

---

HOUSE BILL 2900

---

State of Washington                      65th Legislature                      2018 Regular Session

By Representatives Kilduff, Eslick, Goodman, Dent, Kloba, and McCabe

1            AN ACT Relating to violations of traffic laws that place  
2 vulnerable roadway users at increased risk of injury and death;  
3 amending RCW 46.61.145, 46.61.180, 46.61.185, 46.61.190, 46.61.195,  
4 46.61.200, and 46.61.205; reenacting and amending RCW 43.84.092;  
5 creating a new section; prescribing penalties; and providing an  
6 effective date.

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

8            NEW SECTION.    **Sec. 1.** The legislature finds that a number of the  
9 collision types that have resulted in a high number of serious  
10 injuries and deaths of vulnerable roadway users in the past five  
11 years can be associated with certain types of traffic infractions. To  
12 address the heightened risk to vulnerable roadway users of violations  
13 of these traffic infractions, the legislature intends for an  
14 additional fine to be introduced as a penalty for drivers who commit  
15 these violations against a vulnerable roadway user. To increase  
16 enforcement of all traffic infractions and offenses committed against  
17 vulnerable roadway users, the legislature intends for revenue that is  
18 collected from this new fine to be dedicated to the education of law  
19 enforcement officers, prosecutors, and judges about opportunities for  
20 the enforcement of traffic violations committed against vulnerable  
21 roadway users. In doing so, the legislature intends to decrease the

1 frequency with which drivers violate these traffic laws to decrease  
2 the risk of serious injury and death to vulnerable roadway users.

3 **Sec. 2.** RCW 46.61.145 and 1965 ex.s. c 155 s 24 are each amended  
4 to read as follows:

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

9 (2) The driver of any motor truck or motor vehicle drawing  
10 another vehicle when traveling upon a roadway outside of a business  
11 or residence district and which is following another motor truck or  
12 motor vehicle drawing another vehicle shall, whenever conditions  
13 permit, leave sufficient space so that an overtaking vehicle may  
14 enter and occupy such space without danger, except that this shall  
15 not prevent a motor truck or motor vehicle drawing another vehicle  
16 from overtaking and passing any like vehicle or other vehicle.

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

23 (4)(a) A driver of a motor vehicle found to be in violation of  
24 this section when the violation is determined to have occurred due to  
25 that motor vehicle's proximity to a vulnerable user of a public way  
26 must be assessed an additional fine equal to the base penalty  
27 assessed under RCW 46.63.110(3). This fine may not be waived,  
28 reduced, or suspended, and is not subject to the additional fees and  
29 assessments that the base penalty for this violation is subject to  
30 under RCW 2.68.040, 3.62.090, and 46.63.110.

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

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

36 (6) The vulnerable roadway user education account is created in  
37 the state treasury. All receipts from the additional fine in  
38 subsection (4) of this section must be deposited into the account.  
39 Moneys in the account may be spent only after appropriation.

1 Expenditures from the account may be used only by the Washington  
2 traffic safety commission solely to:

3 (a) Support programs dedicated to increasing awareness by law  
4 enforcement officers, prosecutors, and judges of opportunities for  
5 the enforcement of traffic infractions and offenses committed against  
6 vulnerable roadway users; and

7 (b) With any funds remaining once the program support specified  
8 in (a) of this subsection has been provided, support programs  
9 dedicated to increasing awareness by the driving public of the risks  
10 and penalties associated with traffic infractions and offenses  
11 committed against vulnerable roadway users.

12 **Sec. 3.** RCW 46.61.180 and 1975 c 62 s 26 are each amended to  
13 read as follows:

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

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

21 (3)(a) A driver of a motor vehicle found to be in violation of  
22 this section due to the failure of that driver to grant or yield the  
23 right-of-way to a vulnerable user of a public way must be assessed an  
24 additional fine equal to the base penalty assessed under RCW  
25 46.63.110(3). This fine may not be waived, reduced, or suspended, and  
26 is not subject to the additional fees and assessments that the base  
27 penalty for this violation is subject to under RCW 2.68.040,  
28 3.62.090, and 46.63.110.

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

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

34 **Sec. 4.** RCW 46.61.185 and 1965 ex.s. c 155 s 29 are each amended  
35 to read as follows:

36 (1) The driver of a vehicle intending to turn to the left within  
37 an intersection or into an alley, private road, or driveway shall  
38 yield the right-of-way to any vehicle approaching from the opposite

1 direction which is within the intersection or so close thereto as to  
2 constitute an immediate hazard.

