
SUBSTITUTE SENATE BILL 6131

State of Washington

69th Legislature

2026 Regular Session

By Senate Transportation (originally sponsored by Senators Shewmake, J. Wilson, Alvarado, Conway, Lillas, Nobles, Saldaña, and Trudeau; by request of Washington Traffic Safety Commission)

READ FIRST TIME 02/09/26.

1 AN ACT Relating to updating the role of the Washington traffic
2 safety commission in identifying the contributing factors that lead
3 to roadway fatalities; amending RCW 42.56.360, 43.59.010, 43.59.040,
4 and 43.59.156; and adding a new section to chapter 43.59 RCW.

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

6 **Sec. 1.** RCW 42.56.360 and 2024 c 366 s 19 are each amended to
7 read as follows:

8 (1) The following health care information is exempt from
9 disclosure under this chapter:

10 (a) Information obtained by the pharmacy quality assurance
11 commission as provided in RCW 69.45.090;

12 (b) Information obtained by the pharmacy quality assurance
13 commission or the department of health and its representatives as
14 provided in RCW 69.41.044, 69.41.280, and 18.64.420;

15 (c) Information and documents created specifically for, and
16 collected and maintained by a quality improvement committee under RCW
17 43.70.510, 70.230.080, or 70.41.200, or by a peer review committee
18 under RCW 4.24.250, or by a quality assurance committee pursuant to
19 RCW 74.42.640 or 18.20.390, or by a hospital, as defined in RCW
20 43.70.056, for reporting of health care-associated infections under
21 RCW 43.70.056, a notification of an incident under RCW 70.56.040(5),

1 and reports regarding adverse events under RCW 70.56.020(2)(b),
2 regardless of which agency is in possession of the information and
3 documents;

4 (d)(i) Proprietary financial and commercial information that the
5 submitting entity, with review by the department of health,
6 specifically identifies at the time it is submitted and that is
7 provided to or obtained by the department of health in connection
8 with an application for, or the supervision of, an antitrust
9 exemption sought by the submitting entity under RCW 43.72.310;

10 (ii) If a request for such information is received, the
11 submitting entity must be notified of the request. Within ten
12 business days of receipt of the notice, the submitting entity shall
13 provide a written statement of the continuing need for
14 confidentiality, which shall be provided to the requester. Upon
15 receipt of such notice, the department of health shall continue to
16 treat information designated under this subsection (1)(d) as exempt
17 from disclosure;

18 (iii) If the requester initiates an action to compel disclosure
19 under this chapter, the submitting entity must be joined as a party
20 to demonstrate the continuing need for confidentiality;

21 (e) Records of the entity obtained in an action under RCW
22 18.71.300 through 18.71.340;

23 (f) Complaints filed under chapter 18.130 RCW after July 27,
24 1997, to the extent provided in RCW 18.130.095(1);

25 (g) Information obtained by the department of health under
26 chapter 70.225 RCW;

27 (h) Information collected by the department of health under
28 chapter 70.245 RCW except as provided in RCW 70.245.150;

29 (i) Cardiac and stroke system performance data submitted to
30 national, state, or local data collection systems under RCW
31 70.168.150(2)(b);

32 (j) All documents, including completed forms, received pursuant
33 to a wellness program under RCW 41.04.362, but not statistical
34 reports that do not identify an individual;

35 (k) Data and information exempt from disclosure under RCW
36 43.371.040;

37 (l) Medical information contained in files and records of members
38 of retirement plans administered by the department of retirement
39 systems or the law enforcement officers' and firefighters' plan 2

1 retirement board, as provided to the department of retirement systems
2 under RCW 41.04.830; and

3 (m) Data submitted to the data integration platform under RCW
4 71.24.908.

5 (2) Chapter 70.02 RCW applies to public inspection and copying of
6 health care information of patients.

7 (3) (a) Documents related to infant mortality reviews conducted
8 pursuant to RCW 70.05.170 are exempt from disclosure as provided for
9 in RCW 70.05.170(3).

10 (b) (i) If an agency provides copies of public records to another
11 agency that are exempt from public disclosure under this subsection
12 (3), those records remain exempt to the same extent the records were
13 exempt in the possession of the originating entity.

14 (ii) For notice purposes only, agencies providing exempt records
15 under this subsection (3) to other agencies may mark any exempt
16 records as "exempt" so that the receiving agency is aware of the
17 exemption, however whether or not a record is marked exempt does not
18 affect whether the record is actually exempt from disclosure.

