

1 6030 AMS WEST S4213.1

2 SB 6030 - S AMD

3 By Senator J. West

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5 Strike everything after the enacting clause and insert the  
6 following:

7 "NEW SECTION. Sec. 1. The legislature recognizes that  
8 bicycling is popular for all ages. Almost all families now have  
9 bicycles. Bicycling is increasing in our state. What used to be  
10 simply a children's activity is now a common form of transportation and  
11 recreation for children, adults, and families. Increased bicycling has  
12 many benefits: It is healthy, nonpolluting, energy-efficient, and does  
13 not cause wear to the road system. Bicycling is an enjoyable activity  
14 that people with a wide range of physical abilities can share. The  
15 nature of the activity creates conditions whereby a rider or passenger  
16 may fall or collide with the road surface or other objects and possibly  
17 sustain serious or fatal head injury. Therefore, it is beneficial for  
18 all bicyclists or passengers on bicycles within the state of Washington  
19 to wear protective helmets while riding.

20 In order to provide an effective means of implementing a  
21 requirement for all bicyclists and their passengers to wear helmets,  
22 the legislature recognizes that programs of helmet awareness designed  
23 to promote use of helmets by all ages, undertaken by public and private  
24 agencies with existing resources, and with notification of the  
25 requirement must precede the date of total enforcement. Therefore,  
26 section 2 of this act shall take effect as provided."

1        "NEW SECTION.   **Sec. 2.**  A new section is added to chapter 46.61 RCW  
2  to read as follows:

3        (1) Beginning July 1, 1993, it is unlawful:

4        (a) For a person to operate or ride upon a bicycle not powered by  
5  motor on a state highway, county road, city street, public trail or  
6  pathway, or a public sidewalk adjacent to the foregoing unless wearing  
7  a protective helmet of a type certified to meet the requirements of  
8  standard Z-90.4 of the American National Standards Institute or such  
9  subsequent nationally recognized standard for bicycle helmet  
10 performance as the state patrol may adopt by rule.  The helmet must be  
11 equipped with either a neck or chin strap that shall be fastened  
12 securely while the cycle is in motion;

13       (b) For a person to transport a person upon a bicycle or any other  
14 cycle not powered by motor on a state highway, county road, city  
15 street, public trail or pathway, or a public sidewalk adjacent to the  
16 foregoing unless the person transported is wearing a helmet that meets  
17 the requirements in (a) of this subsection;

18       (c) For the guardian of a person under the age of eighteen years to  
19 knowingly allow, and fail to take reasonable steps to prevent, that  
20 person from operating or riding upon a bicycle or any other cycle not  
21 powered by motor on a state highway, county road, city street, public  
22 trail or pathway, or a public sidewalk adjacent to the foregoing unless  
23 that person is wearing a helmet that meets the requirements in (a) of  
24 this subsection.  For the purpose of this subsection, "guardian" means  
25 a parent, legal guardian, temporary guardian including a babysitter, or  
26 any other person who maintains responsibility, whether voluntary or  
27 otherwise, for the safety and welfare of a person under the age of  
28 eighteen years;

29       (d) For a person to sell or offer for sale a bicycle helmet that  
30 does not meet the requirements established by (a) of this subsection;

1 (e) For a person to rent a bicycle or cycle not powered by motor  
2 for use by a person unless the person possesses a helmet that meets the  
3 requirements of (a) of this subsection, and the one renting is  
4 reasonably satisfied that the person will operate or ride upon the  
5 cycle while wearing such a helmet in the manner described in (a) of  
6 this subsection.

7 (2) Failure to comply with the requirements of this section does  
8 not constitute negligence. Neither failure to wear a bicycle helmet  
9 nor the permission of such failure to occur is admissible as evidence  
10 of negligence in any civil action.

11 (3) The state patrol shall adopt rules to implement this section."

12 "Sec. 3. RCW 46.61.750 and 1982 c 55 s 6 are each amended to read  
13 as follows:

14 (1) It is a traffic infraction for any person to do any act  
15 forbidden or fail to perform any act required in RCW 46.61.750 through  
16 46.61.780 or section 2 of this act.

17 (2) During the period from July 1, 1993, to January 1, 1994, a  
18 person violating section 2 of this act shall be issued a written  
19 warning of the violation. After January 1, 1994, a violator may be  
20 issued a regular notice of traffic infraction. If this is the first  
21 time a person has been issued a notice of traffic infraction for a  
22 violation of section 2 of this act and he or she appears in person  
23 before the court and provides evidence that he or she has obtained a  
24 bicycle helmet in order to comply with section 2 of this act, the court  
25 shall dismiss the notice of traffic infraction without costs.

26 (3) These regulations applicable to bicycles apply whenever a  
27 bicycle is operated upon any highway or upon any bicycle path, subject  
28 to those exceptions stated herein."

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4 In line 2 of the title, after "helmets;" strike the remainder of  
5 the title and insert "amending RCW 46.61.750; adding a new section to  
6 chapter 46.61 RCW; creating a new section; and prescribing penalties."