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**HOUSE BILL 1972**

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**State of Washington**

**67th Legislature**

**2022 Regular Session**

**By** Representatives Harris and Santos

Read first time 01/13/22. Referred to Committee on Public Safety.

1 AN ACT Relating to imposing criminal penalties for negligent  
2 driving involving the death of a vulnerable user victim; amending RCW  
3 46.61.526, 46.20.342, 46.20.342, 46.61.110, 46.61.145, 46.61.180,  
4 46.61.185, 46.61.190, and 46.61.205; adding a new section to chapter  
5 46.61 RCW; prescribing penalties; providing an effective date; and  
6 providing an expiration date.

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

8 NEW SECTION. **Sec. 1.** A new section is added to chapter 46.61  
9 RCW to read as follows:

10 (1) A person commits negligent driving with a vulnerable user  
11 victim in the first degree if he or she operates a vehicle, as  
12 defined in RCW 46.04.670, in a manner that is both negligent and  
13 endangers or is likely to endanger any person or property, and he or  
14 she proximately causes the death of a vulnerable user of a public  
15 way.

16 (2) Violation of this section is a gross misdemeanor, which shall  
17 be punished by:

18 (a) Up to 364 days of imprisonment;

19 (b) A fine of \$5,000, which may not be reduced to an amount less  
20 than \$1,000; and

21 (c) Suspension of driving privileges for 90 days.

1 (3) If a person is convicted of an offense under this section,  
2 then the court shall notify the department, and the department shall  
3 suspend the person's driving privileges.

4 (4) For the purposes of this section:

5 (a) "Negligent" has the same meaning as provided in RCW  
6 46.61.525(2).

7 (b) "Vulnerable user of a public way" means:

8 (i) A pedestrian;

9 (ii) A person riding an animal; or

10 (iii) A person operating or riding any of the following on a  
11 public way:

12 (A) A farm tractor or implement of husbandry, without an enclosed  
13 shell;

14 (B) A bicycle;

15 (C) An electric-assisted bicycle;

16 (D) An electric personal assistive mobility device;

17 (E) A moped;

18 (F) A motor-driven cycle;

19 (G) A motorized foot scooter; or

20 (H) A motorcycle.

21 **Sec. 2.** RCW 46.61.526 and 2020 c 146 s 1 are each amended to  
22 read as follows:

23 (1) A person commits negligent driving (~~in the second degree~~)  
24 with a vulnerable user victim in the second degree if, under  
25 circumstances not constituting negligent driving with a vulnerable  
26 user victim in the first degree under section 1 of this act or  
27 negligent driving in the first degree under RCW 46.61.5249, he or she  
28 operates a vehicle, as defined in RCW 46.04.670, in a manner that is  
29 both negligent and endangers or is likely to endanger any person or  
30 property, and he or she proximately causes (~~the death,~~) great  
31 bodily harm(~~)~~ or substantial bodily harm of a vulnerable user of a  
32 public way.

33 (2) The law enforcement officer or prosecuting authority issuing  
34 the notice of infraction for an offense under this section shall  
35 state on the notice of infraction that the offense was a proximate  
36 cause of (~~death,~~) great bodily harm(~~)~~ or substantial bodily  
37 harm, as defined in RCW 9A.04.110, of a vulnerable user of a public  
38 way.

1 (3) Persons under the age of (~~sixteen~~) 16 who commit an  
2 infraction under this section are subject to the provisions of RCW  
3 13.40.250.

4 (4) A person found to have committed negligent driving in the  
5 second degree with a vulnerable user victim shall be required to:

6 (a) Pay a monetary penalty of (~~five thousand dollars~~) \$5,000,  
7 which may not be reduced to an amount less than (~~one thousand~~  
8 ~~dollars~~) \$1,000; and

9 (b) Have his or her driving privileges suspended for (~~ninety~~)  
10 90 days.

11 (5) In lieu of the penalties imposed under subsection (4) of this  
12 section, a person found to have committed negligent driving with a  
13 vulnerable user victim in the second degree (~~with a vulnerable user~~  
14 ~~victim~~) who requests and personally appears for a hearing pursuant  
15 to RCW 46.63.070 (1) or (2) may elect to:

16 (a) Pay a penalty of (~~two hundred fifty dollars~~) \$250;

17 (b) Attend traffic school for a number of days to be determined  
18 by the court pursuant to chapter 46.83 RCW;

19 (c) Perform community service for a number of hours to be  
20 determined by the court, which may not exceed (~~one hundred~~) 100  
21 hours, and which must include activities related to driver  
22 improvement and providing public education on traffic safety; and

23 (d) Submit certification to the court establishing that the  
24 requirements of this subsection have been met within one year of the  
25 hearing.