19 (4) Information and documents related to maternal mortality
20 reviews conducted pursuant to RCW 70.54.450 are confidential and
21 exempt from public inspection and copying.

22 (5) Patient health care information contained in reports
23 submitted under RCW 71.24.847(2) are confidential and exempt from
24 public inspection.

25 (6) Information and documents related to traffic fatality reviews
26 conducted under RCW 43.59.040 (1) (f), (2) (a), and (5) are
27 confidential and exempt from public inspection and copying.

28 NEW SECTION. Sec. 2. A new section is added to chapter 43.59
29 RCW to read as follows:

30 The definitions in this section apply throughout this chapter
31 unless the context clearly requires otherwise.

32 (1) "Bicyclist fatality" means any death of a bicyclist resulting
33 from a collision, whether on a roadway, at an intersection, along an
34 adjacent sidewalk, or on a path that is contiguous with a roadway.

35 (2) "Commission" means the Washington traffic safety commission.

36 (3) "Council" means the Cooper Jones active transportation safety
37 council.

38 (4) "Fatality review committee" means a group of subject matter
39 experts and other members recruited and assembled by the commission

1 based upon their traffic safety experience to review incidents
2 involving the death of a person in Washington resulting from a
3 collision involving a motor vehicle, whether on a roadway, at an
4 intersection, along an adjacent sidewalk, or on a path that is
5 contiguous with a roadway.

6 (5) "Motorist" means anyone using the transportation system who
7 is using a motor vehicle as a driver or passenger.

8 (6) "Nonmotorist" means anyone using the transportation system
9 who is not in a vehicle.

10 (7) "Pedestrian fatality" means any death of a pedestrian
11 resulting from a collision, whether on a roadway, at an intersection,
12 along an adjacent sidewalk, or on a path that is contiguous with a
13 roadway.

14 (8) "Public health authority" has the same meaning as defined in
15 45 C.F.R. Part 164, as it existed on the effective date of this
16 section, or such subsequent date as may be provided by the commission
17 by rule, consistent with the purposes of this chapter.

18 (9) "Serious injury" means any injury other than a fatal injury
19 that prevents the injured person from walking, driving, or normally
20 continuing the activities the person was capable of performing before
21 the injury occurred.

22 **Sec. 3.** RCW 43.59.010 and 2009 c 549 s 5141 are each amended to
23 read as follows:

24 (1) The ~~((purpose of this chapter is to establish a new agency of~~
25 ~~state government to be known as the))~~ Washington traffic safety
26 commission is established as a public health authority. The functions
27 and purpose of this commission shall be to ~~((find solutions to the~~
28 ~~problems that have been created as a result of the tremendous~~
29 ~~increase of motor vehicles on our highways and the attendant traffic~~
30 ~~death and accident tolls))~~ identify contributing factors that most
31 commonly lead to motor vehicle collisions that result in death or
32 serious injury; to plan and supervise programs for the prevention of
33 ~~((accidents))~~ collisions on streets and highways including but not
34 limited to educational campaigns designed to reduce traffic
35 ~~((accidents))~~ crashes in cooperation with all official and unofficial
36 organizations interested in traffic safety; to coordinate the
37 activities at the state and local level in the development of
38 statewide and local traffic safety programs; to promote a uniform
39 enforcement of traffic safety laws and establish standards for

1 investigation and reporting of traffic (~~(accidents)~~) collisions; to
2 promote and improve driver education; and to authorize the governor
3 to perform all functions required to be performed by him or her under
4 the federal Highway Safety Act of 1966 (Public Law 89-564; 80 Stat.
5 731) in order to promote and protect public health and safety.

