
HOUSE BILL 2439

State of Washington

55th Legislature

1998 Regular Session

By Representatives D. Sommers, Costa, Benson, Sterk, Gombosky and O'Brien

Read first time 01/14/98. Referred to Committee on Transportation Policy & Budget.

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, and
3 46.20.305; adding new sections to chapter 43.59 RCW; adding a new
4 section to chapter 46.20 RCW; and adding a new section to chapter
5 28A.230 RCW.

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

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

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

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

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

28 NEW SECTION. Sec. 2. A new section is added to chapter 43.59 RCW
29 to read as follows:

30 (1) The Washington state traffic safety commission shall establish
31 a program for administering grants for activities that train persons in
32 pedestrian safety or the safe and effective operation of bicycles, and
33 shall cooperate with the state criminal justice training commission,
34 bicycle federation of America, the league of American bicyclists, state
35 and local bicycling organizations, local governments, public school
36 districts, or other appropriate public and private organizations in
37 developing and operating the grant program.

1 (2) The commission shall prescribe minimum qualifications for the
2 grant recipients. Grants must be made to programs that include
3 instruction concerning:

4 (a) The safe handling and use of bicycles;

5 (b) High-risk traffic situations;

6 (c) Bicycle and traffic handling skills;

7 (d) On-bike training;

8 (e) Correct use of bicycle helmets;

9 (f) Traffic laws and regulations;

10 (g) The number and severity of injuries resulting from bicycle-
11 pedestrian accidents in Washington and nationally and the number and
12 severity of such injuries among minors; and

13 (h) Bicycle-pedestrian interaction.

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

18 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.59 RCW
19 to read as follows:

20 (1) The bicycle and pedestrian safety education account is created
21 in the state treasury. All receipts from the sales tax on bicycles
22 designated under RCW 82.08.020(3) shall be deposited into the account.
23 Moneys in the account may be spent only after appropriation.
24 Expenditures from the account may be used only for the establishment
25 and operation of programs to teach safe and effective bicycling created
26 under section 2(1) of this act.

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

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

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

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

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

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

14 NEW SECTION. **Sec. 6.** A new section is added to chapter 28A.230
15 RCW to read as follows:

16 After January 1, 1999, all public schools shall annually provide
17 bicycle safety instruction based on the curriculum developed under
18 section 4 of this act to fifth grade students.

19 **Sec. 7.** RCW 28A.220.050 and 1986 c 93 s 4 are each amended to read
20 as follows:

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

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

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

32 **Sec. 9.** RCW 46.82.430 and 1986 c 93 s 5 are each amended to read
33 as follows:

1 Instructional material used in driver training schools shall
2 include information on the proper use of the left-hand lane by motor
3 vehicles on multilane highways and on bicyclists' and pedestrians'
4 rights and responsibilities and suggested riding procedures in common
5 traffic situations.

6 **Sec. 10.** RCW 46.83.040 and 1961 c 12 s 46.83.040 are each amended
7 to read as follows:

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

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

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

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

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

1 distributed in the same manner as motor vehicle excise tax revenue
2 collected under RCW 82.44.020(2).

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

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

7 **Sec. 12.** RCW 46.20.305 and 1965 ex.s. c 121 s 26 are each amended
8 to read as follows:

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

12 (2) The department shall require the driver of any vehicle involved
13 in an accident resulting in the serious injury to or death of any
14 person to submit to an examination. The examination shall be completed
15 no later than ninety days after the accident report required under RCW
16 46.52.030 is received by the department.

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

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

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

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