3 (2)(a) A driver of a motor vehicle found to be in violation of  
4 this section due to the failure of that driver to grant or yield the  
5 right-of-way to a vulnerable user of a public way must be assessed an  
6 additional fine equal to the base penalty assessed under RCW  
7 46.63.110(3). This fine may not be waived, reduced, or suspended, and  
8 is not subject to the additional fees and assessments that the base  
9 penalty for this violation is subject to under RCW 2.68.040,  
10 3.62.090, and 46.63.110.

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

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

16 **Sec. 5.** RCW 46.61.190 and 2000 c 239 s 5 are each amended to  
17 read as follows:

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

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

32 (3) The driver of a vehicle approaching a yield sign shall in  
33 obedience to such sign slow down to a speed reasonable for the  
34 existing conditions and if required for safety to stop, shall stop at  
35 a clearly marked stop line, but if none, before entering a marked  
36 crosswalk on the near side of the intersection or if none, then at  
37 the point nearest the intersecting roadway where the driver has a  
38 view of approaching traffic on the intersecting roadway before  
39 entering the roadway, and then after slowing or stopping, the driver

1 shall yield the right-of-way to any vehicle in the intersection or  
2 approaching on another roadway so closely as to constitute an  
3 immediate hazard during the time such driver is moving across or  
4 within the intersection or junction of roadways: PROVIDED, That if  
5 such a driver is involved in a collision with a vehicle in the  
6 intersection or junction of roadways, after driving past a yield sign  
7 without stopping, such collision shall be deemed prima facie evidence  
8 of the driver's failure to yield right-of-way.

9 (4)(a) A driver of a motor vehicle found to be in violation of  
10 this section due, at least in part, to the failure of that driver to  
11 grant or yield the right-of-way to a vulnerable user of a public way  
12 must be assessed an additional fine equal to the base penalty  
13 assessed under RCW 46.63.110(3). This fine may not be waived,  
14 reduced, or suspended, and is not subject to the additional fees and  
15 assessments that the base penalty for this violation is subject to  
16 under RCW 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 46.61.526(11)(c).

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

22 **Sec. 6.** RCW 46.61.195 and 1984 c 7 s 66 are each amended to read  
23 as follows:

24 (1) All state highways are hereby declared to be arterial  
25 highways as respects all other public highways or private ways,  
26 except that the state department of transportation has the authority  
27 to designate any county road or city street as an arterial having  
28 preference over the traffic on the state highway if traffic  
29 conditions will be improved by such action.

30 (2) Those city streets designated by the state department of  
31 transportation as forming a part of the routes of state highways  
32 through incorporated cities and towns are declared to be arterial  
33 highways as respects all other city streets or private ways.

34 (3) The governing authorities of incorporated cities and towns  
35 may designate any street as an arterial having preference over the  
36 traffic on a state highway if the change is first approved in writing  
37 by the state department of transportation. The local authorities  
38 making such a change in arterial designation shall do so by proper  
39 ordinance or resolution and shall erect or cause to be erected and

1 maintained standard stop signs, or "Yield" signs, to accomplish this  
2 change in arterial designation.

3 (4) The operator of any vehicle entering upon any arterial  
4 highway from any other public highway or private way shall come to a  
5 complete stop before entering the arterial highway when stop signs  
6 are erected as provided by law.

7 (5)(a) A driver of a motor vehicle found to be in violation of  
8 subsection (4) of this section, which results in the failure of that  
9 driver to grant or yield the right-of-way to a vulnerable user of a  
10 public way, must be assessed an additional fine equal to the base  
11 penalty assessed under RCW 46.63.110(3). This fine may not be waived,  
12 reduced, or suspended, and is not subject to the additional fees and  
13 assessments that the base penalty for this violation is subject to  
14 under RCW 2.68.040, 3.62.090, and 46.63.110.

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

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

20 **Sec. 7.** RCW 46.61.200 and 1984 c 7 s 67 are each amended to read  
21 as follows:

22 (1) In addition to the points of intersection of any public  
23 highway with any arterial public highway that is constituted by law  
24 or by any proper authorities of this state or any city or town of  
25 this state, the state department of transportation with respect to  
26 state highways, and the proper authorities with respect to any other  
27 public highways, have the power to determine and designate any  
28 particular intersection, or any particular highways, roads, or  
29 streets or portions thereof, at any intersection with which vehicles  
30 shall be required to stop before entering such intersection. Upon the  
31 determination and designation of such points at which vehicles will  
32 be required to come to a stop before entering the intersection, the  
33 proper authorities so determining and designating shall cause to be  
34 posted and maintained proper signs of the standard design adopted by  
35 the state department of transportation indicating that the  
36 intersection has been so determined and designated and that vehicles  
37 entering it are required to stop.

