

SENATE BILL REPORT

SB 5007

As of January 31, 2019

Title: An act relating to motorcycle helmet use.

Brief Description: Concerning motorcycle helmet use.

Sponsors: Senators Rolfes, Sheldon, Braun, Brown, Fortunato, Kuderer, O'Ban, Short, Takko, Wagoner and Warnick.

Brief History:

Committee Activity: Transportation: 1/28/19.

Brief Summary of Bill

- Creates a three-year pilot allowing persons age twenty-one or older to operate a motorcycle without a helmet.
- Requires persons age twenty-one or older who operate a motorcycle without a helmet to carry a motor vehicle liability policy, self-insurance, certificate of deposit, or a liability bond.
- Directs the Washington Traffic Safety Commission to collect statistics on motorcyclist fatalities during the pilot and report back to the Legislature.

SENATE COMMITTEE ON TRANSPORTATION

Staff: Kim Johnson (786-7472)

Background: A universal motorcycle helmet law requires all riders to wear a helmet. Washington's first universal helmet law was enacted in 1967, but was repealed in 1977. In 1987, a law passed requiring helmets for riders seventeen years old and younger. The current universal helmet law was adopted in 1990 and requires persons riding motorcycles, motor-driven cycles, and mopeds in Washington State to wear motorcycle helmets.

According to the Insurance Institute for Highway Safety, 19 states and the District of Columbia have a universal helmet law. Twenty-eight states have laws requiring only some riders to wear a helmet, usually riders under a certain age. Three states have no helmet requirement.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of Bill: During a three-year pilot running from September 1, 2019, through September 1, 2022, persons riding a motorcycle, motor-driven cycle, or a moped under the age of twenty-one must wear a motorcycle helmet.

During the three-year pilot, persons age twenty-one or older, who do not wear a helmet while operating a motorcycle, motor-driven cycle, or a moped must be insured under a motor vehicle liability policy, carry self-insurance, be covered by a certificate of deposit, or be covered by a liability bond. Proof of financial responsibility, in the proper format, must be provided upon the request of law enforcement officer.

The Washington Traffic Safety Commission must work with appropriate state and local agencies to collect statistics on motorcyclist fatalities during the three-year pilot and report the statistics to the Legislature by December 1, 2022.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: The bill takes effect on September 1, 2019.

Staff Summary of Public Testimony: PRO: For years the motorcycle riding advocates have been asking for the repeal of the helmet law. I am trying to find some middle ground. It is a pilot program that sunsets in three years. It addresses the idea that riders should get the choice of whether to wear a helmet. Maybe there would be less accidents if they could see or hear better. This is for adults only and addresses insurance issue.

There have been many studies done over the years that seem counter intuitive. States that have helmet choice have shown lower fatality rates and lower head injury rates than those states that mandate helmet use. Of the states that have helmet choice, twelve had a decrease in fatalities. The opposite is true for those states that have a universal helmet law. This pilot would allow Washington state riders demonstrate how it can be in Washington. The only improvements I would offer to the bill are to require that we do proper data gathering. What actually caused the crash and what are the contributory factors. When this data is gathered it must be publicly available without interpretation so that everyone can do their own analysis.

I have been riding for over 40 years. All we are asking for is our freedom to choose. If I wanted to be safe I would not ride a motorcycle. This is about our personal choice to live my life the way that I want to. I served my country and fought for our freedom and now I want to enjoy the freedom to choose how I want to live.

CON: I do appreciate everybody who is a responsible rider. I was in a state where I did not have to wear a helmet. I crashed. I did not realize the impact my choice was going to have on my family and friends and co-workers. I personally let them all down from my own personal choice.

We cannot support this from a public safety perspective. The work the troopers have to do to work those serious injury and fatality scenes is traumatic. It is our mission to stop those collisions. Washington already has tried not requiring helmets and fatalities increased.

OTHER: We typically do not advocate for mandatory insurance requirements. The insurance requirement in the bill is only liability insurance, which protects persons a rider may run into. Personal injury policies would protect the rider and if the bill moves forward we would suggest adding that coverage if the intent is to address coverage for the motorcyclist who may be injured in a crash without a helmet.

Persons Testifying: PRO: Senator Christine Rolfes, Prime Sponsor; Brian Lange, ABATE of Washington; Mark Riker; Scott Robinson, Abate of Washington; Larry Walker, Washington Road Riders Association.

CON: John Snaza, Thurston County Sheriff; Monica Alexander, WSP; Shelly Baldwin, Washington Traffic Safety Commission.

OTHER: Kenton Brine, NW Insurance Council.

Persons Signed In To Testify But Not Testifying: No one.