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ENGROSSED SUBSTITUTE HOUSE BILL 2095

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State of Washington

69th Legislature

2026 Regular Session

By House Civil Rights & Judiciary (originally sponsored by Representatives Reed, Parshley, Ryu, Ramel, Doglio, Berry, Obras, Santos, Cortes, Street, Scott, Fosse, and Pollet)

READ FIRST TIME 02/04/26.

1 AN ACT Relating to protecting vulnerable users of public ways;  
2 amending RCW 46.52.030 and 46.52.070; adding a new section to chapter  
3 43.101 RCW; adding a new section to chapter 2.56 RCW; adding a new  
4 section to chapter 4.24 RCW; creating a new section; prescribing  
5 penalties; and providing an effective date.

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

7 NEW SECTION. **Sec. 1.** It is the intent of the legislature to  
8 establish educational requirements to provide law enforcement  
9 officers, prosecutors, and judges with information regarding state  
10 laws protecting vulnerable users of public ways.

11 Additionally, it is the intent of the legislature to strengthen  
12 options for vulnerable users of public ways to obtain civil remedies  
13 against negligent vehicle operators who injure or kill vulnerable  
14 road users in protected areas.

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

17 (1) Subject to the availability of amounts appropriated for this  
18 specific purpose, the Washington state criminal justice training  
19 commission shall, in consultation with the Washington association of  
20 prosecuting attorneys, develop and provide educational classes and

1 materials regarding negligent driving with a vulnerable user victim  
2 in the first and second degree in violation of chapter 46.61 RCW to  
3 all law enforcement officers in Washington who enforce traffic laws  
4 or respond to traffic injuries or fatalities, and to all prosecutors  
5 in Washington who enforce traffic laws or who initiate civil  
6 infraction or criminal proceedings in response to traffic injuries or  
7 fatalities.

8 (a) The educational classes and materials covered by this section  
9 shall be provided to all qualifying law enforcement officers and  
10 prosecutors within three months of the beginning of their employment  
11 and at least once every three years thereafter.

12 (b) The educational classes and materials covered by this  
13 subsection must include, but are not limited to: (i) For all  
14 qualifying law enforcement officers and prosecutors, coverage of fact  
15 patterns that illustrate negligent driving with a vulnerable user  
16 victim in the first and second degree; and (ii) for qualifying law  
17 enforcement officers, best practices for responding to traffic  
18 injuries and fatalities involving vulnerable users of public ways.

19 (c) To the greatest extent possible, educational classes and  
20 materials for law enforcement officers covered by this section must  
21 be designed to be delivered during: (i) An officer's basic law  
22 enforcement academy training; or (ii) regularly scheduled group  
23 settings, such as daily roll call, or other forums or formats that  
24 minimize disruption of officer duties.

25 (d) To the greatest extent possible, educational classes and  
26 materials for prosecutors covered by this section must be designed to  
27 qualify for some continuing legal education credits through the  
28 Washington state bar association.

29 (2) The Washington state criminal justice training commission and  
30 the Washington association of prosecuting attorneys shall develop and  
31 begin providing the educational classes and materials covered by this  
32 section no later than July 1, 2027.

33 (3) All qualifying law enforcement officers and prosecutors under  
34 subsection (1) of this section must complete the educational classes  
35 and materials required by this section within six months of the  
36 beginning of their employment and every three years thereafter, but  
37 only if the Washington state criminal justice training commission  
38 makes such educational classes and materials available to qualifying  
39 law enforcement officers and prosecutors.

1        NEW SECTION.    **Sec. 3.**    A new section is added to chapter 2.56 RCW  
2 to read as follows:

3        (1) Subject to the availability of amounts appropriated for this  
4 specific purpose, the Washington state administrative office of the  
5 courts shall develop and provide educational classes and materials  
6 regarding negligent driving with a vulnerable user victim in the  
7 first and second degree in violation of chapter 46.61 RCW to all  
8 judicial officers and judges pro tempore in Washington who hear cases  
9 involving violations of traffic laws or which involve traffic  
10 injuries or fatalities.

11        (a) The educational classes and materials covered by this section  
12 must include, but are not limited to, coverage of fact patterns that  
13 illustrate negligent driving with a vulnerable user victim in the  
14 first and second degree and all statutory penalties.

15        (b) The educational classes covered by this section must be  
16 designed to qualify for some continuing legal education credits  
17 through the Washington state bar association.

18        (2) The administrative office of the courts shall develop and  
19 begin providing all educational classes and materials covered by this  
20 section no later than January 1, 2028.

21        NEW SECTION.    **Sec. 4.**    A new section is added to chapter 4.24 RCW  
22 to read as follows:

23        (1)(a) Any driver who operates a vehicle in a manner that  
24 proximately causes the injury or death of a vulnerable user of a  
25 public way shall be presumed to have acted negligently in any tort  
26 action alleging liability for the injury or death, but this  
27 presumption may be rebutted by the driver.

