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HOUSE BILL 1555

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State of Washington

55th Legislature

1997 Regular Session

By Representatives Pennington, Ballasiotes, Costa, Sheahan, Lantz, Tokuda, McDonald, Cooper, Blalock, Conway, Cole, O'Brien, Mason and Wood

Read first time 01/30/97. Referred to Committee on Transportation Policy & Budget.

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; adding  
4 a new section to chapter 43.70 RCW; adding a new section to chapter  
5 5.40 RCW; creating a new section; and prescribing penalties.

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

7 NEW SECTION. **Sec. 1.** The legislature finds and declares that:

8 (1) Disability and death resulting from injuries sustained in  
9 bicycling accidents are a serious threat to the public health, welfare,  
10 and safety of the people of Washington, and the prevention of such  
11 disability and death is a goal of such people;

12 (2) Brain injuries are the leading cause of disability and death  
13 from bicycling accidents;

14 (3) The risk of brain injury from bicycling accidents is  
15 significantly reduced for bicyclists who wear proper protective  
16 helmets; and

17 (4) The purpose of this act is to reduce the incidence of  
18 disability and death resulting from injuries incurred in bicycling  
19 accidents by requiring that while riding on a bicycle on the public

1 roads, public bicycle paths, and other public rights-of-way in this  
2 state, all bicycle operators and passengers under the age of sixteen  
3 years wear approved protective helmets.

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

6 (1) Beginning January 1, 1998, it is a traffic infraction:

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

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

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

33 (d) For a person to offer a bicycle for rent or for a person to  
34 rent a bicycle for use by a person under the age of sixteen years  
35 unless the person riding the bicycle possesses a helmet that meets the  
36 requirements of (a) of this subsection.

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

1 (3) Effective January 1, 1998, this section preempts and supersedes  
2 any county, city, town, or other local ordinances or statutes requiring  
3 the wearing of bicycle helmets by persons under sixteen years of age.

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

6 (1) It is a traffic infraction for any person to do any act  
7 forbidden or fail to perform any act required in RCW 46.61.750 through  
8 46.61.780 or section 2 of this act.

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

14 (3) In order to educate the public concerning the provisions of  
15 section 2 of this act, during the period from January 1, 1998, to  
16 January 1, 1999, a person violating section 2 of this act will not be  
17 subject to a traffic infraction, though a written warning of the  
18 violation may be issued. After January 1, 1999, a violator may be  
19 issued a regular notice of traffic infraction. If this is the first  
20 time a person has been issued a notice of traffic infraction for a  
21 violation of section 2 of this act and he or she provides evidence to  
22 the court in writing that he or she has obtained a bicycle helmet in  
23 order to comply with section 2 of this act, the court shall dismiss the  
24 notice of traffic infraction without costs.

25 (4) In lieu of a traffic infraction for a person under the age of  
26 twelve, a law enforcement officer may provide to the violator and to  
27 the violator's parent or guardian written information about the  
28 importance of wearing helmets, where helmets may be purchased or  
29 obtained at little or no cost, and the contents of the law relating to  
30 bicycle helmets.

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

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

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

1       The superintendent of public instruction shall include information  
2 on the proper use of the left-hand lane by motor vehicles on multilane  
3 highways, bicyclists' responsibilities and rights, recommended bicycle  
4 riding procedures in common traffic situations, and recommended driving  
5 procedures for motor vehicle drivers when encountering bicyclists,  
6 especially children on bicycles, in instructional material used in  
7 traffic safety education courses.

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

10       The department shall include information on the proper use of the  
11 left-hand lane by motor vehicles on multilane highways, bicyclists'  
12 responsibilities and rights, recommended bicycle riding procedures in  
13 common traffic situations, and recommended driving procedures for motor  
14 vehicle drivers when encountering bicyclists, especially children on  
15 bicycles, in its instructional publications for drivers.

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

18       Instructional material used in driver training schools shall  
19 include information on the proper use of the left-hand lane by motor  
20 vehicles on multilane highways, bicyclists' responsibilities and  
21 rights, recommended bicycle riding procedures in common traffic  
22 situations, and recommended driving procedures for motor vehicle  
23 drivers when encountering bicyclists, especially children on bicycles.

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

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

32       NEW SECTION. **Sec. 9.** A new section is added to chapter 43.70 RCW  
33 to read as follows:

1       The department shall make available to families and persons in  
2 Washington state information about sources of free or low-cost  
3 protective bicycle helmets.

4       NEW SECTION.   **Sec. 10.**   A new section is added to chapter 5.40 RCW  
5 to read as follows:

6       Failure to wear a bicycle helmet does not constitute fault, nor may  
7 such failure be admissible as evidence of the fault of any entity in  
8 any civil action.

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