26 (6) If a person found to have committed a violation of this  
27 section elects the penalties imposed under subsection (5) of this  
28 section, the court may impose the penalties under subsection (5) of  
29 this section and the court may assess costs as the court deems  
30 appropriate for administrative processing.

31 (7) Except as provided in (b) of this subsection, if a person  
32 found to have committed a violation of this section elects the  
33 penalties under subsection (5) of this section but does not complete  
34 all requirements of subsection (5) of this section within one year of  
35 the hearing:

36 (a) (i) The court shall impose a monetary penalty in the amount of  
37 (~~five thousand dollars~~) \$5,000, which may not be reduced to an  
38 amount less than (~~one thousand dollars~~) \$1,000; and

39 (ii) The person's driving privileges shall be suspended for  
40 (~~ninety~~) 90 days.

1 (b) For good cause shown, the court may extend the period of time  
2 in which the person must complete the requirements of subsection (5)  
3 of this section before any of the penalties provided in this  
4 subsection are imposed.

5 (8) An offense under this section is a traffic infraction. To the  
6 extent not inconsistent with this section, the provisions of chapter  
7 46.63 RCW shall apply to infractions under this section. Procedures  
8 for the conduct of all hearings provided for in this section may be  
9 established by rule of the supreme court.

10 (9) If a person is penalized under subsection (4) of this  
11 section, then the court shall notify the department, and the  
12 department shall suspend the person's driving privileges. If a person  
13 fails to meet the requirements of subsection (5) of this section, the  
14 court shall notify the department that the person has failed to meet  
15 the requirements of subsection (5) of this section and the department  
16 shall suspend the person's driving privileges. Notice provided by the  
17 court under this subsection must be in a form specified by the  
18 department.

19 (10) Any act prohibited by this section that also constitutes a  
20 crime under any other law of this state may be the basis of  
21 prosecution under such other law notwithstanding that it may also be  
22 the basis for prosecution under this section.

23 (11) For the purposes of this section:

24 (a) "Great bodily harm" and "substantial bodily harm" have the  
25 same meaning as provided in RCW 9A.04.110.

26 (b) "Negligent" has the same meaning as provided in RCW  
27 46.61.525(2).

28 (c) "Vulnerable user of a public way" (~~means:~~

29 ~~(i) A pedestrian;~~

30 ~~(ii) A person riding an animal; or~~

31 ~~(iii) A person operating or riding any of the following on a  
32 public way:~~

33 ~~(A) A farm tractor or implement of husbandry, without an enclosed  
34 shell;~~

35 ~~(B) A bicycle;~~

36 ~~(C) An electric-assisted bicycle;~~

37 ~~(D) An electric personal assistive mobility device;~~

38 ~~(E) A moped;~~

39 ~~(F) A motor-driven cycle;~~

40 ~~(G) A motorized foot scooter; or~~

1       ~~(H) A motorcycle~~) has the same meaning as provided in section 1  
2 of this act.

3       **Sec. 3.** RCW 46.20.342 and 2015 c 149 s 1 are each amended to  
4 read as follows:

5       (1) It is unlawful for any person to drive a motor vehicle in  
6 this state while that person is in a suspended or revoked status or  
7 when his or her privilege to drive is suspended or revoked in this or  
8 any other state. Any person who has a valid Washington driver's  
9 license is not guilty of a violation of this section.

10       (a) A person found to be a habitual offender under chapter 46.65  
11 RCW, who violates this section while an order of revocation issued  
12 under chapter 46.65 RCW prohibiting such operation is in effect, is  
13 guilty of driving while license suspended or revoked in the first  
14 degree, a gross misdemeanor. Upon the first such conviction, the  
15 person shall be punished by imprisonment for not less than ~~((ten))~~ 10  
16 days. Upon the second conviction, the person shall be punished by  
17 imprisonment for not less than ~~((ninety))~~ 90 days. Upon the third or  
18 subsequent conviction, the person shall be punished by imprisonment  
19 for not less than ~~((one hundred eighty))~~ 180 days. If the person is  
20 also convicted of the offense defined in RCW 46.61.502 or 46.61.504,  
21 when both convictions arise from the same event, the minimum sentence  
22 of confinement shall be not less than ~~((ninety))~~ 90 days. The minimum  
23 sentence of confinement required shall not be suspended or deferred.  
24 A conviction under this subsection does not prevent a person from  
25 petitioning for reinstatement as provided by RCW 46.65.080.