28        (b) The presumption of negligence established in this section  
29 only applies when the vulnerable user of a public way was injured or  
30 killed by the driver while the vulnerable user was present on a  
31 sidewalk or shoulder, or in a crosswalk, bicycle lane, path, or area  
32 established by state or local law for the use of vulnerable users of  
33 a public way.

34        (c) The presumption of negligence established in this section  
35 does not apply to an emergency vehicle driver who operates the  
36 emergency vehicle within the course and scope of the driver's  
37 employment or official duties directly related to the emergency  
38 vehicle. An "emergency vehicle" includes, but is not limited to, an  
39 authorized emergency vehicle, as defined in RCW 46.04.040, an organ

1 transport vehicle, as defined in RCW 46.04.371, a fire apparatus,  
2 ambulance, emergency medical service vehicle, or other vehicle used  
3 by a public agency or licensed provider for emergency response,  
4 rescue operations, or the transport of patients or emergency  
5 personnel.

6 (d) The presumption of negligence established in this section  
7 does not apply if:

8 (i) The vulnerable user failed to abide by traffic control  
9 devices including, but not limited to, crosswalk signs, traffic  
10 lights, and stop signs;

11 (ii) The vulnerable user failed to stop at a stop sign, even if  
12 the vulnerable user was authorized to proceed without stopping under  
13 other state law;

14 (iii) The vulnerable user was intoxicated or otherwise impaired  
15 and failed to abide by traffic control devices and right-of-way laws;  
16 or

17 (iv) The vulnerable user was riding a horse and the horse was  
18 acting out of control of its rider.

19 (2) In any cause of action subject to this section:

20 (a) The driver is presumed to have breached his or her duty of  
21 care towards the plaintiff by acting negligently, but the driver may  
22 rebut this presumption by proving, by a preponderance of the  
23 evidence, that the driver was not negligent;

24 (b) The plaintiff must prove by a preponderance of the evidence:

25 (i) That the plaintiff was a vulnerable user of a public way who  
26 was injured or killed while present on a sidewalk or shoulder, or in  
27 a crosswalk, bicycle lane, or other designated lane, path, or area  
28 established by state or local law for the use of vulnerable users of  
29 a public way;

30 (ii) The plaintiff's damages; and

31 (iii) That the driver's negligence was the sole proximate cause  
32 of the plaintiff's damages;

33 (c) A prevailing plaintiff is entitled to recover:

34 (i) Actual damages, including economic and noneconomic damages;

35 (ii) Statutory damages of \$1,500; and

36 (iii) Reasonable attorneys' fees and actual costs, including  
37 expert fees;

38 (d) A prevailing defendant is entitled to recover:

39 (i) Actual damages, including economic and noneconomic damages;

40 (ii) Statutory damages of \$1,500; and

1 (iii) Reasonable attorneys' fees and actual costs, including  
2 expert fees;

3 (e) If a driver subject to liability under this section has  
4 previously been found civilly or criminally liable for injuring or  
5 killing a vulnerable road user while operating a vehicle, a  
6 prevailing plaintiff may also recover punitive damages.

7 (3) In any cause of action subject to this section that involves  
8 both driver and nondriver defendants, the presumption of negligence  
9 created by this section applies only against driver defendants and  
10 does not apply against nondriver defendants.

11 (4) This section is cumulative and nonexclusive and does not  
12 affect any other civil remedy or criminal law.

13 (5) The definitions in this subsection apply throughout this  
14 section unless the context clearly requires otherwise.

15 (a) "Negligent" has the meaning provided in RCW 46.61.525.

16 (b) "Vehicle" has the meaning provided in RCW 46.04.670.

17 (c) (i) "Vulnerable user of a public way" means:

18 (A) A pedestrian;

19 (B) A person riding an animal; or

20 (C) A person operating or riding any of the following on a public  
21 way: (I) A farm tractor or implement of husbandry, without an  
22 enclosed shell; (II) a bicycle; (III) an electric-assisted bicycle;  
23 (IV) an electric personal assistive mobility device; (V) a moped;  
24 (VI) a motor-driven cycle; or (VII) a motorized foot scooter.

25 (ii) For the purpose of this section, "vulnerable user of a  
26 public way" does not include motorcycles.

27 **Sec. 5.** RCW 46.52.030 and 2005 c 171 s 1 are each amended to  
28 read as follows:

29 (1) Unless a report is to be made by a law enforcement officer  
30 under subsection (3) of this section, the driver of any vehicle  
31 involved in an accident resulting in injury to or death of any person  
32 or damage to the property of any one person to an apparent extent  
33 equal to or greater than the minimum amount established by rule  
34 adopted by the chief of the Washington state patrol in accordance  
35 with subsection (5) of this section, shall, within four days after  
36 such accident, make a written report of such accident to the chief of  
37 police of the city or town if such accident occurred within an  
38 incorporated city or town or the county sheriff or state patrol if  
39 such accident occurred outside incorporated cities and towns. Nothing

1 in this subsection prohibits accident reports from being filed by  
2 drivers where damage to property is less than the minimum amount or  
3 where a law enforcement officer has submitted a report.

