
SENATE BILL 5723

State of Washington

66th Legislature

2019 Regular Session

By Senators Randall, Saldaña, and Lias

Read first time 01/30/19. Referred to Committee on Transportation.

1 AN ACT Relating to increasing safety on roadways for pedestrians,
2 bicyclists, and other roadway users; amending RCW 46.61.110,
3 46.61.145, 46.61.180, 46.61.185, 46.61.190, 46.61.205, 46.61.250, and
4 46.61.770; reenacting and amending RCW 43.84.092; creating a new
5 section; prescribing penalties; and providing an effective date.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that a number of the
8 collision types that have resulted in a high number of serious
9 injuries and deaths of vulnerable roadway users can be associated
10 with certain types of traffic infractions. To address the heightened
11 risk to vulnerable roadway users when violations of these traffic
12 infractions occur, the legislature intends to: (1) Introduce an
13 additional fine as a penalty for drivers who commit these violations
14 against a vulnerable roadway user; (2) modify when vulnerable roadway
15 users may be passed by motor vehicles; and (3) clarify when and how
16 pedestrians and bicyclists may use the roadway. To increase
17 enforcement of all traffic infractions and offenses committed against
18 vulnerable roadway users, the legislature intends for revenue that is
19 collected from the new fine to be dedicated to the education of law
20 enforcement officers, prosecutors, and judges about opportunities for
21 the enforcement of traffic violations committed against vulnerable

1 roadway users, with any remaining funds to be used to increase
2 awareness by the public of the risks and penalties associated with
3 these traffic violations. The goals of this act are to achieve a
4 reduction in the frequency with which drivers violate traffic laws
5 that endanger vulnerable roadway users and to encourage safe sharing
6 of the roadway by drivers, bicyclists, pedestrians, and other
7 vulnerable roadway users.

8 **Sec. 2.** RCW 46.61.110 and 2005 c 396 s 1 are each amended to
9 read as follows:

10 The following rules shall govern the overtaking and passing of
11 vehicles proceeding in the same direction(~~(, subject to those~~
12 ~~limitations, exceptions and special rules hereinafter stated)~~):

13 (1) The driver of a vehicle overtaking other traffic proceeding
14 in the same direction shall pass to the left (~~(thereof)~~) of it at a
15 safe distance and shall not again drive to the right side of the
16 roadway until safely clear of the overtaken traffic.

17 (2) (a) The driver of a vehicle approaching an individual who is
18 traveling as a pedestrian or on a bicycle ((that)), riding an animal,
19 or using a farm tractor or implement of husbandry without an enclosed
20 shell, and who is ((on)) traveling in the right lane of a roadway or
21 on the right-hand shoulder or bicycle lane of the roadway, shall
22 ((pass to the left at a safe distance to clearly avoid coming into
23 contact with the pedestrian or bicyclist, and shall not again drive
24 to the right side of the roadway until safely clear of the overtaken
25 pedestrian or bicyclist)):

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

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

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

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

37 (II) Pass at a safe distance to clearly avoid coming into contact
38 with the individual or the individual's vehicle or animal; or

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

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

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

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

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

23 **Sec. 3.** RCW 46.61.145 and 1965 ex.s. c 155 s 24 are each amended
24 to read as follows:

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

29 (2) The driver of any motor truck or motor vehicle drawing
30 another vehicle when traveling upon a roadway outside of a business
31 or residence district and which is following another motor truck or
32 motor vehicle drawing another vehicle shall, whenever conditions
33 permit, leave sufficient space so that an overtaking vehicle may
34 enter and occupy such space without danger, except that this shall
35 not prevent a motor truck or motor vehicle drawing another vehicle
36 from overtaking and passing any like vehicle or other vehicle.

37 (3) Motor vehicles being driven upon any roadway outside of a
38 business or residence district in a caravan or motorcade whether or
39 not towing other vehicles shall be so operated as to allow sufficient

1 space between each such vehicle or combination of vehicles so as to
2 enable any other vehicle to enter and occupy such space without
3 danger. This provision shall not apply to funeral processions.

