
SUBSTITUTE HOUSE BILL 2439

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, 28A.220.050, 46.20.095, 46.82.430, 46.83.040, 82.08.020,
3 46.20.305, 46.37.280, and 46.61.780; adding new sections to chapter
4 43.59 RCW; adding a new section to chapter 46.20 RCW; adding a new
5 section to chapter 28A.230 RCW; and creating a new section.

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

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

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

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

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

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

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

33 (1) The Washington state traffic safety commission shall establish
34 a program for improving bicycle and pedestrian safety, and shall
35 cooperate with the state criminal justice training commission, bicycle
36 federation of America, the league of American bicyclists, state and
37 local bicycling organizations, local governments, public school
38 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 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.59 RCW
18 to read as follows:

19 (1) The bicycle and pedestrian safety education account is created
20 in the state treasury. All receipts from the sales tax on bicycles
21 designated under RCW 82.08.020(3) shall be deposited into the account.
22 Moneys in the account may be spent only after appropriation.
23 Expenditures from the account may be used only for the establishment
24 and operation of programs to teach safe and effective bicycling created
25 under section 3(1) of this act.

26 (2) Funds in the bicycle and pedestrian safety education account
27 may be used for the purchase of equipment and supplies necessary for
28 the operation of the programs, such as bicycles, bicycle helmets,
29 safety or environmental improvements, and liability protection for
30 nonprofit training programs.

31 (3) The funds must be available to nonprofit organizations on a
32 matching basis, including but not limited to bicycling groups and
33 community and civic organizations. All entities receiving matching
34 funds must provide a regularly scheduled program complying with
35 standards established under section 3 (1) and (2) of this act.

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

1 The traffic safety commission, acting jointly with the department
2 of licensing and the superintendent of public instruction, shall
3 develop a curriculum for bicycle safety education. The commission may
4 develop a video presentation to accompany this curriculum.

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

7 The department of licensing shall incorporate a section on bicycle
8 safety and sharing the road into its instructional publications for
9 drivers and shall include questions in the written portion of the
10 driver's license examination on bicycle safety and sharing the road
11 with bicycles.

12 NEW SECTION. **Sec. 7.** A new section is added to chapter 28A.230
13 RCW to read as follows:

14 After January 1, 1999, all public schools shall annually provide
15 bicycle safety instruction based on the curriculum developed under
16 section 5 of this act to fifth grade students.

17 **Sec. 8.** RCW 28A.220.050 and 1986 c 93 s 4 are each amended to read
18 as follows:

19 The superintendent of public instruction shall include information
20 on the proper use of the left-hand lane by motor vehicles on multilane
21 highways and on bicyclists' and pedestrians' rights and
22 responsibilities in instructional material used in traffic safety
23 education courses.

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

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

30 **Sec. 10.** RCW 46.82.430 and 1986 c 93 s 5 are each amended to read
31 as follows:

32 Instructional material used in driver training schools shall
33 include information on the proper use of the left-hand lane by motor
34 vehicles on multilane highways and on bicyclists' and pedestrians'

1 rights and responsibilities and suggested riding procedures in common
2 traffic situations.

3 **Sec. 11.** RCW 46.83.040 and 1961 c 12 s 46.83.040 are each amended
4 to read as follows:

5 It shall be the purpose of every traffic school which may be
6 established hereunder to instruct, educate, and inform all persons
7 appearing for training in the proper, lawful, and safe operation of
8 motor vehicles, including but not limited to rules of the road and the
9 limitations of persons, vehicles, and bicycles and roads, streets, and
10 highways under varying conditions and circumstances.

11 **Sec. 12.** RCW 82.08.020 and 1992 c 194 s 9 are each amended to read
12 as follows:

13 (1) There is levied and there shall be collected a tax on each
14 retail sale in this state equal to six and five-tenths percent of the
15 selling price.

16 (2) There is levied and there shall be collected an additional tax
17 on each retail car rental, regardless of whether the vehicle is
18 licensed in this state, equal to five and nine-tenths percent of the
19 selling price. Ninety-one percent of the revenue collected under this
20 subsection shall be deposited and distributed in the same manner as
21 motor vehicle excise tax revenue collected under RCW 82.44.020(1).
22 Nine percent of the revenue collected under this subsection shall be
23 deposited in the transportation fund and distributed in the same manner
24 as motor vehicle excise tax revenue collected under RCW 82.44.020(2).

25 (3) In addition to the amount collected under subsection (1) of
26 this section, there is levied and shall be collected an additional tax
27 on each retail sale of a bicycle, as defined in RCW 46.04.071, equal to
28 one percent of the selling price. Seventy-five percent of the revenue
29 collected under this subsection shall be deposited into the bicycle and
30 pedestrian safety education account established under section 4(1) of
31 this act, and distributed in the manner described in section 4 (2) and
32 (3) of this act. Twenty-five percent of the revenue collected under
33 this subsection shall be deposited in the transportation fund and
34 distributed in the same manner as motor vehicle excise tax revenue
35 collected under RCW 82.44.020(2).

36 (4) The taxes imposed under this chapter shall apply to successive
37 retail sales of the same property.

1 (~~(4)~~) (5) The rates provided in this section apply to taxes
2 imposed under chapter 82.12 RCW as provided in RCW 82.12.020.

3 **Sec. 13.** RCW 46.20.305 and 1965 ex.s. c 121 s 26 are each amended
4 to read as follows:

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

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

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

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

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

28 **Sec. 14.** RCW 46.37.280 and 1987 c 330 s 713 are each amended to
29 read as follows:

30 (1) During the times specified in RCW 46.37.020, any lighted lamp
31 or illuminating device upon a motor vehicle, other than head lamps,
32 spot lamps, auxiliary lamps, flashing turn signals, emergency vehicle
33 warning lamps, warning lamps authorized by the state patrol and school
34 bus warning lamps, which projects a beam of light of an intensity
35 greater than three hundred candlepower shall be so directed that no
36 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. 15.** 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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