26       (b) A person who violates this section while an order of  
27 suspension or revocation prohibiting such operation is in effect and  
28 while the person is not eligible to reinstate his or her driver's  
29 license or driving privilege, other than for a suspension for the  
30 reasons described in (c) of this subsection, is guilty of driving  
31 while license suspended or revoked in the second degree, a gross  
32 misdemeanor. For the purposes of this subsection, a person is not  
33 considered to be eligible to reinstate his or her driver's license or  
34 driving privilege if the person is eligible to obtain an ignition  
35 interlock driver's license but did not obtain such a license. This  
36 subsection applies when a person's driver's license or driving  
37 privilege has been suspended or revoked by reason of:

38       (i) A conviction of a felony in the commission of which a motor  
39 vehicle was used;

1 (ii) A previous conviction under this section;

2 (iii) A notice received by the department from a court or  
3 diversion unit as provided by RCW 46.20.265, relating to a minor who  
4 has committed, or who has entered a diversion unit concerning an  
5 offense relating to alcohol, legend drugs, controlled substances, or  
6 imitation controlled substances;

7 (iv) A conviction of RCW 46.20.410, relating to the violation of  
8 restrictions of an occupational driver's license, a temporary  
9 restricted driver's license, or an ignition interlock driver's  
10 license;

11 (v) A conviction of RCW 46.20.345, relating to the operation of a  
12 motor vehicle with a suspended or revoked license;

13 (vi) A conviction of RCW 46.52.020, relating to duty in case of  
14 injury to or death of a person or damage to an attended vehicle;

15 (vii) A conviction of RCW 46.61.024, relating to attempting to  
16 elude pursuing police vehicles;

17 (viii) A conviction of RCW 46.61.212(~~((4))~~) (5), relating to  
18 reckless endangerment of emergency zone workers;

19 (ix) A conviction of RCW 46.61.500, relating to reckless driving;

20 (x) A conviction of RCW 46.61.502 or 46.61.504, relating to a  
21 person under the influence of intoxicating liquor or drugs;

22 (xi) A conviction of RCW 46.61.520, relating to vehicular  
23 homicide;

24 (xii) A conviction of RCW 46.61.522, relating to vehicular  
25 assault;

26 (xiii) A conviction of RCW 46.61.527(4), relating to reckless  
27 endangerment of roadway workers;

28 (xiv) A conviction of RCW 46.61.530, relating to racing of  
29 vehicles on highways;

30 (xv) A conviction of RCW 46.61.685, relating to leaving children  
31 in an unattended vehicle with motor running;

32 (xvi) A conviction of RCW 46.61.740, relating to theft of motor  
33 vehicle fuel;

34 (xvii) A conviction of RCW 46.64.048, relating to attempting,  
35 aiding, abetting, coercing, and committing crimes;

36 (xviii) A conviction of section 1 of this act, relating to  
37 negligent driving with a vulnerable user victim in the first degree;

38 (xix) An administrative action taken by the department under  
39 chapter 46.20 RCW;

1       (~~(xix)~~) (xx) A conviction of a local law, ordinance,  
2 regulation, or resolution of a political subdivision of this state,  
3 the federal government, or any other state, of an offense  
4 substantially similar to a violation included in this subsection; or

5       (~~(xx)~~) (xxi) A finding that a person has committed a traffic  
6 infraction under RCW 46.61.526 and suspension of driving privileges  
7 pursuant to RCW 46.61.526 (4) (b) or (7) (a) (ii).