6 (2) The legislature finds and declares that bicycling and walking
7 are becoming increasingly popular in Washington as clean and
8 efficient modes of transportation, as recreational activities, and as
9 organized sports. Future plans for the state's transportation system
10 will require increased access and safety for bicycles and pedestrians
11 on our common roadways, and federal transportation legislation and
12 funding programs have created strong incentives to implement these
13 changes quickly. As a result, many more people are likely to take up
14 bicycling in Washington both as a leisure activity and as a
15 convenient, inexpensive form of transportation. Bicyclists are more
16 vulnerable to serious injury (~~(and accident)~~) during collisions than
17 motorists, and should be as knowledgeable as possible about traffic
18 laws, be highly visible and predictable when riding in traffic, and
19 be encouraged to wear bicycle safety helmets. Hundreds of bicyclists
20 and pedestrians are seriously injured every year in (~~(accidents)~~)
21 collisions, and millions of dollars are spent on health care costs
22 associated with these (~~(accidents)~~) collisions. There is clear
23 evidence that organized training in the rules and techniques of safe
24 and effective cycling can significantly reduce the incidence of
25 serious injury and (~~(accidents)~~) collisions, increase cooperation
26 among road users, and significantly increase the incidence of bicycle
27 helmet use, particularly among minors. A reduction in (~~(accidents)~~)
28 collisions benefits the entire community. Therefore it is appropriate
29 for businesses and community organizations to provide donations to
30 bicycle and pedestrian safety training programs.

31 **Sec. 4.** RCW 43.59.040 and 1983 1st ex.s. c 14 s 1 are each
32 amended to read as follows:

33 (1) In addition to other responsibilities set forth in this
34 chapter the commission shall:

35 (~~(1)~~) (a) Advise and confer with the governing authority of any
36 political subdivision of the state or federally recognized Indian
37 tribe deemed eligible under the federal Highway Safety Act of 1966
38 (Public Law 89-564; 80 Stat. 731) for participation in the aims and
39 programs and purposes of that act;

1 ~~((2))~~ (b) Advise and confer with all agencies of state
2 government whose programs and activities are within the scope of the
3 Highway Safety Act including those agencies that are not subject to
4 direct supervision, administration, and control by the governor under
5 existing laws;

6 ~~((3))~~ (c) Succeed to and be vested with all powers, duties, and
7 jurisdictions previously vested in the Washington state safety
8 council;

9 ~~((4))~~ (d) Receive crash reports, toxicology reports, and
10 related investigation information from state or local law enforcement
11 agencies;

12 (e) Receive driver licensing records from the department of
13 licensing for motor vehicle collisions resulting in a fatality;

14 (f) In reviewing traffic crashes resulting in the death of a
15 pedestrian, bicyclist, or other active transportation user, include
16 members from the council in the review process and provide a summary
17 of the review results to the council at a regularly scheduled
18 meeting. The number of councilmembers in attendance for the review
19 are limited to less than a quorum of the membership;

20 (g) Present reports prepared under this section regarding fatal
21 traffic crashes involving the deaths of active transportation users
22 to the council during the calendar year that the review under (f) of
23 this subsection is published; and

24 (h) Carry out such other responsibilities as may be consistent
25 with this chapter.

26 (2) The commission may:

27 (a) As a public health authority, collect health care information
28 under RCW 70.02.050(2)(b). Any health care information obtained under
29 this subsection is exempt from public inspection and copying under
30 chapter 42.56 RCW. The health care information may be collected from,
31 but is not limited to, hospitals, emergency medical services, medical
32 examiners, and coroner offices. The commission may compile and link
33 the records data from these sources, store this information in a
34 secure database, and perform statistical and epidemiological analyses
35 to identify causes and trends in traffic fatalities. Such health care
36 information must only be used for the purposes of this chapter,
37 including for anonymized reports on fatal or serious injury
38 collisions and for providing such reports and underlying data to the
39 University of Washington's institute for health metrics and
40 evaluation;

1 (b) As part of its purpose to identify contributing factors
2 contributing to fatal and serious injury collisions, convene a
3 fatality review committee to review any available information,
4 including: Crash information maintained in existing databases;
5 statutes, rules, policies, or ordinances related to the incidents;
6 and any other relevant information, including reports and records
7 described in this section;

8 (c) Make recommendations regarding changes in statutes,
9 ordinances, rules, and policies that could improve the safety of all
10 road users, including motor vehicle occupants, motorcyclists,
11 pedestrians, bicyclists, and individuals using personal mobility
12 devices. Additionally, the commission may make recommendations on how
13 to improve traffic fatality and serious injury data quality,
14 including crashes that occur in privately owned property such as
15 parking lots;

16 (d) Consult with local cities and counties, as well as local
17 police departments and other law enforcement agencies and
18 associations representing those jurisdictions on how to improve data
19 quality regarding crashes;

20 (e) Obtain and examine medical records related to individuals
21 involved in fatal traffic crashes that occur in Washington including,
22 but not limited to, postmortem medical examinations and emergency
23 medical treatment and trauma care provided after a traffic collision.
24 Medical records may be reviewed by members of the fatality review
25 committee and are subject to the protections described in (a) of this
26 subsection; and

27 (f) Publish reports summarizing trends, contributing factors, and
28 policy or program recommendations resulting from reviews. Reports may
29 not include personally identifiable information or information with
30 which, in combination with readily available public sources, members
31 of the public could discern personal information.

