCW 46.61.110, 46.61.145, 46.61.180, 46.61.185, 46.61.190, ((~~and~~)) 46.61.205, 46.61.235, 46.61.245, 46.61.400, and 46.61.440 is not subject to assessments or fees provided under this section.

(13) The additional monetary penalties for a violation of RCW 46.61.165 are not subject to assessments or fees provided under this section.

NEW SECTION. **Sec.**  A new section is added to chapter 46.01 RCW to read as follows:

(1) The department shall maintain a record of motor vehicles registered under chapter 46.16A RCW that meet the definition of light truck, as defined in RCW 46.04.271, and of midsize or large sport utility vehicle, as defined in section 2 of this act. The department may use any available information relevant to vehicle classification including, but not limited to, information sources or databases that provide vehicle model classification information to determine whether a motor vehicle meets the definitions in RCW 46.04.271 and in section 2 of this act.

(2) The department shall maintain and publish a list of motor vehicles by make and model and model year that meet the definition of light truck, as defined in RCW 46.04.271, and of midsize or large sport utility vehicle, as defined in section 2 of this act, as a tool to facilitate motor vehicle dealers meeting the requirements of RCW 46.70.180(18). Should a vehicle make, model, and model year include a significant number of vehicles that meet the definition of light truck or of midsize or large sport utility vehicle, as well as vehicles that do not, the department shall include that vehicle make, model, and model year in the list maintained and published under this subsection. A motor vehicle dealer may not be found to be out of compliance with RCW 46.70.180(18) when a disclosure required under RCW 46.70.180(18) is not made for a vehicle that meets the definition of light truck or midsize or large sport utility vehicle when that vehicle is a make, model, and model year that is not included in the department's list maintained and published in accordance with this section on the day the vehicle is shown for violations of RCW 46.70.180(18)(a), or on the day the vehicle is sold for violations of RCW 46.70.180(18)(b).

(3)(a) The department shall provide the owner or owner's authorized representative of a vehicle applying for an original vehicle registration under RCW 46.16A.040 or a vehicle registration renewal under RCW 46.16A.110 with the written text provided in (b) of this subsection when the vehicle is categorized by the department as a light truck, as defined in RCW 46.04.271, or as a midsize or large sport utility vehicle, as defined in section 2 of this act.

(b) The written text required under (a) of this subsection must consist of the following: "The state of Washington advises consumers registering a vehicle of this make and model that larger vehicles cause more severe injuries when they strike pedestrians, bicyclists, and other motorists due to their heavier weight. A vehicle sitting at a greater height with a long hood will have larger front blind spots that could prevent its driver from seeing a small child or someone in a wheelchair directly in front of it. Vehicles with straight, block front grilles that strike a pedestrian's pelvis or chest immediately after the bumper hits the pedestrian's lower extremities can also transfer more energy to a pedestrian's body, increasing the severity of injury.

Because of the increased risk this vehicle poses to other roadway users, the state of Washington may impose more severe penalties for safety infractions, such as for failure to yield to pedestrians and for driving more than 10 miles per hour over the speed limit."

NEW SECTION. **Sec.**  A new section is added to chapter 43.43 RCW to read as follows:

The Washington state patrol shall incorporate the department of licensing's classification of registered motor vehicles as light trucks, as defined in RCW 46.04.271, and of midsize or large sport utility vehicles, as defined in section 2 of this act, into the state patrol's collision and traffic citation reporting system to facilitate the determination of whether the additional fee under RCW 46.61.190, 46.61.235, 46.61.245, 46.61.400, and 46.61.440 applies when a traffic citation for one of these infractions is issued.

NEW SECTION. **Sec.**  A new section is added to chapter 43.59 RCW to read as follows:

The Washington state traffic safety commission shall conduct periodic educational campaigns to increase awareness of the increased risks to pedestrians and other vulnerable roadway users from light trucks, as defined in RCW 46.04.271, and from midsize and large sport utility vehicles, as defined in section 2 of this act, with an emphasis on informing drivers of these vehicles of the nature of this increased risk. The educational campaign directed to drivers shall include information on the increased fines that apply for certain infractions committed while driving these vehicles.

NEW SECTION. **Sec.**  This act takes effect January 1, 2024.

**--- END ---**