

HOUSE BILL REPORT

HB 2502

As Reported By House Committee On:
Health Care

Title: An act relating to bicycle safety.

Brief Description: Enhancing bicycle safety.

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

Brief History:

Reported by House Committee on:
Health Care, February 3, 1994, DPA.

HOUSE COMMITTEE ON HEALTH CARE

Majority Report: Do pass as amended. Signed by 11 members: Representatives Dellwo, Chair; L. Johnson, Vice Chair; Ballasiotes, Assistant Ranking Minority Member; Appelwick; Backlund; Conway; Cooke; R. Johnson; Morris; Thibaudeau and Veloria.

Minority Report: Do not pass. Signed by 4 members: Representatives Flemming; Lemmon; Lisk and Mastin.

Staff: Antonio Sanchez (786-7383).

Background: Each year in the United States nearly 600,000 bicycle accidents result in visits to a hospital emergency room. More than 1,300 of these people die. In Washington State, approximately 500 people are injured or killed every year from bicycle accident related injuries. The vast majority of bicycle-related injuries are head injuries.

Research shows that during the period between 1989 and 1990, bicycle injuries in Washington State cost \$6 million in hospital fees alone. The treatment and rehabilitation costs of bicycle-related head injuries average \$11,306 per injury. Nearly 16 percent of hospitalizations for bicycle-related injuries are paid through public assistance programs such as Medicaid.

A recent study conducted in Seattle has indicated that the use of bicycle helmets could reduce head injuries by 85 percent. Currently, four states have enacted mandatory

helmet use legislation for children. These states are California, Massachusetts, New Jersey and New York. In addition, the King County Board of Health enacted an ordinance requiring helmet use by bicycle riders of all ages. The ordinance applies to all areas of the county except the city of Seattle and took effect on March 4, 1993.

Summary of Amended Bill: Effective January 1, 1995, it will be unlawful for any person, regardless of age, to ride a bicycle without an approved bicycle helmet. It will also be unlawful for any person to transport another person on a bicycle, or in a trailer towed by a bicycle, without a helmet. Guardians of children under the age of 16 must take reasonable steps to prevent the child from riding the bicycle without a helmet. Any person involved in bicycle rental must be reasonably satisfied that the person riding the bicycle will wear an approved helmet.

Violation of the act is a traffic offense, but will not be reported on the person's driving record. In order to facilitate education about the act, from January 1, 1995, to January 1, 1996, a person found violating provisions of the act will not be served with a traffic infraction but may be subject to a written warning. After January 1, 1996, a traffic infraction may be issued. A first offender may have the traffic infraction dismissed without costs if he or she appears before the court with evidence that he or she has obtained an approved helmet.

For violators under the age of 12, the police officer is required to provide written information regarding helmets.

The superintendent of public instruction is required to provide bicycle helmet public safety information and courses in traffic safety education courses.

The Department of Licensing is required to provide bicycle helmet public safety information and instructional publications for drivers.

All driver training schools will also be required to provide bicycle helmet public safety information to their students.

Persons injured while riding a bicycle without a helmet are allowed to recover damages from an at-fault defendant. This protection is identical to that currently afforded in seat belt and child restraint laws.

Amended Bill Compared to Original Bill: The amended bill requires that a law enforcement officer provide written information regarding bicycle helmets to anyone under the age of 12 caught riding a bicycle without a helmet. This

information is provided to the child in lieu of a traffic infraction.

Fiscal Note: Not requested.

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

Testimony For: Mandating helmets will ensure a steady increase in helmet use for bicycle riders. Head injuries will be reduced, thus saving lives and money. Bicycle helmets are enormously protective, reducing the risk of serious head injury by 85 percent and brain injury to 88 percent.

Testimony Against: This will cause fewer people to ride bicycles, thus defeating the healthful purpose of the act. This should be a personal rights issue, not something for government to decide.

Witnesses: Mike Lough, Ron Finlay, David "Mac" Shelton, and William R. Nodell, Washington State Head Injury Foundation (pro); Tim Hoard, Washington Advocates for Highway and Auto Safety (pro); Deborah Ferse, Scott Tamfer, Cole Staley, and Pat Garvin, Think First (pro); Andrew Maron, City of Bainbridge Island (pro); Chris Melton, Kitsap Wheel (pro); Jeff Pritchard, Helmets for Youth Foundation (pro); Frank Jacobson, King County Emergency Medical Services (pro); Carla Gramlich and Karen Whitney, Tacoma Wheelmen's Bicycle Club (pro); Jim Eychaner (pro); Chris Leman (con); Susie Tracy, Washington State Medical Association (pro); Kathy Williams, Department of Health (pro); Tim Erickson, Washington State Patrol; Steve Lind, Washington State Traffic Safety Commission (pro); Sharon Foster, Washington Traffic Safety Education Association (pro); Mike Dornfeld, Department of Transportation (pro); and Jim Lazar, Bicycle Federation of Washington (pro w/no amendments).