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HOUSE BILL 2358

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State of Washington

66th Legislature

2020 Regular Session

By Representatives Fitzgibbon, Irwin, Leavitt, Shewmake, Harris, Doglio, and Kloba

Prefiled 01/10/20. Read first time 01/13/20. Referred to Committee on Transportation.

1 AN ACT Relating to increasing mobility through the modification  
2 of stop sign requirements for bicyclists; amending RCW 46.61.050,  
3 46.61.190, 46.61.200, 46.61.755, and 47.36.110; and providing an  
4 effective date.

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

6 **Sec. 1.** RCW 46.61.050 and 2019 c 214 s 9 are each amended to  
7 read as follows:

8 (1) The driver of any vehicle, every bicyclist, and every  
9 pedestrian shall obey, and the operation of every personal delivery  
10 device shall follow, the instructions of any official traffic control  
11 device applicable thereto, and as specified in this chapter, placed  
12 in accordance with the provisions of this chapter, unless otherwise  
13 directed by a traffic or police officer, subject to the exception  
14 granted the driver of an authorized emergency vehicle in this  
15 chapter.

16 (2) No provision of this chapter for which official traffic  
17 control devices are required shall be enforced against an alleged  
18 violator if at the time and place of the alleged violation an  
19 official device is not in proper position and sufficiently legible or  
20 visible to be seen by an ordinarily observant person. Whenever a  
21 particular section does not state that official traffic control

1 devices are required, such section shall be effective even though no  
2 devices are erected or in place.

3 (3) Whenever official traffic control devices are placed in  
4 position approximately conforming to the requirements of this  
5 chapter, such devices shall be presumed to have been so placed by the  
6 official act or direction of lawful authority, unless the contrary  
7 shall be established by competent evidence.

8 (4) Any official traffic control device placed pursuant to the  
9 provisions of this chapter and purporting to conform to the lawful  
10 requirements pertaining to such devices shall be presumed to comply  
11 with the requirements of this chapter, unless the contrary shall be  
12 established by competent evidence.

13 **Sec. 2.** RCW 46.61.190 and 2019 c 403 s 7 are each amended to  
14 read as follows:

15 (1) Preferential right-of-way may be indicated by stop signs or  
16 yield signs as authorized in RCW 47.36.110.

17 (2) (a) Except when directed to proceed by a duly authorized  
18 flagger, or a police officer, or a firefighter vested by law with  
19 authority to direct, control, or regulate traffic, every driver of a  
20 vehicle approaching a stop sign shall stop except as provided in (b)  
21 of this subsection at a clearly marked stop line, but if none, before  
22 entering a marked crosswalk on the near side of the intersection or,  
23 if none, then at the point nearest the intersecting roadway where the  
24 driver has a view of approaching traffic on the intersecting roadway  
25 before entering the roadway, and after having stopped shall yield the  
26 right-of-way to any vehicle in the intersection or approaching on  
27 another roadway so closely as to constitute an immediate hazard  
28 during the time when such driver is moving across or within the  
29 intersection or junction of roadways.

30 (b) (i) With the exception of (b) (ii) of this subsection, every  
31 bicyclist approaching a stop sign shall either:

32 (A) Follow the requirements for approaching a stop sign as  
33 specified in (a) of this subsection; or

34 (B) Follow the requirements for approaching a yield sign as  
35 specified in subsection (3) of this section.

36 (ii) Every bicyclist approaching a stop sign located at a highway  
37 grade crossing of a railroad must follow the requirements of RCW  
38 46.61.345.

1 (3) The driver of a vehicle approaching a yield sign shall in  
2 obedience to such sign slow down to a speed reasonable for the  
3 existing conditions and if required for safety to stop, shall stop at  
4 a clearly marked stop line, but if none, before entering a marked  
5 crosswalk on the near side of the intersection or if none, then at  
6 the point nearest the intersecting roadway where the driver has a  
7 view of approaching traffic on the intersecting roadway before  
8 entering the roadway, and then after slowing or stopping, the driver  
9 shall yield the right-of-way to any vehicle in the intersection or  
10 approaching on another roadway so closely as to constitute an  
11 immediate hazard during the time such driver is moving across or  
12 within the intersection or junction of roadways: PROVIDED, That if  
13 such a driver is involved in a collision with a vehicle in the  
14 intersection or junction of roadways, after driving past a yield sign  
15 without stopping, such collision shall be deemed prima facie evidence  
16 of the driver's failure to yield right-of-way.

