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ENGROSSED SUBSTITUTE HOUSE BILL 2439

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State of Washington

55th Legislature

1998 Regular Session

By House Committee on Transportation Policy & Budget (originally sponsored by Representatives D. Sommers, Costa, Benson, Sterk, Gombosky and O'Brien)

Read first time 02/05/98. Referred to Committee on .

1 AN ACT Relating to traffic safety education; amending RCW  
2 43.59.010, 46.61.750, 46.20.095, 46.82.430, 46.83.040, 46.20.305,  
3 46.37.280, and 46.61.780; adding new sections to chapter 43.59 RCW;  
4 adding a new section to chapter 46.20 RCW; and creating a new section.

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

6 NEW SECTION. **Sec. 1.** This act may be known and cited as the  
7 Cooper Jones Act.

8 **Sec. 2.** RCW 43.59.010 and 1967 ex.s. c 147 s 1 are each amended to  
9 read as follows:

10 (1) The purpose of this chapter is to establish a new agency of  
11 state government to be known as the Washington traffic safety  
12 commission. The functions and purpose of this commission shall be to  
13 find solutions to the problems that have been created as a result of  
14 the tremendous increase of motor vehicles on our highways and the  
15 attendant traffic death and accident tolls; to plan and supervise  
16 programs for the prevention of accidents on streets and highways  
17 including but not limited to educational campaigns designed to reduce  
18 traffic accidents in cooperation with all official and unofficial

1 organizations interested in traffic safety; to coordinate the  
2 activities at the state and local level in the development of state-  
3 wide and local traffic safety programs; to promote a uniform  
4 enforcement of traffic safety laws and establish standards for  
5 investigation and reporting of traffic accidents; to promote and  
6 improve driver education; and to authorize the governor to perform all  
7 functions required to be performed by him under the federal Highway  
8 Safety Act of 1966 (Public Law 89-564; 80 Stat. 731).

9 (2) The legislature finds and declares that bicycling and walking  
10 are becoming increasingly popular in Washington as clean and efficient  
11 modes of transportation, as recreational activities, and as organized  
12 sports. Future plans for the state's transportation system will  
13 require increased access and safety for bicycles and pedestrians on our  
14 common roadways, and federal transportation legislation and funding  
15 programs have created strong incentives to implement these changes  
16 quickly. As a result, many more people are likely to take up bicycling  
17 in Washington both as a leisure activity and as a convenient,  
18 inexpensive form of transportation. Bicyclists are more vulnerable to  
19 injury and accident than motorists, and should be as knowledgeable as  
20 possible about traffic laws, be highly visible and predictable when  
21 riding in traffic, and be encouraged to wear bicycle safety helmets.  
22 Hundreds of bicyclists and pedestrians are seriously injured every year  
23 in accidents, and millions of dollars are spent on health care costs  
24 associated with these accidents. There is clear evidence that  
25 organized training in the rules and techniques of safe and effective  
26 cycling can significantly reduce the incidence of serious injury and  
27 accidents, increase cooperation among road users, and significantly  
28 increase the incidence of bicycle helmet use, particularly among  
29 minors.

30 NEW SECTION. Sec. 3. A new section is added to chapter 43.59 RCW  
31 to read as follows:

32 (1) The Washington state traffic safety commission shall establish  
33 a program for improving bicycle and pedestrian safety, and shall  
34 cooperate with the state criminal justice training commission, bicycle  
35 federation of America, the league of American bicyclists, state and  
36 local bicycling organizations, local governments, public school  
37 districts, or other appropriate public and private organizations in

1 developing and operating programs to improve bicycle and pedestrian  
2 safety.

3 (2) The commission shall prescribe minimum qualifications for the  
4 grant recipients.

5 (3) The commission will form an advisory group of bicycle and  
6 pedestrian safety stakeholders to assist the director in:

7 (a) Establishing standards and criteria for traffic safety grants  
8 and reviewing the merits of grant applications submitted;

9 (b) Determining the most effective programs available to improve  
10 bicycle and pedestrian safety; and

11 (c) Establishing state pedestrian and bicycle safety goals and  
12 performance measures.

13 (4) Upon successful completion of a safety training program,  
14 participants will receive a bicycle or pedestrian safety education  
15 certificate signed by an authorized instructor. The certificate is  
16 evidence of compliance with this section.

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

19 (1) It is a traffic infraction for any person to do any act  
20 forbidden or fail to perform any act required in RCW 46.61.750 through  
21 46.61.780.

22 (2) These regulations applicable to bicycles apply whenever a  
23 bicycle is operated upon any highway or upon any bicycle path, subject  
24 to those exceptions stated herein. A person found to have committed  
25 any infraction under subsection (1) of this section shall be assessed  
26 a monetary penalty equal to the penalty assessed under RCW 46.63.110  
27 plus twenty-five percent.

28 (3) The bicycle and pedestrian safety education account is created  
29 in the state treasury. Twenty-five percent of the moneys collected  
30 under subsection (2) of this section shall be deposited into the  
31 account. Moneys in the account may be spent only after appropriation.  
32 Expenditures from the account may be used only for the administration  
33 and operation of programs to improve bicycle and pedestrian safety.

34 (4) State agencies, political subdivisions of the state, and  
35 nonprofit organizations, including but not limited to bicycling groups  
36 and community and civic organizations, are eligible for grant funds on  
37 a matching basis under the programs funded under subsection (3) of this  
38 section. All entities receiving matching funds must provide a

1 regularly scheduled program complying with standards established by the  
2 traffic safety commission. Bicycle organizations are encouraged to  
3 make donations to the bicycle and pedestrian safety education account.

