CERTIFICATION OF ENROLLMENT

ENGROSSED SUBSTITUTE HOUSE BILL 2192

Chapter 152, Laws of 2026

69th Legislature
2026 Regular Session

WASHINGTON TRAFFIC SAFETY COMMISSION—ROADWAY FATALITY RISK FACTORS

EFFECTIVE DATE: June 11, 2026

Passed by the House February 17, 2026
Yeas 96 Nays 1

LAURIE JINKINS

Speaker of the House of Representatives

Passed by the Senate March 6, 2026
Yeas 46 Nays 2

DENNY HECK

President of the Senate

Approved March 23, 2026 3:17 PM

BOB FERGUSON

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 2192** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

March 24, 2026

Secretary of State
State of Washington

ENGROSSED SUBSTITUTE HOUSE BILL 2192

Passed Legislature - 2026 Regular Session

State of Washington 69th Legislature 2026 Regular Session

By House Transportation (originally sponsored by Representatives Low, Reed, Leavitt, Ryu, Doglio, Ramel, Zahn, Street, Duerr, Thomas, Bergquist, Hill, Donaghy, and Timmons; by request of Washington Traffic Safety Commission)

READ FIRST TIME 02/09/26.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) The commission may:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) A representative from the commission;

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

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

(iv) A traffic engineer;

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

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

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

(viii) A representative from a pedestrian advocacy group;

(ix) A representative from a tribal government; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Passed by the House February 17, 2026.
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