

SENATE BILL REPORT

SB 6547

As Passed Senate, February 9, 2000

Title: An act relating to rights and duties of bicyclists.

Brief Description: Clarifying rights and responsibilities of bicyclists.

Sponsors: Senators Costa, Benton, Eide, Shin, Patterson, Haugen, Gardner, Rasmussen, Prentice, Goings, McAuliffe, Winsley, Kline and Kohl-Welles.

Brief History:

Committee Activity: Transportation: 1/25/2000, 1/28/2000 [DP].
Passed Senate, 2/9/2000, 39-8.

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass.

Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Heavey, Jacobsen, Johnson, Oke, Sellar, T. Sheldon, Shin and Swecker.

Staff: Michelle Chase (786-7305)

Background: Bicycles in Crosswalks and on Sidewalks. Current statutes require that drivers stop for pedestrians within marked or unmarked crosswalks and yield the right of way to pedestrians on sidewalks. The current definition of pedestrian— does not include individuals on bicycles. Additionally, bicyclists on roadways are subject to the rights and duties applicable to drivers of motor vehicles.

As recently as 1999, the Washington State Supreme Court has held that although bicyclists are not pedestrians— under Washington law, they are entitled to the protection of a crosswalk as if a pedestrian.

Intoxicated Cyclists. In 1995, the Washington Court of Appeals determined that bicyclists may not be charged under the laws prohibiting driving vehicles while under the influence of intoxicating liquor or drugs. There is no clear law governing how law enforcement officers must handle intoxicated bicyclists.

Summary of Bill: Bicycles in Crosswalks and on Sidewalks. Bicyclists are entitled to the same protections and subject to the same duties as pedestrians when crossing roadways in marked or unmarked crosswalks and when present on sidewalks.

Bicyclists must yield the right of way to pedestrians in crosswalks or on sidewalks.

Intoxicated Cyclists. When a law enforcement officer encounters an intoxicated bicyclist on a public roadway and the bicyclist is not taken into protective custody, the law enforcement officer may offer to transport the bicyclist.

If the bicyclist accepts the offer of transportation, the officer must:

- transport the bicyclist to a safe place; or
- release the bicyclist to a competent person.

If the bicyclist refuses the offer of transportation:

- the officer must not provide the assistance; and
- the officer, the law enforcement agency, the state of Washington, or any political subdivision of the state are not liable for any act resulting from the bicyclist's refusal to accept assistance.

The officer may impound the bicycle if necessary to reduce a threat to public safety and there are no reasonable alternatives to impoundment. The officer must give the bicyclist written notice of when and where to reclaim the impounded bicycle, and the bicycle must be returned without payment of a fee. If the bicycle is not reclaimed within 30 days, it may be sold or disposed of in compliance with agency procedures.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This legislation does not change existing law but merely conforms statutory law to how the courts have construed existing law and provides guidelines for how law enforcement may deal with intoxicated cyclists. This legislation provides clear rules that improve the safety of cyclists. Bicycles on roadways must still comply with the same laws as motorists.

Testimony Against: None.

Testified: PRO: Michael Temple, Bicycle Alliance of Washington; John Moffat, Director, Traffic Safety Commission.