4 NEW SECTION. Sec. 5. A new section is added to chapter 43.59 RCW  
5 to read as follows:

6 The traffic safety commission, acting jointly with the department  
7 of licensing and the superintendent of public instruction, shall  
8 develop a curriculum for bicycle safety education. The commission may  
9 develop a video presentation to accompany this curriculum.

10 NEW SECTION. Sec. 6. A new section is added to chapter 46.20 RCW  
11 to read as follows:

12 The department of licensing shall incorporate a section on bicycle  
13 safety and sharing the road into its instructional publications for  
14 drivers and shall include questions in the written portion of the  
15 driver's license examination on bicycle safety and sharing the road  
16 with bicycles.

17 **Sec. 7.** RCW 46.20.095 and 1986 c 93 s 3 are each amended to read  
18 as follows:

19 The department shall include information on the proper use of the  
20 left-hand lane by motor vehicles on multilane highways and on  
21 bicyclists' and pedestrians' rights and responsibilities in its  
22 instructional publications for drivers.

23 **Sec. 8.** RCW 46.82.430 and 1986 c 93 s 5 are each amended to read  
24 as follows:

25 Instructional material used in driver training schools shall  
26 include information on the proper use of the left-hand lane by motor  
27 vehicles on multilane highways and on bicyclists' and pedestrians'  
28 rights and responsibilities and suggested riding procedures in common  
29 traffic situations.

30 **Sec. 9.** RCW 46.83.040 and 1961 c 12 s 46.83.040 are each amended  
31 to read as follows:

32 It shall be the purpose of every traffic school which may be  
33 established hereunder to instruct, educate, and inform all persons  
34 appearing for training in the proper, lawful, and safe operation of

1 motor vehicles, including but not limited to rules of the road and the  
2 limitations of persons, vehicles, and bicycles and roads, streets, and  
3 highways under varying conditions and circumstances.

4 **Sec. 10.** RCW 46.20.305 and 1965 ex.s. c 121 s 26 are each amended  
5 to read as follows:

6 (1) The department, having good cause to believe that a licensed  
7 driver is incompetent or otherwise not qualified to be licensed may  
8 upon notice require him to submit to an examination.

9 (2) The department shall require the driver of any vehicle  
10 responsible for a crash resulting in the death of a person to submit to  
11 an examination. The examination must be completed no later than ninety  
12 days after the accident report required under RCW 46.52.030 is received  
13 by the department.

14 (3) The department may in addition to an examination under  
15 subsection (1) or (2) of this section require such person to obtain a  
16 certificate showing his condition signed by a licensed physician or  
17 other proper authority designated by the department.

18 (4) Upon the conclusion of ~~((such))~~ an examination under this  
19 section the department shall take driver improvement action as may be  
20 appropriate and may suspend or revoke the license of such person or  
21 permit him to retain such license, or may issue a license subject to  
22 restrictions as permitted under RCW 46.20.041. The department may  
23 suspend or revoke the license of such person who refuses or neglects to  
24 submit to such examination.

25 (5) The department may require payment of a fee by a person subject  
26 to examination under this section. The department shall set the fee in  
27 an amount that is sufficient to cover the additional cost of  
28 administering examinations required by this section.

29 **Sec. 11.** RCW 46.37.280 and 1987 c 330 s 713 are each amended to  
30 read as follows:

31 (1) During the times specified in RCW 46.37.020, any lighted lamp  
32 or illuminating device upon a motor vehicle, other than head lamps,  
33 spot lamps, auxiliary lamps, flashing turn signals, emergency vehicle  
34 warning lamps, warning lamps authorized by the state patrol and school  
35 bus warning lamps, which projects a beam of light of an intensity  
36 greater than three hundred candlepower shall be so directed that no  
37 part of the high intensity portion of the beam will strike the level of

1 the roadway on which the vehicle stands at a distance of more than  
2 seventy-five feet from the vehicle.

3 (2) Except as required in RCW 46.37.190 no person shall drive or  
4 move any vehicle or equipment upon any highway with any lamp or device  
5 thereon displaying a red light visible from directly in front of the  
6 center thereof.

7 (3) Flashing lights are prohibited except as required in RCW  
8 46.37.190, 46.37.200, 46.37.210, 46.37.215, and 46.37.300, ((and))  
9 warning lamps authorized by the state patrol, and light-emitting diode  
10 flashing taillights on bicycles.

11 **Sec. 12.** RCW 46.61.780 and 1987 c 330 s 746 are each amended to  
12 read as follows:

13 (1) Every bicycle when in use during the hours of darkness as  
14 defined in RCW 46.37.020 shall be equipped with a lamp on the front  
15 which shall emit a white light visible from a distance of at least five  
16 hundred feet to the front and with a red reflector on the rear of a  
17 type approved by the state patrol which shall be visible from all  
18 distances ((~~from one hundred feet~~)) up to six hundred feet to the rear  
19 when directly in front of lawful lower beams of head lamps on a motor  
20 vehicle. A lamp emitting a red light visible from a distance of five  
21 hundred feet to the rear may be used in addition to the red reflector.  
22 A light-emitting diode flashing taillight visible from a distance of  
23 five hundred feet to the rear may also be used in addition to the red  
24 reflector.

25 (2) Every bicycle shall be equipped with a brake which will enable  
26 the operator to make the braked wheels skid on dry, level, clean  
27 pavement.

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