

SENATE BILL REPORT

SB 5476

As Reported By Senate Committee On:
Health & Long-Term Care, February 25, 1997

Title: An act relating to bicycle safety.

Brief Description: Enhancing child bicycle safety.

Sponsors: Senators Wood, Franklin, Deccio, Oke, Jacobsen, Fairley, Kline, Wojahn, Patterson, Thibaudeau, McDonald, Fraser, Kohl, McAuliffe, West and Goings.

Brief History:

Committee Activity: Health & Long-Term Care: 2/11/97, 2/25/97 [DPS].

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Majority Report: That Substitute Senate Bill No. 5476 be substituted therefor, and the substitute bill do pass.

Signed by Senators Deccio, Chair; Wood, Vice Chair; Benton and Strannigan.

Staff: Jonathan Seib (786-7427)

Background: A number of local jurisdictions in the state, including King County (excluding Seattle), Pierce County and the city of Poulsbo have each enacted ordinances requiring the wearing of bicycle helmets. The county ordinances apply to all ages, and the city ordinance applies to those under age 19. However, no state law exists establishing uniform, statewide standards regarding bicycle helmet use.

Numerous studies have been done which document the risks associated with riding a bicycle without a helmet. A study conducted in western Washington and published in December, 1996 found that for those involved in bicycle accidents, wearing a helmet decreased the risk of head injury by 69 percent, brain injury by 65 percent, and severe brain injury by 74 percent. Children are reportedly the least likely to be wearing a helmet at the time of an accident.

Current law provides that a breach of duty imposed by statute, although it may not be considered negligence per se, may be considered by a court as evidence of negligence.

Fifteen other states and at least 43 local jurisdictions around the country have enacted laws regarding bicycle helmet use.

Summary of Substitute Bill: Beginning January 1, 1998, it is a traffic infraction: (1) for a person under 16 years of age to operate, ride upon, be transported on or be towed by a bicycle on any public road, path or sidewalk without wearing an approved helmet; (2) for a guardian to knowingly allow, and fail to take reasonable steps to prevent, a person under 16 from being on a bicycle without an approved helmet; and (3) for a person to offer a

bicycle for rent or to rent a bicycle for use by a person under age 16 unless the bike rider possesses an approved helmet.

No traffic infraction related to this act may be reported on a person's driving record.

During 1998, no traffic infractions may be issued under the act, but warnings may be given. After that time, the court must dismiss an infraction without cost for a first time offender who provides evidence that he or she obtained a bicycle helmet. Infractions for persons under the age of 16 are to be referred to juvenile court. In lieu of traffic infractions for children under 12 years of age, information may be provided on the importance of wearing a helmet, on where to purchase one or obtain one for no cost, and on the contents of the bicycle helmet law.

The Superintendent of Public Instruction, the Department of Licensing, and driver training schools must include information on bicycle safety in instructional materials on traffic safety. The Department of Health is to make available information about sources of free or low-cost bicycle helmets.

Substitute Bill Compared to Original Bill: The substitute bill explicitly provides that infractions will be referred to juvenile court. It does not contain the section which is in the original bill under which local bike helmet laws are preempted. The substitute bill also removes from the original bill a section which precluded using evidence of a person's failure to wear a bike helmet to show contributory negligence in a personal injury action. A severability clause is added.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: Helmets are an effective way to reduce head and brain injury in case of a bicycle accident. Education programs only go so far in getting children to wear helmets. Once that plateau is reached, making helmets mandatory is the responsible next step. Prevention and education is not a substitute for good public policy. The bill will save children's lives and not cost a lot of money.

Testimony Against: None.

Testified: PRO: Senator Wood, prime sponsor; Senator Kline; Ronald Finlay, Mike Lough, Brain Injury Association of Washington; Madlyn Murrey, Mary Bridge Hospital Center for Children's Safety; Sheila Pudists, Helmets on Wheels; Diane Thompson, Harborview Injury Prevention and Research Center; Donald Shifrin, American Academy of Pediatrics; Cassie Sauer, The Children's Alliance; Cynthia Shurtleff, Health Coalition for Children and Youth; Susie Stephens, Northwest Bicycle Federation; Kathy Gerke, Association of Cities; Dick Dorsett, Pierce County, Lew McMurrin, King County; Lincoln Weaver, Dept. of Health.