

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1112

Chapter 471, Laws of 2023

68th Legislature
2023 Regular Session

NEGLIGENT DRIVING WITH A VULNERABLE USER VICTIM

EFFECTIVE DATE: January 1, 2025

Passed by the House April 14, 2023
Yeas 96 Nays 0

LAURIE JINKINS

**Speaker of the House of
Representatives**

Passed by the Senate April 12, 2023
Yeas 49 Nays 0

DENNY HECK

President of the Senate

Approved May 16, 2023 10:49 AM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1112** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

May 17, 2023

**Secretary of State
State of Washington**

HOUSE BILL 1112

AS AMENDED BY THE SENATE

Passed Legislature - 2023 Regular Session

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

By Representatives Harris, Santos, Ramel, Fitzgibbon, Kloba, and Donaghy

Prefiled 01/04/23. Read first time 01/09/23. Referred to Committee on Community Safety, Justice, & Reentry.

1 AN ACT Relating to imposing criminal penalties for negligent
2 driving involving the death of a vulnerable user victim; amending RCW
3 46.61.526, 46.20.342, 46.61.110, 46.61.145, 46.61.180, 46.61.185,
4 46.61.190, 46.61.205, and 46.63.020; adding a new section to chapter
5 46.61 RCW; adding a new section to chapter 43.59 RCW; prescribing
6 penalties; and providing an effective date.

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

8 NEW SECTION. **Sec. 1.** A new section is added to chapter 46.61
9 RCW to read as follows:

10 (1) A person commits negligent driving with a vulnerable user
11 victim in the first degree if he or she operates a vehicle, as
12 defined in RCW 46.04.670, in a manner that is both negligent and
13 endangers or is likely to endanger any person or property, and he or
14 she proximately causes the death of a vulnerable user of a public
15 way.

16 (2) Violation of this section is a gross misdemeanor, which shall
17 be punished by:

18 (a) Up to 364 days of imprisonment;

19 (b) A fine of \$5,000, which may not be reduced to an amount less
20 than \$1,000; and

21 (c) Suspension of driving privileges for 90 days.

1 (3) If a person is convicted of an offense under this section,
2 then the court shall notify the department, and the department shall
3 suspend the person's driving privileges.

4 (4) For the purposes of this section:

5 (a) "Negligent" has the same meaning as provided in RCW
6 46.61.525(2).

7 (b) "Vulnerable user of a public way" means:

8 (i) A pedestrian;

9 (ii) A person riding an animal; or

10 (iii) A person operating or riding any of the following on a
11 public way:

12 (A) A farm tractor or implement of husbandry, without an enclosed
13 shell;

14 (B) A bicycle;

15 (C) An electric-assisted bicycle;

16 (D) An electric personal assistive mobility device;

17 (E) A moped;

18 (F) A motor-driven cycle;

19 (G) A motorized foot scooter; or

20 (H) A motorcycle.

21 **Sec. 2.** RCW 46.61.526 and 2020 c 146 s 1 are each amended to
22 read as follows:

23 (1) A person commits negligent driving (~~(in the second degree)~~)
24 with a vulnerable user victim in the second degree if, under
25 circumstances not constituting negligent driving with a vulnerable
26 user victim in the first degree under section 1 of this act or
27 negligent driving in the first degree under RCW 46.61.5249, he or she
28 operates a vehicle, as defined in RCW 46.04.670, in a manner that is
29 both negligent and endangers or is likely to endanger any person or
30 property, and he or she proximately causes (~~(the death,)~~) great
31 bodily harm(~~(7)~~) or substantial bodily harm of a vulnerable user of a
32 public way.

33 (2) The law enforcement officer or prosecuting authority issuing
34 the notice of infraction for an offense under this section shall
35 state on the notice of infraction that the offense was a proximate
36 cause of (~~(death,)~~) great bodily harm(~~(7)~~) or substantial bodily
37 harm, as defined in RCW 9A.04.110, of a vulnerable user of a public
38 way.

1 (3) Persons under the age of (~~sixteen~~) 16 who commit an
2 infraction under this section are subject to the provisions of RCW
3 13.40.250.