8       (c) A person who violates this section when his or her driver's  
9 license or driving privilege is, at the time of the violation,  
10 suspended or revoked solely because (i) the person must furnish proof  
11 of satisfactory progress in a required alcoholism or drug treatment  
12 program, (ii) the person must furnish proof of financial  
13 responsibility for the future as provided by chapter 46.29 RCW, (iii)  
14 the person has failed to comply with the provisions of chapter 46.29  
15 RCW relating to uninsured accidents, (iv) the person has failed to  
16 respond to a notice of traffic infraction, failed to appear at a  
17 requested hearing, violated a written promise to appear in court, or  
18 has failed to comply with the terms of a notice of traffic infraction  
19 or citation, as provided in RCW 46.20.289, (v) the person has  
20 committed an offense in another state that, if committed in this  
21 state, would not be grounds for the suspension or revocation of the  
22 person's driver's license, (vi) the person has been suspended or  
23 revoked by reason of one or more of the items listed in (b) of this  
24 subsection, but was eligible to reinstate his or her driver's license  
25 or driving privilege at the time of the violation, (vii) the person  
26 has received traffic citations or notices of traffic infraction that  
27 have resulted in a suspension under RCW 46.20.267 relating to  
28 intermediate drivers' licenses, or (viii) the person has been  
29 certified by the department of social and health services as a person  
30 who is not in compliance with a child support order as provided in  
31 RCW 74.20A.320, or any combination of (c) (i) through (viii) of this  
32 subsection, is guilty of driving while license suspended or revoked  
33 in the third degree, a misdemeanor. For the purposes of this  
34 subsection, a person is not considered to be eligible to reinstate  
35 his or her driver's license or driving privilege if the person is  
36 eligible to obtain an ignition interlock driver's license but did not  
37 obtain such a license.

38       (2) Upon receiving a record of conviction of any person or upon  
39 receiving an order by any juvenile court or any duly authorized court

1 officer of the conviction of any juvenile under this section, the  
2 department shall:

3 (a) For a conviction of driving while suspended or revoked in the  
4 first degree, as provided by subsection (1)(a) of this section,  
5 extend the period of administrative revocation imposed under chapter  
6 46.65 RCW for an additional period of one year from and after the  
7 date the person would otherwise have been entitled to apply for a new  
8 license or have his or her driving privilege restored; or

9 (b) For a conviction of driving while suspended or revoked in the  
10 second degree, as provided by subsection (1)(b) of this section, not  
11 issue a new license or restore the driving privilege for an  
12 additional period of one year from and after the date the person  
13 would otherwise have been entitled to apply for a new license or have  
14 his or her driving privilege restored; or

15 (c) Not extend the period of suspension or revocation if the  
16 conviction was under subsection (1)(c) of this section. If the  
17 conviction was under subsection (1)(a) or (b) of this section and the  
18 court recommends against the extension and the convicted person has  
19 obtained a valid driver's license, the period of suspension or  
20 revocation shall not be extended.

21 **Sec. 4.** RCW 46.20.342 and 2021 c 240 s 9 are each amended to  
22 read as follows:

23 (1) It is unlawful for any person to drive a motor vehicle in  
24 this state while that person is in a suspended or revoked status or  
25 when his or her privilege to drive is suspended or revoked in this or  
26 any other state. Any person who has a valid Washington driver's  
27 license is not guilty of a violation of this section.

28 (a) A person found to be a habitual offender under chapter 46.65  
29 RCW, who violates this section while an order of revocation issued  
30 under chapter 46.65 RCW prohibiting such operation is in effect, is  
31 guilty of driving while license suspended or revoked in the first  
32 degree, a gross misdemeanor. Upon the first such conviction, the  
33 person shall be punished by imprisonment for not less than (~~ten~~) 10  
34 days. Upon the second conviction, the person shall be punished by  
35 imprisonment for not less than (~~ninety~~) 90 days. Upon the third or  
36 subsequent conviction, the person shall be punished by imprisonment  
37 for not less than (~~one hundred eighty~~) 180 days. If the person is  
38 also convicted of the offense defined in RCW 46.61.502 or 46.61.504,  
39 when both convictions arise from the same event, the minimum sentence



1 of confinement shall be not less than (~~ninety~~) 90 days. The minimum  
2 sentence of confinement required shall not be suspended or deferred.  
3 A conviction under this subsection does not prevent a person from  
4 petitioning for reinstatement as provided by RCW 46.65.080.

