

# SENATE BILL REPORT

## SB 5256

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As Reported By Senate Committee On:  
Law & Justice, February 17, 1997

**Title:** An act relating to motorcycle equipment.

**Brief Description:** Revising motorcycle equipment laws.

**Sponsors:** Senators Roach, Heavey, Hochstatter, Schow, Finkbeiner, Zarelli, Prince, Wood, Stevens, Horn, Hargrove, Morton, Newhouse, Sellar, Benton, Hale, Strannigan and Johnson.

**Brief History:**

**Committee Activity:** Law & Justice: 2/13/97, 2/17/97 [DPS, DNPS].

Ways & Means: 3/3/97.

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### SENATE COMMITTEE ON LAW & JUSTICE

**Majority Report:** That Substitute Senate Bill No. 5256 be substituted therefor, and the substitute bill do pass.

Signed by Senators Roach, Chair; Johnson, Vice Chair; Hargrove, Long, Stevens and Zarelli.

**Minority Report:** Do not pass substitute.

Signed by Senator Fairley.

**Staff:** Mychal Schwartz (786-7444)

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### SENATE COMMITTEE ON WAYS & MEANS

**Staff:** Tim Yowell (786-7435)

**Background:** The mandatory motorcycle helmet law was enacted in 1967, repealed in 1977, and reenacted in 1987 (for persons under the age of 18). Since 1990, it has been illegal for any person to ride a motorcycle, motor-driven cycle or moped without wearing a helmet approved by the Washington State Patrol (WSP), except when operating an antique motorcycle, an automobile that is licensed as a motorcycle, or when the cycle is equipped with seat belts and roll bars approved by the WSP.

The WSP is responsible for adopting guidelines for motor vehicle equipment standards and procedures through administrative rule. Motorcycle helmets, goggles, glasses and face shields must conform with WSP rules. It is illegal to rent out a motorcycle, motor-driven cycle or moped unless the person also has helmets on hand to rent that conform to WSP rules; the same applies to the person who rents the cycle.

Mirrors are not required on a motorcycle manufactured prior to January 1, 1931. Mirrors also are not required on a motorcycle or motor-driven cycle over 25 years old that is ridden in conjunction with an antique or classic motorcycle event.

According to the 1995 Traffic Safety Facts: (a) 26 states require all riders to wear helmets; (b) 18 states require riders under the age of 18 to wear helmets; and (c) three states have no helmet usage law--Colorado, Illinois and Iowa. In the remaining four states: (a) Delaware requires helmets for those under 19; (b) Maine requires those under 15, first-year operators, novices, and the holder of a learner's permit to wear a helmet; (c) Ohio requires helmets for those under the age of 18 and novices; and (d) Rhode Island requires those under 21 and novices to wear helmets. These statistics include all 50 states and the District of Columbia.

**Summary of Substitute Bill:** No person under the age of 21 may ride a motorcycle, motor-driven cycle or moped without wearing a commercially manufactured motorcycle helmet.

The requirement that motorcycle equipment (glasses, goggles, face shields and helmets) conforms with WSP rules is deleted. The helmet standard is simply a commercially manufactured motorcycle helmet.--

A person who sells or rents out motorcycles must have commercially manufactured helmets on hand; a person under the age of 21 years who rents a motorcycle must have a helmet in his or her possession. Mirrors are not required on a motorcycle or motor-driven cycle over 25 years old. The clause relating to antique or classic motorcycle events is removed.

**Substitute Bill Compared to Original Bill:** The substitute bill makes technical corrections to section 2, adding the language under the age of 21 years.-- This change makes section 2 internally consistent with the language found in section 1(3).

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** Current law is ambiguous and, therefore, problematic in terms of both compliance and enforcement. Almost all helmet tickets are dismissed by the courts. Motorcycle riders tend to have more insurance than automobile drivers and are not a financial burden upon the state. The United States health budget pays less than .001 percent for motorcycle injuries. Education, not regulation, is the key to preventing motorcycle injuries. The bottom line issue is equality. Motorcycle riders are singled out by this law.

**Testimony Against:** Since the reenactment of a mandatory helmet law, the number of fatalities from motorcycle accidents has dropped dramatically and stayed down. Taxpayers do end up paying a high proportion of the expenses of rehabilitation for those involved in motorcycle accidents.

**Testified:** PRO: Karen Bolin, ABATE; Shelly Yonker, Washington Rider's Legislative Task Force; Martin Fox, National Coalition of Motorcyclists; Eddie Martin; Jim Kroll;

CON: Annette Sandberg, WSP Chief; Dr. Abe Bergman, Washington State Medical Association.