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**SENATE BILL 6131**

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**State of Washington**

**69th Legislature**

**2026 Regular Session**

**By** Senators Shewmake, J. Wilson, Alvarado, Conway, Lias, Nobles, Saldaña, and Trudeau; by request of Washington Traffic Safety Commission

Read first time 01/14/26. Referred to Committee on Transportation.

1 AN ACT Relating to updating the role of the Washington traffic  
2 safety commission in identifying the risk factors that lead to  
3 roadway fatalities; amending RCW 42.56.360, 43.59.010, 43.59.040, and  
4 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) (e), (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) "Serious injury" means any injury other than a fatal injury  
15 that prevents the injured person from walking, driving, or normally  
16 continuing the activities the person was capable of performing before  
17 the injury occurred.

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

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

1 the federal Highway Safety Act of 1966 (Public Law 89-564; 80 Stat.  
2 731) in order to promote and protect public health and safety.

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

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

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

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

37 (~~(2)~~) (b) Advise and confer with all agencies of state  
38 government whose programs and activities are within the scope of the  
39 Highway Safety Act including those agencies that are not subject to

1 direct supervision, administration, and control by the governor under  
2 existing laws;

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

6 ~~((4))~~ (d) Receive crash reports, toxicology reports, and  
7 related investigation information from state or local law enforcement  
8 agencies;

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

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

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

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

23 (2) The commission may:

24 (a) As a public health authority, collect health care information  
25 under RCW 70.02.050(2)(b). Any health care information obtained under  
26 this subsection is exempt from public inspection and copying under  
27 chapter 42.56 RCW. The health care information may be collected from,  
28 but is not limited to, hospitals, emergency medical services, medical  
29 examiners, and coroner offices. The commission may compile and link  
30 the records data from these sources, store this information in a  
31 secure database, and perform statistical and epidemiological analyses  
32 to identify causes and trends in traffic fatalities;

33 (b) As part of its purpose to identify risk factors contributing  
34 to fatal and serious injury collisions, the commission may convene a  
35 fatality review committee to review any available information,  
36 including: Crash information maintained in existing databases;  
37 statutes, rules, policies, or ordinances related to the incidents;  
38 and any other relevant information, including reports and records  
39 described in this section;

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

9 (d) Consult with local cities and counties, as well as local  
10 police departments and other law enforcement agencies and  
11 associations representing those jurisdictions on how to improve data  
12 quality regarding crashes;

13 (e) Obtain and examine medical records related to individuals  
14 involved in fatal traffic crashes that occur in Washington including,  
15 but not limited to, postmortem medical examinations and emergency  
16 medical treatment and trauma care provided after a traffic collision.  
17 Medical records may be reviewed by members of the fatality review  
18 committee and are subject to the protections described in (a) of this  
19 subsection; and

20 (f) Publish reports summarizing trends, contributing factors, and  
21 policy or program recommendations resulting from reviews. Reports may  
22 not include personally identifiable information.

23 (3) All meetings or deliberations of a fatality review committee  
24 are confidential and are not subject to the requirements of chapter  
25 42.30 RCW, the open public meetings act.

26 (4) Discussions among participants of a fatality review committee  
27 and documents obtained or prepared by or for the commission are  
28 inadmissible and may not be used in a civil or administrative  
29 proceeding, except that any document that exists before its use or  
30 consideration in a review by the commission, or that is created  
31 independently of such review, does not become inadmissible merely  
32 because it is reviewed or used by the commission.

33 (5) For confidential information, including medical records and  
34 personal information under RCW 42.56.230 (7) and (9), that is  
35 obtained by the commission, neither the commission nor any  
36 participant in the fatality review committee may publicly disclose  
37 such confidential information. No person who was in attendance at a  
38 meeting of the fatality review committee or who participated in the  
39 creation, retention, collection, or maintenance of information or  
40 documents specifically for the commission or the council shall be

1 permitted to testify in any civil action as to the content of such  
2 proceedings or of the documents and information prepared specifically  
3 as part of the activities of the council. However, recommendations  
4 from the council and the commission generally may be disclosed  
5 without personal identifiers.

6 (6) The commission may review, only to the extent otherwise  
7 permitted by law or court rule when determined to be relevant and  
8 necessary: Any law enforcement incident documentation, such as  
9 incident reports, dispatch records, and victim, witness, and suspect  
10 statements; any supplemental reports, probable cause statements, and  
11 911 call taker's reports; abstracts of driving records; and any other  
12 information determined to be relevant to the review. The commission  
13 and the council must maintain the confidentiality of the information  
14 to the extent required by any applicable law.

15 (7) If acting in good faith, without malice, and within the  
16 parameters of and protocols established under this chapter,  
17 representatives of the commission and members of a fatality review  
18 committee convened by the commission are immune from civil liability  
19 for any activity related to reviews of any particular fatalities and  
20 serious injuries.

21 (8) This section does not create a private right of action.

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

24 (1) Within amounts appropriated to the (~~traffic—safety~~)  
25 commission, the commission must convene the (~~Cooper—Jones—active~~  
26 ~~transportation—safety~~) council comprised of stakeholders who have a  
27 unique interest or expertise in the safety of pedestrians,  
28 bicyclists, and other nonmotorists.