17 (4) (a) When right-of-way has not been yielded in accordance with  
18 this section to a vehicle that is a vulnerable user of a public way,  
19 a driver of a motor vehicle found to be in violation of this section  
20 must be assessed an additional fine equal to the base penalty  
21 assessed under RCW 46.63.110(3). This fine may not be waived,  
22 reduced, or suspended, unless the court finds the offender to be  
23 indigent, and is not subject to the additional fees and assessments  
24 that the base penalty for this violation is subject to under RCW  
25 2.68.040, 3.62.090, and 46.63.110.

26 (b) For the purposes of this section, "vulnerable user of a  
27 public way" has the same meaning as provided in RCW 46.61.526(11) (c).

28 (5) The additional fine imposed under subsection (4) of this  
29 section must be deposited into the vulnerable roadway user education  
30 account created in RCW 46.61.145.

31 **Sec. 3.** RCW 46.61.200 and 1984 c 7 s 67 are each amended to read  
32 as follows:

33 In addition to the points of intersection of any public highway  
34 with any arterial public highway that is constituted by law or by any  
35 proper authorities of this state or any city or town of this state,  
36 the state department of transportation with respect to state  
37 highways, and the proper authorities with respect to any other public  
38 highways, have the power to determine and designate any particular  
39 intersection, or any particular highways, roads, or streets or

1 portions thereof, at any intersection with which vehicles shall be  
2 required to stop before entering such intersection. Upon the  
3 determination and designation of such points at which vehicles will  
4 be required to come to a stop before entering the intersection,  
5 except as provided in RCW 46.61.190, the proper authorities so  
6 determining and designating shall cause to be posted and maintained  
7 proper signs of the standard design adopted by the state department  
8 of transportation indicating that the intersection has been so  
9 determined and designated and that vehicles entering it are required  
10 to stop, except as provided in RCW 46.61.190. It is unlawful for any  
11 person operating any vehicle when entering any intersection  
12 determined, designated, and bearing the required sign to fail and  
13 neglect to bring the vehicle to a complete stop before entering the  
14 intersection, except as provided in RCW 46.61.190.

15 **Sec. 4.** RCW 46.61.755 and 2000 c 85 s 3 are each amended to read  
16 as follows:

17 (1) Every person riding a bicycle upon a roadway shall be granted  
18 all of the rights and shall be subject to all of the duties  
19 applicable to the driver of a vehicle by this chapter, except as to  
20 special regulations in RCW 46.61.750 through 46.61.780, except as  
21 provided in RCW 46.61.190, and except as to those provisions of this  
22 chapter which by their nature can have no application.

23 (2) Every person riding a bicycle upon a sidewalk or crosswalk  
24 must be granted all of the rights and is subject to all of the duties  
25 applicable to a pedestrian by this chapter.

26 **Sec. 5.** RCW 47.36.110 and 2010 c 8 s 10013 are each amended to  
27 read as follows:

28 In order to provide safety at intersections on the state highway  
29 system, the department may require persons traveling upon any portion  
30 of such highway to stop before entering the intersection, except as  
31 provided in RCW 46.61.190. For this purpose there may be erected a  
32 standard stop sign as prescribed in the state department of  
33 transportation's "Manual on Uniform Traffic Control Devices for  
34 Streets and Highways." All persons traveling upon the highway shall  
35 come to a complete stop at such a sign, except as provided in RCW  
36 46.61.190, and the appearance of any sign so located is sufficient  
37 warning to a person that he or she is required to stop. A person  
38 stopping at such a sign shall proceed through that portion of the

1 highway in a careful manner and at a reasonable rate of speed not to  
2 exceed twenty miles per hour. It is unlawful to fail to comply with  
3 the directions of any such stop sign, except as provided in RCW  
4 46.61.190. When the findings of a traffic engineering study show that  
5 the condition of an intersection is such that vehicles may safely  
6 enter the major artery without stopping, the department or local  
7 authorities in their respective jurisdictions shall install and  
8 maintain a "Yield" sign.

9 NEW SECTION. **Sec. 6.** This act takes effect October 1, 2020.

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