5 (b) A person who violates this section while an order of  
6 suspension or revocation prohibiting such operation is in effect and  
7 while the person is not eligible to reinstate his or her driver's  
8 license or driving privilege, other than for a suspension for the  
9 reasons described in (c) of this subsection, is guilty of driving  
10 while license suspended or revoked in the second degree, a gross  
11 misdemeanor. For the purposes of this subsection, a person is not  
12 considered to be eligible to reinstate his or her driver's license or  
13 driving privilege if the person is eligible to obtain an ignition  
14 interlock driver's license but did not obtain such a license. This  
15 subsection applies when a person's driver's license or driving  
16 privilege has been suspended or revoked by reason of:

17 (i) A conviction of a felony in the commission of which a motor  
18 vehicle was used;

19 (ii) A previous conviction under this section;

20 (iii) A notice received by the department from a court or  
21 diversion unit as provided by RCW 46.20.265, relating to a minor who  
22 has committed, or who has entered a diversion unit concerning an  
23 offense relating to alcohol, legend drugs, controlled substances, or  
24 imitation controlled substances;

25 (iv) A conviction of RCW 46.20.410, relating to the violation of  
26 restrictions of an occupational driver's license, a temporary  
27 restricted driver's license, or an ignition interlock driver's  
28 license;

29 (v) A conviction of RCW 46.20.345, relating to the operation of a  
30 motor vehicle with a suspended or revoked license;

31 (vi) A conviction of RCW 46.52.020, relating to duty in case of  
32 injury to or death of a person or damage to an attended vehicle;

33 (vii) A conviction of RCW 46.61.024, relating to attempting to  
34 elude pursuing police vehicles;

35 (viii) A conviction of RCW 46.61.212(5), relating to reckless  
36 endangerment of emergency zone workers;

37 (ix) A conviction of RCW 46.61.500, relating to reckless driving;

38 (x) A conviction of RCW 46.61.502 or 46.61.504, relating to a  
39 person under the influence of intoxicating liquor or drugs;

1 (xi) A conviction of RCW 46.61.520, relating to vehicular  
2 homicide;

3 (xii) A conviction of RCW 46.61.522, relating to vehicular  
4 assault;

5 (xiii) A conviction of RCW 46.61.527(4), relating to reckless  
6 endangerment of roadway workers;

7 (xiv) A conviction of RCW 46.61.530, relating to racing of  
8 vehicles on highways;

9 (xv) A conviction of RCW 46.61.685, relating to leaving children  
10 in an unattended vehicle with motor running;

11 (xvi) A conviction of RCW 46.61.740, relating to theft of motor  
12 vehicle fuel;

13 (xvii) A conviction of RCW 46.64.048, relating to attempting,  
14 aiding, abetting, coercing, and committing crimes;

15 (xviii) A conviction of section 1 of this act, relating to  
16 negligent driving with a vulnerable user victim in the first degree;

17 (xix) An administrative action taken by the department under this  
18 chapter (~~(46.20 RCW)~~);

19 (~~((xix))~~) (xx) A conviction of a local law, ordinance,  
20 regulation, or resolution of a political subdivision of this state,  
21 the federal government, or any other state, of an offense  
22 substantially similar to a violation included in this subsection; or

23 (~~((xx))~~) (xxi) A finding that a person has committed a traffic  
24 infraction under RCW 46.61.526 and suspension of driving privileges  
25 pursuant to RCW 46.61.526 (4) (b) or (7) (a) (ii).

26 (c) A person who violates this section when his or her driver's  
27 license or driving privilege is, at the time of the violation,  
28 suspended or revoked solely because:

29 (i) The person must furnish proof of satisfactory progress in a  
30 required alcoholism or drug treatment program;

31 (ii) The person must furnish proof of financial responsibility  
32 for the future as provided by chapter 46.29 RCW;

33 (iii) The person has failed to comply with the provisions of  
34 chapter 46.29 RCW relating to uninsured accidents;

35 (iv) The person has failed to respond to a notice of traffic  
36 infraction for a moving violation, failed to appear at a hearing for  
37 a moving violation, or failed to comply with the terms of a criminal  
38 complaint or criminal citation for a moving violation, as provided in  
39 RCW 46.20.289(1);

1 (v) The person has committed an offense in another state that, if  
2 committed in this state, would not be grounds for the suspension or  
3 revocation of the person's driver's license;

4 (vi) The person has been suspended or revoked by reason of one or  
5 more of the items listed in (b) of this subsection, but was eligible  
6 to reinstate his or her driver's license or driving privilege at the  
7 time of the violation;

8 (vii) The person has received traffic citations or notices of  
9 traffic infraction that have resulted in a suspension under RCW  
10 46.20.267 relating to intermediate drivers' licenses; or

11 (viii) The person has been certified by the department of social  
12 and health services as a person who is not in compliance with a child  
13 support order as provided in RCW 74.20A.320, or any combination of  
14 (c)(i) through (viii) of this subsection, is guilty of driving while  
15 license suspended or revoked in the third degree, a misdemeanor.

