

---

HOUSE BILL 2437

---

State of Washington                      55th Legislature                      1998 Regular Session

By Representatives D. Sommers, Costa, Benson, Sterk and Gombosky

Read first time . Referred to Committee on .

1            AN ACT Relating to bicycle helmets; amending RCW 46.61.750; adding  
2 a new section to chapter 46.61 RCW; creating a new section; and  
3 prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5            NEW SECTION.    **Sec. 1.** The legislature recognizes that bicycling is  
6 popular for all ages.    Almost all families now have bicycles.  
7 Bicycling is increasing in our state.    What used to be simply a  
8 children's activity is now a common form of transportation and  
9 recreation for children, adults, and families.    Increased bicycling has  
10 many benefits: It is healthy, nonpolluting, energy-efficient, and does  
11 not cause wear to the road system.    Bicycling is an enjoyable activity  
12 that people with a wide range of physical abilities can share.    The  
13 nature of the activity creates conditions whereby a rider or passenger  
14 may fall or collide with the road surface or other objects and possibly  
15 sustain serious or fatal head injury.    Therefore, it is beneficial for  
16 all bicyclists or passengers on bicycles within the state of Washington  
17 to wear protective helmets while riding.

18            In order to provide an effective means of implementing a  
19 requirement for all bicyclists and their passengers to wear helmets,

1 the legislature recognizes that programs of helmet awareness designed  
2 to promote use of helmets by all ages, undertaken by public and private  
3 agencies with existing resources, and with notification of the  
4 requirement must precede the date of total enforcement. Therefore,  
5 section 2 of this act takes effect as provided.

6 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.61 RCW  
7 to read as follows:

8 (1) Beginning January 1, 1999, it is unlawful:

9 (a) For a person to operate or ride upon a bicycle on a state  
10 highway, county road, city street, public trail or pathway, or a public  
11 sidewalk adjacent to the foregoing unless wearing a protective helmet  
12 of a type certified to meet the requirements of standard Z-90.4 of the  
13 American National Standards Institute or such subsequent nationally  
14 recognized standard for bicycle helmet performance as the state patrol  
15 may adopt by rule. The helmet must be equipped with either a neck or  
16 chin strap that must be fastened securely while the cycle is in motion;

17 (b) For a person to transport a person upon, in a restraining seat  
18 that is attached to, or in a trailer towed by a bicycle on a state  
19 highway, county road, city street, public trail or pathway, or a public  
20 sidewalk adjacent to the foregoing unless the person transported is  
21 wearing a helmet that meets the requirements in (a) of this subsection;

22 (c) For the guardian of a person under the age of sixteen years to  
23 knowingly allow, and fail to take reasonable steps to prevent, that  
24 person from operating or riding upon a bicycle on a state highway,  
25 county road, city street, public trail or pathway, or a public sidewalk  
26 adjacent to the foregoing unless that person is wearing a helmet that  
27 meets the requirements in (a) of this subsection. For the purpose of  
28 this subsection, "guardian" means a parent, legal guardian, or any  
29 other adult person who maintains responsibility for the safety and  
30 welfare of a person under the age of sixteen years;

31 (d) For a person to sell or offer for sale a bicycle helmet that  
32 does not meet the requirements established by (a) of this subsection;

33 (e) For a person to rent a bicycle for use by a person unless the  
34 person possesses a helmet that meets the requirements of (a) of this  
35 subsection, and the one renting is reasonably satisfied that the person  
36 will operate or ride upon the cycle while wearing the helmet in the  
37 manner described in (a) of this subsection.

38 (2) The state patrol shall adopt rules to implement this section.

1       **Sec. 3.** 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 or section 2 of this act.

6       (2) No traffic infraction committed under section 2 of this act may  
7 be reported on a person's driving record maintained by the department  
8 of licensing.

9       (3) In order to educate the public concerning the provisions of  
10 section 2 of this act, during the period from January 1, 1999, to  
11 January 1, 2000, a person violating section 2 of this act will not be  
12 subject to a traffic infraction, though a written warning of the  
13 violation may be issued. After January 1, 2000, a violator may be  
14 issued a regular notice of traffic infraction. If this is the first  
15 time a person has been issued a notice of traffic infraction for a  
16 violation of section 2 of this act and he or she appears in person  
17 before the court and provides evidence that he or she has obtained a  
18 bicycle helmet in order to comply with section 2 of this act, the court  
19 shall dismiss the notice of traffic infraction without costs.

20       (4) These regulations applicable to bicycles apply whenever a  
21 bicycle is operated upon any highway or upon any bicycle path, subject  
22 to those exceptions stated herein.

--- END ---