4 (4) A person found to have committed negligent driving in the
5 second degree with a vulnerable user victim shall be required to:

6 (a) Pay a monetary penalty of (~~five thousand dollars~~) \$5,000,
7 which may not be reduced to an amount less than (~~one thousand~~
8 ~~dollars~~) \$1,000; and

9 (b) Have his or her driving privileges suspended for (~~ninety~~)
10 90 days.

11 (5) In lieu of the penalties imposed under subsection (4) of this
12 section, a person found to have committed negligent driving with a
13 vulnerable user victim in the second degree (~~with a vulnerable user~~
14 ~~victim~~) who requests and personally appears for a hearing pursuant
15 to RCW 46.63.070 (1) or (2) may elect to:

16 (a) Pay a penalty of (~~two hundred fifty dollars~~) \$250;

17 (b) Attend traffic school for a number of days to be determined
18 by the court pursuant to chapter 46.83 RCW;

19 (c) Perform community service for a number of hours to be
20 determined by the court, which may not exceed (~~one hundred~~) 100
21 hours, and which must include activities related to driver
22 improvement and providing public education on traffic safety; and

23 (d) Submit certification to the court establishing that the
24 requirements of this subsection have been met within one year of the
25 hearing.

26 (6) If a person found to have committed a violation of this
27 section elects the penalties imposed under subsection (5) of this
28 section, the court may impose the penalties under subsection (5) of
29 this section and the court may assess costs as the court deems
30 appropriate for administrative processing.

31 (7) Except as provided in (b) of this subsection, if a person
32 found to have committed a violation of this section elects the
33 penalties under subsection (5) of this section but does not complete
34 all requirements of subsection (5) of this section within one year of
35 the hearing:

36 (a) (i) The court shall impose a monetary penalty in the amount of
37 (~~five thousand dollars~~) \$5,000, which may not be reduced to an
38 amount less than (~~one thousand dollars~~) \$1,000; and

39 (ii) The person's driving privileges shall be suspended for
40 (~~ninety~~) 90 days.

1 (b) For good cause shown, the court may extend the period of time
2 in which the person must complete the requirements of subsection (5)
3 of this section before any of the penalties provided in this
4 subsection are imposed.

5 (8) An offense under this section is a traffic infraction. To the
6 extent not inconsistent with this section, the provisions of chapter
7 46.63 RCW shall apply to infractions under this section. Procedures
8 for the conduct of all hearings provided for in this section may be
9 established by rule of the supreme court.

10 (9) If a person is penalized under subsection (4) of this
11 section, then the court shall notify the department, and the
12 department shall suspend the person's driving privileges. If a person
13 fails to meet the requirements of subsection (5) of this section, the
14 court shall notify the department that the person has failed to meet
15 the requirements of subsection (5) of this section and the department
16 shall suspend the person's driving privileges. Notice provided by the
17 court under this subsection must be in a form specified by the
18 department.

19 (10) Any act prohibited by this section that also constitutes a
20 crime under any other law of this state may be the basis of
21 prosecution under such other law notwithstanding that it may also be
22 the basis for prosecution under this section.

23 (11) For the purposes of this section:

24 (a) "Great bodily harm" and "substantial bodily harm" have the
25 same meaning as provided in RCW 9A.04.110.

26 (b) "Negligent" has the same meaning as provided in RCW
27 46.61.525(2).

28 (c) "Vulnerable user of a public way" (~~means:~~

29 ~~(i) A pedestrian;~~

30 ~~(ii) A person riding an animal; or~~

31 ~~(iii) A person operating or riding any of the following on a
32 public way:~~

33 ~~(A) A farm tractor or implement of husbandry, without an enclosed
34 shell;~~

35 ~~(B) A bicycle;~~

36 ~~(C) An electric-assisted bicycle;~~

37 ~~(D) An electric personal assistive mobility device;~~

38 ~~(E) A moped;~~

39 ~~(F) A motor-driven cycle;~~

40 ~~(G) A motorized foot scooter; or~~

1 ~~(H) A motorcycle~~) has the same meaning as provided in section 1
2 of this act.

3 **Sec. 3.** RCW 46.20.342 and 2021 c 240 s 9 are each amended to
4 read as follows:

5 (1) It is unlawful for any person to drive a motor vehicle in
6 this state while that person is in a suspended or revoked status or
7 when his or her privilege to drive is suspended or revoked in this or
8 any other state. Any person who has a valid Washington driver's
9 license is not guilty of a violation of this section.