16 (d) For the purposes of this subsection, a person is not  
17 considered to be eligible to reinstate his or her driver's license or  
18 driving privilege if the person is eligible to obtain an ignition  
19 interlock driver's license but did not obtain such a license.

20 (2) Upon receiving a record of conviction of any person or upon  
21 receiving an order by any juvenile court or any duly authorized court  
22 officer of the conviction of any juvenile under this section, the  
23 department shall:

24 (a) For a conviction of driving while suspended or revoked in the  
25 first degree, as provided by subsection (1)(a) of this section,  
26 extend the period of administrative revocation imposed under chapter  
27 46.65 RCW for an additional period of one year from and after the  
28 date the person would otherwise have been entitled to apply for a new  
29 license or have his or her driving privilege restored; or

30 (b) For a conviction of driving while suspended or revoked in the  
31 second degree, as provided by subsection (1)(b) of this section, not  
32 issue a new license or restore the driving privilege for an  
33 additional period of one year from and after the date the person  
34 would otherwise have been entitled to apply for a new license or have  
35 his or her driving privilege restored; or

36 (c) Not extend the period of suspension or revocation if the  
37 conviction was under subsection (1)(c) of this section. If the  
38 conviction was under subsection (1)(a) or (b) of this section and the  
39 court recommends against the extension and the convicted person has

1 obtained a valid driver's license, the period of suspension or  
2 revocation shall not be extended.

3 **Sec. 5.** RCW 46.61.110 and 2019 c 403 s 3 are each amended to  
4 read as follows:

5 The following rules shall govern the overtaking and passing of  
6 vehicles proceeding in the same direction:

7 (1)(a) The driver of a vehicle overtaking other traffic  
8 proceeding in the same direction shall pass to the left of it at a  
9 safe distance and shall not again drive to the right side of the  
10 roadway until safely clear of the overtaken traffic.

11 (b)(i) When the vehicle being overtaken is a motorcycle, motor-  
12 driven cycle, or moped, a driver of a motor vehicle found to be in  
13 violation of (a) of this subsection must be assessed an additional  
14 fine equal to the base penalty assessed under RCW 46.63.110(3). This  
15 fine may not be waived, reduced, or suspended, unless the court finds  
16 the offender to be indigent, and is not subject to the additional  
17 fees and assessments that the base penalty for this violation is  
18 subject to under RCW 2.68.040, 3.62.090, and 46.63.110.

19 (ii) The additional fine imposed under (b)(i) of this subsection  
20 must be deposited into the vulnerable roadway user education account  
21 created in RCW 46.61.145.

22 (2)(a) The driver of a vehicle approaching an individual who is  
23 traveling as a pedestrian or on a bicycle, riding an animal, or using  
24 a farm tractor or implement of husbandry without an enclosed shell,  
25 and who is traveling in the right lane of a roadway or on the right-  
26 hand shoulder or bicycle lane of the roadway, shall:

27 (i) On a roadway with two lanes or more for traffic moving in the  
28 direction of travel, before passing and until safely clear of the  
29 individual, move completely into a lane to the left of the right lane  
30 when it is safe to do so;

31 (ii) On a roadway with only one lane for traffic moving in the  
32 direction of travel:

33 (A) When there is sufficient room to the left of the individual  
34 in the lane for traffic moving in the direction of travel, before  
35 passing and until safely clear of the individual:

36 (I) Reduce speed to a safe speed for passing relative to the  
37 speed of the individual; and

1 (II) Pass at a safe distance, where practicable of at least three  
2 feet, to clearly avoid coming into contact with the individual or the  
3 individual's vehicle or animal; or

4 (B) When there is insufficient room to the left of the individual  
5 in the lane for traffic moving in the direction of travel to comply  
6 with (a)(ii)(A) of this subsection, before passing and until safely  
7 clear of the individual, move completely into the lane for traffic  
8 moving in the opposite direction when it is safe to do so and in  
9 compliance with RCW 46.61.120 and 46.61.125.