32 (3) All meetings or deliberations of a fatality review committee
33 are confidential and are not subject to the requirements of chapter
34 42.30 RCW, the open public meetings act.

35 (4) Discussions among participants of a fatality review committee
36 during fatal crash review proceedings and documents, other than the
37 final report of the committee, prepared by the commission are
38 inadmissible and may not be used in a civil or administrative
39 proceeding, except that any document that exists before its use or
40 consideration in a review by the commission, or that is created

1 independently of such review, does not become inadmissible merely
2 because it is reviewed or used by the commission.

3 (5) For confidential information, including medical records and
4 personal information under RCW 42.56.230 (7) and (9), that is
5 obtained by the commission, neither the commission nor any
6 participant in the fatality review committee may publicly disclose
7 such confidential information. Such confidential information must
8 only be used for the purposes of this chapter. No person who was in
9 attendance at a meeting of the fatality review committee or who
10 participated in the creation, retention, collection, or maintenance
11 of information or documents specifically for the commission or the
12 council shall be permitted to testify in any civil action as to the
13 content of such proceedings or of the documents and information
14 prepared specifically as part of the activities of the council.
15 However, recommendations from the council and the commission
16 generally may be disclosed without personal identifiers.

17 (6) The commission may review, only to the extent otherwise
18 permitted by law or court rule when determined to be relevant and
19 necessary: Any law enforcement incident documentation, such as
20 incident reports, dispatch records, and victim, witness, and suspect
21 statements; any supplemental reports, probable cause statements, and
22 911 call taker's reports; abstracts of driving records; and any other
23 information determined to be relevant to the review. The commission
24 and the council must maintain the confidentiality of the information
25 to the extent required by any applicable law.

26 (7) If acting in good faith, without malice, and within the
27 parameters of and protocols established under this chapter,
28 representatives of the commission and members of a fatality review
29 committee convened by the commission are immune from civil liability
30 for any activity related to reviews of any particular fatalities and
31 serious injuries.

32 (8) This section does not create a private right of action,
33 except if representatives of the commission and members of a fatality
34 review committee act in bad faith by disclosing confidential
35 information protected under this chapter.

36 **Sec. 5.** RCW 43.59.156 and 2025 c 417 s 903 are each amended to
37 read as follows:

38 (1) Within amounts appropriated to the ((~~traffic—safety~~))
39 commission, the commission must convene the ((~~Cooper—Jones—active~~

1 ~~transportation safety~~) council comprised of stakeholders who have a
2 unique interest or expertise in the safety of pedestrians,
3 bicyclists, and other nonmotorists.

4 (2) The purpose of the council is to review and analyze data and
5 programs related to fatalities and serious injuries involving
6 pedestrians, bicyclists, and other nonmotorists to identify points at
7 which the transportation system can be improved including, whenever
8 possible, privately owned areas of the system such as parking lots,
9 and to identify patterns in pedestrian, bicyclist, and other
10 nonmotorist fatalities and serious injuries. The council may also:

11 (a) Monitor progress on implementation of existing council
12 recommendations; and

13 (b) Seek opportunities to expand consideration and implementation
14 of the principles of systematic safety, including areas where data
15 collection may need improvement.

16 (3) (a) The council may include, but is not limited to:

17 (i) A representative from the commission;

18 (ii) A coroner from the county in which pedestrian, bicyclist, or
19 nonmotorist deaths have occurred;

20 (iii) Multiple members of law enforcement who have investigated
21 pedestrian, bicyclist, or nonmotorist fatalities;

22 (iv) A traffic engineer;

23 (v) A representative from the department of transportation and a
24 representative from the department of health;

25 (vi) A representative from the association of Washington cities;

26 (vii) A representative from the Washington state association of
27 counties;

28 (viii) A representative from a pedestrian advocacy group;

29 (ix) A representative from a tribal government; and

30 (x) A representative from a bicyclist or other nonmotorist
31 advocacy group.

32 (b) The commission may invite other representatives of
33 stakeholder groups to participate in the council as deemed
34 appropriate by the commission. Additionally, the commission may
35 invite a victim or family member of a victim to participate in the
36 council.