10 (a) A person found to be a habitual offender under chapter 46.65
11 RCW, who violates this section while an order of revocation issued
12 under chapter 46.65 RCW prohibiting such operation is in effect, is
13 guilty of driving while license suspended or revoked in the first
14 degree, a gross misdemeanor. Upon the first such conviction, the
15 person shall be punished by imprisonment for not less than ~~((ten))~~ 10
16 days. Upon the second conviction, the person shall be punished by
17 imprisonment for not less than ~~((ninety))~~ 90 days. Upon the third or
18 subsequent conviction, the person shall be punished by imprisonment
19 for not less than ~~((one hundred eighty))~~ 180 days. If the person is
20 also convicted of the offense defined in RCW 46.61.502 or 46.61.504,
21 when both convictions arise from the same event, the minimum sentence
22 of confinement shall be not less than ~~((ninety))~~ 90 days. The minimum
23 sentence of confinement required shall not be suspended or deferred.
24 A conviction under this subsection does not prevent a person from
25 petitioning for reinstatement as provided by RCW 46.65.080.

26 (b) A person who violates this section while an order of
27 suspension or revocation prohibiting such operation is in effect and
28 while the person is not eligible to reinstate his or her driver's
29 license or driving privilege, other than for a suspension for the
30 reasons described in (c) of this subsection, is guilty of driving
31 while license suspended or revoked in the second degree, a gross
32 misdemeanor. For the purposes of this subsection, a person is not
33 considered to be eligible to reinstate his or her driver's license or
34 driving privilege if the person is eligible to obtain an ignition
35 interlock driver's license but did not obtain such a license. This
36 subsection applies when a person's driver's license or driving
37 privilege has been suspended or revoked by reason of:

38 (i) A conviction of a felony in the commission of which a motor
39 vehicle was used;

1 (ii) A previous conviction under this section;

2 (iii) A notice received by the department from a court or
3 diversion unit as provided by RCW 46.20.265, relating to a minor who
4 has committed, or who has entered a diversion unit concerning an
5 offense relating to alcohol, legend drugs, controlled substances, or
6 imitation controlled substances;

7 (iv) A conviction of RCW 46.20.410, relating to the violation of
8 restrictions of an occupational driver's license, a temporary
9 restricted driver's license, or an ignition interlock driver's
10 license;

11 (v) A conviction of RCW 46.20.345, relating to the operation of a
12 motor vehicle with a suspended or revoked license;

13 (vi) A conviction of RCW 46.52.020, relating to duty in case of
14 injury to or death of a person or damage to an attended vehicle;

15 (vii) A conviction of RCW 46.61.024, relating to attempting to
16 elude pursuing police vehicles;

17 (viii) A conviction of RCW 46.61.212(5), relating to reckless
18 endangerment of emergency zone workers;

19 (ix) A conviction of RCW 46.61.500, relating to reckless driving;

20 (x) A conviction of RCW 46.61.502 or 46.61.504, relating to a
21 person under the influence of intoxicating liquor or drugs;

22 (xi) A conviction of RCW 46.61.520, relating to vehicular
23 homicide;

24 (xii) A conviction of RCW 46.61.522, relating to vehicular
25 assault;

26 (xiii) A conviction of RCW 46.61.527(4), relating to reckless
27 endangerment of roadway workers;

28 (xiv) A conviction of RCW 46.61.530, relating to racing of
29 vehicles on highways;

30 (xv) A conviction of RCW 46.61.685, relating to leaving children
31 in an unattended vehicle with motor running;

32 (xvi) A conviction of RCW 46.61.740, relating to theft of motor
33 vehicle fuel;

34 (xvii) A conviction of RCW 46.64.048, relating to attempting,
35 aiding, abetting, coercing, and committing crimes;

36 (xviii) A conviction of section 1 of this act, relating to
37 negligent driving with a vulnerable user victim in the first degree;

38 (xix) An administrative action taken by the department under this
39 chapter ((46.20-RCW));

1 (~~(xix)~~) (xx) A conviction of a local law, ordinance,
2 regulation, or resolution of a political subdivision of this state,
3 the federal government, or any other state, of an offense
4 substantially similar to a violation included in this subsection; or

5 (~~(xx)~~) (xxi) A finding that a person has committed a traffic
6 infraction under RCW 46.61.526 and suspension of driving privileges
7 pursuant to RCW 46.61.526 (4) (b) or (7) (a) (ii).

