

# SENATE BILL REPORT

## HB 1966

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As Reported by Senate Committee On:  
Transportation, February 22, 2010

**Title:** An act relating to adding wheelchair users to the types of individuals for whom drivers must take additional precautions.

**Brief Description:** Adding wheelchair users to the types of individuals for whom drivers must take additional precautions.

**Sponsors:** Representatives McCoy, Ormsby and Simpson.

**Brief History:** Passed House: 2/10/10, 97-0.

**Committee Activity:** Transportation: 2/17/10, 2/22/10 [DPA].

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### SENATE COMMITTEE ON TRANSPORTATION

**Majority Report:** Do pass as amended.

Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker, Ranking Minority Member; Becker, Berkey, Delvin, Eide, Hatfield, Jacobsen, Kastama, Kauffman, Kilmer, King, Ranker and Sheldon.

**Staff:** Wendy Malkin (786-7434)

**Background:** Under Washington's rules of the road, a driver is required to take due care to avoid colliding with a pedestrian in the roadway. In addition, a driver must stop to allow a pedestrian or bicyclist to cross the road within a crosswalk when the pedestrian or bicyclist is within one lane of the half of the roadway upon which a vehicle is traveling or onto which it is turning.

Washington's White Cane Law creates a higher duty of care for drivers approaching totally blind or partially blind pedestrians using a predominantly white cane, totally blind or partially blind or hearing impaired pedestrians using a guide dog, or persons with physical disabilities using a service animal. Drivers are required to take all necessary precautions to avoid injury to such pedestrians. Drivers who fail to take all necessary precautions are liable in damages for any injury caused to such pedestrians. In addition, the White Cane Law makes it unlawful for a driver to enter a crosswalk if such a pedestrian is in the crosswalk.

**Summary of Bill:** The bill as referred to committee not considered.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Summary of Bill (Recommended Amendments):** Wheelchair users, including power wheelchair users, are added to the list of pedestrians for whom drivers have a higher duty of care. Drivers who fail to take all necessary precautions are liable in damages for any injury caused to wheelchair users. In addition, it is unlawful for a driver to enter a crosswalk when a wheelchair user is in the crosswalk.

Effective date of bill is changed from August 1, 2009, to August 1, 2010.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** The bill takes effect on August 1, 2010.

**Staff Summary of Public Testimony:** PRO: There are more and more motorized wheelchair users. We need to increase awareness among drivers to take due care around pedestrians in wheelchairs. It is very hard to cross the street in a wheelchair because you are lower to the ground than standing pedestrians. Drivers tend to look right over your head. Drivers also try to maneuver around wheelchair users to make turns; because in current law, drivers are allowed to move into the crosswalk if pedestrians in the crosswalk are a certain distance from their vehicle. This bill will prohibit them from entering the crosswalk if a wheelchair user is in any part of the crosswalk. Drivers are generally distracted and not watching. People with physical disabilities do get hit by cars. It is important to increase safety for wheelchair users.

**Persons Testifying:** PRO: Representative McCoy, prime sponsor; Diana Stadden, Arc of Washington State and Autism Society; Sharon Todd, student, Eastern Washington University.