

# SENATE BILL REPORT

## SSB 5331

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As Passed Senate, March 13, 1995

**Title:** An act relating to bicycle safety.

**Brief Description:** Enhancing bicycle safety.

**Sponsors:** Senate Committee on Health & Long-Term Care (originally sponsored by Senators Franklin, Moyer, Fairley, Winsley, Wojahn, C. Anderson, Kohl and Fraser).

**Brief History:**

**Committee Activity:** Health & Long-Term Care: 2/3/95, 2/8/95 [DPS].  
Passed Senate, 3/13/95, 29-20.

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### SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

**Majority Report:** That Substitute Senate Bill No. 5331 be substituted therefor, and the substitute bill do pass.

Signed by Senators Quigley, Chair; Wojahn, Vice Chair; C. Anderson, Deccio, Fairley, Franklin, Moyer, Winsley and Wood.

**Staff:** Don Sloma (786-7319)

**Background:** While some local governments have enacted ordinances requiring bicycle helmet use for adults or for children, no state law exists at the present time establishing consistent, statewide rules regarding bicycle helmet use.

According to the Public Health Improvement Plan, bicycle crashes accounted for 1,618 hospitalizations in the 1989-91 period. More than half of these were among children.

More than 10 percent of bicycle crashes result in either death or long-term, rehabilitative care. Head injuries are the most frequent injury.

The Traffic Safety Commission reports that helmet use can reduce the risk of serious head injury by as much as 85 percent.

The Public Health Improvement Plan estimates that a 50 percent helmet use rate among children alone would result in some 840 fewer head injuries over a five-year period.

**Summary of Bill:** On and after January 1, 1996, it is a traffic infraction for a person under 19 years of age to operate, ride upon, be transported on or be towed by a bicycle on any public road, path or sidewalk without wearing an approved helmet.

In addition, it is a traffic infraction for a guardian to knowingly allow, and fail to take reasonable steps to prevent, a person under 19 from being on a bicycle without an approved helmet.

It is also a traffic infraction to sell or offer for sale a bicycle helmet that does not meet requirements set forth in this act.

No traffic infraction related to this act may be reported on a person's driving record.

During 1996, no traffic infractions may be issued under the act, but warnings may be given. After that time, the court must dismiss an infraction without cost for a first time offender who provides evidence that he or she obtained a bicycle helmet. For children under 12 years of age, no infractions may be given, but information must be provided on the importance of wearing a helmet, on where to purchase one or obtain one for no cost, and on the contents of the bicycle helmet law.

The Superintendent of Public Instruction, the Department of Licensing and driver training schools must include information on bicycle safety in instructional materials on traffic safety.

Local ordinances or statutes requiring bicycle helmets are not preempted.

Language is deleted from the original bill which provided that evidence of failure by a person to wear a bicycle helmet may be admitted in court with respect to a plaintiff's duty to mitigate damages in the case of a bicycle crash or other incident, but it may not be used with respect to contributory fault.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** Bike helmets promote public health. Most bike crashes involve children. They should not be liable for financial consequences of injury. Helmets are broadly available and cheap.

**Testimony Against:** Helmet laws will discourage bike riding, compromising public health. Traffic and road safety improvements should be made instead.

**Testified:** Kathy Williams, Washington State Department of Health (pro); Ronald C. Finlay, Washington State Head Injury Foundation (pro); Scarlet Tang, NowBike (pro); Dr. Cecil Snodgrass, Governor's Trauma Committee (pro); Dick Dorsett, Kathy Gerke, Pierce County Sheriffs & Police Chiefs, Association of Cities (con); Frank Jacobson, King County EMS (pro); Kyle Larson, Jefferson School; Aaron Hjort, Jefferson School; Chris Leman (con); Deborah Ferse, Washington Trauma Society (pro); John Ernest Berry III, Center for Independence, Think First, Helmets on Wheels (pro).