8 (c) A person who violates this section when his or her driver's
9 license or driving privilege is, at the time of the violation,
10 suspended or revoked solely because:

11 (i) The person must furnish proof of satisfactory progress in a
12 required alcoholism or drug treatment program;

13 (ii) The person must furnish proof of financial responsibility
14 for the future as provided by chapter 46.29 RCW;

15 (iii) The person has failed to comply with the provisions of
16 chapter 46.29 RCW relating to uninsured accidents;

17 (iv) The person has failed to respond to a notice of traffic
18 infraction for a moving violation, failed to appear at a hearing for
19 a moving violation, or failed to comply with the terms of a criminal
20 complaint or criminal citation for a moving violation, as provided in
21 RCW 46.20.289(1);

22 (v) The person has committed an offense in another state that, if
23 committed in this state, would not be grounds for the suspension or
24 revocation of the person's driver's license;

25 (vi) The person has been suspended or revoked by reason of one or
26 more of the items listed in (b) of this subsection, but was eligible
27 to reinstate his or her driver's license or driving privilege at the
28 time of the violation;

29 (vii) The person has received traffic citations or notices of
30 traffic infraction that have resulted in a suspension under RCW
31 46.20.267 relating to intermediate drivers' licenses; or

32 (viii) The person has been certified by the department of social
33 and health services as a person who is not in compliance with a child
34 support order as provided in RCW 74.20A.320, or any combination of
35 (c) (i) through (viii) of this subsection, is guilty of driving while
36 license suspended or revoked in the third degree, a misdemeanor.

37 (d) For the purposes of this subsection, a person is not
38 considered to be eligible to reinstate his or her driver's license or
39 driving privilege if the person is eligible to obtain an ignition
40 interlock driver's license but did not obtain such a license.

1 (2) Upon receiving a record of conviction of any person or upon
2 receiving an order by any juvenile court or any duly authorized court
3 officer of the conviction of any juvenile under this section, the
4 department shall:

5 (a) For a conviction of driving while suspended or revoked in the
6 first degree, as provided by subsection (1)(a) of this section,
7 extend the period of administrative revocation imposed under chapter
8 46.65 RCW for an additional period of one year from and after the
9 date the person would otherwise have been entitled to apply for a new
10 license or have his or her driving privilege restored; or

11 (b) For a conviction of driving while suspended or revoked in the
12 second degree, as provided by subsection (1)(b) of this section, not
13 issue a new license or restore the driving privilege for an
14 additional period of one year from and after the date the person
15 would otherwise have been entitled to apply for a new license or have
16 his or her driving privilege restored; or

17 (c) Not extend the period of suspension or revocation if the
18 conviction was under subsection (1)(c) of this section. If the
19 conviction was under subsection (1)(a) or (b) of this section and the
20 court recommends against the extension and the convicted person has
21 obtained a valid driver's license, the period of suspension or
22 revocation shall not be extended.

23 **Sec. 4.** RCW 46.61.110 and 2019 c 403 s 3 are each amended to
24 read as follows:

25 The following rules shall govern the overtaking and passing of
26 vehicles proceeding in the same direction:

27 (1)(a) The driver of a vehicle overtaking other traffic
28 proceeding in the same direction shall pass to the left of it at a
29 safe distance and shall not again drive to the right side of the
30 roadway until safely clear of the overtaken traffic.

31 (b)(i) When the vehicle being overtaken is a motorcycle, motor-
32 driven cycle, or moped, a driver of a motor vehicle found to be in
33 violation of (a) of this subsection must be assessed an additional
34 fine equal to the base penalty assessed under RCW 46.63.110(3). This
35 fine may not be waived, reduced, or suspended, unless the court finds
36 the offender to be indigent, and is not subject to the additional
37 fees and assessments that the base penalty for this violation is
38 subject to under RCW 2.68.040, 3.62.090, and 46.63.110.

1 (ii) The additional fine imposed under (b)(i) of this subsection
2 must be deposited into the vulnerable roadway user education account
3 created in RCW 46.61.145.

