
SENATE BILL 5334

State of Washington

53rd Legislature

1993 Regular Session

By Senators West and Moyer

Read first time 01/22/93. Referred to Committee on Health & Human Services.

1 AN ACT Relating to bicycle helmets; amending RCW 46.61.750; adding
2 a new section to chapter 46.61 RCW; creating a new section; and
3 prescribing penalties.

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

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

18 In order to provide an effective means of implementing a
19 requirement for all bicyclists and their passengers to wear helmets,

1 the legislature recognizes that programs of helmet awareness designed
2 to promote use of helmets by all ages, undertaken by public and private
3 agencies with existing resources, and with notification of the
4 requirement must precede the date of total enforcement. Therefore,
5 section 2 of this act shall take effect as provided.

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, 1994, it is unlawful:

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

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

34 (e) For a person to rent a bicycle for use by a person unless the
35 person possesses a helmet that meets the requirements of (a) of this
36 subsection, and the one renting is reasonably satisfied that the person
37 will operate or ride upon the cycle while wearing such a helmet in the
38 manner described in (a) of this subsection.

1 (2) The state patrol shall adopt rules to implement this section.

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

4 (1) It is a traffic infraction for any person to do any act
5 forbidden or fail to perform any act required in RCW 46.61.750 through
6 46.61.780 or section 2 of this act.

7 (2) No traffic infraction committed under section 2 of this act may
8 be reported on a person's driving record maintained by the department
9 of licensing.

10 (3) In order to educate the public concerning the provisions of
11 section 2 of this act, during the period from January 1, 1994, to
12 January 1, 1995, a person violating section 2 of this act will not be
13 subject to a traffic infraction, though a written warning of the
14 violation may be issued. After January 1, 1995, a violator may be
15 issued a regular notice of traffic infraction. If this is the first
16 time a person has been issued a notice of traffic infraction for a
17 violation of section 2 of this act and he or she appears in person
18 before the court and provides evidence that he or she has obtained a
19 bicycle helmet in order to comply with section 2 of this act, the court
20 shall dismiss the notice of traffic infraction without costs.

21 (4) These regulations applicable to bicycles apply whenever a
22 bicycle is operated upon any highway or upon any bicycle path, subject
23 to those exceptions stated herein.

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