

SHB 2127 - H AMD 195

By Representative Rodne

1 On page 2, beginning on line 17, strike all of subsection (5)(a)  
2 and insert the following:

3 "(5)(a) Any information, such as reports and documents and  
4 including complaints and incident reports, that is created or retained  
5 specifically for, or collected and maintained by, either the  
6 commission or the pedestrian fatality and serious injury review panel  
7 pursuant to this section is not subject to discovery or introduction  
8 into evidence in any civil action. For confidential information, such  
9 as personally identifiable information and medical records, which is  
10 obtained by the panel, neither the commission nor the panel may  
11 publicly disclose such confidential information. No person who was in  
12 attendance at a meeting of the panel or who participated in the  
13 creation, retention, collection, or maintenance of information or  
14 documents specifically for the commission or the panel shall be  
15 permitted to testify in any civil action as to the content of such  
16 proceedings or of the documents and information prepared specifically  
17 as part of the activities of the pedestrian fatality and serious  
18 injury review panel. However, recommendations from the panel and the  
19 commission generally may be disclosed without personal identifiers."

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EFFECT:

Strikes language that:

- Provided that any oral or written communication and any documents shared within or produced by the Pedestrian Fatality and Serious Injury Review Panel (the Panel) were not subject to disclosure and were not discoverable by a third party;
- Made confidential any oral or written communication and any documents provided by a third party to the Panel, prohibiting disclosure or discovery by a third party.

And instead inserts language that:

- Prohibits the discovery and the use in any civil trial any information that is created, retained, collected, or maintained by the Washington Traffic Safety Commission (WTSC) or the Panel;
- Requires the WTSC and the Panel to keep confidential any confidential information obtained by the Panel;
- Prohibits people who attend a meeting of the Panel or who participate in the creation, retention, collection, or maintenance of information for the Panel from testifying as to the content of the proceedings or information at a civil action.

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