4 (2)(a) The driver of a vehicle approaching an individual who is
5 traveling as a pedestrian or on a bicycle, riding an animal, or using
6 a farm tractor or implement of husbandry without an enclosed shell,
7 and who is traveling in the right lane of a roadway or on the right-
8 hand shoulder or bicycle lane of the roadway, shall:

9 (i) On a roadway with two lanes or more for traffic moving in the
10 direction of travel, before passing and until safely clear of the
11 individual, move completely into a lane to the left of the right lane
12 when it is safe to do so;

13 (ii) On a roadway with only one lane for traffic moving in the
14 direction of travel:

15 (A) When there is sufficient room to the left of the individual
16 in the lane for traffic moving in the direction of travel, before
17 passing and until safely clear of the individual:

18 (I) Reduce speed to a safe speed for passing relative to the
19 speed of the individual; and

20 (II) Pass at a safe distance, where practicable of at least three
21 feet, to clearly avoid coming into contact with the individual or the
22 individual's vehicle or animal; or

23 (B) When there is insufficient room to the left of the individual
24 in the lane for traffic moving in the direction of travel to comply
25 with (a)(ii)(A) of this subsection, before passing and until safely
26 clear of the individual, move completely into the lane for traffic
27 moving in the opposite direction when it is safe to do so and in
28 compliance with RCW 46.61.120 and 46.61.125.

29 (b) A driver of a motor vehicle found to be in violation of this
30 subsection (2) must be assessed an additional fine equal to the base
31 penalty assessed under RCW 46.63.110(3). This fine may not be waived,
32 reduced, or suspended, unless the court finds the offender to be
33 indigent, and is not subject to the additional fees and assessments
34 that the base penalty for this violation is subject to under RCW
35 2.68.040, 3.62.090, and 46.63.110.

36 (c) The additional fine imposed under (b) of this subsection must
37 be deposited into the vulnerable roadway user education account
38 created in RCW 46.61.145.

1 (d) For the purposes of this section, "vulnerable user of a
2 public way" has the same meaning as provided in ((RCW
3 ~~46.61.526(11)(e))~~) section 1 of this act.

4 (3) Except when overtaking and passing on the right is permitted,
5 overtaken traffic shall give way to the right in favor of an
6 overtaking vehicle on audible signal and shall not increase speed
7 until completely passed by the overtaking vehicle.

8 **Sec. 5.** RCW 46.61.145 and 2019 c 403 s 4 are each amended to
9 read as follows:

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

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

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

28 (4)(a) When the vehicle being followed is a vulnerable user of a
29 public way, a driver of a motor vehicle found to be in violation of
30 this section must be assessed an additional fine equal to the base
31 penalty assessed under RCW 46.63.110(3). This fine may not be waived,
32 reduced, or suspended, unless the court finds the offender to be
33 indigent, and is not subject to the additional fees and assessments
34 that the base penalty for this violation is subject to under RCW
35 2.68.040, 3.62.090, and 46.63.110.

36 (b) For the purposes of this section, "vulnerable user of a
37 public way" has the same meaning as provided in ((RCW
38 ~~46.61.526(11)(e))~~) section 1 of this act.

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

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

10 (a) Support programs dedicated to increasing awareness by law
11 enforcement officers, prosecutors, and judges of opportunities for
12 the enforcement of traffic infractions and offenses committed against
13 vulnerable roadway users; and

14 (b) With any funds remaining once the program support specified
15 in (a) of this subsection has been provided, support programs
16 dedicated to increasing awareness by the public of the risks and
17 penalties associated with traffic infractions and offenses committed
18 against vulnerable roadway users.

19 **Sec. 6.** RCW 46.61.180 and 2019 c 403 s 5 are each amended to
20 read as follows:

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

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

28 (3)(a) When the vehicle on the right approaching the intersection
29 is a vulnerable user of a public way, a driver of a motor vehicle
30 found to be in violation of this section must be assessed an
31 additional fine equal to the base penalty assessed under RCW
32 46.63.110(3). This fine may not be waived, reduced, or suspended,
33 unless the court finds the offender to be indigent, and is not
34 subject to the additional fees and assessments that the base penalty
35 for this violation is subject to under RCW 2.68.040, 3.62.090, and
36 46.63.110.