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

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

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

17 (6) The vulnerable roadway user education account is created in
18 the state treasury. All receipts from the additional fine in
19 subsection (4) of this section must be deposited into the account.
20 Moneys in the account may be spent only after appropriation.
21 Expenditures from the account may be used only by the Washington
22 traffic safety commission solely to:

23 (a) Support programs dedicated to increasing awareness by law
24 enforcement officers, prosecutors, and judges of opportunities for
25 the enforcement of traffic infractions and offenses committed against
26 vulnerable roadway users; and

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

32 **Sec. 4.** RCW 46.61.180 and 1975 c 62 s 26 are each amended to
33 read as follows:

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

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

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

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

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

18 **Sec. 5.** RCW 46.61.185 and 1965 ex.s. c 155 s 29 are each amended
19 to read as follows:

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

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

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

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

1 **Sec. 6.** RCW 46.61.190 and 2000 c 239 s 5 are each amended to
2 read as follows:

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

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

17 (3) The driver of a vehicle approaching a yield sign shall in
18 obedience to such sign slow down to a speed reasonable for the
19 existing conditions and if required for safety to stop, shall stop at
20 a clearly marked stop line, but if none, before entering a marked
21 crosswalk on the near side of the intersection or if none, then at
22 the point nearest the intersecting roadway where the driver has a
23 view of approaching traffic on the intersecting roadway before
24 entering the roadway, and then after slowing or stopping, the driver
25 shall yield the right-of-way to any vehicle in the intersection or
26 approaching on another roadway so closely as to constitute an
27 immediate hazard during the time such driver is moving across or
28 within the intersection or junction of roadways: PROVIDED, That if
29 such a driver is involved in a collision with a vehicle in the
30 intersection or junction of roadways, after driving past a yield sign
31 without stopping, such collision shall be deemed prima facie evidence
32 of the driver's failure to yield right-of-way.

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

1 that the base penalty for this violation is subject to under RCW
2 2.68.040, 3.62.090, and 46.63.110.

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

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

8 **Sec. 7.** RCW 46.61.205 and 1990 c 250 s 88 are each amended to
9 read as follows:

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

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

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

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

27 **Sec. 8.** RCW 46.61.250 and 1990 c 241 s 6 are each amended to
28 read as follows:

29 (1) Where sidewalks are provided and are accessible, it is
30 unlawful for any pedestrian to walk or otherwise move along and upon
31 an adjacent roadway. Where sidewalks are provided but wheelchair
32 access is not available, (~~disabled~~) persons with disabilities who
33 require such access may walk or otherwise move along and upon an
34 adjacent roadway until they reach an access point in the sidewalk.

35 (2) Where sidewalks are not provided (~~any~~) or are inaccessible,
36 a pedestrian walking or otherwise moving along and upon a highway
37 shall(~~τ~~):

1 (a) When ((practicable)) shoulders are provided and are
2 accessible, walk ((or move only)) on the ((left side of the roadway
3 or its)) shoulder ((facing traffic which may approach from the
4 opposite direction and)) of the roadway as far as is practicable from
5 the edge of the roadway, facing traffic when a shoulder is available
6 in this direction; or

7 (b) When shoulders are not provided or are inaccessible, walk as
8 near as is practicable to the outside edge of the roadway facing
9 traffic, and when practicable, move clear of the roadway upon meeting
10 an oncoming vehicle ((shall move clear of the roadway)).

11 (3) A pedestrian traveling to the nearest emergency reporting
12 device on a one-way roadway of a controlled access highway is not
13 required to travel facing traffic as otherwise required by subsection
14 (2) of this section.

15 **Sec. 9.** RCW 46.61.770 and 1982 c 55 s 7 are each amended to read
16 as follows:

17 (1) Every person operating a bicycle upon a roadway at a rate of
18 speed less than the normal flow of traffic at the particular time and
19 place shall ride as near to the right side of the right through lane
20 as is safe except ((as may be appropriate));

21 (a) While preparing to make or while making turning movements((~~r~~
22 or)) at an intersection or into a private road or driveway;

23 (b) When approaching an intersection where right turns are
24 permitted and there is a dedicated right turn lane, in which case a
25 person may operate a bicycle in this lane even if the operator does
26 not intend to turn right;

27 (c) While overtaking and passing another bicycle or vehicle
28 proceeding in the same direction; and

29 (d) When reasonably necessary to avoid unsafe conditions
30 including, but not limited to, fixed or moving objects, parked or
31 moving vehicles, bicyclists, pedestrians, animals, and surface
32 hazards.

33 (2) A person operating a bicycle upon a roadway or highway other
34 than a limited-access highway, which roadway or highway carries
35 traffic in one direction only and has two or more marked traffic
36 lanes, may ride as near to the left side of the left through lane as
37 is safe.

1 (3) A person operating a bicycle upon a roadway may use the
2 shoulder of the roadway or any specially designated bicycle lane (~~if~~
3 ~~such exists~~)).

