
SENATE BILL 6045

State of Washington

66th Legislature

2020 Regular Session

By Senators Takko, Kuderer, Pedersen, Randall, and Rolfes

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1 AN ACT Relating to vulnerable users of a public way; amending RCW
2 46.61.526; and prescribing penalties.

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

4 **Sec. 1.** RCW 46.61.526 and 2011 c 372 s 1 are each amended to
5 read as follows:

6 (1) A person commits negligent driving in the second degree with
7 a vulnerable user victim if, under circumstances not constituting
8 negligent driving in the first degree, he or she operates a vehicle,
9 as defined in RCW 46.04.670, in a manner that is both negligent and
10 endangers or is likely to endanger any person or property, and he or
11 she proximately causes the death, great bodily harm, or substantial
12 bodily harm of a vulnerable user of a public way.

13 (2) The law enforcement officer or prosecuting authority issuing
14 the notice of infraction for an offense under this section shall
15 state on the notice of infraction that the offense was a proximate
16 cause of death, great bodily harm, or substantial bodily harm, as
17 defined in RCW 9A.04.110, of a vulnerable user of a public way.

18 (3) Persons under the age of sixteen who commit an infraction
19 under this section are subject to the provisions of RCW 13.40.250.

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

1 (a) Pay a monetary penalty of five thousand dollars, which may
2 not be reduced to an amount less than one thousand dollars; and

3 (b) Have his or her driving privileges suspended for ninety days.

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

9 (a) Pay a penalty of two hundred fifty dollars;

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

12 (c) Perform community service for a number of hours to be
13 determined by the court, which may not exceed one hundred hours, and
14 which must include activities related to driver improvement and
15 providing public education on traffic safety; and

16 (d) Submit certification to the court establishing that the
17 requirements of this subsection have been met within one year of the
18 hearing.

19 (6) If a person found to have committed a violation of this
20 section elects the penalties imposed under subsection (5) of this
21 section, the court may impose the penalties under subsection (5) of
22 this section and the court may assess costs as the court deems
23 appropriate for administrative processing.

24 (7) Except as provided in (b) of this subsection, if a person
25 found to have committed a violation of this section elects the
26 penalties under subsection (5) of this section but does not complete
27 all requirements of subsection (5) of this section within one year of
28 the hearing:

29 (a)(i) The court shall impose a monetary penalty in the amount of
30 five thousand dollars, which may not be reduced to an amount less
31 than one thousand dollars; and

32 (ii) The person's driving privileges shall be suspended for
33 ninety days.

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

38 (8) An offense under this section is a traffic infraction. To the
39 extent not inconsistent with this section, the provisions of chapter
40 46.63 RCW shall apply to infractions under this section. Procedures

1 for the conduct of all hearings provided for in this section may be
2 established by rule of the supreme court.

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

12 (10) Any act prohibited by this section that also constitutes a
13 crime under any other law of this state may be the basis of
14 prosecution under such other law notwithstanding that it may also be
15 the basis for prosecution under this section.

16 (11) For the purposes of this section:

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

19 (b) "Negligent" has the same meaning as provided in RCW
20 46.61.525(2).

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

22 (i) A pedestrian;

23 (ii) A person riding an animal; or

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

26 (A) A farm tractor or implement of husbandry, without an enclosed
27 shell;

28 (B) A bicycle;

29 (C) An electric-assisted bicycle;

30 (D) An electric personal assistive mobility device;

31 (E) A moped;

32 (F) A motor-driven cycle;

33 (G) A motorized foot scooter; or

34 (H) A motorcycle.

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