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HOUSE BILL 1966

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State of Washington                      61st Legislature                      2009 Regular Session

By Representatives McCoy, Ormsby, and Simpson

Read first time 02/04/09. Referred to Committee on Transportation.

1            AN ACT Relating to adding wheelchair users to the types of  
2 individuals for whom drivers must take additional precautions; amending  
3 RCW 70.84.040; and providing an effective date.

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

5            **Sec. 1.** RCW 70.84.040 and 1997 c 271 s 20 are each amended to read  
6 as follows:

7            The driver of a vehicle approaching a totally or partially blind  
8 pedestrian who is carrying a cane predominantly white in color (with or  
9 without a red tip), a totally or partially blind or hearing impaired  
10 pedestrian using a dog guide, (~~or an otherwise physically disabled~~)  
11 a person with physical disabilities using a service animal, or a person  
12 with a disability using a wheelchair or a power wheelchair as defined  
13 in RCW 46.04.415 shall take all necessary precautions to avoid injury  
14 to such pedestrian or wheelchair user. Any driver who fails to take  
15 such precaution shall be liable in damages for any injury caused such  
16 pedestrian or wheelchair user. It shall be unlawful for the operator  
17 of any vehicle to drive into or upon any crosswalk while there is on  
18 such crosswalk(~~(,)~~) such pedestrian(~~(,)~~) or wheelchair user crossing or  
19 attempting to cross the roadway, if such pedestrian or wheelchair user

1 is using a white cane, using a dog guide, ((~~or~~)) using a service  
2 animal, or using a wheelchair or a power wheelchair as defined in RCW  
3 46.04.415. The failure of any such pedestrian or wheelchair user so to  
4 signal shall not deprive him or her of the right-of-way accorded him or  
5 her by other laws.

6 NEW SECTION. **Sec. 2.** This act takes effect August 1, 2009.

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