
SUBSTITUTE HOUSE BILL 2095

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, or other
32 designated lane, path, or area established by state or local law for
33 the use of vulnerable users of 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 (2) In any cause of action subject to this section:

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

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

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

17 (ii) The plaintiff's damages; and

18 (iii) That the driver's negligence was a proximate cause of the
19 plaintiff's damages;

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

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

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

23 (iii) Reasonable attorneys' fees and actual costs, including
24 expert fees;

25 (d) If a driver subject to liability under this section has
26 previously been found civilly or criminally liable for injuring or
27 killing a vulnerable road user while operating a vehicle, a
28 prevailing plaintiff may also recover punitive damages.

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

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

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

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

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

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

40 (A) A pedestrian;

1 (B) A person riding an animal; or

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

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

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

11 (1) Unless a report is to be made by a law enforcement officer
12 under subsection (3) of this section, the driver of any vehicle
13 involved in an accident resulting in injury to or death of any person
14 or damage to the property of any one person to an apparent extent
15 equal to or greater than the minimum amount established by rule
16 adopted by the chief of the Washington state patrol in accordance
17 with subsection (5) of this section, shall, within four days after
18 such accident, make a written report of such accident to the chief of
19 police of the city or town if such accident occurred within an
20 incorporated city or town or the county sheriff or state patrol if
21 such accident occurred outside incorporated cities and towns. Nothing
22 in this subsection prohibits accident reports from being filed by
23 drivers where damage to property is less than the minimum amount or
24 where a law enforcement officer has submitted a report.

25 (2) The original of the report shall be immediately forwarded by
26 the authority receiving the report to the chief of the Washington
27 state patrol at Olympia, Washington. The Washington state patrol
28 shall give the department of licensing full access to the report.

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

32 (4) The chief of the Washington state patrol may require any
33 driver of any vehicle involved in an accident, of which report must
34 be made as provided in this section, to file supplemental reports
35 whenever the original report in the chief's opinion is insufficient,
36 and may likewise require witnesses of any such accident to render
37 reports. For this purpose, the chief of the Washington state patrol
38 shall prepare and, upon request, supply to any police department,
39 coroner, sheriff, and any other suitable agency or individual, sample

1 forms of accident reports required hereunder, which reports shall be
2 upon a form devised by the chief of the Washington state patrol and
3 shall call for sufficiently detailed information to disclose all
4 material facts with reference to the accident to be reported thereon,
5 including the location, the circumstances, the conditions then
6 existing, the persons and vehicles involved, the insurance
7 information required under RCW 46.30.030, personal injury or death,
8 if any, the amounts of property damage claimed, the total number of
9 vehicles involved, whether the vehicles were legally parked, legally
10 standing, or moving, whether such vehicles were occupied at the time
11 of the accident, (~~and~~) whether any driver involved in the accident
12 was distracted at the time of the accident, and whether the accident
13 involved a "vulnerable user of a public way," as that term is defined
14 in RCW 46.61.5259, and the specific type of vulnerable user as
15 described in that section. Distractions contributing to an accident
16 must be reported on the accident form and include at least the
17 following minimum reporting options: Not distracted; operating a
18 handheld electronic telecommunication device; operating a hands-free
19 wireless telecommunication device; other electronic devices
20 (including, but not limited to, PDA's, laptop computers, navigational
21 devices, etc.); adjusting an audio or entertainment system; smoking;
22 eating or drinking; reading or writing; grooming; interacting with
23 children, passengers, animals, or objects in the vehicle; other
24 inside distractions; outside distractions; and distraction unknown.
25 Every required accident report shall be made on a form prescribed by
26 the chief of the Washington state patrol and each authority charged
27 with the duty of receiving such reports shall provide sufficient
28 report forms in compliance with the form devised. The report forms
29 shall be designated so as to provide that a copy may be retained by
30 the reporting person.

31 (5) The chief of the Washington state patrol shall adopt rules
32 establishing the accident-reporting threshold for property damage
33 accidents. Beginning October 1, 1987, the accident-reporting
34 threshold for property damage accidents shall be five hundred
35 dollars. The accident-reporting threshold for property damage
36 accidents shall be revised when necessary, but not more frequently
37 than every two years. The revisions shall only be for the purpose of
38 recognizing economic changes as reflected by an inflationary index
39 recommended by the office of financial management. The revisions

1 shall be guided by the change in the index for the time period since
2 the last revision.

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

5 (1) Any police officer of the state of Washington or of any
6 county, city, town, or other political subdivision, present at the
7 scene of any accident or in possession of any facts concerning any
8 accident whether by way of official investigation or otherwise shall
9 make report thereof in the same manner as required of the parties to
10 such accident and as fully as the facts in his or her possession
11 concerning such accident will permit.

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

17 (3) The police officer shall report to the department, on a form
18 prescribed by the director: (a) When a collision has occurred that
19 results in substantial bodily harm as defined in RCW 9A.04.110(4)(b);
20 (b) the identity of the operator of a vehicle involved in the
21 collision when the officer has reasonable grounds to believe the
22 operator who caused the substantial bodily harm may not be competent
23 to operate a motor vehicle; and (c) the reason or reasons for the
24 officer's belief.

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

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

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