37 (b) For the purposes of this section, "vulnerable user of a
38 public way" has the same meaning as provided in ((RCW
39 ~~46.61.526(11)(e))~~) section 1 of this act.

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

4 **Sec. 7.** RCW 46.61.185 and 2019 c 403 s 6 are each amended to
5 read as follows:

6 (1) The driver of a vehicle intending to turn to the left within
7 an intersection or into an alley, private road, or driveway shall
8 yield the right-of-way to any vehicle approaching from the opposite
9 direction which is within the intersection or so close thereto as to
10 constitute an immediate hazard.

11 (2)(a) When the vehicle approaching from the opposite direction
12 within the intersection or so close that it constitutes an immediate
13 hazard is a vulnerable user of a public way, a driver of a motor
14 vehicle found to be in violation of this section must be assessed an
15 additional fine equal to the base penalty assessed under RCW
16 46.63.110(3). This fine may not be waived, reduced, or suspended,
17 unless the court finds the offender to be indigent, and is not
18 subject to the additional fees and assessments that the base penalty
19 for this violation is subject to under RCW 2.68.040, 3.62.090, and
20 46.63.110.

21 (b) For the purposes of this section, "vulnerable user of a
22 public way" has the same meaning as provided in ((RCW
23 46.61.526(11)(e))) section 1 of this act.

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

27 **Sec. 8.** RCW 46.61.190 and 2020 c 66 s 2 are each amended to read
28 as follows:

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

31 (2)(a) Except when directed to proceed by a duly authorized
32 flagger, or a police officer, or a firefighter vested by law with
33 authority to direct, control, or regulate traffic, every driver of a
34 vehicle approaching a stop sign shall stop except as provided in (b)
35 of this subsection at a clearly marked stop line, but if none, before
36 entering a marked crosswalk on the near side of the intersection or,
37 if none, then at the point nearest the intersecting roadway where the
38 driver has a view of approaching traffic on the intersecting roadway

1 before entering the roadway, and after having stopped shall yield the
2 right-of-way to any vehicle in the intersection or approaching on
3 another roadway so closely as to constitute an immediate hazard
4 during the time when such driver is moving across or within the
5 intersection or junction of roadways.

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

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

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

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

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

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

35 (4) (a) When right-of-way has not been yielded in accordance with
36 this section to a vehicle that is a vulnerable user of a public way,
37 a driver of a motor vehicle found to be in violation of this section
38 must be assessed an additional fine equal to the base penalty
39 assessed under RCW 46.63.110(3). This fine may not be waived,
40 reduced, or suspended, unless the court finds the offender to be

1 indigent, and is not subject to the additional fees and assessments
2 that the base penalty for this violation is subject to under RCW
3 2.68.040, 3.62.090, and 46.63.110.

4 (b) For the purposes of this section, "vulnerable user of a
5 public way" has the same meaning as provided in ((RCW
6 ~~46.61.526(11)(e))~~) section 1 of this act.

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

10 **Sec. 9.** RCW 46.61.205 and 2019 c 403 s 8 are each amended to
11 read as follows:

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

15 (2)(a) When right-of-way has not been yielded in accordance with
16 this section to a vehicle that is a vulnerable user of a public way,
17 a driver of a motor vehicle found to be in violation of this section
18 must be assessed an additional fine equal to the base penalty
19 assessed under RCW 46.63.110(3). This fine may not be waived,
20 reduced, or suspended, unless the court finds the offender to be
21 indigent, and is not subject to the additional fees and assessments
22 that the base penalty for this violation is subject to under RCW
23 2.68.040, 3.62.090, and 46.63.110.

24 (b) For the purposes of this section, "vulnerable user of a
25 public way" has the same meaning as provided in ((RCW
26 ~~46.61.526(11)(e))~~) section 1 of this act.