37 (4) The council must meet at least quarterly. By December 31st of
38 each year, the council must issue an annual report detailing any
39 findings and recommendations to the governor and the transportation
40 committees of the legislature. The commission must provide the annual

1 report electronically to all municipal governments and state agencies
2 that participated in the council during that calendar year.
3 Additionally, the council must report any budgetary or fiscal
4 recommendations to the office of financial management and the
5 legislature by August 1st on a biennial basis.

6 ~~(5) ((As part of the review of pedestrian, bicyclist, or
7 nonmotorist fatalities and serious injuries that occur in Washington,
8 the council may review any available information, including crash
9 information maintained in existing databases; statutes, rules,
10 policies, or ordinances governing pedestrians and traffic related to
11 the incidents; and any other relevant information. The council may
12 make recommendations regarding changes in statutes, ordinances,
13 rules, and policies that could improve pedestrian, bicyclist, or
14 nonmotorist safety. Additionally, the council may make
15 recommendations on how to improve traffic fatality and serious injury
16 data quality, including crashes that occur in privately owned
17 property such as parking lots. The council may consult with local
18 cities and counties, as well as local police departments and other
19 law enforcement agencies and associations representing those
20 jurisdictions on how to improve data quality regarding crashes
21 occurring on private property.~~

22 ~~(6) (a) Documents prepared by or for the council are inadmissible
23 and may not be used in a civil or administrative proceeding, except
24 that any document that exists before its use or consideration in a
25 review by the council, or that is created independently of such
26 review, does not become inadmissible merely because it is reviewed or
27 used by the council. For confidential information, such as personally
28 identifiable information and medical records, which are obtained by
29 the council, neither the commission nor the council may publicly
30 disclose such confidential information. No person who was in
31 attendance at a meeting of the council or who participated in the
32 creation, retention, collection, or maintenance of information or
33 documents specifically for the commission or the council shall be
34 permitted to testify in any civil action as to the content of such
35 proceedings or of the documents and information prepared specifically
36 as part of the activities of the council. However, recommendations
37 from the council and the commission generally may be disclosed
38 without personal identifiers.~~

39 ~~(b) The council may review, only to the extent otherwise
40 permitted by law or court rule when determined to be relevant and~~

1 necessary: Any law enforcement incident documentation, such as
2 incident reports, dispatch records, and victim, witness, and suspect
3 statements; any supplemental reports, probable cause statements, and
4 911 call taker's reports; and any other information determined to be
5 relevant to the review. The commission and the council must maintain
6 the confidentiality of such information to the extent required by any
7 applicable law.

8 (7) If acting in good faith, without malice, and within the
9 parameters of and protocols established under this chapter,
10 representatives of the commission and the council are immune from
11 civil liability for an activity related to reviews of particular
12 fatalities and serious injuries.

13 (8) This section must not be construed to provide a private civil
14 cause of action.

15 (9)) (a) The council may receive gifts, grants, or endowments
16 from public or private sources that are made from time to time, in
17 trust or otherwise, for the use and benefit of the purposes of the
18 council and spend the gifts, grants, or endowments from the public or
19 private sources according to their terms, unless the receipt of the
20 gifts, grants, or endowments violates RCW 29B.45.020.

21 (b) Subject to the appropriation of funds for this specific
22 purpose, the council may provide grants targeted at improving
23 pedestrian, bicyclist, or nonmotorist safety in accordance with
24 recommendations made by the council.

25 ((10) For purposes of this section:

26 (a) "Bicyclist fatality" means any death of a bicyclist resulting
27 from a collision, whether on a roadway, at an intersection, along an
28 adjacent sidewalk, or on a path that is contiguous with a roadway.

29 (b) "Council" means the Cooper Jones active transportation safety
30 council.

31 (c) "Nonmotorist" means anyone using the transportation system
32 who is not in a vehicle.

33 (d) "Pedestrian fatality" means any death of a pedestrian
34 resulting from a collision, whether on a roadway, at an intersection,
35 along an adjacent sidewalk, or on a path that is contiguous with a
36 roadway.

37 (e) "Serious injury" means any injury other than a fatal injury
38 that prevents the injured person from walking, driving, or normally

1 ~~continuing the activities the person was capable of performing before~~
2 ~~the injury occurred.)~~)

--- **END** ---