10 (b) A driver of a motor vehicle found to be in violation of this  
11 subsection (2) must be assessed an additional fine equal to the base  
12 penalty assessed under RCW 46.63.110(3). This fine may not be waived,  
13 reduced, or suspended, unless the court finds the offender to be  
14 indigent, and is not subject to the additional fees and assessments  
15 that the base penalty for this violation is subject to under RCW  
16 2.68.040, 3.62.090, and 46.63.110.

17 (c) The additional fine imposed under (b) of this subsection must  
18 be deposited into the vulnerable roadway user education account  
19 created in RCW 46.61.145.

20 (d) For the purposes of this section, "vulnerable user of a  
21 public way" has the same meaning as provided in ((RCW  
22 46.61.526(11)(e))) section 1 of this act.

23 (3) Except when overtaking and passing on the right is permitted,  
24 overtaken traffic shall give way to the right in favor of an  
25 overtaking vehicle on audible signal and shall not increase speed  
26 until completely passed by the overtaking vehicle.

27 **Sec. 6.** RCW 46.61.145 and 2019 c 403 s 4 are each amended to  
28 read as follows:

29 (1) The driver of a motor vehicle shall not follow another  
30 vehicle more closely than is reasonable and prudent, having due  
31 regard for the speed of such vehicles and the traffic upon and the  
32 condition of the highway.

33 (2) The driver of any motor truck or motor vehicle drawing  
34 another vehicle when traveling upon a roadway outside of a business  
35 or residence district and which is following another motor truck or  
36 motor vehicle drawing another vehicle shall, whenever conditions  
37 permit, leave sufficient space so that an overtaking vehicle may  
38 enter and occupy such space without danger, except that this shall

1 not prevent a motor truck or motor vehicle drawing another vehicle  
2 from overtaking and passing any like vehicle or other vehicle.

3 (3) Motor vehicles being driven upon any roadway outside of a  
4 business or residence district in a caravan or motorcade whether or  
5 not towing other vehicles shall be so operated as to allow sufficient  
6 space between each such vehicle or combination of vehicles so as to  
7 enable any other vehicle to enter and occupy such space without  
8 danger. This provision shall not apply to funeral processions.

9 (4) (a) When the vehicle being followed is a vulnerable user of a  
10 public way, a driver of a motor vehicle found to be in violation of  
11 this section must be assessed an additional fine equal to the base  
12 penalty assessed under RCW 46.63.110(3). This fine may not be waived,  
13 reduced, or suspended, unless the court finds the offender to be  
14 indigent, and is not subject to the additional fees and assessments  
15 that the base penalty for this violation is subject to under RCW  
16 2.68.040, 3.62.090, and 46.63.110.

17 (b) For the purposes of this section, "vulnerable user of a  
18 public way" has the same meaning as provided in ((RCW  
19 ~~46.61.526(11)(e))~~) section 1 of this act.

20 (5) The additional fine imposed under subsection (4) of this  
21 section must be deposited into the vulnerable roadway user education  
22 account created in subsection (6) of this section.

23 (6) The vulnerable roadway user education account is created in  
24 the state treasury. All receipts from the additional fine in  
25 subsection (4) of this section must be deposited into the account.  
26 Moneys in the account may be spent only after appropriation.  
27 Expenditures from the account may be used only by the Washington  
28 traffic safety commission solely to:

29 (a) Support programs dedicated to increasing awareness by law  
30 enforcement officers, prosecutors, and judges of opportunities for  
31 the enforcement of traffic infractions and offenses committed against  
32 vulnerable roadway users; and

33 (b) With any funds remaining once the program support specified  
34 in (a) of this subsection has been provided, support programs  
35 dedicated to increasing awareness by the public of the risks and  
36 penalties associated with traffic infractions and offenses committed  
37 against vulnerable roadway users.

38 **Sec. 7.** RCW 46.61.180 and 2019 c 403 s 5 are each amended to  
39 read as follows:

1 (1) When two vehicles approach or enter an intersection from  
2 different highways at approximately the same time, the driver of the  
3 vehicle on the left shall yield the right-of-way to the vehicle on  
4 the right.

5 (2) The right-of-way rule declared in subsection (1) of this  
6 section is modified at arterial highways and otherwise as stated in  
7 this chapter.

8 (3)(a) When the vehicle on the right approaching the intersection  
9 is a vulnerable user of a public way, a driver of a motor vehicle  
10 found to be in violation of this section must be assessed an  
11 additional fine equal to the base penalty assessed under RCW  
12 46.63.110(3). This fine may not be waived, reduced, or suspended,  
13 unless the court finds the offender to be indigent, and is not  
14 subject to the additional fees and assessments that the base penalty  
15 for this violation is subject to under RCW 2.68.040, 3.62.090, and  
16 46.63.110.