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

30 **Sec. 10.** RCW 46.63.020 and 2018 c 18 s 4 are each amended to
31 read as follows:

32 Failure to perform any act required or the performance of any act
33 prohibited by this title or an equivalent administrative regulation
34 or local law, ordinance, regulation, or resolution relating to
35 traffic including parking, standing, stopping, and pedestrian
36 offenses, is designated as a traffic infraction and may not be
37 classified as a criminal offense, except for an offense contained in
38 the following provisions of this title or a violation of an

1 equivalent administrative regulation or local law, ordinance,
2 regulation, or resolution:

- 3 (1) RCW 46.09.457(1)(b)(i) relating to a false statement
4 regarding the inspection of and installation of equipment on wheeled
5 all-terrain vehicles;
- 6 (2) RCW 46.09.470(2) relating to the operation of a nonhighway
7 vehicle while under the influence of intoxicating liquor or a
8 controlled substance;
- 9 (3) RCW 46.09.480 relating to operation of nonhighway vehicles;
- 10 (4) RCW 46.10.490(2) relating to the operation of a snowmobile
11 while under the influence of intoxicating liquor or narcotics or
12 habit-forming drugs or in a manner endangering the person of another;
- 13 (5) RCW 46.10.495 relating to the operation of snowmobiles;
- 14 (6) Chapter 46.12 RCW relating to certificates of title,
15 registration certificates, and markings indicating that a vehicle has
16 been destroyed or declared a total loss;
- 17 (7) RCW 46.16A.030 and 46.16A.050(3) relating to the nonpayment
18 of taxes and fees by failure to register a vehicle and falsifying
19 residency when registering a motor vehicle;
- 20 (8) RCW 46.16A.520 relating to permitting unauthorized persons to
21 drive;
- 22 (9) RCW 46.16A.320 relating to vehicle trip permits;
- 23 (10) RCW 46.19.050(1) relating to knowingly providing false
24 information in conjunction with an application for a special placard
25 or license plate for disabled persons' parking;
- 26 (11) RCW 46.19.050(8) relating to illegally obtaining a parking
27 placard, special license plate, special year tab, or identification
28 card;
- 29 (12) RCW 46.19.050(9) relating to sale of a parking placard,
30 special license plate, special year tab, or identification card;
- 31 (13) RCW 46.20.005 relating to driving without a valid driver's
32 license;
- 33 (14) RCW 46.20.091 relating to false statements regarding a
34 driver's license or instruction permit;
- 35 (15) RCW 46.20.0921 relating to the unlawful possession and use
36 of a driver's license;
- 37 (16) RCW 46.20.342 relating to driving with a suspended or
38 revoked license or status;
- 39 (17) RCW 46.20.345 relating to the operation of a motor vehicle
40 with a suspended or revoked license;

1 (18) RCW 46.20.410 relating to the violation of restrictions of
2 an occupational driver's license, temporary restricted driver's
3 license, or ignition interlock driver's license;
4 (19) RCW 46.20.740 relating to operation of a motor vehicle
5 without an ignition interlock device in violation of a license
6 notation that the device is required;
7 (20) RCW 46.20.750 relating to circumventing an ignition
8 interlock device;
9 (21) RCW 46.25.170 relating to commercial driver's licenses;
10 (22) Chapter 46.29 RCW relating to financial responsibility;
11 (23) RCW 46.30.040 relating to providing false evidence of
12 financial responsibility;
13 (24) RCW 46.35.030 relating to recording device information;
14 (25) RCW 46.37.435 relating to wrongful installation of
15 sunscreening material;
16 (26) RCW 46.37.650 relating to the manufacture, importation,
17 sale, distribution, or installation of a counterfeit air bag,
18 nonfunctional air bag, or previously deployed or damaged air bag;
19 (27) RCW 46.37.660 relating to the sale or installation of a
20 device that causes a vehicle's diagnostic system to inaccurately
21 indicate that the vehicle has a functional air bag when a counterfeit
22 air bag, nonfunctional air bag, or no air bag is installed;
23 (28) RCW 46.37.671 through 46.37.675 relating to signal
24 preemption devices;
25 (29) RCW 46.37.685 relating to switching or flipping license
26 plates, utilizing technology to flip or change the appearance of a
27 license plate, selling a license plate flipping device or technology
28 used to change the appearance of a license plate, or falsifying a
29 vehicle registration;
30 (30) RCW 46.44.180 relating to operation of mobile home pilot
31 vehicles;
32 (31) RCW 46.48.175 relating to the transportation of dangerous
33 articles;
34 (32) RCW 46.52.010 relating to duty on striking an unattended car
35 or other property;
36 (33) RCW 46.52.020 relating to duty in case of injury to or death
37 of a person or damage to an attended vehicle;
38 (34) RCW 46.52.090 relating to reports by repairers, storage
39 persons, and appraisers;

