

2 **SHB 2439** - H AMD 977 ADOPTED 2-16-98

3 By Representative D. Sommers

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5 Strike everything after the enacting clause and insert the
6 following:

7

8 "NEW SECTION. **Sec. 1.** This act may be known and cited as the
9 Cooper Jones Act.

10 **Sec. 2.** RCW 43.59.010 and 1967 ex.s. c 147 s 1 are each amended to
11 read as follows:

12 (1) The purpose of this chapter is to establish a new agency of
13 state government to be known as the Washington traffic safety
14 commission. The functions and purpose of this commission shall be to
15 find solutions to the problems that have been created as a result of
16 the tremendous increase of motor vehicles on our highways and the
17 attendant traffic death and accident tolls; to plan and supervise
18 programs for the prevention of accidents on streets and highways
19 including but not limited to educational campaigns designed to reduce
20 traffic accidents in cooperation with all official and unofficial
21 organizations interested in traffic safety; to coordinate the
22 activities at the state and local level in the development of state-
23 wide and local traffic safety programs; to promote a uniform
24 enforcement of traffic safety laws and establish standards for
25 investigation and reporting of traffic accidents; to promote and
26 improve driver education; and to authorize the governor to perform all
27 functions required to be performed by him under the federal Highway
28 Safety Act of 1966 (Public Law 89-564; 80 Stat. 731).

29 (2) The legislature finds and declares that bicycling and walking
30 are becoming increasingly popular in Washington as clean and efficient
31 modes of transportation, as recreational activities, and as organized
32 sports. Future plans for the state's transportation system will
33 require increased access and safety for bicycles and pedestrians on our
34 common roadways, and federal transportation legislation and funding
35 programs have created strong incentives to implement these changes
36 quickly. As a result, many more people are likely to take up bicycling

1 in Washington both as a leisure activity and as a convenient,
2 inexpensive form of transportation. Bicyclists are more vulnerable to
3 injury and accident than motorists, and should be as knowledgeable as
4 possible about traffic laws, be highly visible and predictable when
5 riding in traffic, and be encouraged to wear bicycle safety helmets.
6 Hundreds of bicyclists and pedestrians are seriously injured every year
7 in accidents, and millions of dollars are spent on health care costs
8 associated with these accidents. There is clear evidence that
9 organized training in the rules and techniques of safe and effective
10 cycling can significantly reduce the incidence of serious injury and
11 accidents, increase cooperation among road users, and significantly
12 increase the incidence of bicycle helmet use, particularly among
13 minors.

14 NEW SECTION. Sec. 3. A new section is added to chapter 43.59 RCW
15 to read as follows:

16 (1) The Washington state traffic safety commission shall establish
17 a program for improving bicycle and pedestrian safety, and shall
18 cooperate with the state criminal justice training commission, bicycle
19 federation of America, the league of American bicyclists, state and
20 local bicycling organizations, local governments, public school
21 districts, or other appropriate public and private organizations in
22 developing and operating programs to improve bicycle and pedestrian
23 safety.

24 (2) The commission shall prescribe minimum qualifications for the
25 grant recipients.

26 (3) The commission will form an advisory group of bicycle and
27 pedestrian safety stakeholders to assist the director in:

28 (a) Establishing standards and criteria for traffic safety grants
29 and reviewing the merits of grant applications submitted;

30 (b) Determining the most effective programs available to improve
31 bicycle and pedestrian safety; and

32 (c) Establishing state pedestrian and bicycle safety goals and
33 performance measures.

34 (4) Upon successful completion of a safety training program,
35 participants will receive a bicycle or pedestrian safety education
36 certificate signed by an authorized instructor. The certificate is
37 evidence of compliance with this section.

1 **Sec. 4.** RCW 46.61.750 and 1982 c 55 s 6 are each amended to read
2 as follows:

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

6 (2) These regulations applicable to bicycles apply whenever a
7 bicycle is operated upon any highway or upon any bicycle path, subject
8 to those exceptions stated herein. A person found to have committed
9 any infraction under subsection (1) of this section shall be assessed
10 a monetary penalty equal to the penalty assessed under RCW 46.63.110
11 plus twenty-five percent.

12 (3) The bicycle and pedestrian safety education account is created
13 in the state treasury. Twenty-five percent of the moneys collected
14 under subsection (2) of this section shall be deposited into the
15 account. Moneys in the account may be spent only after appropriation.
16 Expenditures from the account may be used only for the administration
17 and operation of programs to improve bicycle and pedestrian safety.

18 (4) State agencies, political subdivisions of the state, and
19 nonprofit organizations, including but not limited to bicycling groups
20 and community and civic organizations, are eligible for grant funds on
21 a matching basis under the programs funded under subsection (3) of this
22 section. All entities receiving matching funds must provide a
23 regularly scheduled program complying with standards established by the
24 traffic safety commission. Bicycle organizations are encouraged to
25 make donations to the bicycle and pedestrian safety education account.

26 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.59 RCW
27 to read as follows:

28 The traffic safety commission, acting jointly with the department
29 of licensing and the superintendent of public instruction, shall
30 develop a curriculum for bicycle safety education. The commission may
31 develop a video presentation to accompany this curriculum.

