

# SENATE BILL REPORT

## SB 5335

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As Reported By Senate Committee On:  
Highways & Transportation, February 25, 2003

**Title:** An act relating to the definition of a motorcycle helmet.

**Brief Description:** Defining "motorcycle helmet."

**Sponsors:** Senators Zarelli, Haugen, Prentice, Mulliken, Benton, Oke and Carlson.

**Brief History:**

**Committee Activity:** Highways & Transportation: 2/6/03, 2/25/03 [DPS].

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### SENATE COMMITTEE ON HIGHWAYS & TRANSPORTATION

**Majority Report:** That Substitute Senate Bill No. 5335 be substituted therefor, and the substitute bill do pass.

Signed by Senators Horn, Chair; Benton, Vice Chair; Swecker, Vice Chair; Esser, Finkbeiner, Haugen, Kastama, Mulliken and Oke.

**Staff:** Dean Carlson (786-7305)

**Background:** Currently, persons riding motorcycles, motor-driven cycles, and mopeds are required to wear motorcycle helmets. The Washington State Patrol is authorized to adopt rules regarding motorcycle helmets. The State Patrol, in the Washington Administrative Code, has adopted the motorcycle helmet criteria of the U.S. Department of Transportation in Federal Motor Vehicle Safety Standard 218.

**Summary of Substitute Bill:** The authority of the Washington State Patrol to adopt rules for protective helmets is removed.

Motorcycle helmet is defined as a protective covering for the head, consisting of a hard outer shell, padding adjacent to and inside the outer shell, and a neck or chin strap type retention system, with the symbol "DOT" affixed to the outside of the helmet by the manufacturer of the helmet indicating that the motorcycle helmet meets standards established by the United States Department of Transportation.

**Substitute Bill Compared to Original Bill:** The definition of motorcycle is changed to require a "DOT" symbol affixed to the helmet by the manufacturer.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** This puts the helmet definition in statute rather than in WSP regulation. Last month there were 40 complaints about police hassling riders for helmets. Bogus helmets did not increase in Oregon when the same law was passed.

**Testimony Against:** Bogus helmets could meet the definition. The language is too vague. We have issue with the State Patrol being removed from rule making authority.

**Testified:** Steve Lind, Washington Traffic Safety Commission (neutral); Glenn Cramer, Washington State Patrol (neutral); Argie Martin, Cowlitz County ABATE (pro); Willie Stockdale Cowlitz County ABATE (pro); Carl Spurgeon, Department of Licensing (con); Rich Bright, citizen (pro).