

SENATE BILL REPORT

ESB 6199

AS PASSED SENATE, FEBRUARY 9, 1994

Brief Description: Enhancing bicycle safety.

SPONSORS: Senators Franklin, Erwin, Moyer, Fraser, Talmadge and Winsley

SENATE COMMITTEE ON HEALTH & HUMAN SERVICES

Majority Report: Do pass as amended.

Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Erwin, Franklin, Fraser, McDonald, Moyer, Niemi, Prentice and Winsley.

Minority Report: Do not pass as amended.

Signed by Senator Hargrove.

Staff: Don Sloma (786-7319)

Hearing Dates: January 28, 1994; February 1, 1994

BACKGROUND:

Each year in the United States nearly 600,000 people visit a hospital emergency room because of injuries sustained from riding a bicycle. More than 1,300 of these people die. In Washington State, more than 500 people are injured or killed every year from bicycle-related injuries. Most of these are head injuries. A recent Seattle study indicated the use of bicycle helmets could reduce head injuries by 85 percent.

Between 1989 and 1990 bicycle injuries in Washington cost \$6 million in hospital charges alone. Treatment and rehabilitation costs of bicycle related head injuries average \$11,306 per injury. About 15 percent of these costs are assumed through the publicly funded health programs such as Medicaid.

Numerous states have enacted mandatory helmet use legislation for children including California, Massachusetts, New Jersey and New York. In addition, the King County Board of Health enacted an ordinance effective March 1993 requiring helmet use by bicycle riders of all ages.

SUMMARY:

Effective January 1995, it is a traffic infraction to ride a bicycle without an approved bicycle helmet. It is also a traffic infraction to transport a person in a restraining seat or a trailer towed by a bicycle unless the person transported is wearing an approved helmet. Guardians have committed a traffic infraction if they knowingly allow or fail to take

reasonable steps to prevent their charges from riding a bicycle without a helmet.

A person who sells or offers to sell a bicycle helmet that does not meet state standards is guilty of a traffic infraction, as is one who rents a bicycle to one who does not have an approved helmet or who is not reasonably satisfied the renter will ride upon the cycle wearing the helmet.

No traffic infraction under the act may be reported on a person's driving record maintained by the Department of Licensing.

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

In order to educate the public about the act, no person violating the act will be subject to a traffic infraction until January 1996, though a written warning may be issued. After that time, first time offenders of the act may have the infraction dismissed by the court without cost, if they provide evidence that they have obtained a helmet and intend to use it.

A person under 12 years of age who rides a bicycle without a helmet may not be cited for a traffic infraction, but must be given information about helmets and safety.

The Superintendent of Public Instruction, the Director of Licensing, and driver training schools must include information on bicyclists' rights and responsibilities in their motor vehicle educational materials and programs.

Appropriation: none

Revenue: none

Fiscal Note: requested January 23, 1994

TESTIMONY FOR:

Hundreds of bicycle accidents among children and adults occur each year costing millions in health care costs and reducing many years of productive life. Bicycle helmets are proven effective in reducing head injuries from these accidents.

TESTIMONY AGAINST:

The mandatory helmet requirement will lead to less cycling as fewer people will choose to ride if they must wear a helmet. This will mean more driving, worse air pollution and less exercise for the public. It would be better to create more segregated bike trails as in Europe to improve safety. This is too paternal.

TESTIFIED: PRO: Mike Lough, David "Mac" Shelton, Bill Nodell, Ron Finlay, WA State Head Injury Foundation; Bev Tanis, Scott

Tamfer, Think First; Clark Sitzes, Independent Ins. Agents of WA; Lisa Thatcher, Group Health Co-op; Lis Merten, WA State Nurses Assn.; Kathy Williams, DOH; Tim Hoard, WA Advocates for Highway and Auto Safety; Carol Monohon, WPSA; Andrew Maron, City of Bainbridge Island; Jeff Pritchard, Helmets For Youth Foundation; Chris Melton, Kitsap WHEEL; Frank Jacobson, King County EMS; Chris Leman (con); Mike Dornfeld