

HOUSE BILL REPORT

ESB 6199

As Reported By House Committee On:
Health Care

Title: An act relating to bicycle safety.

Brief Description: Enhancing bicycle safety.

Sponsors: Senators Franklin, Erwin, Moyer, Fraser, Talmadge and Winsley.

Brief History:

Reported by House Committee on:
Health Care, February 22, 1994, DPA.

HOUSE COMMITTEE ON HEALTH CARE

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

Minority Report: Do not pass. Signed by 3 members: Representatives Backlund; Lemmon and Lisk.

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. The majority of bicycle-related injuries are head injuries. In Washington State, approximately 500 people are injured or killed every year from bicycle accident related 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. No state has enacted a requirement that bicycle helmets be worn by people of all ages. However, 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 16, the police officer is required to provide written information regarding helmets in lieu of a traffic infraction and encourage him or her to share this information with his or her parent or guardian.

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

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.

In case of an accident, failure to wear a helmet may not be considered in determining fault or when determining damages.

Amended Bill Compared to Engrossed Bill: The amended bill increased the age at which a person can be cited with a traffic infraction for failure to wear a bicycle helmet from

age 12 to 16. Determination for fault for an accident involving failure to wear a helmet is changed to reflect that failure to wear a helmet may not be considered in determining fault or when determining damages.

Fiscal Note: Available.

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. Especially discouraged will be short bicycle trips, in which head injuries are less likely. The resulting increase in driving will cause additional and more serious injuries. This should be a personal rights issue, not something for government to decide. (written testimony by Chris Leman)

Witnesses: Lyn Montgomery and Mike Ferro, Cascade Bicycle Club (pro); Mike Dolan, Bicycle Federation of Washington (pro); David "Mac" Shelton, Washington State Head Injury Foundation; Larry Shannon, Washington State Trial Lawyers Association (con without amendment); and Senator Franklin, prime sponsor.