29 (2) The purpose of the council is to review and analyze data and  
30 programs related to fatalities and serious injuries involving  
31 pedestrians, bicyclists, and other nonmotorists to identify points at  
32 which the transportation system can be improved including, whenever  
33 possible, privately owned areas of the system such as parking lots,  
34 and to identify patterns in pedestrian, bicyclist, and other  
35 nonmotorist fatalities and serious injuries. The council may also:

36 (a) Monitor progress on implementation of existing council  
37 recommendations; and

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

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

5 (i) A representative from the commission;

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

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

10 (iv) A traffic engineer;

11 (v) A representative from the department of transportation and a  
12 representative from the department of health;

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

14 (vii) A representative from the Washington state association of  
15 counties;

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

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

18 (x) A representative from a bicyclist or other nonmotorist  
19 advocacy group.

20 (b) The commission may invite other representatives of  
21 stakeholder groups to participate in the council as deemed  
22 appropriate by the commission. Additionally, the commission may  
23 invite a victim or family member of a victim to participate in the  
24 council.

25 (4) The council must meet at least quarterly. By December 31st of  
26 each year, the council must issue an annual report detailing any  
27 findings and recommendations to the governor and the transportation  
28 committees of the legislature. The commission must provide the annual  
29 report electronically to all municipal governments and state agencies  
30 that participated in the council during that calendar year.  
31 Additionally, the council must report any budgetary or fiscal  
32 recommendations to the office of financial management and the  
33 legislature by August 1st on a biennial basis.

34 ~~(5) ((As part of the review of pedestrian, bicyclist, or~~  
35 ~~nonmotorist fatalities and serious injuries that occur in Washington,~~  
36 ~~the council may review any available information, including crash~~  
37 ~~information maintained in existing databases; statutes, rules,~~  
38 ~~policies, or ordinances governing pedestrians and traffic related to~~  
39 ~~the incidents; and any other relevant information. The council may~~  
40 ~~make recommendations regarding changes in statutes, ordinances,~~

1 rules, and policies that could improve pedestrian, bicyclist, or  
2 nonmotorist safety. Additionally, the council may make  
3 recommendations on how to improve traffic fatality and serious injury  
4 data quality, including crashes that occur in privately owned  
5 property such as parking lots. The council may consult with local  
6 cities and counties, as well as local police departments and other  
7 law enforcement agencies and associations representing those  
8 jurisdictions on how to improve data quality regarding crashes  
9 occurring on private property.

10 (6) (a) Documents prepared by or for the council are inadmissible  
11 and may not be used in a civil or administrative proceeding, except  
12 that any document that exists before its use or consideration in a  
13 review by the council, or that is created independently of such  
14 review, does not become inadmissible merely because it is reviewed or  
15 used by the council. For confidential information, such as personally  
16 identifiable information and medical records, which are obtained by  
17 the council, neither the commission nor the council may publicly  
18 disclose such confidential information. No person who was in  
19 attendance at a meeting of the council or who participated in the  
20 creation, retention, collection, or maintenance of information or  
21 documents specifically for the commission or the council shall be  
22 permitted to testify in any civil action as to the content of such  
23 proceedings or of the documents and information prepared specifically  
24 as part of the activities of the council. However, recommendations  
25 from the council and the commission generally may be disclosed  
26 without personal identifiers.

27 (b) The council may review, only to the extent otherwise  
28 permitted by law or court rule when determined to be relevant and  
29 necessary: Any law enforcement incident documentation, such as  
30 incident reports, dispatch records, and victim, witness, and suspect  
31 statements; any supplemental reports, probable cause statements, and  
32 911 call taker's reports; and any other information determined to be  
33 relevant to the review. The commission and the council must maintain  
34 the confidentiality of such information to the extent required by any  
35 applicable law.

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

1       ~~(8) This section must not be construed to provide a private civil~~  
2 ~~cause of action.~~

3       ~~(9)) (a) The council may receive gifts, grants, or endowments~~  
4 ~~from public or private sources that are made from time to time, in~~  
5 ~~trust or otherwise, for the use and benefit of the purposes of the~~  
6 ~~council and spend the gifts, grants, or endowments from the public or~~  
7 ~~private sources according to their terms, unless the receipt of the~~  
8 ~~gifts, grants, or endowments violates RCW 29B.45.020.~~

9       ~~(b) Subject to the appropriation of funds for this specific~~  
10 ~~purpose, the council may provide grants targeted at improving~~  
11 ~~pedestrian, bicyclist, or nonmotorist safety in accordance with~~  
12 ~~recommendations made by the council.~~

13       ~~((10) For purposes of this section:~~

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

17       ~~(b) "Council" means the Cooper Jones active transportation safety~~  
18 ~~council.~~

19       ~~(c) "Nonmotorist" means anyone using the transportation system~~  
20 ~~who is not in a vehicle.~~

21       ~~(d) "Pedestrian fatality" means any death of a pedestrian~~  
22 ~~resulting from a collision, whether on a roadway, at an intersection,~~  
23 ~~along an adjacent sidewalk, or on a path that is contiguous with a~~  
24 ~~roadway.~~

25       ~~(e) "Serious injury" means any injury other than a fatal injury~~  
26 ~~that prevents the injured person from walking, driving, or normally~~  
27 ~~continuing the activities the person was capable of performing before~~  
28 ~~the injury occurred.))~~

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