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HOUSE BILL 2502

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State of Washington

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1994 Regular Session

By Representatives Morris, Ballasiotes, R. Johnson, Veloria, Basich, Dellwo, L. Johnson, Thibaudeau, Appelwick, Jacobsen, Johanson, Wang, Karahalios, Valle, Ogden and Rust

Read first time 01/17/94. Referred to Committee on Health Care.

1 AN ACT Relating to bicycle safety; amending RCW 46.61.750,  
2 28A.220.050, 46.20.095, 46.82.430, and 46.83.040; adding a new section  
3 to chapter 46.61 RCW; adding a new section to chapter 46.04 RCW;  
4 creating a new section; and prescribing penalties.

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

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

1 In order to provide an effective means of implementing a  
2 requirement for all bicyclists and their passengers to wear helmets,  
3 the legislature recognizes that programs of helmet awareness undertaken  
4 by public and private agencies with existing resources must precede the  
5 date of total enforcement.

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

8 (1) Beginning January 1, 1995, it is a traffic infraction:

9 (a) For a person to operate or ride upon a bicycle on a state  
10 highway, county road, city street, public trail or pathway, or a public  
11 sidewalk adjacent to the foregoing unless wearing a protective helmet  
12 of a type certified to meet the requirements of standard Z-90.4 of the  
13 American National Standards Institute or such subsequent nationally  
14 recognized standard for bicycle helmet performance as the state patrol  
15 may adopt by rule. The helmet must be equipped with either a neck or  
16 chin strap that shall be fastened securely while the cycle is in  
17 motion;

18 (b) For a person to transport a person upon, in a restraining seat  
19 that is attached to, or in a trailer towed by a bicycle on a state  
20 highway, county road, city street, public trail or pathway, or a public  
21 sidewalk adjacent to the foregoing unless the person transported is  
22 wearing a helmet that meets the requirements in (a) of this subsection.  
23 A person with a bona fide health or physical condition that prevents  
24 the person from wearing a bicycle helmet is exempt from this  
25 requirement;

26 (c) For the guardian of a person to knowingly allow, and fail to  
27 take reasonable steps to prevent, that person from operating or riding  
28 upon a bicycle on a state highway, county road, city street, public  
29 trail or pathway, or a public sidewalk adjacent to the foregoing unless  
30 that person is wearing a helmet that meets the requirements in (a) of  
31 this subsection. For the purpose of this subsection, "guardian" means  
32 a parent, legal guardian, or any other adult person who maintains  
33 responsibility for the safety and welfare of a person;

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

36 (e) For a person to rent a bicycle for use by a person unless the  
37 person possesses a helmet that meets the requirements of (a) of this  
38 subsection, and the one renting is reasonably satisfied that the person

1 will operate or ride upon the cycle while wearing such a helmet in the  
2 manner described in (a) of this subsection.

3 (2) This section does not apply to a person being transported in a  
4 pedicab.

5 (3) Failure to comply with the requirements of this section does  
6 not constitute fault, nor is such failure admissible as evidence of  
7 fault in a civil action.

8 (4) Effective January 1, 1995, this section preempts and supersedes  
9 any county, city, town, or other local ordinances or statutes requiring  
10 the wearing of bicycle helmets.

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

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

16 (2) ~~((These regulations applicable to bicycles apply whenever a  
17 bicycle is operated upon any highway or upon any bicycle path, subject  
18 to those exceptions stated herein.))~~ No traffic infraction committed  
19 under section 2 of this act may be reported on a person's driving  
20 record maintained by the department of licensing.

21 (3) In order to educate the public concerning the provisions of  
22 section 2 of this act, during the period from January 1, 1995, to  
23 January 1, 1996, a person violating section 2 of this act will not be  
24 subject to a traffic infraction, though a written warning of the  
25 violation may be issued. After January 1, 1996, a violator may be  
26 issued a regular notice of traffic infraction. If this is the first  
27 time a person has been issued a notice of traffic infraction for a  
28 violation of section 2 of this act and he or she provides evidence to  
29 the court in writing that he or she has obtained a bicycle helmet in  
30 order to comply with section 2 of this act, the court shall dismiss the  
31 notice of traffic infraction without costs.

32 (4) In lieu of a traffic infraction for a person under the age of  
33 sixteen, a law enforcement officer may provide to the violator and to  
34 the violator's parent or guardian written information about the  
35 importance of wearing helmets, where helmets may be purchased or  
36 obtained at little or no cost, and the contents of the law relating to  
37 bicycle helmets.

1        NEW SECTION.    **Sec. 4.**    A new section is added to chapter 46.04 RCW  
2 to read as follows:

3        "Pedicab" means a bicycle with three or more wheels that carries  
4 passengers for hire.

5        **Sec. 5.**    RCW 28A.220.050 and 1986 c 93 s 4 are each amended to read  
6 as follows:

7        The superintendent of public instruction shall include information  
8 on the proper use of the left-hand lane by motor vehicles on multilane  
9 highways and on bicyclists' rights and responsibilities in  
10 instructional material used in traffic safety education courses.

11        **Sec. 6.**    RCW 46.20.095 and 1986 c 93 s 3 are each amended to read  
12 as follows:

13        The department shall include information on the proper use of the  
14 left-hand lane by motor vehicles on multilane highways and on  
15 bicyclists' rights and responsibilities in its instructional  
16 publications for drivers.

17        **Sec. 7.**    RCW 46.82.430 and 1986 c 93 s 5 are each amended to read  
18 as follows:

19        Instructional material used in driver training schools shall  
20 include information on the proper use of the left-hand lane by motor  
21 vehicles on multilane highways and on bicyclists' rights and  
22 responsibilities.

23        **Sec. 8.**    RCW 46.83.040 and 1961 c 12 s 46.83.040 are each amended  
24 to read as follows:

25        It shall be the purpose of every traffic school which may be  
26 established hereunder to instruct, educate, and inform all persons  
27 appearing for training in the proper, lawful, and safe operation of  
28 motor vehicles, including but not limited to rules of the road and the  
29 limitations of persons, vehicles, and bicycles and roads, streets, and  
30 highways under varying conditions and circumstances.

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