

HOUSE BILL REPORT

HB 1328

As Reported by House Committee On:
Transportation

Title: An act relating to the operation of motorcycles in connection with a parade or public demonstration.

Brief Description: Authorizing the temporary local suspension of certain motorcycle provisions for the operation of motorcycles in parades or public demonstrations.

Sponsors: Representatives Van De Wege, DeBolt, Blake, Klippert, Hinkle, Ross, Hasegawa, Kirby, Billig, Liias, Takko, Stanford, Finn, Alexander, Short, Angel, Dammeier, Zeiger, Upthegrove, Tharinger, Green, Kelley, Hurst, McCune, Kenney and Maxwell.

Brief History:

Committee Activity:

Transportation: 1/25/11, 1/27/11 [DPS].

Brief Summary of Substitute Bill

- Suspends temporarily certain provisions related to motorcycle equipment standards and helmet use with respect to the operation of motorcycles on closed roads during a parade or public demonstration that has been permitted by a local jurisdiction.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 26 members: Representatives Clibborn, Chair; Billig, Vice Chair; Liias, Vice Chair; Armstrong, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Angel, Asay, Eddy, Finn, Jinkins, Johnson, Klippert, Kristiansen, McCune, Moeller, Morris, Moscoso, Overstreet, Reykdal, Rivers, Rodne, Ryu, Shea, Takko, Upthegrove and Zeiger.

Minority Report: Do not pass. Signed by 1 member: Representative Ladenburg.

Staff: Wendy Malkin (786-7114).

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.

Background:

The Chief of the Washington State Patrol (WSP) may temporarily suspend the following provisions with respect to the operation of motorcycles in connection with a parade or public demonstration:

- With certain exceptions, it is unlawful for a person to operate a motorcycle, moped, or motor-driven cycle that does not meet certain equipment standards for mirrors and windshields. However, certain older and antique motorcycles are exempt from the mirror requirements.
 - Motorcycle riders must meet certain requirements in terms of riding position in relation to permanent seats and foot pegs, and operators are prohibited from carrying passengers unless there is proper seating for the passenger.
 - Motorcycles must meet requirements for handlebar height.
 - With certain exceptions, it is unlawful for a person to operate a motorcycle, moped, or motor-driven cycle unless he or she is wearing a helmet.
 - It is unlawful to transport a child under the age of 5 on a motorcycle or motor-driven cycle.
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Summary of Substitute Bill:

Certain provisions related to motorcycle equipment standards and helmet use are temporarily suspended with respect to the operation of motorcycles on closed roads during a parade or public demonstration that has been permitted by a local jurisdiction.

Substitute Bill Compared to Original Bill:

Under the substitute bill, certain provisions related to motorcycle equipment standards and helmet use are temporarily suspended with respect to the operation of motorcycles on closed roads during a parade or public demonstration that has been permitted by a local jurisdiction. The suspension of the rules is not at the discretion of any law enforcement officer. Under the original bill, the local police chief is the authority who may temporarily suspend certain provisions related to motorcycle equipment standards and helmet use with respect to the operation of motorcycles in parades or public demonstrations.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) When a local jurisdiction grants permission for a parade, there is already permission for the participants to use vehicles that do not comply with safety standards. Motorcycle operators should be treated the same as people using floats and cars in parades. Motorcyclists should not have to get permission twice, once through the permit granted for the parade and once from the Chief of the WSP or chief of police. In the past, a few local jurisdictions have told motorcyclists participating in parades that it is okay with the local jurisdiction for the riders to not wear helmets, but motorcyclists do not want to break the law. They would prefer to work with the local jurisdiction, especially because the WSP has said it will never grant permission to violate safety and equipment standards. The language being added to Senate Bill 5185 is language they agree with. It adds that the safety and equipment standards for motorcycles are suspended in connection with a parade or demonstration that is properly authorized and takes place on a closed road.

(In support with suggestions) When a road is closed for a parade, traffic infractions are generally not enforced on the road. While the WSP will never say it is okay to not wear helmets, if the requirements are suspended, it should be done only when a local jurisdiction closes the road under a parade permit. The WSP will never grant permission to suspend safety and equipment standards for motorcycles because they do not want the liability.

(Opposed) None.

Persons Testifying: (In support) Larry Walker, Washington Road Rider's Association; and Darcy Mugartegui and Mick Gillispie, Abate of Washington.

(In support with suggestions) Jason Berry, Washington State Patrol.

Persons Signed In To Testify But Not Testifying: None.