

HOUSE BILL REPORT

SB 6045

As Reported by House Committee On:
Transportation

Title: An act relating to vulnerable users of a public way.

Brief Description: Concerning vulnerable users of a public way.

Sponsors: Senators Takko, Kuderer, Pedersen, Randall and Rolfes.

Brief History:

Committee Activity:

Transportation: 2/29/20, 3/2/20 [DP].

Brief Summary of Bill

- Broadens the applicability of the offense of Negligent Driving in the second degree with a Vulnerable User Victim by expanding the definition of "vulnerable user of a public way" to include passengers of farm tractors and implements of husbandry (without enclosed shells), bicycles, electric-assisted bicycles, electric personal assistive mobility devices, mopeds, motor-driven cycles, motorized foot scooters, and motorcycles.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass. Signed by 30 members: Representatives Fey, Chair; Wylie, 1st Vice Chair; Slatter, 2nd Vice Chair; Valdez, 2nd Vice Chair; Barkis, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Young, Assistant Ranking Minority Member; Boehnke, Chambers, Chapman, Dent, Doglio, Duerr, Entenman, Eslick, Goehner, Gregerson, Irwin, Kloba, Lovick, McCaslin, Mead, Orcutt, Ortiz-Self, Paul, Ramos, Riccelli, Shewmake, Van Werven and Volz.

Staff: Jennifer Harris (786-7143).

Background:

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.

A person commits Negligent Driving in the second degree with a Vulnerable User Victim, a traffic infraction, if, under circumstances not constituting Negligent Driving in the first degree, he or she:

1. operates a vehicle in a manner that is negligent and endangers or is likely to endanger a person or property; and
2. proximately causes the death, great bodily harm, or substantial bodily harm of a vulnerable user of a public way.

"Negligent" means the failure to exercise ordinary care. (A negligent act is one that a reasonably careful person would not do under the same or similar circumstances. Negligence can also be due to the failure to do something that a reasonably careful person would do under the same or similar circumstances.) A "proximate cause" is a cause that directly produces an event and without which the event would not have occurred.

"Vulnerable user of a public way" means:

- a pedestrian;
- a person riding an animal; or
- a person operating any of the following on a public way: a farm tractor or implement of husbandry (without an enclosed shell), a bicycle, an electric-assisted bicycle, an electric personal assistive mobility device, a moped, a motor-driven cycle, a motorized foot scooter, or a motorcycle.

A person found to have committed Negligent Driving in the second degree with a Vulnerable User Victim must:

- pay a monetary penalty of \$5,000, which may not be reduced to less than \$1,000; and
- have his or her driving privileges suspended for 90 days.

In the alternative, if a person is found to have committed Negligent Driving in the second degree, he or she can:

- pay a penalty of \$250 and any costs assessed by the court that it deems appropriate for administrative processing;
- attend traffic school for a number of days determined by a court;
- perform community service for a number of hours to be determined by a court, but no greater than 100 hours, and which must include activities related to driver improvement and providing public education on traffic safety; and
- submit certification to the court establishing that these requirements have been met within one year of the hearing, unless the court extends this period of time for good cause shown.

Negligent Driving in the second degree (without a vulnerable user victim) is a traffic infraction that is subject to a penalty of \$250.

Summary of Bill:

The definition of "vulnerable user of a public way" is expanded to include anyone riding on, who is not operating, a farm tractor or implement of husbandry (without an enclosed shell), a

bicycle, an electric-assisted bicycle, an electric personal assistive mobility device, a moped, a motor-driven cycle, a motorized foot scooter, or a motorcycle.

This definition of "vulnerable user of a public way" broadens the applicability of the offense of Negligent Driving in the second degree with a Vulnerable User Victim when a passenger of one of the above categories of vehicles suffers death, great bodily harm, or substantial bodily harm.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) An incident occurred where a driver swerved across the lane and killed two people on a motorcycle. Charges could only be filed for one death because the law does not consider the passenger a vulnerable user of a public way. This bill clarifies that both the life of the operator and the life of the passenger have value by classifying both as vulnerable users of a public way.

(Opposed) None.

Persons Testifying: Senator Takko, prime sponsor.

Persons Signed In To Testify But Not Testifying: None.