38 (2) It is unlawful for any person operating any vehicle when  
39 entering any intersection determined, designated, and bearing the

1 required sign to fail and neglect to bring the vehicle to a complete  
2 stop before entering the intersection.

3 (3)(a) A driver of a motor vehicle found to be in violation of  
4 this section, which results in the failure of that driver to yield  
5 the right-of-way to a vulnerable user of a public way, must be  
6 assessed an additional fine equal to the base penalty assessed under  
7 RCW 46.63.110(3). This fine may not be waived, reduced, or suspended,  
8 and is not subject to the additional fees and assessments that the  
9 base penalty for this violation is subject to under RCW 2.68.040,  
10 3.62.090, and 46.63.110.

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

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

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

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

21 (2)(a) A driver of a motor vehicle found to be in violation of  
22 this section due to the failure of that driver to grant or yield the  
23 right-of-way to a vulnerable user of a public way must be assessed an  
24 additional fine equal to the base penalty assessed under RCW  
25 46.63.110(3). This fine may not be waived, reduced, or suspended, and  
26 is not subject to the additional fees and assessments that the base  
27 penalty for this violation is subject to under RCW 2.68.040,  
28 3.62.090, and 46.63.110.

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

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

34 **Sec. 9.** RCW 43.84.092 and 2017 3rd sp.s. c 25 s 50, 2017 3rd  
35 sp.s. c 12 s 12, and 2017 c 290 s 8 are each reenacted and amended to  
36 read as follows:

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

4 (2) The treasury income account shall be utilized to pay or  
5 receive funds associated with federal programs as required by the  
6 federal cash management improvement act of 1990. The treasury income  
7 account is subject in all respects to chapter 43.88 RCW, but no  
8 appropriation is required for refunds or allocations of interest  
9 earnings required by the cash management improvement act. Refunds of  
10 interest to the federal treasury required under the cash management  
11 improvement act fall under RCW 43.88.180 and shall not require  
12 appropriation. The office of financial management shall determine the  
13 amounts due to or from the federal government pursuant to the cash  
14 management improvement act. The office of financial management may  
15 direct transfers of funds between accounts as deemed necessary to  
16 implement the provisions of the cash management improvement act, and  
17 this subsection. Refunds or allocations shall occur prior to the  
18 distributions of earnings set forth in subsection (4) of this  
19 section.

20 (3) Except for the provisions of RCW 43.84.160, the treasury  
21 income account may be utilized for the payment of purchased banking  
22 services on behalf of treasury funds including, but not limited to,  
23 depository, safekeeping, and disbursement functions for the state  
24 treasury and affected state agencies. The treasury income account is  
25 subject in all respects to chapter 43.88 RCW, but no appropriation is  
26 required for payments to financial institutions. Payments shall occur  
27 prior to distribution of earnings set forth in subsection (4) of this  
28 section.

29 (4) Monthly, the state treasurer shall distribute the earnings  
30 credited to the treasury income account. The state treasurer shall  
31 credit the general fund with all the earnings credited to the  
32 treasury income account except:

33 (a) The following accounts and funds shall receive their  
34 proportionate share of earnings based upon each account's and fund's  
35 average daily balance for the period: The aeronautics account, the  
36 aircraft search and rescue account, the Alaskan Way viaduct  
37 replacement project account, the brownfield redevelopment trust fund  
38 account, the budget stabilization account, the capital vessel  
39 replacement account, the capitol building construction account, the  
40 Cedar River channel construction and operation account, the Central



