

SENATE BILL REPORT

SHB 2572

As Reported By Senate Committee On:
Transportation, February 28, 2000

Title: An act relating to the definition of a motorcycle helmet.

Brief Description: Defining "motorcycle helmet."

Sponsors: House Committee on Transportation (originally sponsored by Representatives Pennington, Doumit, Delvin, Mielke, Hatfield, Schoesler, Clements, Boldt, DeBolt, Hurst, Kagi, G. Chandler, Dunn, Mulliken, Thomas, D. Schmidt, B. Chandler, Pflug, Talcott, Edmonds, Ruderman, Eickmeyer, Sullivan, Rockefeller, Wolfe and Woods).

Brief History:

Committee Activity: Transportation: 2/22/2000, 2/28/2000 [DPA].

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass as amended.

Signed by Senators Haugen, Chair; Benton, Costa, Finkbeiner, Heavey, Horn, Johnson, Morton, Prentice, Sheahan, T. Sheldon and Shin.

Staff: Michelle Chase (786-7305)

Background: The Washington State Patrol (WSP) is responsible for adopting guidelines for motor vehicle equipment standards through administrative rules. Motorcycle helmets, goggles, glasses, and face shields sold in the state of Washington must conform with WSP rules. The WSP usually adopts, by reference, the Federal Motor Vehicle Safety Standards (FMVSS) applicable to a certain piece of equipment. These standards are developed by the National Highway Traffic Safety Administration after extensive testing. In the case of motorcycle helmets, the WSP has adopted FMVSS No. 218 which requires: (1) a hard outer shell; (2) an inner liner of polystyrene foam; (3) a sturdy chin strap with solid rivets; (4) proper labeling [including the Department of Transportation (DOT) sticker on the outer shell]; and (5) instructions to the purchaser on care and use.

Summary of Amended Bill: The Washington State Patrol is no longer responsible for adopting helmet safety standards. This authority is replaced with a definition of "motorcycle helmet" that consists of (1) a hard outer shell, (2) padding adjacent to and inside the outer shell, (3) a neck or chin strap type retention system, and (4) a sticker indicating that the helmet meets the standards established by the United States Department of Transportation.

Amended Bill Compared to Substitute Bill: SHB 2572 requires that each element of the motorcycle helmet (the shell, the padding, and the retention system) comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 218. The bill as amended requires only the presence of these three elements and a sticker indicating compliance with the federal standards established by the United States Department of Transportation.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For (Against Original House Bill): Federal motor vehicle safety standard number 218 (FMVSS No. 218) is complex, but other safety standards are equally complex and appear to be applied without difficulty. Individuals wearing substandard helmets are three times more likely than those wearing helmets that meet the safety standards to suffer severe head and brain injury if they are in an accident. Safety is the primary concern here and if there are abuses by law enforcement, those issues should be dealt with separately. The key to better enforcement should be better training of law enforcement officers.

Testimony Against: Safety is the issue here; neither version of the bill promotes safety. The Oregon law on which the original bill was modeled is considered unenforceable. The risk in only requiring a US DOT sticker is that fake stickers are easily available. This is an attempt to circumvent the helmet laws.

Testimony Against (Pro Original House Bill): The current WSP standards and FMVSS No. 218 are confusing, make law enforcement difficult, and may be used as a tool for harassment by law enforcement. Law enforcement and helmet purchasers may not be able to tell whether a helmet is legal or not. Adopting SHB 2572, with its reference to FMVSS No. 218, will not resolve this issue. Helmet purchasers should be able to depend on the US DOT sticker when they purchase a helmet.

Testified: Rep. John Pennington, prime sponsor; Karen Bolin, ABATE (con substitute/pro original); James Wege, ABATE (con substitute/pro original); Pat Schmitt, Cowlitz ABATE/ABATE (con substitute/pro original); Raymond Colwell, Cowlitz County ABATE (con substitute/pro original); Steve Lind, Traffic Safety Commission (con); Captain Eric Robertson, Washington State Patrol (pro substitute).