

---

**SUBSTITUTE SENATE BILL 5331**

---

**State of Washington****54th Legislature****1995 Regular Session**

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

Read first time 02/13/95.

1 AN ACT Relating to bicycle safety; amending RCW 46.61.750,  
2 28A.220.050, 46.20.095, 46.82.430, and 46.83.040; adding a new section  
3 to chapter 46.61 RCW; adding a new section to chapter 46.04 RCW;  
4 creating a new section; and prescribing penalties.

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

6 NEW SECTION. **Sec. 1.** The legislature recognizes that bicycling is  
7 popular for all ages. Almost all families now have bicycles.  
8 Bicycling is increasing in our state. What used to be simply a  
9 children's activity is now a common form of transportation and  
10 recreation for children, adults, and families. Increased bicycling has  
11 many benefits: It is healthy, nonpolluting, energy-efficient, and does  
12 not cause wear to the road system. Bicycling is an enjoyable activity  
13 that people with a wide range of physical abilities can share. The  
14 nature of the activity creates conditions whereby a rider or passenger  
15 may fall or collide with the road surface or other objects and possibly  
16 sustain serious or fatal head injury. Helmets are a proven and  
17 effective way to prevent or reduce head injuries. Therefore, it is  
18 beneficial for all bicyclists or passengers on bicycles within the  
19 state of Washington to wear protective helmets while riding.

1 In order to provide an effective means of attaining a community  
2 standard that all bicyclists and their passengers wear helmets, the  
3 legislature recognizes that programs of helmet awareness undertaken by  
4 public and private agencies with existing resources, designed to  
5 promote use of helmets, and with notification of the requirement must  
6 precede and complement any effort to enforce any mandatory helmet use  
7 requirements. Therefore, section 2 of this act shall take effect as  
8 provided.

9 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.61 RCW  
10 to read as follows:

11 (1) Beginning January 1, 1996, it is a traffic infraction:

12 (a) For a person under the age of nineteen years to operate or ride  
13 upon a bicycle on a state highway, county road, city street, public  
14 trail or pathway, or a public sidewalk adjacent to the foregoing unless  
15 wearing a protective helmet of a type certified to meet the  
16 requirements of standard Z-90.4 of the American National Standards  
17 Institute or such subsequent nationally recognized standard for bicycle  
18 helmet performance as the state patrol may adopt by rule. The helmet  
19 must be equipped with either a neck or chin strap that shall be  
20 fastened securely while the cycle is in motion;

21 (b) For a person to transport a person under the age of nineteen  
22 years upon, in a restraining seat that is attached to, or in a trailer  
23 towed by a bicycle on a state highway, county road, city street, public  
24 trail or pathway, or a public sidewalk adjacent to the foregoing unless  
25 the person transported is wearing a helmet that meets the requirements  
26 in (a) of this subsection. A person with a bona fide health or  
27 physical condition that prevents the person from wearing a bicycle  
28 helmet is exempt from this requirement;

29 (c) For the guardian of a person under the age of nineteen years to  
30 knowingly allow, and fail to take reasonable steps to prevent, that  
31 person from operating or riding upon a bicycle on a state highway,  
32 county road, city street, public trail or pathway, or a public sidewalk  
33 adjacent to the foregoing unless that person is wearing a helmet that  
34 meets the requirements in (a) of this subsection. For the purpose of  
35 this subsection, "guardian" means a parent, legal guardian, or any  
36 other adult person who maintains responsibility for the safety and  
37 welfare of a person;

1 (d) For a person under the age of nineteen years to sell or offer  
2 for sale a bicycle helmet that does not meet the requirements  
3 established by (a) of this subsection;

4 (e) For a person under the age of nineteen years to rent a bicycle  
5 for use by a person unless the person possesses a helmet that meets the  
6 requirements of (a) of this subsection, and the one renting is  
7 reasonably satisfied that the person will operate or ride upon the  
8 cycle while wearing such a helmet in the manner described in (a) of  
9 this subsection.

10 (2) This section does not apply to a person being transported in a  
11 pedicab.

12 **Sec. 3.** RCW 46.61.750 and 1982 c 55 s 6 are each amended to read  
13 as follows:

14 (1) It is a traffic infraction for any person to do any act  
15 forbidden or fail to perform any act required in RCW 46.61.750 through  
16 46.61.780 or section 2 of this act.

17 (2) (~~These regulations applicable to bicycles apply whenever a~~  
18 ~~bicycle is operated upon any highway or upon any bicycle path, subject~~  
19 ~~to those exceptions stated herein.)) No traffic infraction committed  
20 under section 2 of this act may be reported on a person's driving  
21 record maintained by the department of licensing.~~

22 (3) In order to educate the public concerning the provisions of  
23 section 2 of this act, during the period from January 1, 1996, to  
24 January 1, 1997, a person violating section 2 of this act will not be  
25 subject to a traffic infraction, though a written warning of the  
26 violation may be issued. After January 1, 1997, a violator may be  
27 issued a regular notice of traffic infraction. If this is the first  
28 time a person has been issued a notice of traffic infraction for a  
29 violation of section 2 of this act and he or she provides evidence to  
30 the court in writing that he or she has obtained a bicycle helmet in  
31 order to comply with section 2 of this act, the court shall dismiss the  
32 notice of traffic infraction without costs.

33 (4) In lieu of a traffic infraction for a person under the age of  
34 twelve, a law enforcement officer shall provide to the violator and to  
35 the violator's parent or guardian written information about the  
36 importance of wearing helmets, where helmets may be purchased or  
37 obtained at little or no cost, and the contents of the law relating to  
38 bicycle helmets.

1        NEW SECTION.    **Sec. 4.**    A new section is added to chapter 46.04 RCW  
2 to read as follows:

3        "Pedicab" means a bicycle with three or more wheels that carries  
4 passengers for hire.

5        **Sec. 5.**    RCW 28A.220.050 and 1986 c 93 s 4 are each amended to read  
6 as follows:

7        The superintendent of public instruction shall include information  
8 on the proper use of the left-hand lane by motor vehicles on multilane  
9 highways and on bicyclists' rights and responsibilities in  
10 instructional material used in traffic safety education courses.

11        **Sec. 6.**    RCW 46.20.095 and 1986 c 93 s 3 are each amended to read  
12 as follows:

13        The department shall include information on the proper use of the  
14 left-hand lane by motor vehicles on multilane highways and on  
15 bicyclists' rights and responsibilities in its instructional  
16 publications for drivers.

17        **Sec. 7.**    RCW 46.82.430 and 1986 c 93 s 5 are each amended to read  
18 as follows:

19        Instructional material used in driver training schools shall  
20 include information on the proper use of the left-hand lane by motor  
21 vehicles on multilane highways and on bicyclists' rights and  
22 responsibilities.

23        **Sec. 8.**    RCW 46.83.040 and 1961 c 12 s 46.83.040 are each amended  
24 to read as follows:

25        It shall be the purpose of every traffic school which may be  
26 established hereunder to instruct, educate, and inform all persons  
27 appearing for training in the proper, lawful, and safe operation of  
28 motor vehicles, including but not limited to rules of the road and the  
29 limitations of persons, vehicles, and bicycles and roads, streets, and  
30 highways under varying conditions and circumstances.

--- END ---