1 Washington University capital projects account, the charitable,  
2 educational, penal and reformatory institutions account, the Chehalis  
3 basin account, the cleanup settlement account, the Columbia river  
4 basin water supply development account, the Columbia river basin  
5 taxable bond water supply development account, the Columbia river  
6 basin water supply revenue recovery account, the common school  
7 construction fund, the community forest trust account, the connecting  
8 Washington account, the county arterial preservation account, the  
9 county criminal justice assistance account, the deferred compensation  
10 administrative account, the deferred compensation principal account,  
11 the department of licensing services account, the department of  
12 retirement systems expense account, the developmental disabilities  
13 community trust account, the diesel idle reduction account, the  
14 drinking water assistance account, the drinking water assistance  
15 administrative account, the early learning facilities development  
16 account, the early learning facilities revolving account, the Eastern  
17 Washington University capital projects account, the Interstate 405  
18 express toll lanes operations account, the education construction  
19 fund, the education legacy trust account, the election account, the  
20 electric vehicle charging infrastructure account, the energy freedom  
21 account, the energy recovery act account, the essential rail  
22 assistance account, The Evergreen State College capital projects  
23 account, the federal forest revolving account, the ferry bond  
24 retirement fund, the freight mobility investment account, the freight  
25 mobility multimodal account, the grade crossing protective fund, the  
26 public health services account, the high capacity transportation  
27 account, the state higher education construction account, the higher  
28 education construction account, the highway bond retirement fund, the  
29 highway infrastructure account, the highway safety fund, the high  
30 occupancy toll lanes operations account, the hospital safety net  
31 assessment fund, the industrial insurance premium refund account, the  
32 judges' retirement account, the judicial retirement administrative  
33 account, the judicial retirement principal account, the local  
34 leasehold excise tax account, the local real estate excise tax  
35 account, the local sales and use tax account, the marine resources  
36 stewardship trust account, the medical aid account, the mobile home  
37 park relocation fund, the money-purchase retirement savings  
38 administrative account, the money-purchase retirement savings  
39 principal account, the motor vehicle fund, the motorcycle safety  
40 education account, the multimodal transportation account, the

1 multiuse roadway safety account, the municipal criminal justice  
2 assistance account, the natural resources deposit account, the oyster  
3 reserve land account, the pension funding stabilization account, the  
4 perpetual surveillance and maintenance account, the pollution  
5 liability insurance agency underground storage tank revolving  
6 account, the public employees' retirement system plan 1 account, the  
7 public employees' retirement system combined plan 2 and plan 3  
8 account, the public facilities construction loan revolving account  
9 beginning July 1, 2004, the public health supplemental account, the  
10 public works assistance account, the Puget Sound capital construction  
11 account, the Puget Sound ferry operations account, the Puget Sound  
12 taxpayer accountability account, the real estate appraiser commission  
13 account, the recreational vehicle account, the regional mobility  
14 grant program account, the resource management cost account, the  
15 rural arterial trust account, the rural mobility grant program  
16 account, the rural Washington loan fund, the sexual assault  
17 prevention and response account, the site closure account, the  
18 skilled nursing facility safety net trust fund, the small city  
19 pavement and sidewalk account, the special category C account, the  
20 special wildlife account, the state employees' insurance account, the  
21 state employees' insurance reserve account, the state investment  
22 board expense account, the state investment board commingled trust  
23 fund accounts, the state patrol highway account, the state route  
24 number 520 civil penalties account, the state route number 520  
25 corridor account, the state wildlife account, the supplemental  
26 pension account, the Tacoma Narrows toll bridge account, the  
27 teachers' retirement system plan 1 account, the teachers' retirement  
28 system combined plan 2 and plan 3 account, the tobacco prevention and  
29 control account, the tobacco settlement account, the toll facility  
30 bond retirement account, the transportation 2003 account (nickel  
31 account), the transportation equipment fund, the transportation  
32 future funding program account, the transportation improvement  
33 account, the transportation improvement board bond retirement  
34 account, the transportation infrastructure account, the  
35 transportation partnership account, the traumatic brain injury  
36 account, the tuition recovery trust fund, the University of  
37 Washington bond retirement fund, the University of Washington  
38 building account, the volunteer firefighters' and reserve officers'  
39 relief and pension principal fund, the volunteer firefighters' and  
40 reserve officers' administrative fund, the vulnerable roadway user

1 education account, the Washington judicial retirement system account,  
2 the Washington law enforcement officers' and firefighters' system  
3 plan 1 retirement account, the Washington law enforcement officers'  
4 and firefighters' system plan 2 retirement account, the Washington  
5 public safety employees' plan 2 retirement account, the Washington  
6 school employees' retirement system combined plan 2 and 3 account,  
7 the Washington state health insurance pool account, the Washington  
8 state patrol retirement account, the Washington State University  
9 building account, the Washington State University bond retirement  
10 fund, the water pollution control revolving administration account,  
11 the water pollution control revolving fund, the Western Washington  
12 University capital projects account, the Yakima integrated plan  
13 implementation account, the Yakima integrated plan implementation  
14 revenue recovery account, and the Yakima integrated plan  
15 implementation taxable bond account. Earnings derived from investing  
16 balances of the agricultural permanent fund, the normal school  
17 permanent fund, the permanent common school fund, the scientific  
18 permanent fund, the state university permanent fund, and the state  
19 reclamation revolving account shall be allocated to their respective  
20 beneficiary accounts.

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

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

30 NEW SECTION. **Sec. 10.** This act takes effect April 1, 2019.

--- END ---