
HOUSE BILL 2095

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

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1 AN ACT Relating to protecting vulnerable users of public ways;
2 adding a new section to chapter 43.101 RCW; adding a new section to
3 chapter 2.56 RCW; adding a new section to chapter 4.24 RCW; creating
4 a new section; prescribing penalties; and providing an effective
5 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. Educational classes and materials covered by this section
8 shall be provided to all qualifying law enforcement officers and
9 prosecutors within three months of the beginning of their employment
10 and at least once every three years thereafter. All educational
11 classes and materials covered by this subsection must include, but
12 are not limited to: (a) For all qualifying law enforcement officers
13 and prosecutors, coverage of fact patterns that illustrate probable
14 instances of negligent driving with a vulnerable user victim in the
15 first and second degree; and (b) for qualifying law enforcement
16 officers, best practices for responding to traffic injuries and
17 fatalities involving vulnerable users of public ways.

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

22 (3) All qualifying law enforcement officers and prosecutors under
23 subsection (1) of this section must complete the educational classes
24 and materials required by this section within six months of the
25 beginning of their employment and every three years thereafter.

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

28 (1) Subject to the availability of amounts appropriated for this
29 specific purpose, the Washington state administrative office of the
30 courts shall develop and provide educational classes and materials
31 regarding negligent driving with a vulnerable user victim in the
32 first and second degree in violation of chapter 46.61 RCW to all
33 judicial officers and judges pro tempore in Washington who hear cases
34 involving violations of traffic laws or which involve traffic
35 injuries or fatalities. The educational classes and materials covered
36 by this section must include, but are not limited to, coverage of
37 fact patterns that illustrate probable instances of the crime of
38 negligent driving with a vulnerable user victim in the first and
39 second degree and all statutory penalties.

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

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

6 (1)(a) Any person who operates a vehicle in a manner that
7 proximately causes the injury or death of a vulnerable user of a
8 public way shall be presumed to have acted negligently in any tort
9 action alleging liability for the injury or death, but this
10 presumption may be rebutted by the defendant.

11 (b) The presumption of negligence established in this section
12 only applies when the vulnerable user of a public way was injured or
13 killed by the defendant while the vulnerable user was present on a
14 sidewalk, or in a crosswalk, bicycle lane, or other designated lane,
15 path, or area established by state or local law for the use of
16 vulnerable users of a public way.

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

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

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

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

27 (ii) The plaintiff's damages; and

28 (iii) That the defendant's negligence was the proximate cause of
29 the plaintiff's damages;

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

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

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

33 (iii) Reasonable attorneys' fees and actual costs, including
34 expert fees;

35 (d) If a defendant has previously been found civilly or
36 criminally liable for injuring or killing three or more vulnerable
37 road users while operating a vehicle, a prevailing plaintiff may also
38 recover punitive damages.

1 (3) This section is cumulative and nonexclusive and does not
2 affect any other civil remedy or criminal law.

3 (4) The definitions in this subsection apply throughout this
4 section unless the context clearly requires otherwise.

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

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

7 (c) "Vulnerable user of a public way" has the meaning provided in
8 RCW 46.61.5259.

9 NEW SECTION. **Sec. 5.** This act takes effect July 1, 2026.

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