
Civil Rights & Judiciary Committee

HB 2095

Brief Description: Protecting vulnerable users of public ways.

Sponsors: Representatives Reed, Parshley, Ryu, Ramel, Doglio, Berry, Obras, Santos, Cortes, Street, Scott, Fosse and Pollet.

Brief Summary of Bill

- Requires the Criminal Justice Training Commission and Administrative Office of the Courts to develop educational materials for certain law enforcement officers, prosecutors, and judges regarding negligent driving with a vulnerable user victim.
- Establishes a rebuttable presumption of negligence for certain tort claims arising from a vehicle collision that proximately causes the injury or death of a vulnerable user of a public way if the victim was injured or killed in a protected area.

Hearing Date: 1/14/26

Staff: John Burzynski (786-7133).

Background:

Negligent Driving with a Vulnerable User Victim.

A person commits the crime of Negligent Driving with a Vulnerable User Victim in the first degree if he or she operates a vehicle in a manner that is both negligent and endangers or is likely to endanger any person or property, and he or she proximately causes the death of a vulnerable user of a public way.

Negligent Driving with a Vulnerable User Victim in the first degree is a gross misdemeanor,

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punishable by up to 364 days of imprisonment, a fine up to \$5,000, and suspension of driving privileges for 90 days.

A person commits the infraction of Negligent Driving with a Vulnerable User Victim in the second degree if, under circumstances not constituting Negligent Driving with a Vulnerable User Victim in the first degree or Negligent Driving in the first degree, he or she operates a vehicle in a manner that is both negligent and endangers or is likely to endanger any person or property, and he or she proximately causes great bodily harm or substantial bodily harm of a vulnerable user of a public way.

Negligent Driving with a Vulnerable User Victim in the second degree is a traffic infraction, punishable by a fine up to \$5,000, and suspension of driving privileges for 90 days. If the driver requests and personally appears for a hearing, he or she may, in place of the above penalties, pay a penalty of \$250, attend traffic school, and perform community service within one year of the hearing.

Civil Liability in General.

A tort is a type of legal wrong. When one party injures or otherwise harms another person, that person, the plaintiff, can typically bring a legal civil action for the tort against the responsible party, the defendant, and seek an award of damages.

Ordinary Care and Negligence.

A plaintiff who has been harmed by a defendant's unintentional misconduct can bring a civil claim for negligence. A negligence claim requires proof of four basic elements: (1) that the defendant owed the plaintiff a duty of ordinary care; (2) that the defendant's acts or omissions breached their duty of care; (3) that the breach caused the plaintiff damages, and (4) that the plaintiff suffered a cognizable injury.

Ordinary care means the care a reasonably careful person would exercise under the same or similar circumstances. Negligence is the failure to exercise ordinary care. It is the doing of some act that a reasonably careful person would not do under the same or similar circumstances or the failure to do some act that a reasonably careful person would have done under the same or similar circumstances.

Burden of proof.

Generally, the plaintiff has the burden of proof when bringing a civil action and must prove each element of their claim by a preponderance of the evidence. To meet the preponderance of the evidence standard, the party with the burden of proof must persuade the trier of fact that, considering all evidence in the case, the proposition on which that party has the burden of proof is more probably true than not.

Summary of Bill:

Legal Education.

By July 1, 2027, the Washington State Criminal Justice Training Commission, in consultation with the Washington Association of Prosecuting Attorneys, must develop and provide educational classes and materials regarding the offense of negligent driving with a vulnerable user victim to all law enforcement officers who enforce traffic laws or respond to traffic injuries or fatalities, and to all prosecutors who enforce traffic laws or who initiate civil infraction or criminal proceedings in response to traffic injuries or fatalities. This requirement is subject to the availability of amounts appropriated for this specific purpose.

These classes and materials must be provided to all covered law enforcement officers and prosecutors within three months of the beginning of their employment and at least once every three years thereafter. Covered officers and prosecutors must complete these classes and materials within six months of beginning their employment and every three years thereafter.

By January 1, 2028, the Washington State Administrative Office of the Courts must develop and provide similar educational classes and materials to all judicial officers and judges pro tempore in Washington who hear cases involving violations of traffic laws or which involve traffic injuries or fatalities. This requirement is subject to the availability of amounts appropriated for this specific purpose.

Civil Liability.

Any person who operates a vehicle in a manner that proximately causes the injury or death of a vulnerable user of a public way is presumed to have acted negligently in any tort action alleging liability for the injury or death, but the defendant may rebut this presumption by proving, by a preponderance of the evidence, that the defendant was not negligent.

This presumption only applies when the vulnerable user was injured or killed by the defendant while the vulnerable user was present on a sidewalk, or in a crosswalk, bicycle lane, or other designated lane, path, or area established by state or local law for the use of vulnerable users of a public way.

In any legal action subject to this act, the plaintiff must prove by a preponderance of the evidence: (1) the plaintiff was a vulnerable user of a public way who was injured or killed in a qualifying area; (2) the plaintiff's damages; and (3) the defendant's negligence was the proximate cause of the plaintiff's damages.

A prevailing plaintiff may recover actual damages, statutory damages of \$1,500, and reasonable attorneys' fees and actual costs, including expert fees. A prevailing plaintiff may also recover punitive damages if the defendant has previously been found civilly or criminally liable for injuring or killing three or more vulnerable road users while operating a vehicle.

Defined Terms.

"Negligent" means the failure to exercise ordinary care and is the doing of some act that a reasonably careful person would not do under the same or similar circumstances or the failure to

do something that a reasonably careful person would do under the same or similar circumstances.

"Vehicle" means a device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, subject to certain exclusions.

"Vulnerable user of a public way" means a pedestrian; a person riding an animal; or a person operating or riding any of the following on a public way: (1) A farm tractor or implement of husbandry, without an enclosed shell; (2) a bicycle; (3) an electric-assisted bicycle; (4) an electric personal assistive mobility device; (5) a moped; (6) a motor-driven cycle; (7) a motorized foot scooter; or (8) a motorcycle.

Appropriation: None.

Fiscal Note: Requested on January 08, 2026.

Effective Date: The bill takes effect on July 1, 2026.