- 1 (35) RCW 46.52.130 relating to confidentiality of the driving
2 record to be furnished to an insurance company, an employer, and an
3 alcohol/drug assessment or treatment agency;
- 4 (36) RCW 46.55.020 relating to engaging in the activities of a
5 registered tow truck operator without a registration certificate;
- 6 (37) RCW 46.55.035 relating to prohibited practices by tow truck
7 operators;
- 8 (38) RCW 46.55.300 relating to vehicle immobilization;
- 9 (39) RCW 46.61.015 relating to obedience to police officers,
10 flaggers, or firefighters;
- 11 (40) RCW 46.61.020 relating to refusal to give information to or
12 cooperate with an officer;
- 13 (41) RCW 46.61.022 relating to failure to stop and give
14 identification to an officer;
- 15 (42) RCW 46.61.024 relating to attempting to elude pursuing
16 police vehicles;
- 17 (43) RCW 46.61.212(~~(+4)~~) (5) relating to reckless endangerment
18 of emergency or work zone workers;
- 19 (44) RCW 46.61.500 relating to reckless driving;
- 20 (45) RCW 46.61.502 and 46.61.504 relating to persons under the
21 influence of intoxicating liquor or drugs;
- 22 (46) RCW 46.61.503 relating to a person under age twenty-one
23 driving a motor vehicle after consuming alcohol;
- 24 (47) RCW 46.61.520 relating to vehicular homicide by motor
25 vehicle;
- 26 (48) RCW 46.61.522 relating to vehicular assault;
- 27 (49) RCW 46.61.5249 relating to first degree negligent driving;
- 28 (50) RCW 46.61.527(4) relating to reckless endangerment of
29 roadway workers;
- 30 (51) RCW 46.61.530 relating to racing of vehicles on highways;
- 31 (52) RCW 46.61.655(7) (a) and (b) relating to failure to secure a
32 load;
- 33 (53) RCW 46.61.685 relating to leaving children in an unattended
34 vehicle with the motor running;
- 35 (54) RCW 46.61.740 relating to theft of motor vehicle fuel;
- 36 (55) RCW 46.64.010 relating to unlawful cancellation of or
37 attempt to cancel a traffic citation;
- 38 (56) RCW 46.64.048 relating to attempting, aiding, abetting,
39 coercing, and committing crimes;
- 40 (57) Chapter 46.65 RCW relating to habitual traffic offenders;

- 1 (58) RCW 46.68.010 relating to false statements made to obtain a
2 refund;
- 3 (59) Chapter 46.70 RCW relating to unfair motor vehicle business
4 practices, except where that chapter provides for the assessment of
5 monetary penalties of a civil nature;
- 6 (60) Chapter 46.72 RCW relating to the transportation of
7 passengers in for hire vehicles;
- 8 (61) RCW 46.72A.060 relating to limousine carrier insurance;
- 9 (62) RCW 46.72A.070 relating to operation of a limousine without
10 a vehicle certificate;
- 11 (63) RCW 46.72A.080 relating to false advertising by a limousine
12 carrier;
- 13 (64) Chapter 46.80 RCW relating to motor vehicle wreckers;
- 14 (65) Chapter 46.82 RCW relating to driver's training schools;
- 15 (66) RCW 46.87.260 relating to alteration or forgery of a cab
16 card, letter of authority, or other temporary authority issued under
17 chapter 46.87 RCW;
- 18 (67) RCW 46.87.290 relating to operation of an unregistered or
19 unlicensed vehicle under chapter 46.87 RCW;
- 20 (68) Section 1 of this act relating to negligent driving with a
21 vulnerable user victim in the first degree.

22 NEW SECTION. **Sec. 11.** A new section is added to chapter 43.59
23 RCW to read as follows:

24 Subject to funds appropriated for this purpose, the Washington
25 traffic safety commission shall produce and disseminate through all
26 possible media, informational and educational materials explaining
27 the penalties of the crime of negligent driving with a vulnerable
28 user victim in the first degree.

29 NEW SECTION. **Sec. 12.** This act takes effect January 1, 2025.

Passed by the House April 14, 2023.
Passed by the Senate April 12, 2023.
Approved by the Governor May 16, 2023.
Filed in Office of Secretary of State May 17, 2023.

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