32 NEW SECTION. **Sec. 6.** A new section is added to chapter 46.20 RCW
33 to read as follows:

34 The department of licensing shall incorporate a section on bicycle
35 safety and sharing the road into its instructional publications for
36 drivers and shall include questions in the written portion of the

1 driver's license examination on bicycle safety and sharing the road
2 with bicycles.

3 **Sec. 7.** RCW 46.20.095 and 1986 c 93 s 3 are each amended to read
4 as follows:

5 The department shall include information on the proper use of the
6 left-hand lane by motor vehicles on multilane highways and on
7 bicyclists' and pedestrians' rights and responsibilities in its
8 instructional publications for drivers.

9 **Sec. 8.** RCW 46.82.430 and 1986 c 93 s 5 are each amended to read
10 as follows:

11 Instructional material used in driver training schools shall
12 include information on the proper use of the left-hand lane by motor
13 vehicles on multilane highways and on bicyclists' and pedestrians'
14 rights and responsibilities and suggested riding procedures in common
15 traffic situations.

16 **Sec. 9.** RCW 46.83.040 and 1961 c 12 s 46.83.040 are each amended
17 to read as follows:

18 It shall be the purpose of every traffic school which may be
19 established hereunder to instruct, educate, and inform all persons
20 appearing for training in the proper, lawful, and safe operation of
21 motor vehicles, including but not limited to rules of the road and the
22 limitations of persons, vehicles, and bicycles and roads, streets, and
23 highways under varying conditions and circumstances.

24 **Sec. 10.** RCW 46.20.305 and 1965 ex.s. c 121 s 26 are each amended
25 to read as follows:

26 (1) The department, having good cause to believe that a licensed
27 driver is incompetent or otherwise not qualified to be licensed may
28 upon notice require him to submit to an examination.

29 (2) The department shall require the driver of any vehicle
30 responsible for a crash resulting in the death of a person to submit to
31 an examination. The examination must be completed no later than ninety
32 days after the accident report required under RCW 46.52.030 is received
33 by the department.

34 (3) The department may in addition to an examination under
35 subsection (1) or (2) of this section require such person to obtain a

1 certificate showing his condition signed by a licensed physician or
2 other proper authority designated by the department.

3 (4) Upon the conclusion of (~~such~~) an examination under this
4 section the department shall take driver improvement action as may be
5 appropriate and may suspend or revoke the license of such person or
6 permit him to retain such license, or may issue a license subject to
7 restrictions as permitted under RCW 46.20.041. The department may
8 suspend or revoke the license of such person who refuses or neglects to
9 submit to such examination.

10 (5) The department may require payment of a fee by a person subject
11 to examination under this section. The department shall set the fee in
12 an amount that is sufficient to cover the additional cost of
13 administering examinations required by this section.

14 **Sec. 11.** RCW 46.37.280 and 1987 c 330 s 713 are each amended to
15 read as follows:

16 (1) During the times specified in RCW 46.37.020, any lighted lamp
17 or illuminating device upon a motor vehicle, other than head lamps,
18 spot lamps, auxiliary lamps, flashing turn signals, emergency vehicle
19 warning lamps, warning lamps authorized by the state patrol and school
20 bus warning lamps, which projects a beam of light of an intensity
21 greater than three hundred candlepower shall be so directed that no
22 part of the high intensity portion of the beam will strike the level of
23 the roadway on which the vehicle stands at a distance of more than
24 seventy-five feet from the vehicle.

25 (2) Except as required in RCW 46.37.190 no person shall drive or
26 move any vehicle or equipment upon any highway with any lamp or device
27 thereon displaying a red light visible from directly in front of the
28 center thereof.

29 (3) Flashing lights are prohibited except as required in RCW
30 46.37.190, 46.37.200, 46.37.210, 46.37.215, and 46.37.300, (~~and~~)
31 warning lamps authorized by the state patrol, and light-emitting diode
32 flashing taillights on bicycles.

33 **Sec. 12.** RCW 46.61.780 and 1987 c 330 s 746 are each amended to
34 read as follows:

35 (1) Every bicycle when in use during the hours of darkness as
36 defined in RCW 46.37.020 shall be equipped with a lamp on the front
37 which shall emit a white light visible from a distance of at least five

1 hundred feet to the front and with a red reflector on the rear of a
2 type approved by the state patrol which shall be visible from all
3 distances (~~from one hundred feet~~) up to six hundred feet to the rear
4 when directly in front of lawful lower beams of head lamps on a motor
5 vehicle. A lamp emitting a red light visible from a distance of five
6 hundred feet to the rear may be used in addition to the red reflector.
7 A light-emitting diode flashing taillight visible from a distance of
8 five hundred feet to the rear may also be used in addition to the red
9 reflector.

10 (2) Every bicycle shall be equipped with a brake which will enable
11 the operator to make the braked wheels skid on dry, level, clean
12 pavement."

Renumber the sections consecutively and correct any internal references accordingly.

Correct the title.

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EFFECT: Allocates twenty-five percent of funds collected for bicycle infractions to the bicycle and pedestrian safety account. Encourages bicycle organizations to donate money to the safety account. Eliminates a one percent sales tax on the retail sale of bicycles.