

RCW 5.40.050

Breach of duty—Evidence of negligence— Negligence per se.

A breach of a duty imposed by statute, ordinance, or administrative rule shall not be considered negligence per se, but may be considered by the trier of fact as evidence of negligence; however, any breach of duty as provided by statute, ordinance, or administrative rule relating to: (1) Electrical fire safety, (2) the use of smoke alarms, (3) sterilization of needles and instruments used by persons engaged in the practice of body art, body piercing, tattooing, or electrology, or other precaution against the spread of disease, as required under RCW [70.54.350](#), or (4) driving while under the influence of intoxicating liquor or any drug, shall be considered negligence per se.

[[2009 c 412 s 20](#); [2001 c 194 s 5](#); [1986 c 305 s 901](#).]

Notes:

Effective date—2009 c 412 ss 1-21: See RCW [18.300.901](#).

Short title—Implementation—2009 c 412: See RCW [18.300.900](#) and [18.300.902](#).

Preamble—Report to legislature—Applicability—Severability—1986 c 305: See notes following RCW [4.16.160](#).

Definition of body art, body piercing, and tattooing: RCW [18.300.010](#).