4 (~~(2)~~) (4) When the operator of a bicycle is using the travel
5 lane of a roadway with only one lane for traffic moving in the
6 direction of travel and it is wide enough for a bicyclist and a
7 vehicle to travel safely side-by-side within it, the bicycle operator
8 shall operate far enough to the right to facilitate the movement of
9 an overtaking vehicle unless other conditions make it unsafe to do so
10 or unless the bicyclist is preparing to make a turning movement or
11 while making a turning movement.

12 (5) Persons riding bicycles upon a roadway shall not ride more
13 than two abreast except on paths or parts of roadways set aside for
14 the exclusive use of bicycles.

15 **Sec. 10.** RCW 43.84.092 and 2018 c 287 s 7, 2018 c 275 s 10, and
16 2018 c 203 s 14 are each reenacted and amended to read as follows:

17 (1) All earnings of investments of surplus balances in the state
18 treasury shall be deposited to the treasury income account, which
19 account is hereby established in the state treasury.

20 (2) The treasury income account shall be utilized to pay or
21 receive funds associated with federal programs as required by the
22 federal cash management improvement act of 1990. The treasury income
23 account is subject in all respects to chapter 43.88 RCW, but no
24 appropriation is required for refunds or allocations of interest
25 earnings required by the cash management improvement act. Refunds of
26 interest to the federal treasury required under the cash management
27 improvement act fall under RCW 43.88.180 and shall not require
28 appropriation. The office of financial management shall determine the
29 amounts due to or from the federal government pursuant to the cash
30 management improvement act. The office of financial management may
31 direct transfers of funds between accounts as deemed necessary to
32 implement the provisions of the cash management improvement act, and
33 this subsection. Refunds or allocations shall occur prior to the
34 distributions of earnings set forth in subsection (4) of this
35 section.

36 (3) Except for the provisions of RCW 43.84.160, the treasury
37 income account may be utilized for the payment of purchased banking
38 services on behalf of treasury funds including, but not limited to,
39 depository, safekeeping, and disbursement functions for the state

1 treasury and affected state agencies. The treasury income account is
2 subject in all respects to chapter 43.88 RCW, but no appropriation is
3 required for payments to financial institutions. Payments shall occur
4 prior to distribution of earnings set forth in subsection (4) of this
5 section.

6 (4) Monthly, the state treasurer shall distribute the earnings
7 credited to the treasury income account. The state treasurer shall
8 credit the general fund with all the earnings credited to the
9 treasury income account except:

10 (a) The following accounts and funds shall receive their
11 proportionate share of earnings based upon each account's and fund's
12 average daily balance for the period: The abandoned recreational
13 vehicle disposal account, the aeronautics account, the aircraft
14 search and rescue account, the Alaskan Way viaduct replacement
15 project account, the brownfield redevelopment trust fund account, the
16 budget stabilization account, the capital vessel replacement account,
17 the capitol building construction account, the Cedar River channel
18 construction and operation account, the Central Washington University
19 capital projects account, the charitable, educational, penal and
20 reformatory institutions account, the Chehalis basin account, the
21 cleanup settlement account, the Columbia river basin water supply
22 development account, the Columbia river basin taxable bond water
23 supply development account, the Columbia river basin water supply
24 revenue recovery account, the common school construction fund, the
25 community forest trust account, the connecting Washington account,
26 the county arterial preservation account, the county criminal justice
27 assistance account, the deferred compensation administrative account,
28 the deferred compensation principal account, the department of
29 licensing services account, the department of licensing tuition
30 recovery trust fund, the department of retirement systems expense
31 account, the developmental disabilities community trust account, the
32 diesel idle reduction account, the drinking water assistance account,
33 the drinking water assistance administrative account, the early
34 learning facilities development account, the early learning
35 facilities revolving account, the Eastern Washington University
36 capital projects account, the Interstate 405 express toll lanes
37 operations account, the education construction fund, the education
38 legacy trust account, the election account, the electric vehicle
39 charging infrastructure account, the energy freedom account, the
40 energy recovery act account, the essential rail assistance account,