4 (2) The original of the report shall be immediately forwarded by  
5 the authority receiving the report to the chief of the Washington  
6 state patrol at Olympia, Washington. The Washington state patrol  
7 shall give the department of licensing full access to the report.

8 (3) Any law enforcement officer who investigates an accident for  
9 which a report is required under subsection (1) of this section shall  
10 submit an investigator's report as required by RCW 46.52.070.

11 (4) The chief of the Washington state patrol may require any  
12 driver of any vehicle involved in an accident, of which report must  
13 be made as provided in this section, to file supplemental reports  
14 whenever the original report in the chief's opinion is insufficient,  
15 and may likewise require witnesses of any such accident to render  
16 reports. For this purpose, the chief of the Washington state patrol  
17 shall prepare and, upon request, supply to any police department,  
18 coroner, sheriff, and any other suitable agency or individual, sample  
19 forms of accident reports required hereunder, which reports shall be  
20 upon a form devised by the chief of the Washington state patrol and  
21 shall call for sufficiently detailed information to disclose all  
22 material facts with reference to the accident to be reported thereon,  
23 including the location, the circumstances, the conditions then  
24 existing, the persons and vehicles involved, the insurance  
25 information required under RCW 46.30.030, personal injury or death,  
26 if any, the amounts of property damage claimed, the total number of  
27 vehicles involved, whether the vehicles were legally parked, legally  
28 standing, or moving, whether such vehicles were occupied at the time  
29 of the accident, (~~and~~) whether any driver involved in the accident  
30 was distracted at the time of the accident, and whether the accident  
31 involved a "vulnerable user of a public way," as that term is defined  
32 in RCW 46.61.5259, and the specific type of vulnerable user as  
33 described in that section. Distractions contributing to an accident  
34 must be reported on the accident form and include at least the  
35 following minimum reporting options: Not distracted; operating a  
36 handheld electronic telecommunication device; operating a hands-free  
37 wireless telecommunication device; other electronic devices  
38 (including, but not limited to, PDA's, laptop computers, navigational  
39 devices, etc.); adjusting an audio or entertainment system; smoking;  
40 eating or drinking; reading or writing; grooming; interacting with

1 children, passengers, animals, or objects in the vehicle; other  
2 inside distractions; outside distractions; and distraction unknown.  
3 Every required accident report shall be made on a form prescribed by  
4 the chief of the Washington state patrol and each authority charged  
5 with the duty of receiving such reports shall provide sufficient  
6 report forms in compliance with the form devised. The report forms  
7 shall be designated so as to provide that a copy may be retained by  
8 the reporting person.

9 (5) The chief of the Washington state patrol shall adopt rules  
10 establishing the accident-reporting threshold for property damage  
11 accidents. Beginning October 1, 1987, the accident-reporting  
12 threshold for property damage accidents shall be five hundred  
13 dollars. The accident-reporting threshold for property damage  
14 accidents shall be revised when necessary, but not more frequently  
15 than every two years. The revisions shall only be for the purpose of  
16 recognizing economic changes as reflected by an inflationary index  
17 recommended by the office of financial management. The revisions  
18 shall be guided by the change in the index for the time period since  
19 the last revision.

20 **Sec. 6.** RCW 46.52.070 and 2023 c 29 s 1 are each amended to read  
21 as follows:

22 (1) Any police officer of the state of Washington or of any  
23 county, city, town, or other political subdivision, present at the  
24 scene of any accident or in possession of any facts concerning any  
25 accident whether by way of official investigation or otherwise shall  
26 make report thereof in the same manner as required of the parties to  
27 such accident and as fully as the facts in his or her possession  
28 concerning such accident will permit.

29 (2) The police officer shall report to the department, on a form  
30 prescribed by the director: (a) When a collision has occurred that  
31 results in a fatality; and (b) the identity of the operator of a  
32 vehicle involved in the collision when the officer has reasonable  
33 grounds to believe the operator caused the collision.

34 (3) The police officer shall report to the department, on a form  
35 prescribed by the director: (a) When a collision has occurred that  
36 results in substantial bodily harm as defined in RCW 9A.04.110(4)(b);  
37 (b) the identity of the operator of a vehicle involved in the  
38 collision when the officer has reasonable grounds to believe the  
39 operator who caused the substantial bodily harm may not be competent

1 to operate a motor vehicle; and (c) the reason or reasons for the  
2 officer's belief.

3 (4) Each report made pursuant to this section must state whether  
4 the accident involved a "vulnerable user of a public way," as that  
5 term is defined in RCW 46.61.5259, and the specific type of  
6 vulnerable user as described in that section.

7 NEW SECTION. **Sec. 7.** This act takes effect July 1, 2026.

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