
SENATE BILL 5476

State of Washington

55th Legislature

1997 Regular Session

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

Read first time 01/28/97. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to bicycle safety; amending RCW 46.61.750,
2 28A.220.050, 46.20.095, 46.82.430, and 46.83.040; adding a new section
3 to chapter 46.61 RCW; adding a new section to chapter 46.04 RCW; adding
4 a new section to chapter 43.70 RCW; adding a new section to chapter
5 5.40 RCW; creating a new section; and prescribing penalties.

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

7 NEW SECTION. **Sec. 1.** The legislature finds and declares that:

8 (1) Disability and death resulting from injuries sustained in
9 bicycling accidents are a serious threat to the public health, welfare,
10 and safety of the people of Washington, and the prevention of such
11 disability and death is a goal of such people;

12 (2) Brain injuries are the leading cause of disability and death
13 from bicycling accidents;

14 (3) The risk of brain injury from bicycling accidents is
15 significantly reduced for bicyclists who wear proper protective
16 helmets; and

17 (4) The purpose of this act is to reduce the incidence of
18 disability and death resulting from injuries incurred in bicycling
19 accidents by requiring that while riding on a bicycle on the public

1 roads, public bicycle paths, and other public rights-of-way in this
2 state, all bicycle operators and passengers under the age of sixteen
3 years wear approved protective helmets.

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

6 (1) Beginning January 1, 1998, it is a traffic infraction:

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

16 (b) For a person to transport a person under the age of sixteen
17 years upon, in a restraining seat that is attached to, or in a trailer
18 towed by a bicycle on a state highway, county road, city street, public
19 trail or pathway, or a public sidewalk adjacent to the foregoing unless
20 the person transported is wearing a helmet that meets the requirements
21 in (a) of this subsection. A person with a bona fide religious reason
22 or health or physical condition that prevents the person from wearing
23 a bicycle helmet is exempt from this requirement;

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

33 (d) For a person to offer a bicycle for rent or for a person to
34 rent a bicycle for use by a person under the age of sixteen years
35 unless the person riding the bicycle possesses a helmet that meets the
36 requirements of (a) of this subsection.

37 (2) This section does not apply to a person being transported in a
38 pedicab.

1 (3) Effective January 1, 1998, this section preempts and supersedes
2 any county, city, town, or other local ordinances or statutes requiring
3 the wearing of bicycle helmets by persons under sixteen years of age.

4 **Sec. 3.** RCW 46.61.750 and 1982 c 55 s 6 are each amended to read
5 as follows:

6 (1) It is a traffic infraction for any person to do any act
7 forbidden or fail to perform any act required in RCW 46.61.750 through
8 46.61.780 or section 2 of this act.

9 (~~(These regulations applicable to bicycles apply whenever a~~
10 ~~bicycle is operated upon any highway or upon any bicycle path, subject~~
11 ~~to those exceptions stated herein.))~~ No traffic infraction committed
12 under section 2 of this act may be reported on a person's driving
13 record maintained by the department of licensing.

14 (3) In order to educate the public concerning the provisions of
15 section 2 of this act, during the period from January 1, 1998, to
16 January 1, 1999, a person violating section 2 of this act will not be
17 subject to a traffic infraction, though a written warning of the
18 violation may be issued. After January 1, 1999, a violator may be
19 issued a regular notice of traffic infraction. If this is the first
20 time a person has been issued a notice of traffic infraction for a
21 violation of section 2 of this act and he or she provides evidence to
22 the court in writing that he or she has obtained a bicycle helmet in
23 order to comply with section 2 of this act, the court shall dismiss the
24 notice of traffic infraction without costs.

25 (4) In lieu of a traffic infraction for a person under the age of
26 twelve, a law enforcement officer may provide to the violator and to
27 the violator's parent or guardian written information about the
28 importance of wearing helmets, where helmets may be purchased or
29 obtained at little or no cost, and the contents of the law relating to
30 bicycle helmets.

31 NEW SECTION. **Sec. 4.** A new section is added to chapter 46.04 RCW
32 to read as follows:

33 "Pedicab" means a bicycle with three or more wheels that carries
34 passengers for hire.

35 **Sec. 5.** RCW 28A.220.050 and 1986 c 93 s 4 are each amended to read
36 as follows:

1 The superintendent of public instruction shall include information
2 on the proper use of the left-hand lane by motor vehicles on multilane
3 highways, bicyclists' responsibilities and rights, recommended bicycle
4 riding procedures in common traffic situations, and recommended driving
5 procedures for motor vehicle drivers when encountering bicyclists,
6 especially children on bicycles, in instructional material used in
7 traffic safety education courses.

8 **Sec. 6.** RCW 46.20.095 and 1986 c 93 s 3 are each amended to read
9 as follows:

10 The department shall include information on the proper use of the
11 left-hand lane by motor vehicles on multilane highways, bicyclists'
12 responsibilities and rights, recommended bicycle riding procedures in
13 common traffic situations, and recommended driving procedures for motor
14 vehicle drivers when encountering bicyclists, especially children on
15 bicycles, in its instructional publications for drivers.

16 **Sec. 7.** RCW 46.82.430 and 1986 c 93 s 5 are each amended to read
17 as follows:

18 Instructional material used in driver training schools shall
19 include information on the proper use of the left-hand lane by motor
20 vehicles on multilane highways, bicyclists' responsibilities and
21 rights, recommended bicycle riding procedures in common traffic
22 situations, and recommended driving procedures for motor vehicle
23 drivers when encountering bicyclists, especially children on bicycles.

24 **Sec. 8.** RCW 46.83.040 and 1961 c 12 s 46.83.040 are each amended
25 to read as follows:

26 It shall be the purpose of every traffic school which may be
27 established hereunder to instruct, educate, and inform all persons
28 appearing for training in the proper, lawful, and safe operation of
29 motor vehicles, including but not limited to rules of the road and the
30 limitations of persons, vehicles, bicycles, and roads, streets, and
31 highways under varying conditions and circumstances.

32 NEW SECTION. **Sec. 9.** A new section is added to chapter 43.70 RCW
33 to read as follows:

1 The department shall make available to families and persons in
2 Washington state information about sources of free or low-cost
3 protective bicycle helmets.

4 NEW SECTION. **Sec. 10.** A new section is added to chapter 5.40 RCW
5 to read as follows:

6 Failure to wear a bicycle helmet does not constitute fault, nor may
7 such failure be admissible as evidence of the fault of any entity in
8 any civil action.

--- END ---