

SHB 1339 - H AMD 265

By Representative Shea

FAILED 03/03/2011

1 On page 3, after line 38, insert the following:

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3 "(12) Contributory fault on the part of a vulnerable user victim  
4 is a defense to negligent driving in the second degree with a  
5 vulnerable user victim.

6 (a) The person found to have committed the infraction shall prove  
7 the defense by a preponderance of the evidence. The court shall  
8 determine the percentage of the total fault which is attributable to  
9 the person found to have committed the infraction and the vulnerable  
10 user victim. The sum of the percentages of the total fault attributed  
11 to each person must equal one hundred percent.

12 (b) Any contributory fault attributable to the vulnerable user  
13 victim diminishes proportionately the amount of the monetary penalty  
14 imposed and the length of time the driving privileges are suspended  
15 under subsection (4) of this section. Contributory fault does not  
16 alter the penalty elected under subsection (5) of this section.

17 (c) For the purposes of this subsection, "fault" has the same  
18 meaning as defined in RCW 4.22.015."

**EFFECT:** Creates a defense to the infraction where any contributory fault of the vulnerable user victim reduces the monetary penalty and the time period of suspended driving privileges imposed on the person found to have committed the infraction.

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