17 (b) For the purposes of this section, "vulnerable user of a  
18 public way" has the same meaning as provided in ((RCW  
19 ~~46.61.526(11)(e))~~) section 1 of this act.

20 (4) The additional fine imposed under subsection (3) of this  
21 section must be deposited into the vulnerable roadway user education  
22 account created in RCW 46.61.145.

23 **Sec. 8.** RCW 46.61.185 and 2019 c 403 s 6 are each amended to  
24 read as follows:

25 (1) The driver of a vehicle intending to turn to the left within  
26 an intersection or into an alley, private road, or driveway shall  
27 yield the right-of-way to any vehicle approaching from the opposite  
28 direction which is within the intersection or so close thereto as to  
29 constitute an immediate hazard.

30 (2)(a) When the vehicle approaching from the opposite direction  
31 within the intersection or so close that it constitutes an immediate  
32 hazard is a vulnerable user of a public way, a driver of a motor  
33 vehicle found to be in violation of this section must be assessed an  
34 additional fine equal to the base penalty assessed under RCW  
35 46.63.110(3). This fine may not be waived, reduced, or suspended,  
36 unless the court finds the offender to be indigent, and is not  
37 subject to the additional fees and assessments that the base penalty  
38 for this violation is subject to under RCW 2.68.040, 3.62.090, and  
39 46.63.110.

1 (b) For the purposes of this section, "vulnerable user of a  
2 public way" has the same meaning as provided in ((RCW  
3 ~~46.61.526(11)(e))~~) section 1 of this act.

4 (3) The additional fine imposed under subsection (2) of this  
5 section must be deposited into the vulnerable roadway user education  
6 account created in RCW 46.61.145.

7 **Sec. 9.** RCW 46.61.190 and 2020 c 66 s 2 are each amended to read  
8 as follows:

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

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

24 (b)(i) With the exception of (b)(ii) and (iii) of this  
25 subsection, a person operating a bicycle approaching a stop sign  
26 shall either:

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

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

31 (ii) A person operating a bicycle approaching a stop sign located  
32 at a highway grade crossing of a railroad must follow the  
33 requirements of RCW 46.61.345.

34 (iii) A person operating a bicycle approaching a "stop" signal in  
35 use by a school bus, as required under RCW 46.37.190, must follow the  
36 requirements of RCW 46.61.370.

37 (3) The driver of a vehicle approaching a yield sign shall in  
38 obedience to such sign slow down to a speed reasonable for the  
39 existing conditions and if required for safety to stop, shall stop at



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

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

23 (b) For the purposes of this section, "vulnerable user of a  
24 public way" has the same meaning as provided in ((RCW  
25 46.61.526(11)(e))) section 1 of this act.

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

29 **Sec. 10.** RCW 46.61.205 and 2019 c 403 s 8 are each amended to  
30 read as follows:

31 (1) The driver of a vehicle about to enter or cross a highway  
32 from a private road or driveway shall yield the right-of-way to all  
33 vehicles lawfully approaching on said highway.

34 (2) (a) When right-of-way has not been yielded in accordance with  
35 this section to a vehicle that is a vulnerable user of a public way,  
36 a driver of a motor vehicle found to be in violation of this section  
37 must be assessed an additional fine equal to the base penalty  
38 assessed under RCW 46.63.110(3). This fine may not be waived,  
39 reduced, or suspended, unless the court finds the offender to be

1 indigent, and is not subject to the additional fees and assessments  
2 that the base penalty for this violation is subject to under RCW  
3 2.68.040, 3.62.090, and 46.63.110.

4 (b) For the purposes of this section, "vulnerable user of a  
5 public way" has the same meaning as provided in ((RCW  
6 ~~46.61.526(11)(e))~~) section 1 of this act.

7 (3) The additional fine imposed under subsection (2) of this  
8 section must be deposited into the vulnerable roadway user education  
9 account created in RCW 46.61.145.

10 NEW SECTION. **Sec. 11.** Section 3 of this act expires January 1,  
11 2023.

12 NEW SECTION. **Sec. 12.** Section 4 of this act takes effect  
13 January 1, 2023.

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