

SENATE BILL REPORT

SB 5152

As Reported By Senate Committee On:
Transportation, February 19, 2007

Title: An act relating to transporting children on motorcycles or motor-driven cycles.

Brief Description: Changing the minimum age for children being transported on motorcycles or motor-driven cycles.

Sponsors: Senators Franklin, Weinstein, Shin, Keiser, Prentice, Fairley, Rockefeller, Regala, Spanel, Kohl-Welles and Fraser.

Brief History:

Committee Activity: Transportation: 2/12/07, 2/19/07 [DPS, DNP, w/oRec].

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: That Substitute Senate Bill No. 5152 be substituted therefor, and the substitute bill do pass.

Signed by Senators Haugen, Chair; Marr, Vice Chair; Berkey, Eide, Jacobsen, Kastama, Kauffman, Kilmer, Pflug, Sheldon and Spanel.

Minority Report: Do not pass.

Signed by Senators Swecker, Ranking Minority Member; Benton, Delvin and Holmquist.

Minority Report: That it be referred without recommendation.

Signed by Senator Clements.

Staff: Kelly Simpson (786-7403)

Background: Under current law, it is unlawful for any person to transport a child under the age of five on a motorcycle or motor-driven cycle. A violation of this law is a traffic infraction.

Summary of Bill (Recommended Substitute): Children at least five years old, but less than 12, may only ride on a motorcycle or motor-driven cycle if their feet rest firmly on the foot rests and they are either: (1) sufficiently supported by a back rest, or (2) are using a handgrip mechanism.

EFFECT OF CHANGES MADE BY TRANSPORTATION COMMITTEE (Recommended Substitute): The prohibition on transporting any child under the age of ten was replaced by restricting the transportation of children of certain ages.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: More motorcyclists are riding on Washington roads, increasing the dangers to child passengers. Recent incidents have occurred where children were severely injured while riding on a motorcycle, resulting in large medical bills. Most young children lack the development skills to pay attention and to properly secure themselves while riding. Motorcycles are the most dangerous vehicles on the roadways. Washington State does not have very encouraging statistics regarding its place nationwide in motorcycle fatality rates. The law is inconsistent when it encourages children to ride in the back seat of passenger vehicles, such as SUVs, but children are allowed to ride exposed on a motorcycle.

CON: The bill proponents have good intentions, but this bill does not really address a specific problem. The statistics do not show a significant motorcycle injury or fatality rate for children on motorcycles. In fact, the federal government indicates that more children are harmed on regular bicycles. This bill attempts a "one size fits all" approach to a problem that is not existent. Many children can ride safely and securely on certain motorcycles. Parents, and not the state, should decide when their children may ride on a motorcycle. The Department of Licensing's Motorcycle Safety Education Advisory Board, comprised of various stakeholders, examined the issue and decided that the facts and statistics did not warrant legislative action. However, the Board did recommend a public awareness campaign to educate the motorcycling public regarding ways to safely carry children on motorcycles.

Persons Testifying: PRO: Senator Franklin, prime sponsor; Ed Lautermilch, grandfather; Jeff DeVere, Washington State Patrol; Roberta Coker, citizen.

CON: Mel West, Rich Bright, A Brotherhood Against Totalitarian Enactments of Washington; Larry Walker, Washington Road Riders Association.