1 The Evergreen State College capital projects account, the federal
2 forest revolving account, the ferry bond retirement fund, the freight
3 mobility investment account, the freight mobility multimodal account,
4 the grade crossing protective fund, the public health services
5 account, the high capacity transportation account, the state higher
6 education construction account, the higher education construction
7 account, the highway bond retirement fund, the highway infrastructure
8 account, the highway safety fund, the high occupancy toll lanes
9 operations account, the hospital safety net assessment fund, the
10 industrial insurance premium refund account, the judges' retirement
11 account, the judicial retirement administrative account, the judicial
12 retirement principal account, the local leasehold excise tax account,
13 the local real estate excise tax account, the local sales and use tax
14 account, the marine resources stewardship trust account, the medical
15 aid account, the mobile home park relocation fund, the money-purchase
16 retirement savings administrative account, the money-purchase
17 retirement savings principal account, the motor vehicle fund, the
18 motorcycle safety education account, the multimodal transportation
19 account, the multiuse roadway safety account, the municipal criminal
20 justice assistance account, the natural resources deposit account,
21 the oyster reserve land account, the pension funding stabilization
22 account, the perpetual surveillance and maintenance account, the
23 pollution liability insurance agency underground storage tank
24 revolving account, the public employees' retirement system plan 1
25 account, the public employees' retirement system combined plan 2 and
26 plan 3 account, the public facilities construction loan revolving
27 account beginning July 1, 2004, the public health supplemental
28 account, the public works assistance account, the Puget Sound capital
29 construction account, the Puget Sound ferry operations account, the
30 Puget Sound taxpayer accountability account, the real estate
31 appraiser commission account, the recreational vehicle account, the
32 regional mobility grant program account, the resource management cost
33 account, the rural arterial trust account, the rural mobility grant
34 program account, the rural Washington loan fund, the sexual assault
35 prevention and response account, the site closure account, the
36 skilled nursing facility safety net trust fund, the small city
37 pavement and sidewalk account, the special category C account, the
38 special wildlife account, the state employees' insurance account, the
39 state employees' insurance reserve account, the state investment
40 board expense account, the state investment board commingled trust

1 fund accounts, the state patrol highway account, the state route
2 number 520 civil penalties account, the state route number 520
3 corridor account, the state wildlife account, the statewide tourism
4 marketing account, the student achievement council tuition recovery
5 trust fund, the supplemental pension account, the Tacoma Narrows toll
6 bridge account, the teachers' retirement system plan 1 account, the
7 teachers' retirement system combined plan 2 and plan 3 account, the
8 tobacco prevention and control account, the tobacco settlement
9 account, the toll facility bond retirement account, the
10 transportation 2003 account (nickel account), the transportation
11 equipment fund, the transportation future funding program account,
12 the transportation improvement account, the transportation
13 improvement board bond retirement account, the transportation
14 infrastructure account, the transportation partnership account, the
15 traumatic brain injury account, the tuition recovery trust fund, the
16 University of Washington bond retirement fund, the University of
17 Washington building account, the volunteer firefighters' and reserve
18 officers' relief and pension principal fund, the volunteer
19 firefighters' and reserve officers' administrative fund, the
20 vulnerable roadway user education account, the Washington judicial
21 retirement system account, the Washington law enforcement officers'
22 and firefighters' system plan 1 retirement account, the Washington
23 law enforcement officers' and firefighters' system plan 2 retirement
24 account, the Washington public safety employees' plan 2 retirement
25 account, the Washington school employees' retirement system combined
26 plan 2 and 3 account, the Washington state health insurance pool
27 account, the Washington state patrol retirement account, the
28 Washington State University building account, the Washington State
29 University bond retirement fund, the water pollution control
30 revolving administration account, the water pollution control
31 revolving fund, the Western Washington University capital projects
32 account, the Yakima integrated plan implementation account, the
33 Yakima integrated plan implementation revenue recovery account, and
34 the Yakima integrated plan implementation taxable bond account.
35 Earnings derived from investing balances of the agricultural
36 permanent fund, the normal school permanent fund, the permanent
37 common school fund, the scientific permanent fund, the state
38 university permanent fund, and the state reclamation revolving
39 account shall be allocated to their respective beneficiary accounts.

1 (b) Any state agency that has independent authority over accounts
2 or funds not statutorily required to be held in the state treasury
3 that deposits funds into a fund or account in the state treasury
4 pursuant to an agreement with the office of the state treasurer shall
5 receive its proportionate share of earnings based upon each account's
6 or fund's average daily balance for the period.

7 (5) In conformance with Article II, section 37 of the state
8 Constitution, no treasury accounts or funds shall be allocated
9 earnings without the specific affirmative directive of this section.

10 NEW SECTION. **Sec. 11.** This act takes effect January 1, 2020.

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